

**PUBLIC UTILITY DISTRICT NO. 1 OF CHELAN COUNTY
327 N WENATCHEE AVENUE
WENATCHEE WA 98801**

REGULAR COMMISSION MEETING

APRIL 13, 2020

Public participation will be by phone only

Dial: 509-661-8750

Meeting: 4212 #

Attendee ID: 8750 #

****Please remember to mute your phone to reduce background noise****

Please contact PUD staff at 509-661-4212 to let us know if you intend to participate by phone

STUDY SESSION

10:00 AM

1. Pledge of Allegiance
2. Approval of the Agenda
Any item on the Consent Agenda shall be subject to transfer to the Regular Agenda upon request of any Commission member
3. Quarterly Board Balanced Scorecard Status Update
4. Quarterly Electrical Load Growth Update
5. Debt Action Plan Update
6. COVID19 Response
 - a. Individual and Small Business Concerns
 - b. Fiber Community Support
 - c. Workplace and Workforce Issues

BUSINESS SESSION

1:00 PM

Consent Agenda

7. Minutes of the March 30, 2020 Regular Meeting

8. Vouchers: Accounts Payable Summary Report dated April 8, 2020:
 - a. Vouchers totaling \$5,011,437.61;
 - b. Approval of Customer Deposit Returns and Conservation Incentive payments for the period March 25, 2020 through April 7, 2020 in the amount of \$27,461.02;
 - c. Approval of the net Payroll, Warrant Nos. 236985 through 237001 and Advice Nos. 691654 through 692440 for the pay period ending 03/29/2020 in the amount of \$2,012,348.16;
 - d. Approval of Warrant Nos. 26596 through 26605 totaling \$3,616.65 for claim payments from the workers' compensation self-insurance fund for the period ending April 6, 2020.
9. A RESOLUTION AUTHORIZING FINAL ACCEPTANCE OF PERFORMANCE UNDER BID NO. 19-69 WITH VOITH HYDRO, INC. OF DELAWARE AND AUTHORIZING PAYMENT OF RETAINAGE

Regular Agenda

10. A RESOLUTION ACCEPTING THE BID OF TRANSCO INDUSTRIES, INC. OF PORTLAND, OREGON (BID 19-86) TO PROVIDE THE ROCKY REACH INTAKE HEADGATES PROJECT AND APPROVING A CAPITAL BUDGET REVISION FOR THE PROJECT
11. A RESOLUTION DEFERRING TO DECEMBER 1, 2020 THE FIRST YEAR OF ELECTRIC ENERGY, WATER, WASTEWATER AND WHOLESALE TELECOMMUNICATION SERVICE RATE INCREASES ADOPTED BY RESOLUTION 20-14424
12. A RESOLUTION REVISING THE FINANCIAL CRITERIA FOR FUNDING THE PUBLIC POWER BENEFIT PROGRAM AND ESTABLISHING INITIAL FUNDING LEVELS FOR 2020-2024
13. A RESOLUTION REJECTING ALL BIDS AND DECLARING THAT NO BIDS WERE RECEIVED FOR ROCKY REACH C1 - C7 RUNNER SUPPORT, LIFTING LINKS FABRICATION (BID NO. 20-13) AND AUTHORIZING THE ROCKY REACH C1 - C7 RUNNER SUPPORT, LIFTING LINKS FABRICATION BE OBTAINED BY NEGOTIATION
14. AN EMERGENCY RESOLUTION TEMPORARILY SUSPENDING PORTIONS OF THE DISTRICT'S WHOLESALE TELECOMMUNICATIONS SERVICES RATES AND TO ALLOW THE DISTRICT AND DISTRICT SERVICE PROVIDERS TO ENABLE BROADBAND ACCESS TO TELECOMMUNICATIONS SERVICES DURING THE PERIOD OF COVID 19 RESPONSE
15. Manager Items

16. Commission Items

a. Board Workshop

Proposed motion: To reschedule the Board Workshop from Friday, May 1, 2020 to Wednesday, May 13, 2020 @ 9:00am at the Confluence Technology Center, 285 Technology Center Way, Wenatchee

17. Commissioner Travel

18. Follow-up on Delegation of Action Items from Previous Board Meeting

19. Delegation of Action Items

20. Additional Public Comment

Members of the public are encouraged to ask specific questions after each item presented. This agenda item is for additional comments/questions related to matters not on the agenda.

