

**REGULAR MEETING OF THE BOARD OF DIRECTORS
KAUA‘I ISLAND UTILITY COOPERATIVE**

Via Video Conference Call

On August 24, 2023

MINUTES

Meeting called to order by Chair Smith at 1:00 p.m.

1. Roll Call

- 1.1. **Directors present:** Directors Allan Smith (Chair), Jan TenBruggencate (Vice-Chair), Calvin Murashige (Secretary), Peter Yukimura (Treasurer), Dee Crowell, David Iha, Janet Kass, James Mayfield, Teofilo Tachian; and David Bissell (CEO)
- 1.2. **Others present:** Stacie Dellamano (CFO), Laurel Loo (General Counsel), Teresa Amoy (Executive Administrator), Beth Amaro (Member Services & Communications Mgr.), Lisa Ubay (Mgr. of HR & Safety), Chris Yuh (Mgr. of Finance, Risk & Analytics), Cameron Kruse (Engineering & Technology Mgr.), Corinne Cuaresma (Controller), Scott Sato (Energy Services Supervisor), Allison Young (Communications & PR Specialist), Shelley Paik (PA Specialist); Members of the press (0) and Member of the public (1)
- 1.3. **Absent/Excused:** None

2. Approval of the Agenda

- 2.1. The Board of Directors' Agenda of August 24, 2023 – no adjustments to the agenda, no action taken.

3. Approval of Minutes

- 3.1. The minutes of July 27, 2023, Regular Board meeting were approved as circulated.

4. President's Report – David Bissell (CEO)

- 4.1. CEO discussed July's President's Report (report attached). No action taken.

5. Financial Report – Stacie Dellamano (CFO)

- 5.1. CFO discussed finance and accounting updates and summarized the Board Financial Report submitted to the Board of Directors (report attached). No action taken.

6. NRECA Hawai'i Director Report – Director David Iha update:

6.1. Summary of July’s NRECA Update (report attached). Director Iha notified the Board that his term on the NRECA Board expires following the March 2024 NRECA Annual meeting. The election for the next NRECA Board of Director will be held at the next KIUC Board of Directors’ scheduled meeting on October 26, 2023, at 1:00 p.m.

7. Charitable Foundation Board – Director Teofilo Tacbian update:

7.1. No report for the month of August.

8. Public Testimony

8.1. No public testimony.

9. New Business

9.1. Approval of Voting Delegate for NRECA Regional Meeting 9 – Omaha, NE.

- **MOTION** to approve Director Murashige in place of Director Kass for the Nominating Committee; Director Yukimura as the voting delegate; and Director Crowell as the delegate for the Resolution committee.
- **Discussion:** The Nominating and Resolutions committee delegates were voted on and approved at the Board’s May 23, 2023, meeting. The motion covers all delegates for the NRECA Regional meeting that will be held in Omaha, NE in September.

[Motion: TenBruggencate] [Second: Iha]

IN FAVOR:	Smith, TenBruggencate, Murashige, Yukimura, Mayfield, Kass, Tacbian, Iha, Crowell	Total – 9
OPPOSED:	None	Total – 0
EXCUSED:	None	Total – 0

Motion carried

10. Calendar

- 10.1. **September 6, 2023** – HCPO (Honolulu, HI)
- 10.2. **September 12, 2023** – NRECA Federal Funding Opportunities Webinar Series (8:00am)
- 10.3. **September 12, 2023** – Board Committee Meetings (9:00am, MCR)
- 10.4. **September 21, 2023** – Regular Board Meeting (1:00pm, via Zoom)
- 10.5. **September 21 – 22, 2023** – HSAC Conference (Koloa Landing, Kaua’i)
- 10.6. **September 26 – 28, 2023** – 2023 NRECA Regional Meeting 7 & 9 (Omaha, NE)

11. Executive Session – At 1:26 p.m. the Board recessed the meeting to enter into Executive Session closed to the public on matters limited to those specified in Section II. A. 2. of Board Policy No. 16. The items to be discussed in the Executive Session are matters of a proprietary or financial nature, public disclosure of which could affect on-going or potential negotiations, or legal or administrative proceedings and human resource issues related to the hiring, evaluating, dismissing, or disciplining an officer or employee and a matter

requiring legal consultation on issues pertaining to the powers, duties, privileges, immunities and liabilities of the Board of Directors.

11.1. The open session of the Regular meeting was reconvened at 2:18 p.m. (No action taken in ES).

12. Adjournment

12.1. Meeting adjourned at 2:18 p.m.

Calvin Murashige

Calvin Murashige (Sep 22, 2023 08:24 HST)

Calvin Murashige
Board Secretary

August 24, 2023

David Bissell, President & CEO

PRESIDENT'S REPORT

PRESIDENT'S REPORT

Safety (July)	Month	2023 YTD	2022 YTD
Recordable Incidents	0	1	2
Days Away/Restricted	31	269	172
Availability and Reliability	Month	2023 YTD	2022 YTD
Reportable Outages	3	24	14
Average Outage Hours Per Customer	0.25	2.21	1.08
Efficiency	Month	2023 YTD	
Net Plant Heat Rate	8,944	9,033	
Peak Demand (MW)	76.70	76.70	
Residential Rates			
August 2023	\$0.337/kwh up \$0.003 from July		

UPDATE ITEMS

- KIUC rates continue to be lowest in state
- Rate case
 - Friends of Mahaulepu (FOM) granted participant status from PUC
 - FOM filed motion for reconsideration with PUC requesting intervenor status
 - PUC denied motion
 - KIUC responded to FOM Information Requests (IR)
 - FOM has filed a motion to compel regarding certain KIUC IR responses and asked more time to file direct testimony which is due August 30
 - Consumer Advocate's direct testimony now due August 30
- Wildfire related protocols under review

MAHALO!



