SALT RIVER PROJECT AGRICULTURAL IMPROVEMENT AND POWER DISTRICT MEETING NOTICE AND AGENDA

CUSTOMER UTILITY PANEL

Thursday, February 1, 2024, 9:30 AM

SRP Administration Building 1500 N. Mill Avenue, Tempe, AZ 85288

Members: Michael Hutchinson, Chairman; Alton Washington, Vice Chairman; Chris Clark, Roxanne Coleman, Christie Ellis, Julie Graham, Audra Koester Thomas, Monte Nevitt Sr., Bryant Powell, Mary Ann Przybylski, Jay Schlum, Scott Stilgenbauer, and Mari Westerhausen

Roll Call Safety Minute Sustainability Minute

1.	Request for Approval of the Minutes for the Meeting of August 24, 2023 CHAIRMAN MICHAEL HUTCHINSON
2.	President's Office UpdateVICE PRESIDENT CHRIS DOBSON
3.	Selection of CUP Chair and Vice Chair for Calendar Year 2024CHAIRMAN MICHAEL HUTCHINSON
4.	SRP's Operational Practices to Maintain Reliability During Arizona SummersWAYNE WISDOM, BRIAN FULTON, and ZACK THOMPSON
	Informational presentation regarding SRP's operational practices to maintain reliability during Arizona summers.
5.	Integrated System Plan (ISP) Update
	Informational presentation regarding the status of SRP's ISP, which provides the foundation for SRP's transformation, fueled by changing customer expectations, technological innovations, and a focus on the environment.
6.	Annual Legal Update
7.	Copper Crossing Energy and Research Center and Coolidge Generating Station Tour Feedback and TakeawaysCHAIRMAN MICHAEL HUTCHINSON
8.	CUP Member ISP Liaison Report
9.	CUP Member Update CHAIRMAN MICHAEL HUTCHINSON
10.	Report on Current Events by the General Manager and Chief Executive Officer or DesigneesJIM PRATT
11.	Future Agenda TopicsCHAIRMAN MICHAEL HUTCHINSON

Visitors: The public has the option to attend in-person or observe via Zoom and may receive teleconference information by contacting the Corporate Secretary's Office at (602) 236-4398. If attending in-person, all property in your possession, including purses, briefcases, packages, or containers, will be subject to inspection.



SAFETY MINUTE: SAFELY NAVIGATING THE DARK SRP CUSTOMER UTILITY PANEL

SARA MCCOY DIRECTOR, RISK MANAGEMENT FEBRUARY 01, 2024



SAFELY NAVIGATING THE DARK

- December 21 was the shortest day of the year with 14:02 hours of darkness.
- Drivers should slow down in the dark, minimize distractions, and be especially alert for children and bicycles that may not be easily seen.
- When walking in the dark: carry a light, wear reflective gear, stay on sidewalks, always use crosswalks, and walk facing traffic.
- Consider shifting activities that require walking outdoors and driving at night to daylight hours when possible.



The NHTSA reports that only 25% of driving occurs in hours of darkness, but more than 50% of traffic deaths occur in the dark.

Sustainability Minute Food Waste

Customer Utility Panel
Zack Thompson | February 1, 2024

Food Waste

The U.S. is the global leader in food waste.

- Americans discard nearly 40 million tons of food each year which equates to 219 pounds per person
- Food accounts for 22% of all municipal solid waste
- Food waste is a sustainability issue and a financial burden as well:
 - Annually, the U.S. wastes \$161 billion on thrown away food
 - Average household waste amounts to \$1,600 a year
 - In fact, discarded food accounts for nearly 40% of the total U.S. food supply

Sustainable food practices, therefore, can help the environment and our wallets.

- Use your freezer. Freezing is a great way to store food for longer until you are ready to eat it.
- You can also reduce your plastic waste by using reusable Ziplock bags that are freezer friendly like Stasher!
- Don't throw away "ugly" fruit and vegetables. Fruits and vegetables with bumps and bruises can be used for smoothies and soups.
- FDA provides a list for more tips and tricks to reduce food waste.
 - How to Cut Food Waste and Maintain Food Safety | FDA



MINUTES CUSTOMER UTILITY PANEL SALT RIVER PROJECT AGRICULTURAL IMPROVEMENT AND POWER DISTRICT DRAFT

August 24, 2023

A meeting of the Customer Utility Panel (CUP) of the Salt River Project Agricultural Improvement and Power District (the District) convened at 9:30 a.m. on Thursday, August 24, 2023, from the Board Conference Room at the SRP Administration Building, 1500 North Mill Avenue, Tempe, Arizona. This meeting was conducted in-person and via teleconference in compliance with open meeting law guidelines.