21. Matters of general business as may necessarily come before the Commission

22. Executive Session: To discuss with legal counsel agency enforcement actions, litigation, potential litigation to which the District or its board is, or is likely to become, a party, and/or legal risks, as authorized by RCW 42.30.110(1)(i) and to review the performance of a public employee, as authorized by RCW 42.30.110(1)(g)

This agenda and resolutions (if any) may be revised by the Commission as appropriate.

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING FINAL
ACCEPTANCE OF PERFORMANCE UNDER BID
NO. 19-69 WITH VOITH HYDRO, INC. OF
DELAWARE AND AUTHORIZING PAYMENT OF
RETAINAGE

FACTUAL BACKGROUND AND REASONS FOR ACTION

The District Commission by Resolution No. 17-14215 delegated authority to the General Manager to advertise, award and execute contracts when the total contract price is \$3,000,000 or less.

On October, 1, 2019, the District entered into a contract (Bid No. 19-69) with Voith Hydro, Inc. (Contractor) of Delaware for Rocky Reach C-1 Wicket Gate Servomotor Refurbishment, in the amount of \$69,134.00. This contract was advertised for public bid and was awarded as required by RCW 54.04.070 and .080.

District staff has determined that the work required under the contract has been performed in accordance with the terms of the contract and recommends that the District accept the work.

District staff has determined that the completion of all contract work occurred on March 25, 2020. In accordance with the terms of the contract, retainage in an amount not exceeding 5% of the contract price has been withheld from the Contractor.

The General Manager of the District concurs with staff's recommendations that the District accept the work performed by the Contractor and recommends the District authorize the payment of retainage due the Contractor, subject to the requirements of the contract and state law.

ACTION

IT IS RESOLVED BY THE COMMISSION OF PUBLIC UTILITY
DISTRICT NO. 1 OF CHELAN COUNTY, WASHINGTON, as follows:

Section 1. All the contract work required under Bid No. 19-69 was completed on March 25, 2020, and the same is hereby accepted, subject to Section 2 hereof. Payment of retainage to the Contractor in the amount determined by the District's auditor to be due is authorized to be paid to the Contractor subject to Section 2 and Section 3 hereof, and subject to the provisions and limitations of Chapter 39.12 RCW (Prevailing Wages on Public Works) and 60.28 (Liens for Labor, Materials and Taxes on Public Works).

Section 2. This resolution shall not constitute an acceptance by the District of any work performed or goods supplied pursuant to the aforementioned contract, which are not in strict compliance with the contract terms and conditions.

Section 3. After the expiration of the forty-five (45) day period for giving the District notice of lien and after receipt of the Department of Revenue's certification of the Contractor's payment of taxes, the Employment Security Department's Certificate of Payment of Contributions, Penalties and Interest on Public Works Contracts, and the Department of Labor & Industries' Certificate of Release of the State's Lien on Public Works Contracts and the District being satisfied that taxes certified as due or to become due are discharged and the filed claims of materialmen and laborers, if any, together with a sum sufficient to pay costs of foreclosing the liens and attorney's fees, have been paid, the District's General Manager is authorized and directed to withhold from the remaining retained amounts for claims the District may have against the Contractor, and the balance shall be paid to the Contractor. In the event said taxes, claims, expenses and fees have not been paid, the General Manager is authorized and directed to withhold an amount equal to unpaid taxes and unpaid claims, together with a sum sufficient to defray the costs and attorney fees incurred in foreclosing the lien of such claims, and the balance shall be paid to the Contractor.

DATED this 13th day of April 2020.