Kaua'i Island Utility Cooperative

Your Touchstone Energy[®] Cooperative



Board Presentation

August 2023

Finance, Accounting, Regulatory and Warehouse Monthly Summary

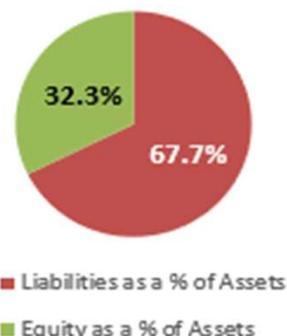
Finance and Accounting Update

- Financial Results
 - Balance Sheet (Form 7 Reporting)
 - Income Statement (Form 7 Reporting)
- Outstanding Loan Detail Report
- A/R Reports
- Total kWh Sold Report
- Treasury Management Monthly Discussion
- Finance/Accounting/Warehouse Monthly Update

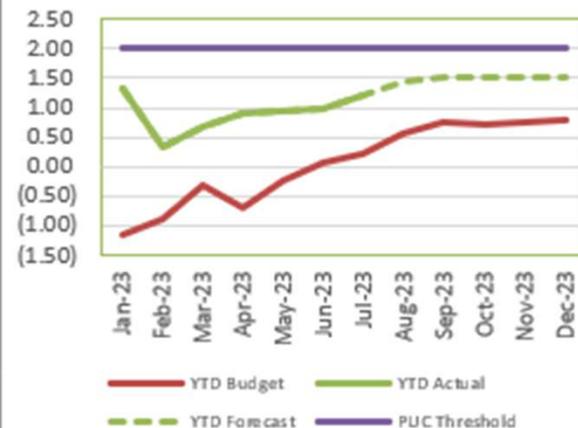
MWh Sales

Class	YTD Prior Year	YTD Actual		Percent Change
Residential (D)	108,752	109,019	↑	0.2%
Small Comm (G)	36,628	36,980	↑	1.0%
Large Comm (J)	28,885	29,448	↑	1.9%
Lrg Pwr Primary (L)	25,000	27,372	↑	9.5%
Lrg Pwr Secondary (P)	59,292	58,687	↓	-1.0%
Street Lighting (SL)	446	405	↓	-9.2%
Irrigation	1,338	655	↓	-51.0%
Total	260,340	262,566	↑	0.9%

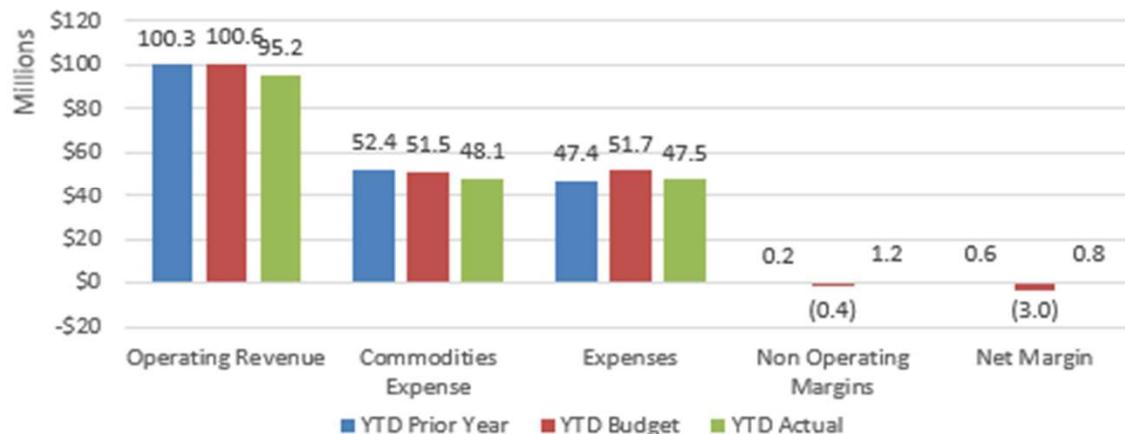
Equity Ratio



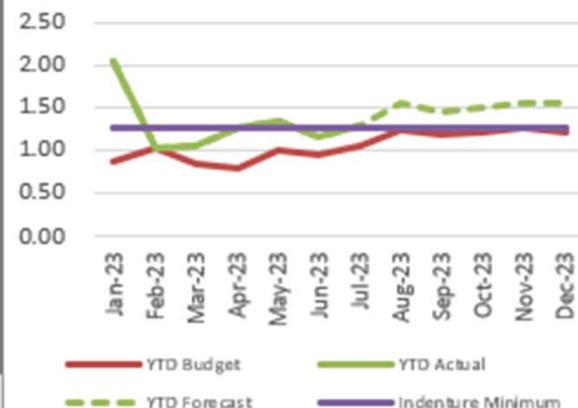
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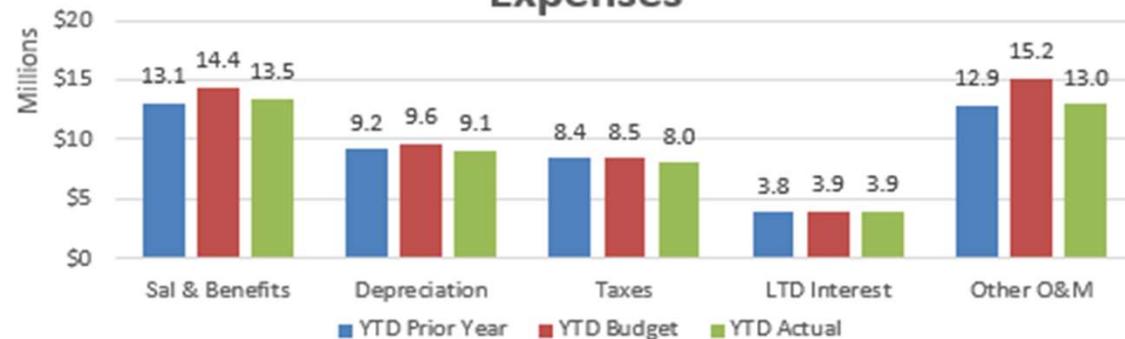
Key Results



