

RESOLUTION NO. _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSE DECLARING THE INTENTION OF THE CITY COUNCIL TO GRANT A FRANCHISE TO TOKAY ENERGY STORAGE 1, LLC FOR THE PURPOSE OF TRANSMITTING ELECTRICITY TO PACIFIC GAS AND ELECTRIC COMPANY'S SANTA TERESA SUBSTATION; SETTING A PUBLIC HEARING FOR AUGUST 25, 2026 AT 1:30 P.M., TO HEAR ANY OBJECTIONS TO THE GRANTING OF THE FRANCHISE; AND DIRECTING THE CITY CLERK TO PUBLISH NOTICE OF THE PUBLIC HEARING

WHEREAS, Tokay Energy Storage 1, LLC ("Tokay") is developing a large-scale electric battery storage project that includes the installation and construction of electric interconnection and transmission facilities and appurtenances within the City of San José's ("City") public rights-of-way on Santa Teresa Blvd. and Martinvale Ln., connecting Tokay's approximately 100-megawatt (MW) battery energy storage facility located at 6150 San Ignacio Avenue ("Facility") to the existing Pacific Gas & Electric ("PG&E") Santa Teresa Substation; and

WHEREAS, City granted Tokay a Conditional Use Permit (CP24-015) on January 14, 2026; and

WHEREAS, Tokay has requested approval of a nonexclusive franchise for the installation and construction of electric interconnection and transmission facilities and appurtenances with City's rights-of-way from the Tokay Facility to PG&E's Santa Teresa Substation;

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SAN JOSE THAT:

1. Pursuant to City Charter Article XIII and San José Municipal Code, Chapter 15.32,

the City Council hereby declares its intent to adopt an ordinance approving the grant of a franchise to Tokay Energy Storage 1, LLC, for the installation and construction of electric interconnection and transmission facilities and appurtenances within the City's public rights-of-way on Santa Teresa Blvd. and Martinvale Ln. from the Tokay Facility to the existing PG&E Santa Teresa Substation.

2. In accordance with the provisions of the City Charter, Article XIII and San José Municipal Code, Chapter 15.32, the Council hereby declares that it will conduct a hearing on Tuesday, August 25, 2026, at 1:30 p.m., or as soon thereafter as the matter may be heard.
3. Pursuant to San José Municipal Code, Chapter 15.32, Section 15.32.040, the City Clerk is hereby directed and authorized to give notice of the matters contained in this Resolution by publication at least twice, within five (5) days after the passage of this Resolution, in a newspaper of general circulation within the City. The time fixed for such hearing shall not be less than ten (10) days nor more than twenty-five days (25) after the adoption of this Resolution.
4. At any time not later than the hour set for the hearing, any person interested may make written protest stating objections against the granting of such franchise. Such protest must be signed by the protestant and be delivered to the City Clerk. At the time set for hearing objections, the Council shall proceed to hear and pass upon all protests so made, and its decision shall be final and conclusive. The Council may adjourn said hearing from time to time.
5. If no protest in writing shall have been delivered to the City Clerk up to the hour set for hearing, or such protests as shall have been filed shall have been heard and determined by the Council to be insufficient, or shall have been overruled or

denied, the Council may adopt an ordinance granting such franchise upon the terms provided in the application or upon such other terms and conditions as it deems for the public interest.

ADOPTED this _____ day of _____, 2026, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

MATT MAHAN
Mayor

ATTEST:

TONI J. TABER, MMC
City Clerk