President

ATTEST:

Vice President

Secretary

Commissioner

Commissioner

Seal

RESOLUTION NO. _____

A RESOLUTION ACCEPTING THE BID OF TRANSCO INDUSTRIES, INC. OF PORTLAND, OREGON (BID 19-86) TO PROVIDE THE ROCKY REACH INTAKE HEADGATES PROJECT AND APPROVING A CAPITAL BUDGET REVISION FOR THE PROJECT

FACTUAL BACKGROUND AND REASONS FOR ACTION

On February 3, 2020, by Resolution No. 20-14419, the Commission of the District authorized the General Manager to invite sealed bids to provide the Rocky Reach Intake Headgates Project (Bid 19-86). Resolution No. 17-14215 requires that the Commission, by resolution, award bids that exceed \$3,000,000.00.

An invitation for sealed bids was published in accordance with RCW 54.04.070. Bid proposals were opened on March 10, 2020, at 1:30 p.m. in the offices of the District. Six bids were received (excluding sales tax) as tabulated on Exhibit A attached.

District's staff has determined that the bid of Transco Industries, Inc. of Portland, Oregon, in the amount of \$3,152,930.00 (excluding sales tax) is the lowest and best bid in compliance with the plans and specifications for Bid No. 19-86. Said bid meets all statutory requirements.

District's staff recommends awarding Bid No. 19-86 to Transco Industries, Inc. The General Manager of the District concurs with District staff's recommendation.

The original capital budget for the intake headgates project was established at \$2,750,000.00. The total budget will need to be revised up by \$965,000.00 for a new capital budget of \$3,715,000.00.

ACTION

IT IS RESOLVED BY THE COMMISSION OF PUBLIC UTILITY DISTRICT NO. 1 OF CHELAN COUNTY, as follows:

Section 1. The bid submitted by Transco Industries, Inc. of Portland, Oregon is the lowest responsible and best bid in compliance with the plans and specifications to provide the Rocky Reach Intake Headgates Project. The General Manager of the District is hereby authorized to enter into a contract with Transco Industries, Inc. in the amount of \$3,152,930.00, excluding sales tax. A copy of the contract will be on file in the offices of the District.

Section 2. The project capital budget for the Rocky Reach Intake Headgates Project, is hereby revised to \$3,715,000.00.

DATED this 13th day of April 2020.

President

ATTEST:

Vice President

Secretary

Commissioner

Commissioner

Seal

EXHIBIT A**Bid Tabulation****Bid No. 19-86****Rocky Reach Intake Headgates Project**

Bidder Name City, State	Bid Bond/ Cashier's Check	Bid Amount Schedule A
Transco Industries, Inc Portland, OR	Yes	\$3,152,930.00
Fabrication Products, Inc. Vancouver, WA	Yes	\$3,296,442.00
Thompson Metal Fab, Inc. Vancouver, WA	Yes	\$3,353,601.00
Northwest Steel Fabrication Inc Deer Park, WA	Yes	\$3,894,427.00
Greenberry Industrial, LLC Vancouver, WA	Yes	\$4,548,120.00
Gracon LLC Lafayette, CO	Yes	\$4,671,600.00

RESOLUTION NO. _____

A RESOLUTION DEFERRING TO DECEMBER 1, 2020 THE FIRST YEAR OF ELECTRIC ENERGY, WATER, WASTEWATER AND WHOLESALE TELECOMMUNICATION SERVICE RATE INCREASES ADOPTED BY RESOLUTION 20-14424

FACTUAL BACKGROUND AND REASONS FOR ACTION

On February 18, 2020, the Commission approved Resolution 20-14424 detailing a five-year plan of moderate utility rate increases as called for in the strategic plan to help reduce the risk of larger increases in the future. The first rate adjustment for residential electric, all water and wastewater customers, and wholesale telecommunication services was scheduled for June 1. Rate changes for commercial and industrial customers are effective December 1.

Since early in March 2020, Washington State has been grappling with the impacts of the Coronavirus, commonly referred to as COVID-19. With many of Chelan County PUD customers potentially facing financial difficulties due to the statewide shutdown of non-essential business services, the Commission recognizes the opportunity to support the community during this time of need. It is within the Commission's authority to defer the rate adjustments planned for June 1, 2020 to assist customers during pandemic conditions until December 1, 2020. The rates and other future effective dates as approved pursuant to Resolution No. 20-14424 will remain unchanged.

