

CAPISTRANO UNIFIED SCHOOL DISTRICT
San Juan Capistrano, California

RESOLUTION NO. 2122-16

**RESOLUTION OF THE CAPISTRANO UNIFIED SCHOOL DISTRICT
AUTHORIZING THE ACCEPTANCE OF OFFER TO PARTICIPATE IN
DIRECT ACCESS AND TO AUTHORIZE SPURR TO CONDUCT
A REQUEST FOR PROPOSALS (RFP) FOR ELECTRICITY SUPPLY**

WHEREAS, Senate Bill (SB) 695 signed in October 2009 authorized the re-opening of electricity customer choice also known as “Direct Access” and wherein the cap was subsequently further expanded by SB 237 in October 2018; and

WHEREAS, in June of 2020, the Capistrano Unified School District (District) authorized the School Project for Utility Rate Reduction, a California joint powers agency organized and existing pursuant to Government Code § 6500 *et seq.* (SPURR) to submit an application on behalf of the District to Southern California Edison (SCE) to participate in the Direct Access lottery process; and

WHEREAS, on August 20, 2021, the District was notified by SCE that the District’s application to transfer to Direct Access had been accepted.

NOW, THEREFORE, THE BOARD DOES HEREBY RESOLVE, DETERMINE, AND ORDER AS FOLLOWS:


Section 1. The Governing Board hereby authorizes the Superintendent, or Superintendent’s designee, to accept the opportunity offered by SCE to transfer the District’s fourteen SCE accounts to Direct Access service; and furthermore authorizes the District to sign the SPURR Letter of Authorization allowing SPURR to conduct a Request for Proposals for electric commodity on behalf of the District per the terms of the letter attached as hereto as Exhibit A.

Section 2. The Superintendent, or Superintendent’s designee, is hereby authorized to do or cause to be done any and all acts that the Superintendent, or Superintendent’s designee, deems reasonably necessary or proper to carry out this Resolution, including but not limited to execution and delivery of documents on behalf of the District.

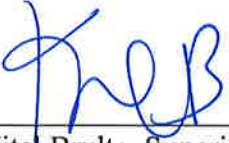
PASSED AND ADOPTED by the Board of Trustees of the Capistrano Unified School District on September 15, 2021, by the following vote:

AYES	(7)
NOES	(0)
ABSTAIN	(0)
ABSENT	(0)

I, Kirsten M. Vital Brulte, Secretary of the Capistrano Unified School District Board of Trustees, hereby certify that the above and foregoing Resolution was duly and regularly adopted by the said Board at the meeting on September 15, 2021, by a roll call vote.

By: 

Judy Bullockus
President of the Board of Trustees

By: 

Kirsten M. Vital Brulte, Superintendent
Secretary of the Board of Trustees

EXHIBIT A

SPURR LETTER AGREEMENT



CAPISTRANO UNIFIED SCHOOL DISTRICT

33122 VALLE ROAD, SAN JUAN CAPISTRANO CA 92675
TELEPHONE: (949) 234-9200/FAX: 496-7681 www.capousd.org

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KIRSTEN M. VITAL BRULTE

Sent by email to Service@spurr.org

School Project for Utility Rate Reduction
Attn: Michael Rochman, Managing Director
1850 Gateway Blvd, Ste 235
Concord, CA 94520

Re: Direct Access Power Supply Representation

Dear Managing Director,

This letter confirms that the School Project for Utility Rate Reduction (SPURR), a California joint powers authority, is the exclusive authorized representative of Capistrano Unified School District (Participant) with respect to procurement of electric energy commodity distributed to Participant's facilities (the Facilities) over the local utility grid, called "Direct Access" power, as set forth below.

1. SPURR is hereby authorized to obtain information regarding Facility historical electricity costs and usages from the local distribution utility (the Utility) and from any third party possessing such information. Participant will promptly complete any additional documentation required by the Utility or a third party to confirm this authorization.
2. As directed by Participant, SPURR will solicit, review, analyze, and recommend electricity supply agreements (Supply Agreements) from electricity service providers (ESPs) for the Facilities that are eligible for Direct Access supply.
3. Participant will consider proposed Supply Agreements procured by SPURR. However, Participant is not obligated to execute any such Supply Agreements.
4. If Participant executes a Supply Agreement procured by SPURR, then SPURR is authorized to carry out on Participant's behalf any tasks necessary or appropriate for implementation of the Supply Agreement. SPURR is hereby authorized to obtain from the ESP or the Utility copies of all invoices, reports, and correspondence related to the Supply Agreement, including any renewal, extension, or replacement Supply Agreement with the same ESP.
5. SPURR will charge administrative fees to ESPs for Direct Access power consumed at the Facilities. Administrative fee levels are set by the SPURR Board of Directors from time to time and currently are set at \$0.0018 (or 1.8 mils) per kWh. SPURR's administrative fees will apply to any Supply Agreement procured by SPURR and executed by Participant, including any "evergreen" extensions or renewals.
6. Participant may terminate SPURR's representation as set forth in this letter by written notice to SPURR at least thirty days prior to the effective date of termination. Termination will not affect SPURR's right to receive administrative fees related to Supply Agreements, if any, executed prior to termination.

Regards,

Authorized Signature: 

Print Name and Title: Clark Hampton, Deputy Superintendent

Phone and Email: (949) 234-9200 cdhampton@capousd.org

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