

Resolutions
of the
Delta-Montrose Electric Association
Board of Directors

A special meeting of the Delta-Montrose Electric Association ("DMEA") Board of Directors ("Board") was held on November 9, 2023. A quorum of the Board participated, and a majority of the Board approved these resolutions.

WHEREAS, the Infrastructure Investment & Jobs Act ("IIJA") of 2021 amended the Public Utility Regulatory Policies Act of 1978 ("PURPA") to require certain nonregulated electric utilities that have total annual retail electric sales greater than 500 million kilowatt hours in 2021 to consider and determine whether to implement ratemaking standards addressing demand response practices and electric vehicle charging programs (collectively, the "PURPA Standards");

WHEREAS, the purposes of the PURPA Standards are to encourage conservation of energy supply, efficiency of facilities and resources, and equitable rates to electric consumers.

WHEREAS, Delta-Montrose Electric Association ("DMEA") is a nonregulated electric utility with total annual retail electric sales greater than 500 million kWh in 2021;

WHEREAS, DMEA confirmed that it had commenced consideration of the PURPA Standards at its September 22, 2022 regular Board of Directors ("Board") meeting;

WHEREAS, the Board held a public hearing to consider the PURPA Standards on November 9, 2023 at 2:00 p.m. ("Hearing");

WHEREAS, DMEA provided interested parties opportunities to comment on the PURPA Standards via written comment prior to the Hearing and the opportunity to participate in the Hearing;

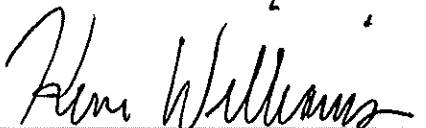
WHEREAS, DMEA received one (1) written comment which was read into the Hearing record, and did not receive any public comments at the Hearing; and,

NOW THEREFORE BE IT RESOLVED THAT, in consideration of the foregoing purposes of PURPA, the Board approves and adopts the attached Decision for Adoption of PURPA Standards; and,

MAY IT BE FURTHER RESOLVED, that DMEA will post this Resolution on its website.

Certificate

This is to certify that I, Kevin Williams, am the Secretary/Treasurer of DMEA, and I hereby certify that the foregoing resolution was adopted by the Board of Directors of DMEA during a special meeting held on November 9, 2023.


Kevin Williams, Secretary/Treasurer

Decision for Adoption of PURPA Standards

November 9, 2023

The Board of Directors ("Board") of Delta-Montrose Electric Association ("DMEA") hereby finds and determines as follows:

Demand Response Practices

1. 16 U.S.C § 2621(d)(20)(A) establishes a standard that electric utilities shall promote the use of demand-response and demand flexibility practices by commercial, residential, and industrial consumers to reduce electricity consumption during periods of unusually high demand.
2. 16 U.S.C § 2621(d)(20)(B) establishes a standard that a nonregulated electric utility may establish rate mechanisms for the timely recovery of the costs of promoting demand-response and demand flexibility practices in accordance with subparagraph (A) above.
3. DMEA currently offers demand rates and time of use rates for consumers, which incentivize consumers to use electricity at low-peak hours.
4. The Board finds that it is in the best interests of DMEA to adopt the standards set forth in 16 U.S.C § 2621(d)(20), subject to evaluation of any practices and rates in light of the costs and benefits to DMEA members.

Electric Vehicle Charging Programs

5. 16 U.S.C § 2621(d)(21) establishes a standard requiring each State and nonregulated utility to consider measures to promote greater electrification of the transportation sector, including the establishment of rates that:
 - (A) promote affordable and equitable electric vehicle charging options for residential, commercial, and public electric vehicle charging infrastructure;
 - (B) improve the customer experience associated with electric vehicle charging, including by reducing charging times for light-, medium-, and heavy-duty vehicles;
 - (C) accelerate third-party investment in electric vehicle charging for light-, medium-, and heavy-duty vehicles; and
 - (D) appropriately recover the marginal costs of delivering electricity to electric vehicles and electric vehicle charging infrastructure.
6. DMEA currently (i) offers a separate rate to consumers using Level III charging equipment in order to promote affordable electric vehicle charging, (ii) owns and operates one (1) Level II charger and one (1) Level III charging station, and (iii) offers engineering services to evaluate locations for the efficient placement of new charging equipment.
7. DMEA will continue to evaluate measures that promote electrification of the transportation sector, including with respect to its rate design, but balancing such measures against the costs and benefits to its members, available market data and cost of service study(ies), and its authority to establish its own rates as a nonregulated electric utility.
8. The Board hereby determines that it is in the best interests of DMEA to adopt the standards set forth in 16 U.S.C. § 2621(d)(21), except to the extent such standards create a financial, policy, or infrastructure burden for DMEA, and subject to DMEA's authority to establish its own rates as a nonregulated electric utility.