The District established processes and procedures for ensuring public notice and information to customers of proposed rate actions through Resolution No. 18-14256. Staff recommends the Commission waive requirements for rate hearings and other pre-action and post-action public notice as this action is limited to a delay in the effective date only and the rate values previously approved remain unchanged. Customers will be notified of the deferral through other outlets including social media and collaboration with other previously planned District-wide print projects.

District staff recommends that it is in the best interest of the District to defer the planned June 1 rate adjustments for the District's residential electric energy, all water and wastewater, and wholesale telecommunication rates until December 1, 2020.

The General Manager has reviewed staff's recommendation and concurs in the same.

ACTION

IT IS RESOLVED BY THE COMMISSION OF PUBLIC UTILITY DISTRICT NO. 1 OF CHELAN COUNTY, WASHINGTON, as follows:

Section 1. Requirements for determining meetings and notices as established by Resolution No. 18-14256 have been hereby waived. Staff is directed to include notice of the rate deferral in social media and other outlets as deemed appropriate for customer awareness.

Section 2. Staff is directed to defer the June 1 rate increases approved via Resolution 20-14424 for residential electric, all water and wastewater, and wholesale telecommunication customers until December 1, 2020.

DATED this 13th day of April, 2020.

President

ATTEST:

Vice President

Secretary

Commissioner

Commissioner

Seal

RESOLUTION NO. _____

A RESOLUTION REVISING THE FINANCIAL CRITERIA FOR
FUNDING THE PUBLIC POWER BENEFIT PROGRAM AND
ESTABLISHING INITIAL FUNDING LEVELS FOR 2020-2024**FACTUAL BACKGROUND AND REASONS FOR ACTION**

The Public Power Benefit (PPB) program was originally established in Resolution 15-13947 as part of the 2015-2019 Strategic Plan. As this was a new program, the initial public power benefits were set at a level that allowed the District to pilot the program and gain experience. The philosophy was to “crawl before we walk and to walk before we run.”

As part of the 2020-2024 strategic planning process, a customer topic team was formed to review the PPB program and consider how it should be continued for the future. The customer topic team agreed that the PPB program provides community value and should continue for as long as it is financially feasible. In light of changing finances and the potential need to borrow capital in the future, the topic team recommended that the District consider revising the PPB funding criteria to help ensure the program can continue for the long term. Accordingly, District Commissioners included the following action items in the 2020-2024 Strategic Plan:

- The PPB will be retained so long as financial resources are in place to support the effort.
- Financial criteria will be modified to provide for continuation of the Program should the PUD reenter the capital borrowing market.

Since the original funding criteria were established in 2015, several changes within the District have occurred. The District has had financially very successful years and has achieved a debt ratio even lower than the target of less than 35%. The District raised rates to protect against low revenue scenario and will be storing those revenues. The 2020-2024 Strategic Plan also identified new Public Power Benefit items. These items include the Dryden Wastewater, Fiber Acceleration, Wenatchee River Access, Discovery Center, and potential solicitations for new projects.

The District will continue to make it a high priority to invest in assets and to maintain the debt ratio. PPB dollars should not threaten these two objectives.

To reflect the guidance of the Commissioners and the customer topic team, staff recommends the following Financial Criteria Guidelines for funding the PPB:

1. Look backwards to audited financial results to consider the five-year average bottom line results
2. Look forward to consider forecasted capability to meet all District financial metrics over the 2020-2024 strategic planning period

3. Establish an initial funding level that is included in the 5-year forecasts for planning purposes
4. Review the analysis annually based on prior year actual performance and updated financial forecasts to determine if any modification is needed
5. Annual analysis would also include a review of the forecasted trend for the debt ratio. An upward trend in the forecasted debt ratio would be cause for potential modification of the planned funding levels depending upon the risk of exceeding the 35% debt ratio target

District staff performed the detailed analysis using 10% of the average annual bottom line results for 2015-2019 (look back) and 10% of the forecasted amount the 1.25x debt cover requirement would be exceeded under a low-revenue scenario (look forward) with that calculated amount needing to be less than 50% of the amount that the forecast exceeds the 2.0x debt cover under an expected-revenue scenario. The detailed calculation and range of results were presented for discussion at the March 30, 2020 Commission meeting with resulting Commission guidance to establish the initial annual funding amount of \$6 million per year for 2020-2024.

