

Berkeley Electric Cooperative
Board Meeting
October 23, 2023
Minutes

The Berkeley Electric Cooperative Board of Trustee's meeting was held **Monday, October 23, 2023, at 1:00 P.M.** at the Moncks Corner Headquarters.

The meeting was called to order by Chairman Wayne DeWitt and Mr. Sanders gave the invocation and we stood to honor the flag and recited the Pledge of Allegiance.

The following Trustees were present:

H. Wayne DeWitt	Connie Shuler	Henry H. Chavis, Sr.
Willis Sanders	Denver Lee Clayton	Robert "Bob" Jenkins
Sam Gourdine	Sheila Powell	Robert Vandross

President & CEO Michael S. Fuller, Executive Administrator Ashley Edens, and the following staff: VP of Finance Joel Stevens, Director of Energy Services Eddie Plowden, VP of Public Relations Tony Vincent, as well as General Counsel John B. Williams were in attendance.

Chairman DeWitt called for approval of minutes from the September board meeting which was held on September 25, 2023. Upon motion by Mr. Gourdine, seconded by Mr. Vandross, and unanimously passed; it was

RESOLVED, that the Board of Trustees hereby approves the minutes of the September 25, 2023 board meeting, as presented.

Committee Reports

Central Meeting Report-Mr. DeWitt

Mr. DeWitt reviewed the board summary from Central's October 10th special called board meeting. The Board sat Mr. Travis Burriss, the new trustee from Little River Electric Cooperative. Mr. DeWitt said that Ms. Hallenbeck discussed Santee Cooper's Proposed Shared Resource.

ECSC Report- Mr. Sanders

Mr. Sanders discussed a couple items that were presented at the October 5th ECSC Board Meeting. The Statewide 2024 budget was approved and stated that the Winter conference agenda was sent out. Mr. Sanders said that 2024 will be a very active year politically, there will be opportunities to meet with our legislators during the Washington Rally.

Financial Reports- Mr. Stevens

Mr. Stevens reviewed the financial reports from August 2023. Mr. Stevens reviewed portions of the statement of operations and the balance on Form 7.

President/CEO Reports-Mr. Fuller

PURPA 111 (d) Written Determination Requirement-Mr. Plowden

Mr. Plowden proposed PURPA 111 (d) written determination resolution for board approval.

Upon motion by Mrs. Powell, seconded by Mrs. Shuler, and unanimously passed; it was

RESOLVED, that the Board of Trustees hereby approves the below resolution to approve the PURPA 111 (d) Written Determination Requirement.

WHEREAS, on November 15, 2021, the Infrastructure Investment and Jobs Act of 2021 ("IIJA") was enacted into law, amending the Public Utility Regulatory Policies Act 1978, as previously amended ("PURPA"), requiring both state-regulated electric utilities and certain non-regulated electric utilities (as defined under PURPA) to either consider or to establish a date to hold a hearing after public notice, within one year from the date of enactment (i.e., by November 15, 2022) thereof, following which the affected electric utilities are to consider the proposed standards as set forth in Exhibit "A" attached hereto ("Standards");

WHEREAS, on or before November 15, 2022, Berkeley Electric Cooperative, Inc. (hereinafter "Cooperative"), a non-regulated utility, as that term is defined by PURPA, 16 U.S.C. §2602, initiated proceedings to make a determination whether or not it is appropriate for the Cooperative to implement either of the two new PURPA standards;

WHEREAS, the amendments to PURPA require the Cooperative to consider and make a final determination as to whether it is appropriate to implement the standards related to Demand-Response Practices and Electric Vehicle Charging Programs as more further detailed in Exhibit A to fulfill the purposes of PURPA, which are: to encourage the conservation of energy supplied by electric utilities; to optimize efficiency of electric utility facilities and resources; and to facilitate equitable rates for electric consumers; based on the evidence and comments submitted by Eligible Participants;

WHEREAS, as part of its consideration, the Cooperative is required to hold a public hearing process and issue a final determination, in writing, based upon the evidence presented at the hearing and upon findings specifically included in its written determination, and thereafter make that final determination available to the public;