CUP Members present at roll call were M.T. Hutchinson, Chair; A.J. Washington, Vice Chair; and C.S. Clark, R.D. Coleman, J.A. Graham, M.A. Nevitt Sr., B.F. Powell, M.A. Przybylski, J. Schlum, J.S. Stilgenbauer, and M. Westerhausen.

CUP Members absent at roll call were C.M. Ellis, M.A. Gloria, and A. Koester Thomas.

Also present were District Vice President C.J. Dobson; Board Liaison P.E. Rovey; Council Vice Chairman R.J. Shelton; Mmes. I.R. Avalos, M.J. Burger, H.B. Cruz, M.G. Martin, S.C. McCoy, C.M. McJunkin, L.A. Meyers, M.K. Greene, and L.F. Hobaica; Messrs. J.M. Felty, Z.J. Heim, K.J. Lee, M.S. Mendonca, J.M. Pratt, R.R. Taylor, and K.J. Tilghman; and Theresa Gloria and Zachary Gloria of Palma.

In compliance with A.R.S. §38-431.02, Andrew Davis of the Corporate Secretary's Office had posted a notice and agenda of the CUP meeting at the SRP Administration Building, 1500 North Mill Avenue, Tempe, Arizona, at 9:00 a.m. on Tuesday, August 22, 2023.

Safety Minute

Sara A. McCoy, SRP Director of Risk Management, presented a safety minute regarding designating a water watcher around swimming pools.

Ms. S.A. McCoy left the meeting.

Sustainability Minute

Christa M. McJunkin, SRP Senior Director of Water Supply and System, presented a sustainability minute regarding water conservation.

Approval of Minutes

On a motion duly made by CUP Member B.F. Powell and seconded by CUP Member C.S. Clark, the CUP approved the minutes for the meeting of April 27, 2023, as presented.

Corporate Secretary J.M. Felty polled the CUP Members on CUP Member B.F. Powell's motion to approve the minutes for the meeting of April 27, 2023. The vote was recorded as follows:

YES: CUP Members M.T. Hutchinson, Chair; A.J. Washington, Vice (11)

Chair; and C.S. Clark, R.D. Coleman, J.A. Graham, M.A. Nevitt Sr., B.F. Powell, M.A. Przybylski, J. Schlum,

S. Stilgenbauer, and M. Westerhausen

NO: None (0)
ABSTAINED: None (0)
ABSENT: CUP Members C.M. Ellis, M.A. Gloria, and A. Koester Thomas (3)

President's Office Update

District Vice President C.J. Dobson introduced Jim M. Pratt, SRP's new General Manager and Chief Executive Officer (CEO). He discussed CUP Members' mileage reimbursement, touring the Coolidge expansion project, current load forecast, along with the hotter weather Arizona is experiencing.

Mr. R.R. Taylor left the meeting during the update. Ms. C.M. Sifuentes; and Messrs. R.T. Judd and B.A. Olsen entered the meeting during the presentation.

Water Briefing: SRP, Colorado River, and Phoenix Active Management (AMA) Report

Using a PowerPoint presentation, Ms. C.M. McJunkin stated that the purpose of the presentation was to provide information regarding the state of water in the valley, including a briefing on SRP water initiatives, Colorado River status, and the recent Phoenix AMA report published by the State.

Arizona Water Management

Ms. C.M. McJunkin provided an Arizona water management chart from 1957 through 2019 with respect to acre-feet water, population, and domestic gross income. She said that Arizona's success in managing water is attributed to the 1980 Groundwater Management Act; water supply augmentation and water supply diversity; and the Assured Water Supply Program.

Ms. C.M. McJunkin said that Arizona's diversified water is supplied by SRP's Salt and Verde Rivers, groundwater, the Central Arizona Project's (CAP) Colorado River, and effluent treated wastewater. She discussed the requirements involved in qualifying for the Assured Water Supply Program.

Phoenix AMA Groundwater Model

Continuing, Ms. C.M. McJunkin referenced news outlet articles regarding Arizona's groundwater restrictions relating to new home construction. She provided a report from the Arizona Department of Water Resources (ADWR) with respect to the model used to project water demand for 100 years for the entire Phoenix AMA. Ms. C.M. McJunkin summarized key takeaways from the ADWR report as follows: 1) Phoenix metro is not halting housing development; 2) commercial and industrial development is not impacted; 3) existing Certificates and Designations of Assured Water Supply are not impacted; and 4) temporary pause on new Certificates of Assured Water Supply reliant on groundwater.

Ms. C.M. McJunkin stated that Arizona is unique in the nation for using a 100-year a timeframe for water planning prior to allowing development, its water for growth has been proven for most of the Valley and continues its efforts to secure new water supplies. She said that municipalities have designations of assured water supplies availability for growth.

