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April 18, 2022

**VIA E-MAIL**  
[LARRYAGRAN@CITYOFIRVINE.ORG](mailto:LARRYAGRAN@CITYOFIRVINE.ORG)

Larry Agran  
City Councilmember  
City of Irvine  
1 Civic Center Plaza  
Irvine, CA 92623-9575

Re: ***OCPA - CPRA Request Received March 24, 2022 – Determination;  
Providing Records***

Dear Councilmember Agran:

On behalf of our client, Orange County Power Authority (“OCPA”), this letter follows up OCPA’s previous response to your request for records pursuant to the California Public Records Act (“CPRA”) (Gov. Code section 6250, et seq.), received by OCPA on March 24, 2022. Your request asked for the following records:

1. *A record of all previous Public Records Act Requests filed with the Orange County Power Authority from Irvine’s execution of the Authority’s Joint Power Agreement until today, as well as any and all correspondence about the public comments filed (11/20/2020-03/24/2022)*
2. *Records, documented policies, and any and all correspondence related to:*
  - a. *The energy sources being procured for the Basic Choice, Smart Choice, and 100% Choice plans, and the percentage allocation for each source*
  - b. *The OCPA customer notice for residential and commercial customers in Irvine and other member cities*
  - c. *The number of small, medium, and large commercial customers OCPA will serve on April 1, 2022*

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- d. *The other account types OCPA is serving (e.g. residential customers) and the number of those customers OCPA is serving*
- e. *The source of business data OCPA used to assemble its customers*
- f. *OCPA's contingency plans in case more than 5% of residential customers and/or 10% of commercial customers opt out of its plans or opt "down" to the Basic Choice plan*
- g. *Power Purchasing Agreements between Orange County Power Authority and other entities and the nature of those contracts, including the percentage that are medium-term (defined as 5 years or longer) v. long-term (defined as 10 years or longer)*
- h. *Any and all reserve funds OCPA has created to address contingencies and other risk factors*

For item #1 of your request ("A record of all previous Public Records Act Requests filed...), OCPA staff members have located a number of responsive records. The records are being provided in electronic format through the following link:

<https://www.imanageshare.com/pd/7LqDzLCmPse>

Please let us know if you have any problems accessing the documents through the above link. Also, the link will expire on May 18, 2022. Please download the documents prior to that date.

In response to item #2.b. above ("*The OCPA customer notice for residential and commercial customers in Irvine and other member cities*"), OCPA staff confirmed that a notice was sent to business customers. We are providing a copy of the notice as an attachment.

For the remaining items in your request, OCPA staff members are searching for any existing responsive disclosable records. OCPA will notify you of the results of the search on or before May 18, 2022.

OCPA will continue endeavoring to provide non-exempt, responsive records to you on a timely basis in compliance with the CPRA. Please be advised, however, that OCPA staffing resources are limited and the current volume of CPRA requests currently being processed by OCPA may affect the time necessary for OCPA to provide records in response to your request.

**BBK**  
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(See *Bruce v. Gregory* (1967) 65 Cal.2d 666, 676; 64 Ops.Cal.Atty.Gen.317 (1981) (noting that ensuring orderly functioning of the agency may affect the reasonableness that applies to the right to inspect and obtain copies of public records)).

Should you have any questions or wish to discuss this matter further, please do not hesitate to contact me directly.

Sincerely,



Cashel Carroll White  
for BEST BEST & KRIEGER LLP

cc: Brian Probolsky, CEO - OCPA

Attachment (via email)