DSC



Expenses



Liquidity & Available Funding

(In Millions)	YTD Actual
Cash	\$0.2
Short-Term Investments	\$40.9
Cushion of Credit	\$3.9
Total Cash & Investments	\$45.0
Line of Credit Available	\$100.0
Line of Credit Drawn	\$0.0

General Ledger Financial And Operating Report Electric Distribution

BALANCE SHEET FOR JUL 2023

	Last Year	This Year	Variance
ASSETS AND OTHER DEBITS			
1. Total Utility Plant in Service	578,721,022.81	606,135,114.45	27,414,091.64
2. Construction Work in Progress	16,285,858.02	7,141,854.77	-9,144,003.25
3. Total Utility Plant (1 + 2)	595,006,880.83	613,276,969.22	18,270,088.39
4. Accum. Provision for Depreciation and Amort.	332,528,311.43	342,494,898.65	9,966,587.22
5. Net Utility Plant (3 - 4)	262,478,569.40	270,782,070.57	8,303,501.17
6. Non-Utility Property (Net)	0.00	0.00	0.00
7. Invest. in Subsidiary Companies	25,123,684.99	22,983,078.78	-2,140,606.21
8. Invest. in Assoc. Org. - Patronage Capital	1,072,332.81	1,169,440.27	97,107.46
9. Invest. in Assoc. Org. - Other - General Funds	831,300.00	831,300.00	0.00
10. Invest. in Assoc. Org. - Other - Nongeneral Funds	0.00	0.00	0.00
11. Invest. in Economic Development Projects	535,000.02	1,030,485.65	495,485.63
12. Other Investments	0.00	0.00	0.00
13. Special Funds	0.00	0.00	0.00
14. Total Other Property & Investments (6 thru 13)	27,562,317.82	26,014,304.70	-1,548,013.12
15. Cash - General Funds	11,321,176.82	1,032,106.42	-10,289,070.40
16. Cash - Construction Funds - Trustee	0.00	0.00	0.00
17. Special Deposits	-9,311.76	-8,813.56	498.20
18. Temporary Investments	14,153,209.15	41,328,417.98	27,175,208.83
19. Notes Receivable (Net)	0.00	0.00	0.00
20. Accounts Receivable - Sales of Energy (Net)	12,990,540.65	10,466,153.83	-2,524,386.82
21. Accounts Receivable - Other (Net)	499,635.74	523,089.11	23,453.37
22. Renewable Energy Credits	0.00	0.00	0.00
23. Material and Supplies - Electric & Other	20,327,532.74	22,559,458.72	2,231,925.98
24. Prepayments	1,805,892.44	2,839,169.14	1,033,276.70
25. Other Current and Accrued Assets	9,037,173.51	8,089,706.38	-947,467.13
26. Total Current and Accrued Assets (15 thru 25)	70,125,849.29	86,829,288.02	16,703,438.73
27. Regulatory Assets	33,265,153.57	34,954,473.80	1,689,320.23
28. Other Deferred Debits	-307,185.43	115,430.89	422,616.32
29. Total Assets and Other Debits (5 + 14 + 26 thru 28)	393,124,704.65	418,695,567.98	25,570,863.33

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General Ledger Financial And Operating Report Electric Distribution

BALANCE SHEET FOR JUL 2023

	Last Year	This Year	Variance
LIABILITIES AND OTHER CREDITS			
30. Memberships	592.32	604.73	12.41
31. Patronage Capital	131,584,174.57	134,503,302.68	2,919,128.11
32. Operating Margins - Prior Years	0.00	0.00	0.00
33. Operating Margins - Current Year	643,469.51	772,039.27	128,569.76
34. Non-Operating Margins	0.00	0.00	0.00
35. Other Margins and Equities	260,790.98	129,640.42	-131,150.56
36. Total Margins & Equities (30 thru 35)	132,489,027.38	135,405,587.10	2,916,559.72
37. Long-Term Debt - RUS (Net)	0.00	0.00	0.00
38. Long-Term Debt - FFB - RUS Guaranteed	106,618,718.94	120,289,229.62	13,670,510.68
39. Long-Term Debt - Other - RUS Guaranteed	0.00	0.00	0.00
40. Long-Term Debt - Other (Net)	121,838,363.11	121,635,846.12	-202,516.99
41. Long-Term Debt - RUS Econ. Devel. (Net)	0.00	0.00	0.00
42. Payments - Unapplied	-8,491,053.12	-1,552,315.97	6,938,737.15
43. Total Long-Term Debt (37 thru 41 - 42)	219,966,028.93	240,372,759.77	20,406,730.84
44. Obligations Under Capital Leases - Noncurrent	0.00	13,583,205.15	13,583,205.15
45. Accumulated Operating Provisions	-137,846.30	114,730.91	252,577.21
46. Total Other Noncurrent Liabilities (44 + 45)	-137,846.30	13,697,936.06	13,835,782.36
47. Notes Payable	0.00	0.00	0.00
48. Accounts Payable	5,769,818.49	5,379,785.14	-390,033.35
49. Consumers Deposits	1,119,792.00	1,487,192.45	367,400.45
50. Current Maturities Long-Term Debt	13,911,272.96	0.00	-13,911,272.96
51. Current Maturities Long-Term Debt - Econ. Devel.	0.00	0.00	0.00
52. Current Maturities Capital Leases	0.00	0.00	0.00
53. Other Current and Accrued Liabilities	9,555,375.48	9,941,402.74	386,027.26
54. Total Current & Accrued Liabilities (47 thru 53)	30,356,258.93	16,808,380.33	-13,547,878.60
55. Regulatory Liabilities	48,647.00	0.00	-48,647.00
56. Other Deferred Credits	10,402,588.71	12,410,904.72	2,008,316.01
57. Total Liab. & Other Credits (36+43+46+54 thru 56)	393,124,704.65	418,695,567.98	25,570,863.33
Current Assets To Current Liabilities	2.31 to 1	5.17 to 1	
Margins and Equities To Total Assets	33.70 %	32.34 %	
Long-Term Debt To Total Utility Plant	36.97 %	39.19 %	

