

ORDINANCE NO. _____

An ordinance amending Section 23.133 of Article 3 of Chapter 7 of Division 23 of the Los Angeles Administrative Code approving the Los Angeles Department of Water and Power's Open Access Transmission Tariff and providing the Board of Water and Power Commissioners the authority to enter into agreements for interconnecting electric generating facilities to the Los Angeles Department of Water and Power's Transmission System

**THE PEOPLE OF THE CITY OF LOS ANGELES
DO ORDAIN AS FOLLOWS:**

Section 1. Subsection (a) of Section 23.133 of Article 3 of Chapter 7 of Division 23 of the Los Angeles Administrative Code is amended to read:

(a) Notwithstanding any other ordinance, rule or law of the City of Los Angeles to the contrary, the Board of Water and Power Commissioners (Board) under the authority of Charter Section 604(c) is authorized to delegate to the General Manager, the authority to enter into any transmission service agreement: (1) which does not exceed three years in duration; (2) which is two years in duration and will automatically renew for an additional term of two years, unless such option is terminated by either party, provided that in the reasonable but exclusive determination of the Los Angeles Department of Water and Power, such service does not jeopardize the tax-exempt status of any municipal bond(s) used to finance the Los Angeles Department of Water and Power's facilities that would be used in providing such transmission service; or (3) which the duration is beyond three years pursuant to an executed Governmental Person Use Certificate, where the terms, conditions, and charges are pursuant to a transmission service tariff approved by the City Council.

Sec. 2. Notwithstanding any other ordinance, rule, law or procedure and pursuant to Section 23.134 of the Los Angeles Administrative Code, the Open Access Transmission Tariff (OATT), DWP No. BP 01-017, as amended to update the tariffs, terms, conditions, and charges for transmission and ancillary services and include the standard Large Generator Interconnection Procedures (LGIP) and Large Generator Interconnection Agreement (LGIA) for the interconnection of large electric generating facilities having a capacity greater than twenty megawatts (20 MW) and the standard Small Generator Interconnection Procedures (SGIP) and Small Generator Interconnection Agreement (SGIA) for the interconnection of small electric generating facilities having a capacity of 20MW or less, and appendices thereto respectively, to the transmission grid owned, controlled and operated by the Los Angeles Department of Water and Power, approved by the Board, a copy of which is on file with the City Clerk, is hereby approved, and the execution of any agreement pursuant to such OATT is authorized subject to the limitations set forth in Section 23.133 of the Los Angeles Administrative Code and this ordinance.

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Sec. 3. Notwithstanding any other ordinance, rule, law or procedure to the contrary, the Board shall have independent authority to enter into Large Generator Interconnection Agreements for the interconnection of large electric generating facilities having a capacity greater than 20 MW and into Small Generator Interconnection Agreements for the interconnection of small electric generating facilities having a capacity of 20MW or less, to the transmission grid owned, controlled and operated by the Los Angeles Department of Water and Power, substantially in the form of the standard LGIA and SGIA, respectively, that is included in the OATT, without further City Council approval. Each such LGIA and SGIA, shall have a minimum term of ten years and automatically renew for successive one-year periods unless it is terminated earlier pursuant to the terms of the LGIA and SGIA, respectively, or the generating facility permanently ceases commercial operation, subject to the applicable procedures, terms, conditions, and charges of the OATT.

Sec. 4. If any section, subsection, sentence, clause, phrase or portion of this ordinance or the OATT is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance and the OATT. The City Council hereby declares that it would have adopted this ordinance and the OATT and each section, subsection, sentence, clause, phrase or portion thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases or portions be declared invalid or unconstitutional.

Sec. 5. The City Clerk shall certify to the passage of this ordinance and have it published in accordance with Council policy, either in a daily newspaper circulated in the City of Los Angeles or by posting for ten days in three public places in the City of Los Angeles: one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall; one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall East; and one copy on the bulletin board located at the Temple Street entrance to the Los Angeles County Hall of Records.

Approved as to Form and Legality

HYDEE FELDSTEIN SOTO, City Attorney

By _____
SYNDI DRISCOLL
Deputy City Attorney

Date _____

File No. _____

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The Clerk of the City of Los Angeles hereby certifies that the foregoing ordinance was passed by the Council of the City of Los Angeles.

CITY CLERK

MAYOR

Ordinance Passed _____

Approved _____