Augmentation and Infrastructure Projects

Ms. C.M. McJunkin detailed the following aspects of the Gila River Water Storage, LLC: 1) the Gila River Indian Community and SRP have formed a partnership; 2) CAP water is stored underground on the Gila River Indian Community; 3) 420,000 acre-feet of water is stored in the Phoenix AMA; 4) 560,000 acre-feet of water is stored in the Pinal AMA; 5) meets the assured water supply requirement; 6) the water is suitable for industrial and commercial uses; and 7) the existing supply of water is not subject to shortage.

Ms. C.M. McJunkin reported on the water infrastructure and augmentation projects which involve the Roosevelt Dam flood control space; the Bartlett expansion, and the SRP-CAP Interconnection. She provided a graph of the sedimentation levels at Horseshoe Dam as of 2012 which affect the Roosevelt Dam flood control space project. Ms. C.M. McJunkin presented renderings of the existing and modified Bartlett Dam, along with dam height increase options. She provided an ariel of the SRP-CAP Interconnection and explained how it will facilitate an effective utilization of regional water supplies.

Ms. C.M. McJunkin commented on matters relating to the water infrastructure finance authority and the Governor's Water Policy Council.

Colorado River Update

Next, Ms. C.M. McJunkin provided an apportionment map of the Colorado River which encompasses Colorado, Utah, Wyoming, New Mexico, Nevada, California, and Arizona. She reviewed the Colorado River Water Supply as of July 23, 2023; snow accumulation

for the Colorado Basin as of June 19, 2023; and a chart from 1996 to 2022 reflecting the inflow of water to Lake Powell.

Ms. C.M. McJunkin discussed the actions and agreements taken to protect Lake Powell and Lake Mead Reservoir elevations since 2000. She provided an update regarding the federal long-term versus near-term planning processes with respect to the operations of the Colorado River, along with a timeline of the federal processes.

In conclusion, Ms. C.M. McJunkin detailed aspects of the Lower Basin plan proposal submitted to the United States Bureau of Reclamation on May 22, 2023.

Copies of the PowerPoint slides used in this presentation are on file in the Corporate Secretary's Office and, by reference, made a part of these minutes.

Roundtable Discussion: Community Responses to Current Water Issues

Ms. C.M. McJunkin conducted a roundtable discussion with the CUP Members to inform SRP Management and the Board of how valley communities are responding to the water challenges facing the Valley.

CUP Member Integrated System Plan (ISP) Liaison Report

CUP Member C.S. Clark provided a liaison report regarding the ISP. He responded to questions from the CUP.

Board Member P.E. Rovey; and Ms. L.A. Meyers left the meeting during the report.

CUP Member Update

CUP Chair M.T. Hutchinson provided a CUP member update. He responded to questions from the CUP.

Mr. M.S. Mendonca left the meeting during the update.

Report on Current Events by the General Manager and Chief Executive Officer or Designees

Jim M. Pratt, SRP General Manager and CEO, reported on a variety of federal, state, and local topics of interest to CUP.

CUP Member M.A. Nevitt; Ms. I.R. Avalos; and Mr. K.J. Tilghman left the meeting during the report.

Future Agenda Topics

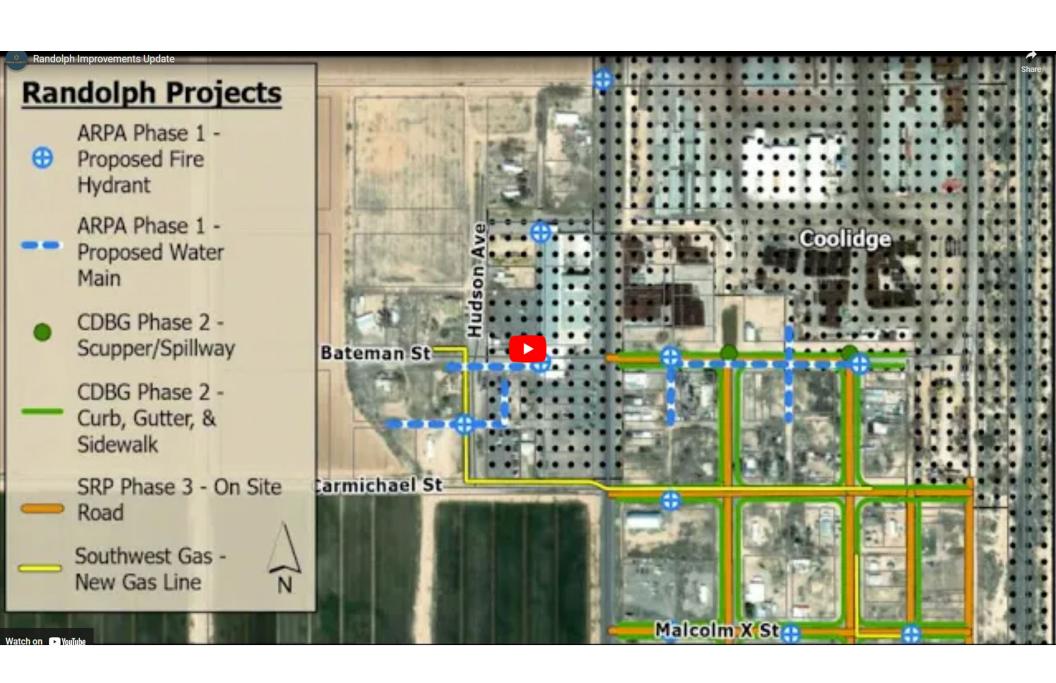
CUP Chairman M.T. Hutchinson asked the CUP if there were any future agenda topics. None were requested.