District staff recommends that it is in the best interest of the District to revise the PPB funding criteria as described above. The recommended criteria protect against negative financial scenarios by funding only from revenue already earned and available after the financial metrics are met. These criteria will enable funding when forecasts include routine borrowing in the 5-year planning cycle. These criteria ensure the preservation of the District's ability to borrow and meet debt service requirements over the long term in alignment with the District financial metrics. The recommended criteria is also to establish an initial funding level that is included in the 5-year forecasts that assures adequate funding is planned to maintain existing PPB programs and cover costs of new commitments in the 2020-2024 Strategic Plan. The initial funding level for 2020 will also require a budget revision to adjust the 2020 PPB budget of \$4 million to the new initial funding level of \$6 million.

The General Manager has reviewed staff's recommendation and recommends that it be approved and adopted by the Commission.

ACTION

IT IS RESOLVED BY THE COMMISSION OF PUBLIC UTILITY DISTRICT NO. 1 OF CHELAN COUNTY, WASHINGTON, as follows:

Section 1. The Commission revises the PPB financial funding criteria to enable funding when forecasts include routine borrowing in the 5-year planning cycle while preserving the District's ability to borrow and meet debt service requirements over the long term in alignment with the District financial metrics as follows:

1. Look backwards to audited financial results to consider the five-year average bottom line results
2. Look forward to consider forecasted capability to meet all District financial metrics over the 2020-2024 strategic planning period
3. Establish an initial funding level that is included in the 5-year forecasts for planning purposes
4. Review the analysis annually based on prior year actual performance and updated financial forecasts to determine if any modification is needed.
5. Annual analysis would also include a review of the forecasted trend for the debt ratio. An upward trend in the forecasted debt ratio would be cause for potential modification of the planned funding levels depending upon the risk of exceeding the 35% debt ratio target.

Section 2. The Commission establishes the initial funding levels to include in the 2020-2024 5-year forecasts at \$6 million per year based on the revised financial criteria guidance. This includes Commission approval of the related budget revision to increase the 2020 PPB approved budget from \$4 million to \$6 million.

Section 3. This Resolution shall take effect upon its adoption.

Section 4. To the extent any prior resolutions of the District impose limitations or directions which are inconsistent with this Resolution, said prior resolutions are hereby amended and superseded to the extent they conflict with this Resolution.

DATED this 13th day of April 2020.

President

ATTEST:

Vice President

Secretary

Commissioner

Commissioner

Seal

RESOLUTION NO. _____

A RESOLUTION REJECTING ALL BIDS AND DECLARING THAT NO BIDS WERE RECEIVED FOR ROCKY REACH C1 - C7 RUNNER SUPPORT, LIFTING LINKS FABRICATION (BID NO. 20-13) AND AUTHORIZING THE ROCKY REACH C1 - C7 RUNNER SUPPORT, LIFTING LINKS FABRICATION BE OBTAINED BY NEGOTIATION

FACTUAL BACKGROUND AND REASONS FOR ACTION

The Commission, by Resolution No. 17-14215, delegated authority to the General Manager to advertise, award and execute contracts when the total contract price is \$3,000,000 or less.

District staff prepared bidding documents for Bid 20-13 Rocky Reach C1 – C7 Runner Support, Lifting Links Fabrication.

Sealed proposals were invited and published in accordance with RCW 54.04.070 and said bids were opened on April 3, 2020 at 2:00 P.M. Pacific Time in the offices of the District.

