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April 4, 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***

Dear Councilmember Agran:

On behalf of our client, Orange County Power Authority (“OCPA”), this letter responds 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*

Your request will require OCPA staff members to search for, collect and examine a large number of documents in order to identify responsive records. Under the CPRA, a request that creates a need to search for, collect and appropriately examine a "voluminous amount of separate and distinct records" is one of the conditions deemed "unusual circumstances." Under such circumstances, OCPA may take an extension of the standard 10-day time period provided under the CPRA for making its determination on a request for records. Regarding your request, OCPA is taking this time extension pursuant to Government Code Section 6253, subdivision (c), which states in pertinent part:

*"..In unusual circumstances, the time limit prescribed in this section may be extended by written notice by the head of the agency or his or her designee to the person making the request setting forth the reasons for the extension and the date on which a determination is expected to be dispatched. No notice shall specify a date that would result in an extension for more than 14 days. When the agency dispatches the determination, and if the agency determinates that the request seeks disclosable public records, the agency shall state the estimated date and time when the records will be made available. As used in this section, 'unusual circumstances' means, but only to the extent reasonably necessary to the proper processing of the particular request: ... (2) The need to search for, collect, and appropriately examine a voluminous amount of separate and distinct records that are demanded in a single request."*

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In accordance with the above quoted section of the CPRA, please be advised that this letter serves as written notice that OCPA is taking an extension of the standard 10 day time period for providing its determination on your request. We will notify you in writing with a determination on your request no later than April 18, 2022 (the next business day after the fourteenth day of the extension). Nothing in this letter should be construed as a representation that OCPA has all of the records requested, or that such records (if they exist) are subject to public disclosure.

OCPA will endeavor 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. (*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