

Award of Contract: Davis Wright Tremaine LLP

Finance Committee

October 24, 2022



Background

- Since 2018, DWT has represented Caltrain in negotiations with PG&E relating to the special facilities agreement associated with PCEP and in proceedings before the California Public Utilities Commission (CPUC) and the Federal Energy Regulatory Commission (FERC)
- Per the agreement, PG&E must reimburse Caltrain for 60 percent of the costs of the construction of two substations, and a share of the taxes paid by Caltrain; negotiations concerning the implementation of the agreement involve PG&E's reimbursement of approximately \$100 million to Caltrain and may continue through the end of 2023
- Caltrain will need to address issues relating to the purchase of electricity

Proposed Scope of Work

- Negotiations concerning the implementation of the agreement with PG&E are ongoing and likely to last at least until 2023
- DWT will also assist on an as-needed basis on other issues involving PG&E and the purchase of power for PCEP

Qualifications

- DWT has proven to have the requisite depth of experience and qualifications to deliver successful energy regulatory and transactional legal services required by Caltrain
- DWT's legal team is familiar with the agreement, PCEP, and specific legal issues associated with the project
- Contracting with DWT for ongoing services serves Caltrain's interests, including in the implementation of the PG&E agreement and the proceedings underway at CPUC and FERC

Budget Impact

- Funds for the services are available under the existing budget for PCEP
- Services of DWT will be called upon on an as-needed basis under the supervision and oversight of the PCEP and legal teams

Staff Recommendation

- 1. Award a contract to Davis Wright Tremaine LLP (DWT) of San Francisco, CA to provide energy regulatory and transactional and other legal services to the JPB for a not-to-exceed amount of \$300,000 for a two-year term.**
- 2. Authorize the Acting Executive Director to execute a contract with DWT in a form approved by legal counsel.**

FOR MORE INFORMATION

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