There being no further business to come before the CUP, the meeting adjourned at 11:24 a.m.

John M. Felty Corporate Secretary

Pinal County Video Randolph Improvements Update

Customer Utility Panel February 1, 2024







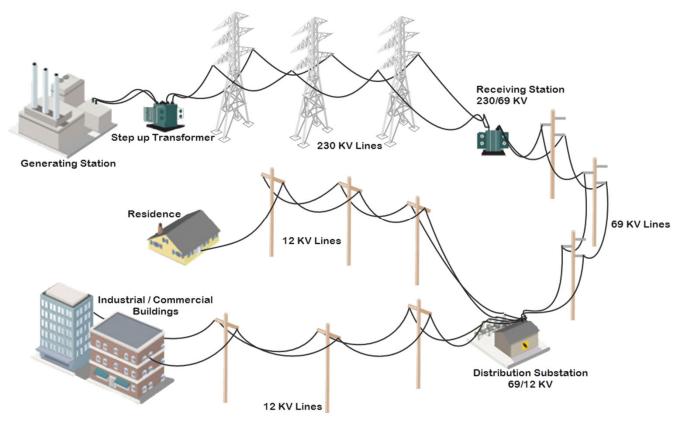
Wayne Wisdom

Sr. Director, Distribution Grid Services

Agenda

- SRP Electric Grid
- Maintenance activities
 - Distribution Pole Replacement Program
 - Vegetation Management
- Distribution Summer Preparedness

SRP's Electric Grid





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Transmission Vs. Distribution



Transmission System

Miles: 2,482 Poles: 22,132



Distribution System

Miles: 30,548 Poles: 127,452 Transformers: 168,493

Over 80% of the Distribution System is underground



Distribution Wood Pole Program

Purpose

- Maintaining and extending the life of SRP's wood pole assets through industry leading inspection process, that identifies the following:
 - Identify high risk poles
 - Increase system reliability and public safety
 - · Insure effective appropriation of capital resources
 - Participate in wood related projects and research
 - Maintains pole data for SRP Design

Wood Pole Replacement Program



Current Pole Population

107K Existing Distribution Poles

Main Pole Treatment Types Include

Creosote, Gas and Penta



Current Cycle

12,000 Inspected Annually
Cycles are 10 Years
Currently in 3rd Cycle
Cycle Failure Rate is 14%



Current Budget

2100 FY24 Pole Replacements \$11,329,000 Capital Replacement Budget \$390K O&M Inspection Budget



Inspection Pictures

1-Begin with Visual and Sound & Bore Inspect





2-Drilling and digging below GL







3-Evaluating pole
D-Calc if problems noted



SRP Vegetation Management

Purpose

• Ensuring zero tree related outages for transmission while minimizing tree related outages for distribution to improve reliability and promoting employee, contractor, and public safety with emphasis on our strategy and values of customer service.

SRP Vegetation Management - Transmission

Transmission – Annual Cycle

- Responsible for 1,400 Line Miles (115kV, 230kV, 500kV)
 - Regulatory/Line Clearance
 - Federal Energy Regulatory Commission (FERC)
 - North American Electric Reliability Corporation (NERC)
 - Western Electricity Coordinating Council (WECC)
 - Applies to SRP 230kV and 500kV
 - Cultural/Environmental Archaeological Sites or Threatened and Endangered Species (TES)
 - Wildfire Hazard Reduction herbicide application





SRP Vegetation Management - Distribution

Distribution and Sub Transmission – Two Year Cycle

- Responsible for 11,500 Line Miles (12kV & 69kV)
 - Our Challenges
 - High Concentration of Vegetation
 - Oleander
 - Palms
 - High Volume of customer refusals and no contacts
 - Over 30,000 trims and removal annually
 - Annual budget \$8.1M