WHEREAS, the Cooperative gave public notice by posting on its website the process to be followed to submit written comments on or before July 31, 2023;

WHEREAS, the only comments submitted were from J. Steven Shurbutt, P. E., GDS Associates, Inc. ("GDS") on behalf of management and staff of Cooperative, which comments shall be made available to the public by posting it on the Cooperative's website through and until December 31, 2023;

WHEREAS, the Board of Trustees is of the opinion that the public hearing process was conducted and notices provided in full compliance with PURPA;

WHEREAS, in considering each of the two new PURPA standards the Board of Trustees must make a determination "whether or not it is appropriate to implement such standard to carry out the purpose of this title" pursuant to 16 U.S.C.A. §2621(a)(2006);

WHEREAS, in making these determinations, the Board of Trustees has reviewed the written submittals and considered how implementation of these standards might affect the Cooperative and its Members in the areas of encouraging energy conservation by members, making efficient use of facilities and resources, and maintaining equitable rates to consumers, as well as conditions and circumstances specific to the Cooperative in reaching its conclusions.

WHEREAS, the current and planned demand-response and demand flexibility programs of the Cooperative, coupled with the Cooperative's continued participation in the demand-response and demand flexibility programs of its generation and transmission provider, Central Electric Power Cooperative, Inc. ("Central"), are programs that promote demand-response and demand flexibility

practices by commercial, residential, and industrial Members to reduce electricity consumption during periods of unusually high demand, to the extent that the Cooperative is reasonably able to do so based upon information available and circumstances specific to operation of the Cooperative; and

WHEREAS, the Cooperative, directly and indirectly through Central, has previously considered measures to promote greater electrification of the transportation sector in its service area and will continue to consider such measures, subject to such measures appropriately recovering the marginal costs of delivering electricity to electric vehicles and electric vehicle charging infrastructure; provided, however, none require specific action at this time.

NOW, THEREFORE, on this 23rd day of October 2023, the Board of Trustees hereby issues its final determinations on the implementation of the Demand-Response Practices standard, and the Electric Vehicle Charging Programs standard as follows:

1. Demand-Response Practices: The Cooperative has implemented this standard, to the extent it is able to do so as an electric distribution utility and has already adopted programs that promote demand response and demand flexibility practices by commercial, residential, and industrial members to reduce electricity consumption during periods of unusually high demand.

2. Electric Vehicle Charging Programs: The Cooperative has implemented this standard, to the limited extent that Cooperative is able to do so as an electric distribution utility and Member of Central, and will continue to consider measures to promote greater electrification of the transportation sector as circumstances change and opportunities arise, subject to such measures appropriately recovering the marginal costs of delivering electricity to electric vehicles and electric vehicle charging infrastructure.

NOW, FURTHER THEREFORE, the Board of Trustees of the Cooperative, having completed the mandatory consideration of these two standards, shall cause this final determination to be made available to the public by posting it on the Cooperative's website through and until December 31, 2023.

CERTIFICATION

I, Connie Shuler, Secretary of the Berkeley Electric Cooperative, Inc. do hereby certify that the foregoing is a true and correct copy of excerpts from the minutes of a regular meeting of the Board of Trustees of the Berkeley Electric Cooperative, Inc. of Moncks Corner, South Carolina, held on the 23rd day of October 2023 as appears in the minute book of the Corporation.

Attorney Report-Mr. Williams

Mr. Williams discussed a few legal cases that he is working on.

New Business-

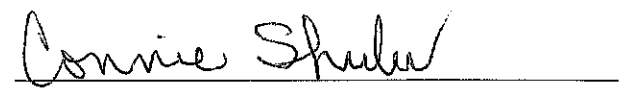
The Chairman then called for new business. There was none.

Old Business -- None.

There being no further business to come before the Board, a motion was made to adjourn.

A handwritten signature in cursive script, appearing to read "H. Wayne DeWitt", written over a horizontal line.

H. Wayne DeWitt, Chairman

A handwritten signature in cursive script, appearing to read "Connie Shuler", written over a horizontal line.

Connie Shuler, Secretary