

VALLEY CLEAN ENERGY ALLIANCE

Staff Report – Item 7

To: Valley Clean Energy Alliance Board of Directors

From: Mitch Sears, Interim General Manager

Subject: Approval to Retain Keyes & Fox LLP for Regulatory and Legal Services

Date: March 22, 2018

Recommendation

Authorize VCEA's Interim General Manager to complete final negotiations and execute a contract with Keyes & Fox LLP for legal services related to regulatory compliance and regulatory advocacy before various California energy bodies including the California Public Utilities Commission and California Energy Commission. Contract value shall not exceed \$108,000 for the remainder of 2018 which is within operational budgeted amounts, assuming an April 1st start date.

Background

In mid-February, VCEA staff sought proposals from four California law firms with established expertise in energy, regulatory, utility and CCA matters. Proposals were received from the following firms:

1. Best Best & Krieger
2. Braun, Blaising, Smith & Wynne
3. Davis Wright Tremaine
4. Keyes & Fox LLP

Analysis & Discussion

Proposals from each law firm were reviewed with the following evaluative criteria in mind:

- 1) Ability to best represent VCEA's interests and perform the scope of services including VCEA regulatory compliance and reporting, regulatory monitoring, and engagement before various state regulatory bodies including the CPUC, CEC and CAISO.
- 2) Proposed legal team and their previous/current utility and CCA experience (especially in PG&E service territory)
- 3) Price competitiveness
- 4) Ability to work in partnership and without conflict with VCEA and its service vendor, Sacramento Municipal Utility District.

Based on the criteria above, Braun, Blasing Smith and Wynne and Keyes & Fox LLP were selected for in-person interviews which occurred during the week of March 11th. Both firms performed well during the interview, have relevant CCA client experience, and are qualified to handle VCEA's scope of work.

However, staff feels that Keyes & Fox LLP would provide the best overall fit for VCEA given their range of energy transaction and regulatory experience, competitive pricing, and organizational capacity which includes access to regulatory/research staff at their partner company, EQ Research. For these reasons, staff is recommending that VCEA move ahead with Keyes & Fox LLP to finalize the scope of services and execute a contract for regulatory and legal support.

Attachment:

Company Profile: Keyes & Fox LLP

KEYES&FOX^{LLP}

Co-founded by a UC Davis graduate, Kevin Fox, Keyes & Fox LLP provides clients with the expertise and services they need to navigate a complex and rapidly evolving energy sector. Keyes & Fox has extensive experience with all aspects of clean energy regulation and policy development and a highly successful track record of engagement. Collectively, our attorneys have appeared before over 40 state public utility commissions in the United States, making us some of the foremost experts in state energy regulation in the nation. Keyes & Fox team members have worked on behalf of a range of interests, including community choice aggregators (“CCAs”), distributed energy resource providers, government agencies, renewable energy developers, non-profit organizations, environmental organizations, demand response providers, combined heat and power producers, and a publicly-owned utility. We are proficient at analyzing regulatory and legislative programs, policies and compliance requirements, counseling clients on the advantages and disadvantages of those policies, and advising clients on the best path forward to achieve their legal, policy and technical goals.



The founding partners of Keyes & Fox LLP established EQ Research in 2014 by acquiring the team of analysts that managed and operated the nationally recognized Database of State Incentives for Renewables & Efficiency (*i.e.*, DSIRE) project for the U.S. Department of Energy from 2007 to 2013. The EQ Research team has since expanded to include experts in rate design, regulatory advocacy, and public power issues, including the formation of new load-serving entities. EQ provides policy research, analysis and data services to businesses active in renewables, energy efficiency, energy storage and electric vehicles. EQ’s areas of expertise include state regulatory policy and utility proposals, state legislation, financial incentives, local government policy, renewable portfolio standard and renewable energy certificate issues, net metering, rate design, and general rate cases. EQ’s experts have testified on behalf of its clients in several states on solar programs, energy efficiency programs, rate design, power purchase agreements, and other clean energy policies.

Combining the Potency of Keyes & Fox and EQ Research for VCEA

Keyes & Fox and EQ Research regularly collaborate to provide clients with customized, comprehensive legal, research, consulting and advocacy services in an integrated, cost-effective fashion. Utilizing the staff at EQ Research to complete much of the groundwork for the monitoring and compliance work CCAs require is one of Keyes & Fox’s strongest competitive advantages, ensuring quality work by professional energy industry analysts at non-attorney rates. Moreover, the approach allows for economies of scale, creating the potential for substantial savings for CCA clients.