Two (2) bids were received pursuant to that invitation. The bid proposals exceeded 15% of the engineer's estimate. The District may not award bids in excess of 15% of the engineers estimate.

Resolution No. 17-14215 requires that the rejection of bids must come before the Commission for action when staff is recommending an action other than rebidding.

Pursuant to RCW 54.04.080, the District may procure the work on the open market and negotiate a contract rather than re-advertising if no bids are received. District staff recommends that, due to time constraints and project requirements, the Rocky Reach C1 – C7 Runner Support, Lifting Links Fabrication be procured by negotiation, rather than re-advertising for bids.

The General Manager of the District has reviewed District staff's recommendation and concurs in the same.

ACTION

IT IS RESOLVED BY THE COMMISSION OF PUBLIC UTILITY DISTRICT NO. 1 OF CHELAN COUNTY as follows:

Section 1. The bids received to furnish Rocky Reach C1 – C7 Runner Support, Lifting Links Fabrication (Bid No. 20-13) are rejected. District staff is authorized to obtain Rocky Reach C1 – C7 Runner Support, Lifting Links Fabrication by negotiation and the General Manager (or his designee) is authorized to execute a contract for the same with acceptable terms and conditions.

DATED this 13th day of April 2020.

President

ATTEST:

Vice President

Secretary

Commissioner

Commissioner

Seal

RESOLUTION NO. _____

AN EMERGENCY RESOLUTION TEMPORARILY SUSPENDING PORTIONS OF THE DISTRICT'S WHOLESALE TELECOMMUNICATIONS SERVICES RATES AND TO ALLOW THE DISTRICT AND DISTRICT SERVICE PROVIDERS TO ENABLE BROADBAND ACCESS TO TELECOMMUNICATIONS SERVICES DURING THE PERIOD OF COVID-19 REPOSE

FACTUAL BACKGROUND AND REASONS FOR ACTION

Pursuant to RCW 54.16.330 and RCW 54.16.005, the District has constructed, and may cause to be constructed from time to time, a Broadband System through which the District is authorized to provide wholesale telecommunications services and facilities (“hereinafter Telecommunications Services”) to entities authorized to provide telecommunications services to the general public and internet service providers at reasonable and nondiscriminatory rates.

The District previously adopted rates for Telecommunications Services, pursuant to Resolution No. 18-14274.

On February 29, 2020, Washington State Governor Jay Inslee declared a State of Emergency for Washington State regarding the Coronavirus (“COVID-19”) pandemic. The pandemic has dramatically and negatively impacted the State of Washington, its citizens and District customers.

A series of subsequent Orders from the Washington State Governor under his emergency powers that are necessary to protect public health have resulted in ancillary significant and adverse impacts on the residents and businesses in Chelan County, including but not limited to an Order issued March 13, 2020, closing all K-12 schools statewide, and an Order issued on March 24, 2020, entitled “Stay Home, Stay Healthy.”

As a result of the Governor’s Stay Home, Stay Healthy Order that is necessary to protect public health, many District customers have experienced sudden economic hardships, including but not limited to job loss, severely reducing working hours or layoffs or furloughs, and many of the area’s small businesses have been forced to close or severely curtail their operations.

As a result of school closures, the State Home, Stay Healthy Order, many children who do not have access to internet services at home are educationally disadvantaged and due to the economic effects of the COVID-19 crisis, some Chelan County residents no longer have readily available access to the internet, which provides access to vital services and information necessary for public health and safety.

District customer owners, together with officials in Chelan County and its cities, including special purpose districts and schools, have asked the District to assist in enabling wireless internet access points also called “hot spots” for internet access to the general community within the county to aid children with ongoing remote schooling and the public with access to vital services and information necessary for health and safety.

In conjunction with its Service Providers, the District has determined that temporarily suspending portions of the district's wholesale telecommunications services rates and to allow the district and district service providers to enable broadband access to telecommunications services during the period of COVID-19 response at no charge is in the best interests of the District, the District's customers, its employees, and the public interest.

District staff recommends providing Virtual Local Area Network (VLAN) circuits necessary to enable Service Providers to provide internet access "hot spots" for the purposes set forth herein during the COVID-19 response.