SRP Vegetation Management

Service Drops and Streetlights clearing







Distribution Summer Preparedness

- Storm, load shed & heat training & drills
- Reinforced standard operating procedures
- Enhanced staffing levels
 - DOC shifts & on-call support staff
 - Distribution Maintenance night crews & heat warnings
 - Troubleshooter coverage
- Equipment inventory increased, i.e. Transformers
- Proactive maintenance activities
- Outage moratoriums



VIOLENT STORM DOWNS LINES IN QUEEN CREEK

TEMPE LINE DIVISION RESTORES POWER

See story on Page 3





Thank you

SRP Summer Peak

Customer Utility Panel Brian Fulton | February 1, 2024

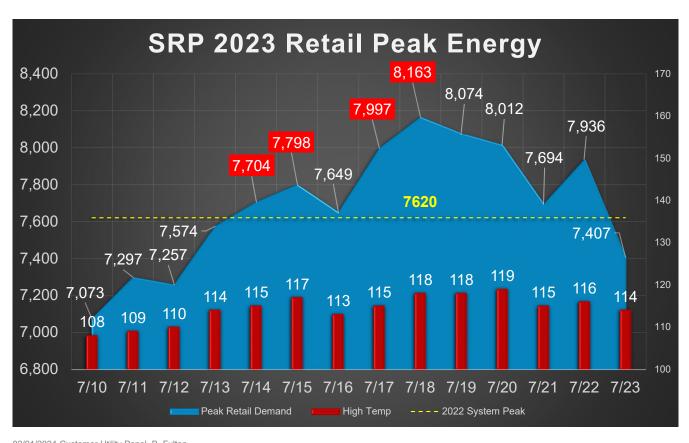
Power Trading's Role

- Economically dispatch SRP resources:
 - · Meet customer energy demand
 - Maintain reliability
 - Minimize risk
- Replace lost generation by purchasing energy through the market
- Coordinate and optimize consumption of natural gas
- Cooperate with neighboring utilities
- Strategically plan Demand Response events to reduce energy demand and maintain reliability

Summer 2023

- Summer 2023 set a new benchmark for SRP's energy grid
- Sky Harbor recorded 31 consecutive days of +110 degrees
- Phoenix average temperature was +100 degrees in July for first time ever
- SRP set an all-time peak demand record of 8163 MW on July 18th
- · Sustained high heat resulted in consecutive days of record-breaking peak energy demand

Exceptional Summer



- SRP set 4 new record peaks in 2023
- New All-Time Record set July 18th at 8163 MW
- 7% increase in peak demand over prior year's record
- 9 consecutive days with peak demand above last summer

18

Daily Planning and Forecasting

Variables for the Next Day

- · Weather and load trends
- Power plant availability and constraints
- Transmission and fuel constraints
- Market conditions
- Reserve targets



What Can't be Forecasted?

July 17th Plan Deviations:

- New battery resource performance issues
- Operating constraints at Gila River and Coolidge Generating Stations
- Loss of output from Harquahala Generating Station
- Transmission system in the East Valley nearing limits

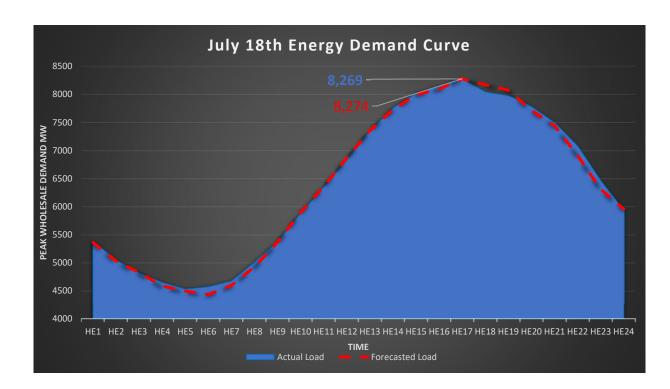


02/01/2024 Customer Utility Panel, B. Fulton

Power Trading Response

July 18th Actions:

- Procured upwards of 600 MW of replacement energy on an hourly basis on the 17th for the next day
- Purchased upwards 500MW of replacement energy on an hourly basis on July 18th
- Strategically deployed Residential and Commercial Demand Response programs
- Optimized operations on natural gas plants to ensure peak availability
- Coordinated closely with neighboring utility on system reliability issues



02/01/2024 Customer Utility Panel, B. Fulton

Summary

- July was unique with sustained high heat coupled with multiple record peak loads
- Planning and forecasting for each day is critical and effective for even the most extreme conditions
- SRP is successfully integrating new customer programs
- SRP's planning and grid preparations were essential to ensuring customer reliability this summer