KAUAI ISLAND UTILITY COOPERATIVE
NOTES, BONDS, AND OTHER INDEBTEDNESS
TEST YEAR ENDED DECEMBER 31, 2023
(IN THOUSANDS, EXCEPT PERCENTAGES)

LINE NO.	LENDER (A)	DATE OF NOTE (B)	DATE OF ISSUE (C)	DATE OF MATURITY (D)	INTEREST RATE (E)	LOAN# (F)	ORIGINAL AMOUNT (G)	BALANCE AT 12/31/2022 (H)	BALANCE AT 12/31/2023 (I)	TY 2023 INTEREST EXPENSE (J)
1	CFC	12/17/03	12/18/03	09/30/23	3.69%	HI001-9005	\$8,240	\$412	\$-	\$8
2	CFC	04/30/19	04/30/19	03/31/35	2.55%	HI001-9014-001	103,134	78,215	72,705	1,930
3	CFC	02/08/20	02/25/20	12/31/49	2.76%	HI001-9019B	26,500	24,856	24,227	680
4							<u>137,874</u>	<u>103,483</u>	<u>96,932</u>	<u>2,618</u>
5	FFB	06/01/04	10/19/04	12/31/23	2.84%	B8 - 1-1	8,240	580 -	-	10
6	FFB	06/01/04	10/19/04	12/31/23	2.57%	B8 - 1-2	8,240	580 -	-	9
7	FFB	06/01/04	10/19/04	12/31/23	4.43%	B8 - 1-3	16,480	1,298 -	-	36
8							<u>32,960</u>	<u>2,458</u>	<u>-</u>	<u>55</u>
9	FFB	07/01/11	06/07/12	12/31/42	2.42%	C8#1 - 2-1	8,716	6,523	6,263	155
10	FFB	07/01/11	10/23/12	12/31/42	2.60%	C8#1 - 2-2	1,606	1,210	1,163	31
11	FFB	07/01/01	06/24/13	12/31/42	3.26%	C8#1 - 2-3	9,100	7,028	6,770	225
12	FFB	07/01/11	11/25/13	12/31/42	2.66%	C8#1 - 2-4	2,689	2,007	1,928	52
13	FFB	07/01/11	03/18/14	12/31/42	3.33%	C8#1 - 2-6	5,198	4,091	3,942	134
14	FFB	07/01/11	08/07/14	12/31/42	3.02%	C8#1 - 2-7	5,731	4,510	4,340	134
15	FFB	07/01/11	06/08/15	12/31/42	2.67%	C8#1 - 2-8	4,213	3,339	3,208	87
16	FFB	07/01/11	09/18/15	12/31/42	2.72%	C8#1 - 2-9	748	598	575	16
17	FFB	01/15/15	10/29/15	12/31/42	2.56%	C8#2 - 3-1	6,000	4,801	4,611	121
18	FFB	01/15/15	01/12/16	12/31/42	2.64%	C8#2 - 3-2	35,587	28,723	27,601	744
19							<u>79,588</u>	<u>62,830</u>	<u>60,401</u>	<u>1,699</u>
20	FFB	12/01/17	04/24/18	12/31/51	3.20%	D8 - 4-1	22,192	20,820	20,366	659
21	FFB	12/01/17	10/22/18	12/31/51	3.44%	D8 - 4-2	5,707	5,368	5,256	183
22	FFB	12/01/17	06/08/19	12/31/51	2.58%	D8 - 4-3	4,776	4,448	4,341	113
23	FFB	12/01/17	06/22/20	12/31/51	1.33%	D8 - 4-4	3,992	3,729	3,620	49
24	FFB	12/01/17	10/08/21	12/31/51	2.09%	D8 - 4-5	7,889	7,694	7,494	159
25	FFB	12/01/17	06/19/22	12/31/51	3.24%	D8 - 4-6	3,450	3,415	3,341	109
26	FFB	12/01/17	08/29/22	12/31/51	3.42%	D8 - 4-7	12,706	12,645	12,379	428
27							<u>60,712</u>	<u>58,119</u>	<u>56,797</u>	<u>1,700</u>
28	COBANK	02/08/20	02/22/21	02/20/51	2.90%	00102606 T01	18,119	17,408	17,004	506
29	COBANK	02/08/20	02/10/22	02/10/52	3.33%	00102606 T01-DS	4,900	4,812	4,713	161
30							<u>23,019</u>	<u>22,220</u>	<u>21,717</u>	<u>667</u>
31	TOTAL						\$334,153	\$249,110	\$235,847	\$6,739
32	Adjustment due to Rounding						-	-	-	-9
33	ADJUSTED TOTAL						\$334,153	\$249,110	\$235,847	\$6,730
	New Proposed Construction Work Plan Loan Funds Needed						\$ 203,400	\$ 203,400	\$ 203,400	
	LOC Available (60M Disaster, CFC \$20, CFC \$5M CoBank \$15M)						\$ 100,000	\$ 100,000	\$ 100,000	
	Outstanding Total Loan Balances						\$637,553	\$552,510	\$539,247	
	LOC Available Deduct out of Ceiling (60M Disaster, CFC \$20, CoBank \$15M)						\$ (100,000)	\$ (100,000)	\$ (100,000)	
							\$537,553	\$452,510	\$439,247	