District staff also recommends temporarily suspending portions of the district's wholesale telecommunications services rates and to allow the district and district service providers to enable broadband access to telecommunications services during the period of COVID-19 response.

Specifically, staff recommends:

1. The partial and temporary suspension be effective for the services described herein beginning April 13, 2020, through December 31, 2020, ("Period of Suspension"). The partial and temporary suspension of the following applicable portions of the District's wholesale telecommunications services rates schedules ("Affected Schedules") in order to enable the District's Service Providers to provide broadband access, at no charge, to telecommunications services during the COVID-19 response via 100 Mbps or 1 Gbps Fixed Virtual Local Area Network (VLAN) by enabling wireless "hot spots."

Schedule 200

This partial and temporary suspension may be terminated by further action of the Board of Commissioners before the end of the Period of Suspension

2. That during this Period of Suspension Non-Recurring Charges ("NRCs") associated with the services described herein as approved by the District shall not apply.
3. After the Period of Suspension all temporarily suspended portions of the District's telecommunications services rates schedules and applicable charges shall become reinstated and all services, including those newly established during this period of suspension for COVID-19 response, shall be charged accordingly or discontinued.
4. The suspension of rates and NRCs during the Period of Suspension shall only apply to services by Service Providers which provide community internet access through designated wireless access points ("hot spots") free of charge. All rates and charges associated with all other services, including other services subject to the Affected Schedules, shall continue in full force and effect and shall not be subject to the suspension during the Period of Suspension.

5. District staff be authorized to require a separate agreement or acknowledgment from the Service Providers and establish such additional approvals and requirements deemed reasonably necessary by the District's General Manager to implement the provisions of this Emergency Resolution.

The General Manager has reviewed staff's recommendation and concurs with the same.

ACTION

IT IS RESOLVED BY THE COMMISSION OF PUBLIC UTILITY DISTRICT NO. 1 OF CHELAN COUNTY, WASHINGTON, as follows:

Section 1. The Commission hereby finds and declares that temporarily suspending portions of the district's wholesale telecommunications services rates and to allow the district and district service providers to enable broadband access to telecommunications services during the period of COVID 19 response is in the best interests of the District, the interest of the District's Customer Owners and necessary to promote community health, safety and welfare.

Section 2. To effectuate the finding and declaration in Section 1, the Commission adopts and directs the following:

- a. The partial and temporary suspension of the following applicable portions of the District's wholesale telecommunications services rates schedules ("Affected Schedules") in order to enable the District's Service Providers to provide broadband access, at no charge, to telecommunications services during the COVID 19 response via 100 Mbps or 1 Gbps Fixed Virtual Local Area Network (VLAN) by enabling wireless "hot spots."

Schedule 200

This partial and temporary suspension may be terminated by further action of the Board of Commissioners before the end of the Period of Suspension

- b. That during this Period of Suspension Non-Recurring Charges ("NRCs") associated with the services described herein as approved by the District shall not apply.
- c. The partial and temporary suspension be effective for the services described herein beginning April 13, 2020, through December 31, 2020, ("Period of Suspension").
- d. After the Period of Suspension, all temporarily suspended portions of the District's telecommunications services rates schedules and applicable charges shall become reinstated and all services, including those newly established during this period of suspension for COVID 19 response, shall be charged accordingly or discontinued.

- e. The suspension of rates and NRCs during the Period of Suspension shall only apply to services by Service Providers which provide community internet access through designated wireless access points (“hot spots”) free of charge. All rates and charges associated with all other services, including other services subject to the Affected Schedules, shall continue in full force and effect and shall not be subject to the suspension during the Period of Suspension.
- f. District staff is authorized to require a separate agreement or acknowledgment from the Service Providers and to establish such additional approvals and requirements deemed reasonably necessary by the District’s General Manager to implement the provisions of this Emergency Resolution.

DATED this 13th day of April 2020.

President

ATTEST:

Vice President

Secretary

Commissioner

Commissioner

Seal