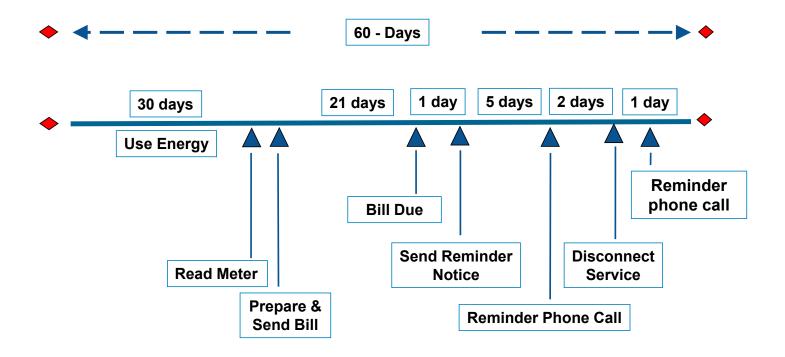
02/01/2024 Customer Utility Panel, B. Fulton

Informational Presentation Regarding SRP's Operational Practices to Maintain Reliability During Arizona Summers

Disconnect Moratorium and Customer Support

Zack Thompson February 2024

Standard Residential Credit Cycle



2/1/2024 - Customer Utility Panel, Zack Thompson.

SRP Residential Disconnect Policy

Disconnect Policy Prior to Summer 2019

- Past due balance greater than \$150 are eligible for disconnection
- Customer receives a mailed Reminder Notice
- Opt-in email/text past due notifications
- Medical Preparedness Program Enrollment required medical form signed by doctor prior to enrollment
- Disconnect Moratorium during National Weather (NWS) Excessive Heat Warnings (EHW)

Current Disconnect Policy

- Past due balance greater than \$300 are eligible for disconnection
- Customer receives a mailed Reminder Notice
- Opt-out email/text past due notifications
- Outbound phone call before and after disconnection
- Medical Preparedness Program Enrollment is immediate
- Disconnect Moratorium during NWS Excessive Heat Warnings
 - 2023 Leadership implemented a Disconnect Moratorium from 7/1 9/19

2/1/2024 - Customer Utility Panel, Zack Thompson.

Here to Help

- 24/7 live and local customer service available, as well as website and mobile app
- Payment extensions or arrangements
- Customer programs
- Customer Resource Counselors
- Monthly discount for limited income
- Safety Net
- Right price plan and M-Power
- Energy savings

2/1/2024 - Customer Utility Panel, Zack Thompson.

27

M-Power

- Pay-as-you-go solution, no monthly bill
- No upfront costs
- Lower deposit and no fees
- The average SRP M-Power customer uses 12% less energy
- Allows for balances to be paid back over time
- Receive up to two, 3-day credit advances each month
- Highest rated customer price plan
- Largest prepay program in North America

2/1/2024 - Customer Utility Panel, Zack Thompson.

28





SRP's Integrated System Plan

An Integrated System Plan is the holistic **roadmap** for the **power system of the future** which considers **evolving customer needs** for **reliability**, **affordability**, and **sustainability** and achieves our 2035 goals.

Multiple Perspectives Included in the ISP

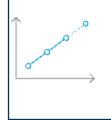


Key Contributing Departments

Integrated
System
Planning &
Support



Forecasting & Load Research



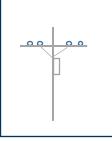
Resource Planning & Development



Transmission
Planning,
Strategy &
Develop



Distribution Planning & Strategy



Customer Programs



Financial Planning & Analysis



Pricing



Strategic Research & Insights



Coordination, Leadership Guidance, Analysis & Support

Leadership Guidance & Analysis Teams

Customer Research Team

Consultant:



Consultants:



Energy+Environmental Economics



Bringing our Community and Customers Along

14 Meetings

23 Community Organizations

600+ Points of Feedback & Questions Answered

Advisory Group

Focused engagement from a smaller diverse group

Large Stakeholder Group

Large-scale public platform

Meetings 8

Community Organizations 140+

Points of Feedback & Questions Answered 500+

Engagement Objectives



16



Inform & Provide Learning Opportunities

Consider Feedback

Build Support

4 Topical Sessions

20 External Expert Panelists

169 External Stakeholder Attendees

Technical Working Sessions

Open to all stakeholders and convened on specific topics with topical experts

Customer Research

Multi-pronged approach to include the customer voice

90-Minute Focus Groups 4

Customer Respondents to Phase 2 Survey 400

Customer Respondents to Phase 3 Survey 1,011

EXTERNAL

PLANNING PROCESS FAST FACTS

INTERNAL

NUMBER OF ADVISORY **GROUP MEMBERS:**



community representatives

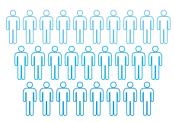






from 23 organizations

NUMBER OF LARGE STAKEHOLDER GROUP MEMBERS:



