





## **I. DIFFERENCES BETWEEN PUBLIC REPORTING TEMPLATE AND the RDT**

CPA notes the below differences between its Public Reporting Template and the RDT.

These differences reflect changes in contractual obligations and delays:

- Rows 12 and 13 of the Public Reporting Template reflect two contracts that were not executed at the time of IRP submission, and therefore not included in CPA's IRP RDT submission. These are Estrella (CPUC ID CPA50064) and Daggett (CPUC ID CPA50065). They are both solar + storage projects, thus listed as New\_Hybrid in the Resource field.
- The Arlington project (CPUC ID CPA50005) information reflected in the template differs from CPA's IRP submission. This initial IRP submission included this resource as solar only, however CPA has since amended the agreement to include storage. This is thus listed as New\_Hybrid in the Resource field.
- The Arlington project (CPUC ID CPA5005) will come online in phases. The first 100 MW of solar PV will be online by 12/31/2021. The 132 MW of storage will come online along with an additional 32 MW of solar by 8/1/2022 (this ensures enough PV capacity to charge the battery). The full capacity of 233 MW solar should be online by 12/31/2022.
- The Mojave County Wind Farm project (CPUC ID CPA70002) is an out-of-state resource. Thus, NQC is not assigned by CAISO, so an indicative NQC is provided for August and September based on ELCC values. However, the actual RA capacity that CPA will count is limited by the Import Allocation Rights that CPA is able to procure. To date, CPA has secured 3 MW for August 2021 and 2 MW for September 2021.

- The High Desert Solar + Storage project (CPUC ID CPA50004) has reported experiencing delays due to a need to re-procure inverters because of the 2020 executive order limiting imports of Chinese equipment, as well as shipping delays related to COVID 19. To date CPA has not received a formal claim from the developer to delay the Commercial Operation Date (COD) beyond the original COD listed in September 2020 IRP submission. Importantly, the Construction Start Date milestone is complete.
- The Luna Storage project has reported experiencing delays related to COVID 19 impacts. Luna Storage claimed a Force Majeure event on December 7, 2020 which alleged broad delays in its supply chain (December FM Notice). However, CPA rejected this December FM Notice because it failed to cite specific causes for delays, and Luna Storage was able to mitigate the impacts to the development timeline. Subsequently, on January 28, 2021, Luna provided a second Force Majeure notice (January FM Notice) citing COVID 19-related delays to both a supplier's ability to manufacture inverters and Luna Storage's Engineering, Procurement, and Construction (EPC) contractor's ability to deliver inverters on time. Luna has provided copies of both upstream Force Majeure notices. Given that this January FM Notice was provided on January 28, 2021, CPA has not fully evaluated the claim or assessed the impact to COD; however, the January FM Notice indicates that the Luna Storage project may experience a delay to COD of up to six weeks, for a new potential COD of September 11, 2021. Since Luna Storage has completed the Construction Start Date milestone, thus no remediation plan is being submitted.

- The Terra-Gen Sanborn standalone storage project has reported a delay to its COD and has not completed the Construction Start Date milestone. A remediation plan is included for this resource.

## **II. REMEDIATION PLAN FOR TERRA-GEN SANBORN PROJECT**

The Terra-Gen Sanborn project has reported a delay to construction start due to delays in permitting. The two reported delayed permits are for the gen-tie line for underground crossing of a high-voltage line and for crossing over an aqueduct. Both are controlled by the Los Angeles Department of Water and Power (“LADWP”). Terra-Gen has indicated that it has made efforts to seek approvals from LADWP. However, Terra-Gen reports that both gen-tie crossing approvals did not receive sufficient LADWP staff attention until January 2021. Without permits, Terra-Gen reports that it has been unable to finalize financing for construction, which has delayed the construction start date. As explained below, due to the recent progress in obtaining the permits, CPA understands that the Sanborn project should achieve COD by August 15, 2021.

Contract provision Section 4a of Exhibit B of the Energy Storage Agreement (ESA) with Sanborn allows for up to 180 days of excused delays due to permitting. This is a standard market provision for long-term contracting with new build resources. However, if the permitting delay exhausts the full 180 days of excused delays under the ESA, the Construction Start milestone could occur as late as April 30, 2021. This could push the COD milestone to as late as January 28, 2022.

Nonetheless, Terra-Gen has consistently restated its commitment to bring Sanborn online as early as possible given the delays, and contingency time built into the original development schedule is being utilized to the full extent. In addition, CPA has supported Terra-Gen where possible and appropriate with regard to LADWP’s permit applications for the two crossings. On

December 14, 2020, CPA's Executive Director Ted Bardacke met with Reiko Kerr, Senior Assistant General Manager, Power System Engineering, Planning and Technical Services at LADWP to emphasize the significance of this project for CPA.

Subsequently, CPA understands that the applications for both permits have progressed. LADWP has since assigned staff to provide final reviews and approvals for the two crossings. Terra-Gen reports that it has engaged a third-party consultant to work with LADWP to facilitate the permitting. With the progress made to date, continued progress in the permitting process, and utilizing all contingency time in the development timeline, Terra-Gen expects Construction Start Date for the Sanborn project to occur on March 1, 2021, and achieve COD by August 15, 2021.

### **III. COMPLIANCE FILING DOCUMENTS INCLUDED AS ATTACHMENTS TO THIS FILING**

CPA is submitting both public and confidential versions of the Compliance Filing. The public version of CPA's Compliance Filing consists of the following documents in addition to this pleading:

- Attachment A: CPA Verification
- Attachment B: CPA Public Reporting Template
- Attachment C: CPA Notice of Availability of Supporting Documentation [Public Version].

The confidential version of CPA's Compliance Filing consists of Attachment A and Attachment B, with supporting documentation as required to demonstrate resources have achieved certain Milestones as defined in Decision 20-12-044 (Attachment C – [Confidential] Supporting Documentation). CPA provides its justification for confidential treatment of the

Supporting Documentation in its motion to file under seal, which is being filed concurrently with this Compliance Filing.

**IV. CONCLUSION**

CPA thanks the Commission for its time and effort establishing the incremental procurement structure and its review of CPA's Compliance Filing.

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Respectfully submitted,

*/s/ Natasha Keefer*

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Attachment A: CPA Verification  
Attachment B: CPA Public Reporting Template for Backstop Procurement  
Attachment C [Public]: CPA Notice of Availability of Public Supporting Documentation  
Attachment C [Confidential]: CPA Confidential Supporting Documentation