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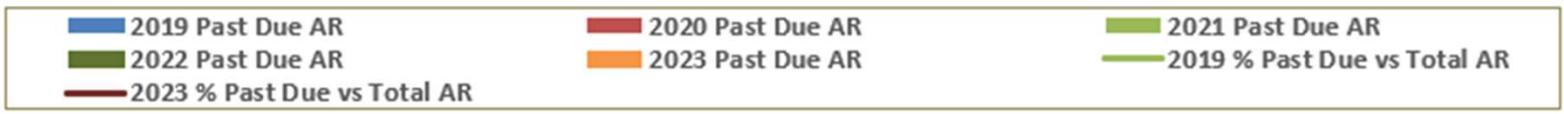
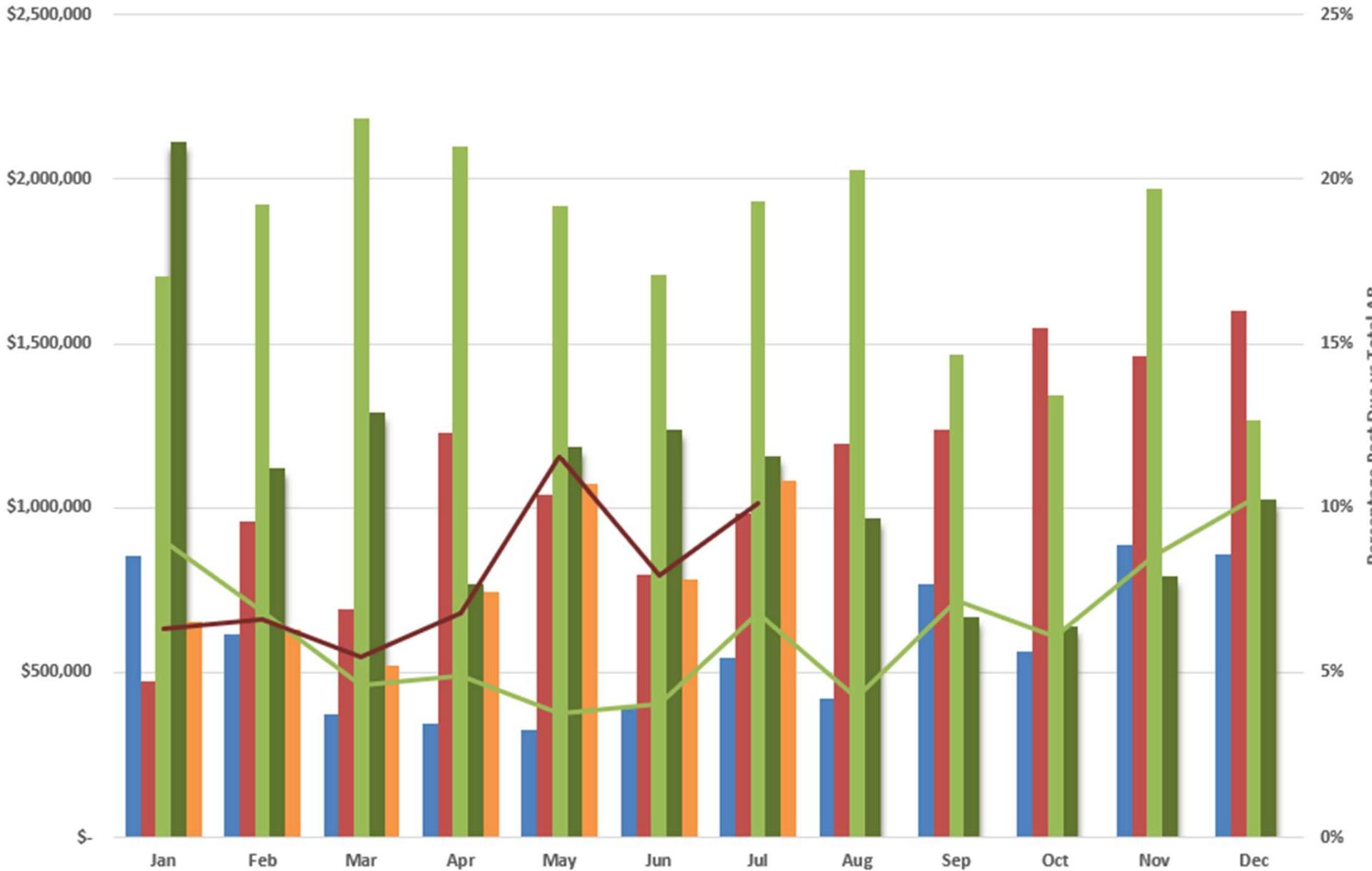
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General Ledger Financial And Operating Report Electric Distribution