community representatives from



588







615

POINTS OF FEEDBACK COLLECTED AND INTEGRATED INTO THE **INTEGRATED SYSTEM PLAN**



31 STAKEHOLDER MEETINGS TOTALING TO OVER 62 HOURS



Hundreds of

Gigabytes OF MODELING SIMULATIONS

OVER 2+YEARS

1,349 **SLIDES DEVELOPED**

500+

HOURS OF INTERNAL ALIGNMENT MEETINGS



INDIVIDUAL SUBJECT MATTER EXPERT PRESENTERS



INDIVIDUAL SRP EMPLOYEE CONTRIBUTORS



• New renewables **combined with** firm capacity are part of a least-cost portfolio, even under a wide range of gas price and technology cost sensitivities.

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- SRP will need to **double** if not **triple** resource capacity in the **next decade** to serve customers while achieving reliability and sustainability goals. This is an unprecedented pace.

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- **Hundreds of miles** of new or upgraded transmission lines and nearly double the number of 500/230 kV transformers could be needed relative to today. Location matters.

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- SRP will need to **evolve programs and price plans** to shift consumer behavior, and further educate customers on when to consume and when to conserve energy.

ISP Results: Residential Customer Research

66% Rated Positively

Most customers reacted positively to SRP's proposed path forward, and a quarter felt it was excellent. A majority agreed the plan should be prioritized by SRP

Top factors:
affordability & bill impacts

- In each quantitative phase of research, affordability surpassed reliability slightly in importance.
- Those with limited incomes put greater emphasis on affordability.
- When choosing a future energy system customer selections revealed monthly bill impact as the top driver of preference.

Customer understanding and openness to change

- Customers recognized that challenges are interrelated and pose risks to sustainability, the economy, and overall quality of life.
- In general, lower-cost plans were more preferred.
- Customers recognized the need for and expressed interest in SRP's investment in sustainable energy, but they do not want to bear the cost of that investment.

Integrated System Plan: System Strategies

Energy Investments

Invest in renewable resources and storage to manage fuel consumption, and drive carbon and water reductions.

Capacity Investments

Invest in firm generation, including natural gas, to support reliability and manage affordability, while also supporting advancement of emerging firm technologies.

Proactive Transmission

Proactively plan to expand transmission infrastructure to enable generator interconnections and load growth.

Distribution Innovation

Ensure distribution grid readiness to maintain reliability and enable customer innovations to drive carbon reductions.



Strategic Investment & Reinforcement of Existing Assets

Reinforce and maximize value of existing infrastructure with strategic investments to manage affordability, and ensure future performance, grid security and resilience.

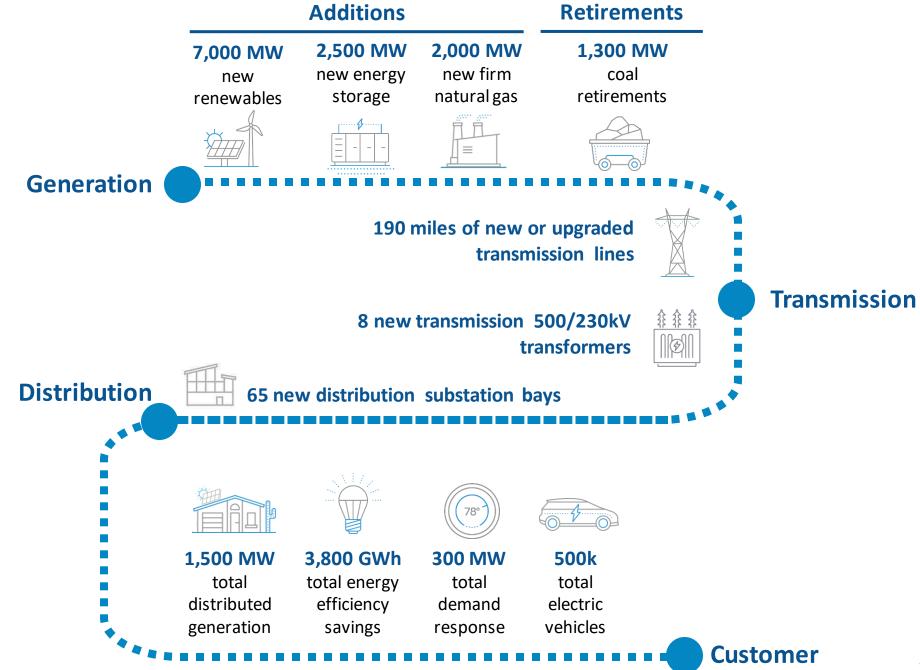
Evolution of Customer Programs & Pricing

Evolve pricing and customer programs to improve economy-wide carbon reductions and pace infrastructure development, while recognizing customers' diverse needs.