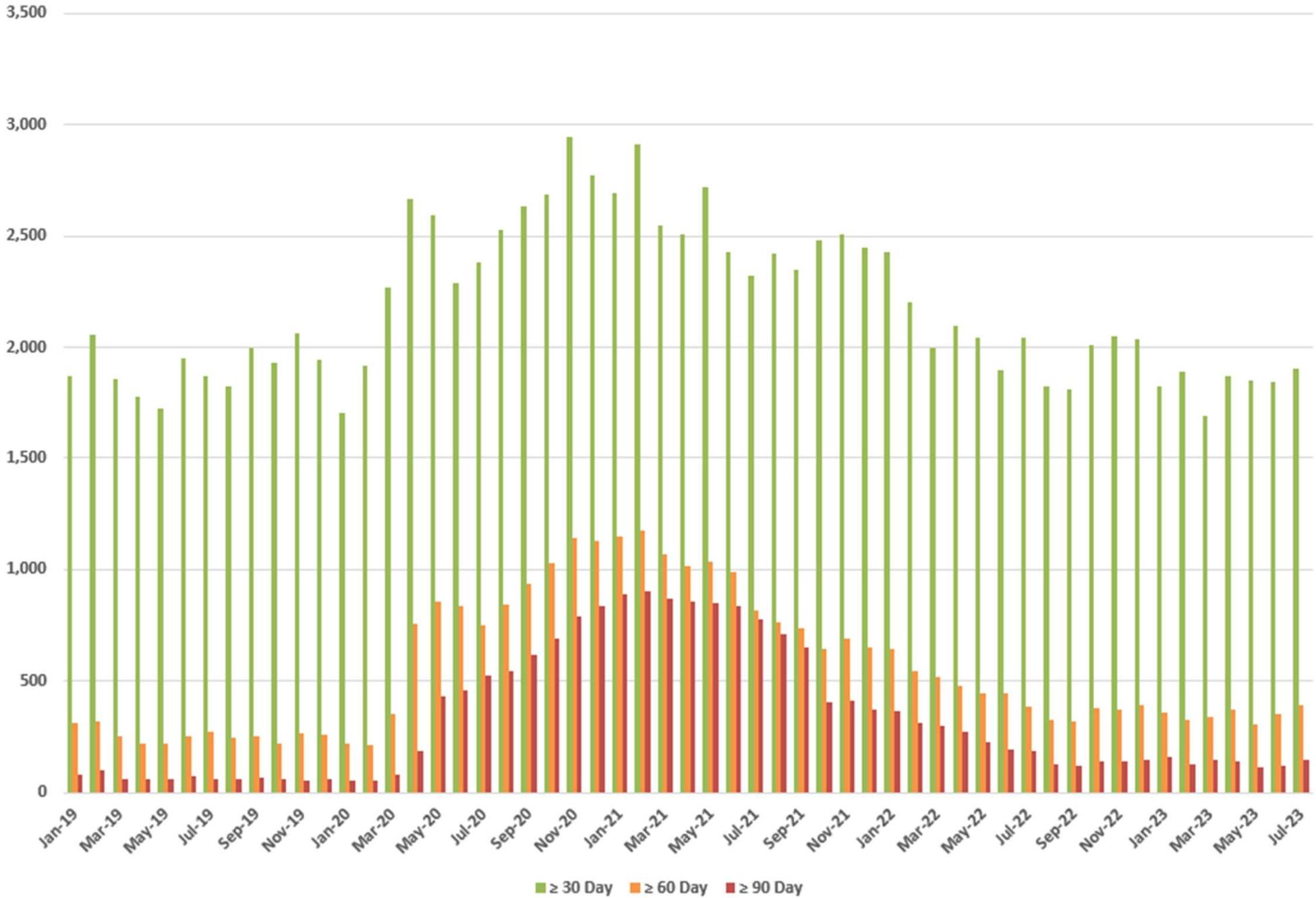
INCOME STATEMENT FOR JUL 2023

Item	-----Year - To - Date-----			-----Period - To - Date-----	
	Last Year	This Year	Budget	Current	Budget
1. Operating Revenue and Patronage Capital	100,260,484.13	95,211,285.73	100,592,375.00	14,165,819.48	16,135,835.00
2. Power Production Expense	31,306,006.82	28,938,761.05	31,100,167.00	3,681,793.03	4,846,265.00
3. Cost of Purchased Power	28,199,506.23	26,725,586.31	28,710,252.00	4,146,223.96	4,430,583.00
4. Transmission Expense	827,008.69	670,598.76	850,713.00	92,069.01	159,607.00
5. Regional Market Expense	0.00	0.00	0.00	0.00	0.00
6. Distribution Expense - Operation	1,012,169.20	998,895.68	798,354.00	252,310.92	110,457.00
7. Distribution Expense - Maintenance	2,695,504.26	2,904,757.83	2,951,429.00	332,938.83	418,557.00
8. Customer Accounts Expense	1,358,251.08	1,346,621.10	1,603,432.00	178,809.91	232,861.00
9. Customer Service and Informational Expense	165,600.42	189,345.72	295,698.00	43,409.91	60,464.00
10. Sales Expense	0.00	0.00	0.00	0.00	0.00
11. Administrative and General Expense	12,791,999.26	12,801,552.96	14,844,957.00	1,746,999.91	2,465,898.00
12. Total Operation & Maintenance Expense (2 thru 11)	78,356,045.96	74,576,119.41	81,155,002.00	10,474,555.48	12,724,692.00
13. Depreciation & Amortization Expense	9,180,769.25	9,067,437.86	9,640,753.00	1,300,615.68	1,377,250.00
14. Tax Expense - Property & Gross Receipts	2,504,914.67	2,378,553.05	2,514,809.00	354,494.48	403,396.00
15. Tax Expense - Other	5,921,591.59	5,661,183.19	5,941,361.00	843,647.17	951,594.00
16. Interest on Long-Term Debt	3,846,090.31	3,945,764.74	3,936,500.00	569,186.99	565,800.00
17. Interest Charged to Construction - Credit	0.00	0.00	0.00	0.00	0.00
18. Interest Expense - Other	0.00	0.00	166,000.00	0.00	42,000.00
19. Other Deductions	45,089.33	14,052.27	62,885.00	600.00	4,580.00
20. Total Cost of Electric Service (12 thru 19)	99,854,501.11	95,643,110.52	103,417,310.00	13,543,099.80	16,069,312.00
21. Patronage Capital & Operating Margins (1 minus 20)	405,983.02	-431,824.79	-2,824,935.00	622,719.68	66,523.00
22. Non Operating Margins - Interest	596,359.00	1,686,153.97	555,892.00	252,694.39	81,342.00
23. Allowance for Funds Used During Construction	0.00	0.00	0.00	0.00	0.00
24. Income (Loss) from Equity Investments	-445,369.56	-605,669.39	-863,012.00	-78,985.08	-46,274.00
25. Non Operating Margins - Other	86,497.05	123,379.48	111,797.00	8,990.55	15,971.00
26. Generation and Transmission Capital Credits	0.00	0.00	0.00	0.00	0.00
27. Other Capital Credits and Patronage Dividends	0.00	0.00	0.00	0.00	0.00
28. Extraordinary Items	0.00	0.00	0.00	0.00	0.00
29. Patronage Capital or Margins (21 thru 28)	643,469.51	772,039.27	-3,020,258.00	805,419.54	117,562.00
Operating - Margin	643,469.51	772,039.27	-3,020,258.00	805,419.54	117,562.00
Non Operating - Margin	0.00	0.00	0.00	0.00	0.00
Times Interest Earned Ratio - Operating	1.11	0.89			
Times Interest Earned Ratio - Net	1.17	1.20			
Times Interest Earned Ratio - Modified	1.17	1.20			