Partnerships & Suppliers

Explore partnerships, supply chain and development solutions that manage cost and availability to meet the pace of transformation.

Balanced System Plan (2035)

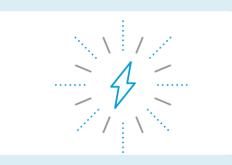


What's Next: ISP Actions









Customer's can expect to hear a lot about new infrastructure from SRP

SRP will be developing education on when to consume and when to conserve energy

More education and opportunities for electric vehicle (EV) managed charging programs Expansion of SRP's E-Tech program offerings related to residential and commercial electrification

Integrated System Plan: CUP Discussion

Discussion Questions:

What is important to share with customers and community members about the ISP?

What did you find most interesting, important, or surprising about the ISP?



thank you!

Legal Update

Sarah Glover | February 1, 2024

Arizona's Open Meeting Law A.R.S. §§ 38-431 – 431.09

A set of laws that are intended to:

- Maximize public access to the governmental process
- Open deliberations and proceedings to the public
- Prevent public bodies from making decisions in secret

The Open Meeting Law Applies to "Public Bodies"

"Public Bodies" include:

- The District's Board and Council
- All standing, special, or advisory committees of, or appointed by, the Board or Council, including the Customer Utility Panel (CUP)

What Must the Public Body Do?

- Hold all meetings in public
- Post advance notice of meetings
- Post an agenda with the meeting notice (and stick to it)
- With limited exceptions, allow the public to listen to the proceedings
- Prepare meeting minutes

Definition of "Meeting"

Any gathering:

- in person, or through technological devices
- of a quorum of the members of a public body
- at which they discuss, propose, or take <u>legal action</u>, including any deliberations with respect to that action.

"Legal action" means a collective decision, commitment, or promise made by a public body.

Electronic Communication

The following are "meetings" under the Open Meeting Law:

- one-way electronic communication by one member sent to a quorum of the members of a public body that proposes legal action
- exchange of electronic communications among a quorum of the members that involves a <u>discussion</u>, <u>deliberation</u> or the <u>taking of legal action</u> by the public body concerning a matter likely to come before the public body for action

Serial Communications

- Communications need not be at the same time or in the same manner to result in a "meeting"
- Serial communications (splintering the quorum) may not be used to circumvent public discussion
- Cannot use e-mail or other means of communication among a quorum to:
 - Discuss or deliberate on CUP business
 - Propose or take legal action

Consequences of Violation

- CUP actions can be invalidated
- Penalties for a member who knowingly violates, or knowingly aids in the violation of, the Open Meeting Law:
 - Civil Penalties
 - Removal from office

Arizona's Conflict of Interest Laws A.R.S. §§ 38-501 - 511

- Public officers must avoid conflicts of interest that might influence or affect their official conduct
- Conflict of interest laws:
 - Prohibit public officers and employees from realizing personal gain at the expense of the public entity or employer
 - Ensure that public officers and employees act in the best interests of the public entity or employer, without consideration of personal benefit
- Laws apply to the CUP, as an advisory commission of the District

General Requirements

- Officers or employees who have, or whose "<u>relatives</u>" have, a "<u>substantial</u> interest" in a transaction or decision of the public agency must:
 - Disclose the interest, and
 - Refrain from voting on or participating in any manner regarding such transaction or decision.
- Disclosure and disqualification generally cures the conflict

"Substantial Interest" Determination

- A substantial interest is any pecuniary or proprietary interest, either direct or indirect, that is not a "<u>remote</u>" interest.
- Remote interests include:
 - Non-salaried officer of a non-profit corporation
 - Insignificant stock ownership (less than 3% of shares & maximum 5% of income)
 - Recipient of public services generally
 - A relative's employment by an entity with at least 25 employees (with no control or decision-making authority)

"Relatives" Defined

- Spouse, and the parent, sibling, or child of a spouse
- Child
- Grandchild
- Parent
- Grandparent
- Sibling (half or full) and their spouse

Action Required

If a conflict of interest exists, the officer or employee must:

- Disclose the conflict before the transaction is initiated
- Refrain from voting, or participating in discussions, on the matter
- Refrain from discussing the transaction or decision with others involved in the decision-making process

Sanctions for Violations

- Criminal penalties:
 - An intentional or knowing violation is a class 6 felony
 - A reckless or negligent violation is a class 1 misdemeanor
- Mandatory forfeiture of public office

Public Records Law A.R.S. 39-121 et seq.

- Requires public officials to maintain records and make public records open to inspection
- Any document you create related to your position on the CUP could be made public
- Public records include emails, text messages, voicemails, etc.

Questions?