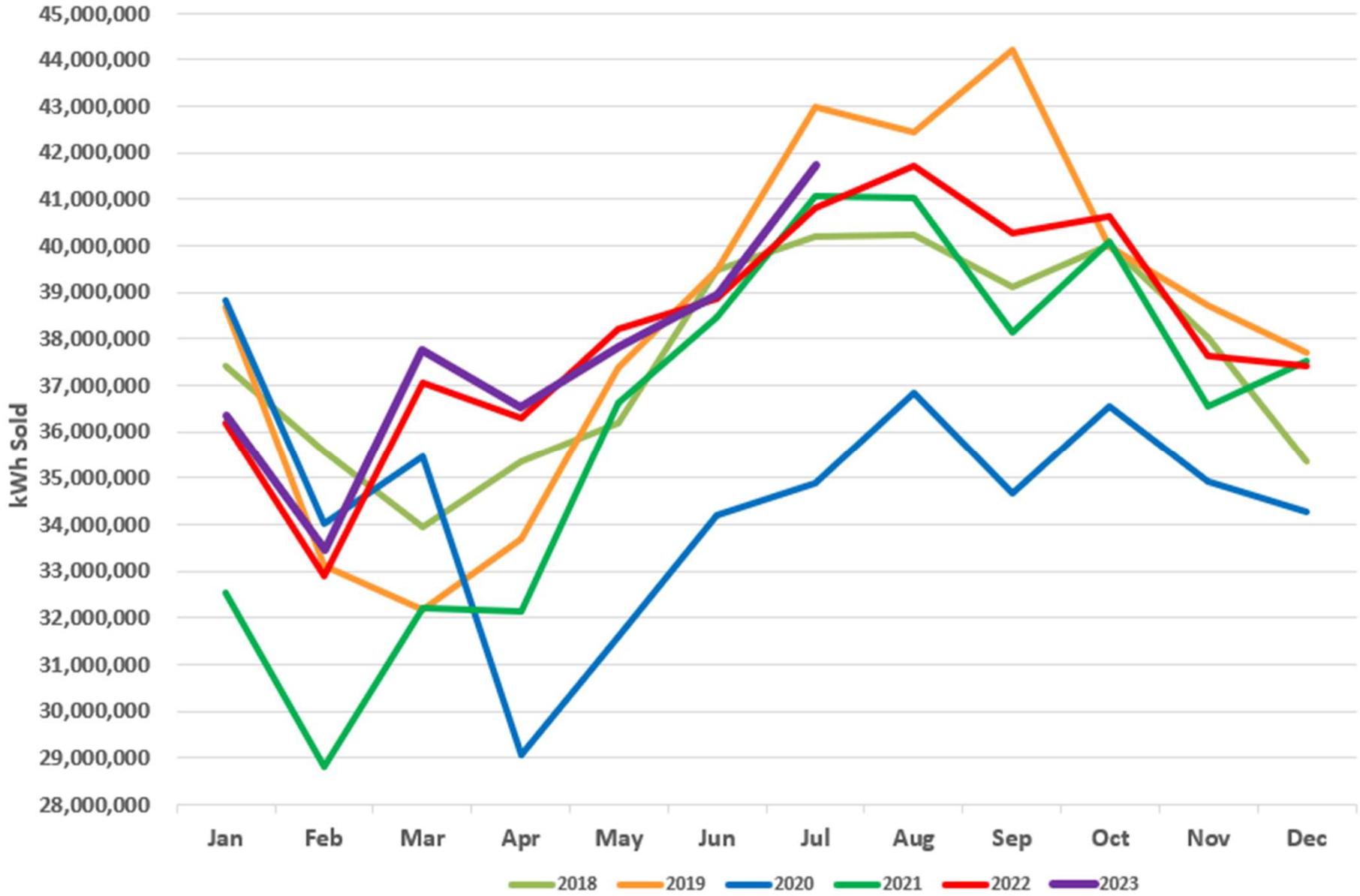
YOY > 30 days vs Total AR



Past Due Customer Count



Total kWh Sold



Treasury Management – Monthly Discussion

- Ratings:
 - No changes in Money Market Fund Rating even with the downgrade of US Government Credit Ratings for Treasury.
- Current Summary Of Investments:
- \$30M Dreyfus Funds – AAA Rating Money Market Fund very ST
 - Government MM Fund – Treasury Only
 - Stable Value type of money market (heavily regulated and makes it difficult to break the dollar)
 - 4.98% Interest Rate
- \$4.9M CFC Daily and Monthly Commercial Paper – ST to Medium Term Investment – Daily to Monthly A2 Moody and S&P A-
 - Daily Fund \$4.9M 4.60%
- \$4.9M CoBank Commercial Paper Investment – AA- Moody and S&P
 - 60-day Investment – 4.23%
- \$252,600 Central Pacific Bank – New Relationship (all setup)
 - Backup for Checking in Money Market (unlimited) account
 - 4.08%

Questions?

NRECA Board Update

July 2023



- ◆ The Environmental Protection Agency (EPA) in May, unveiled its proposal for new and existing power plants, which would further jeopardize reliability by undermining always available energy sources. The proposal would require the use of carbon capture and hydrogen technologies that are promising but not yet commercially viable. This will force the early closure of always available power plants while also making it harder to permit, site, and build critical new power plants. Since its unveiling, NRECA has taken a strategic and coordinated approach in response to the proposal to make sure EPA hears the co-op perspective as it moves to finalize the rule in 2024, including:
 - ◆ Engaged members of Congress.
 - ◆ Sent a draft letter for co-op CEOs to personalize and submit to the EPA.
 - ◆ Activated the more than 665,000 advocates of Voices for Cooperative Power, encouraging them to make their voices heard with the [click of a button](#).
 - ◆ Created a social media [toolkit](#) and hosted a webinar for co-op communicators to help them spread the word to members and employees.
 - ◆ Participated in media interviews and D.C. beltway advertising campaign.
 - ◆ Filed a robust set of comments, drafted in coordination with statewide associations, G&Ts, and distribution co-ops. NRECA's comments on the proposal alongside a set of fact sheets, talking points, and external resources can be found at www.cooperative.com/EPA111.

- ◆ With members of Congress back home in August for their annual legislative recess, NRECA rolled out a new [toolkit](#) to help co-ops plan meetings with their lawmakers to educate them about reliability concerns. The toolkit offers a step-by-step guide for inviting members of Congress to visit co-ops and includes draft press releases and social media templates for co-ops to publicize the events, as well as educational resources on co-op issues.

- ◆ With many electric cooperatives facing the threat of rolling power outages, NRECA released new [resources](#) to help co-ops communicate with their members about these unfortunate scenarios. The resources include guidance on communicating what rolling outages are and why they may be initiated during times of extreme heat. The resources were created with assistance from Cooperative Energy.

- ◆ East Central Energy (ECE) CEO Justin Jahnz spoke to the House Natural Resources Subcommittee on Water, Wildlife and Fisheries at a [hearing](#) on the Endangered Species Act (ESA). On behalf of NRECA, Jahnz provided recommendations to strengthen the ESA, noting that through “collaboration, education and awareness, electric cooperatives can begin to focus on a future where ESA is implemented in a manner that benefits both species and communities,” and citing ECE’s [experience](#) in working with federal officials to save the monarch butterfly.

- ◆ NRECA filed comments with the [EPA](#) on its proposed rule for managing power plant coal combustion residuals (CCR) and with the [Bureau](#) of Land Management on their proposal to expand federal conservation authority over public land.

Facilitating Constituent Meetings

- Congress home in August for legislative recess.
- NRECA toolkit available on cooperative.com to help co-ops plan meetings with lawmakers and educate them about reliability concerns.



Hosting Candidates at Your Co-op



New Communication Resources

- NRECA released new resources to help co-ops communicate with their members about the threat of rolling power outages.



WHAT IS A ROLLING POWER OUTAGE?

A planned, controlled outage that moves from one area to the next so power isn't out for too long in one location.

WHAT SHOULD I DO WHEN ROLLING OUTAGES ARE POSSIBLE?

You can help by reducing your energy use.

- 🌿 Raise your thermostat to 78 degrees.
- 🌿 Wait to use large appliances until the shortage ends or during off-peak energy hours.
- 🌿 Unplug unused devices and electronics.

ROLLING POWER OUTAGES ARE POSSIBLE.

Please be prepared for temporary service disruptions.

PLEASE CONSERVE ELECTRICITY NOW.

Help reduce the need for power outages in our area.

cooperative.com/straighttalk

NRECA Files Regulatory Comments

- Filed comments with the EPA on its proposed rule for managing power plant coal combustion residuals (CCR).
- Filed comments with the Bureau of Land Management on their proposal to expand federal conservation authority over public land.



July 17, 2023

Ms. Michelle Lloyd
U.S. Environmental Protection Agency
Office of Resource Conservation and Recovery
Materials Recovery and Waste Management Division
1200 Pennsylvania Avenue, NW, MC 5304T
Washington, DC 20460

Submitted via Email and to the Federal eRulemaking Portal, www.regulations.gov

Re: Docket ID No. EPA-HQ-OLEM-2020-0107 – Hazardous and Solid Waste Management System: Disposal of Coal Combustion Residuals From Electric Utilities; Legacy CCR Surface Impoundments, 88 Fed. Reg. 31,982 (May 18, 2023)

Dear Ms. Lloyd:

The National Rural Electric Cooperative Association ("NRECA") respectfully submits these comments in response to the U.S. Environmental Protection Agency ("EPA" or "Agency") proposed rule to amend the regulations governing the disposal of "coal combustion residuals" ("CCR") and establish requirements for legacy CCR surface impoundments and CCR management units.¹ NRECA is the national trade association representing nearly 900 not-for-profit electric cooperatives ("co-ops") and other rural electric utilities.

America's electric cooperatives are owned by the people that they serve and comprise a unique sector of the electric industry. From growing exurban regions to remote farming communities, electric cooperatives power one in eight Americans and serve as engines of economic development for 42 million people across 56 percent of the nation's landscape. Electric cooperatives are focused on providing affordable, reliable, and safe electric power in an environmentally responsible manner and support common sense solutions to environmental impacts.

NRECA members rely on a diverse suite of energy resources, including coal-fired generation, and thus are affected by EPA and state regulations governing the management of CCR. NRECA appreciates the opportunity to comment on the Proposed Rule. NRECA is also a member of the Utility Solid Waste Activities Group ("USWAG") and endorses the comments that USWAG has submitted on this proposal.

I. Executive Summary

EPA is proposing to establish regulatory requirements for two new classes of CCR units, inactive CCR surface impoundments at inactive power plants ("legacy CCR surface impoundments" or "legacy impoundments") and accumulations of CCR directly placed on the land at any time ("CCR management

¹ 88 Fed. Reg. 31,982 (May 18, 2023) (the "Proposed Rule").



NRECA bylaws (2013)

Section 2. Election of Director

The voting members located in a state shall elect the director from that state. The Association's chief executive officer, in consultation with the board member representing the state, shall ascertain the date, time, place and procedure for the election. If permitted by law, the procedure may include voting by mail or electronic communication. The election must be held at least ten business days prior to the annual meeting of the board of directors. At least sixty calendar days prior to a proposed election, the director representing shall propose to the chief executive officer a date, time, place and procedure for the election.

The election of the state director to serve a two year term on the NRECA board beginning after 2024 NRECA Annual meeting is scheduled to take place at the regularly scheduled KIUC Board of Directors October meeting. The meeting will be held at 1 pm on October 24, 2023 at Kauai Island Utility Cooperative and 4463 Pahee Street, Lihue, HI or by electronic communication.