

DOCKETED

Docket Number:	24-OPT-05
Project Title:	Corby Battery Energy Storage System Project
TN #:	272784
Document Title:	Alicia Minyen Comments - Opposition - Corby BESS
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*Comment Received From: Alicia Minyen
Submitted On: 9/14/2026
Docket Number: 24-OPT-05*

Opposition - Corby BESS

Please see my attached request for an investigation to be conducted by the California Attorney General.

Additional submitted attachment is included below.

Corby Battery Energy Storage System Project (24-OPT-05)

I'm requesting that the CEC deny the Corby project and direct the California State Attorney General to conduct an investigation for potential conspiracy to commit fraud, including mail and wire fraud.

Redflags for Potential Fraud

The attached email dated June 15, 2022, from an agent of NextEra to MCE states that NextEra has two BESS projects (Corby and Key) in the "advanced stages of development." In reality, no application was made to Solano County for a BESS project at this time. In fact, in June 2022, I do not believe that NextEra had yet taken ownership of the land on which Corby would be placed.

Essentially, NextEra was seeking buyers for the Corby project although it knew or should have known that the Corby project was located on agricultural zoned land subject to Measure T, a measure that protects agricultural land whereby the BESS project would have otherwise been rejected since it did not comply with Solano County's zoning and general plan.

On or about June 30, 2022, AB 205, a budget trailer bill, was passed, essentially taking the local authority's discretion away on determining where BESS projects are placed. Consequently, agents of NextEra were actively marketing the Corby project to MCE, among others, during a time that the project would have been rejected absent AB 205. Also, the timing of AB 205 appears suspicious considering the legislature would vote to remove the discretion of harmful and controversial BESS projects from local elected officials just two weeks after agents of NextEra were marketing a noncompliant project to MCE.

In and about May 2023, NextEra paid MCE a deposit in the amount of \$300k for the Corby and another BESS project, despite the Corby project not complying with Solano County's general plan and zoning and without MCE's board approving the contract with Corby.

Based on representations from MCE, they were not made aware of Corby being potentially noncompliant with Solano County's general plan and zoning since MCE stated they were not responsible for making such an assessment. In fact, MCE's Joint Powers Agreement prohibits projects that violates a member's general plan and zoning. For this reason alone, the Corby project could have been rejected.

The aforementioned fact pattern raises many questions and concerns, which warrant an investigation by law enforcement given the potential that a noncompliant project may have been improperly marketed to MCE and possibly to another CCA, CleanPowerSF. Additionally, I believe that an investigation is warranted in case the Governor's office held inappropriate meetings and negotiations with agents of NextEra with regard to Corby. It's compelling that AB 205 was a budget trailer bill, which appeared to create a back-door avenue to legitimize the permitting of an otherwise noncompliant project.

Sincerely,

Alicia Minyen
Resident of Vacaville

CC: Federal Bureau of Investigation (FBI) San Francisco Field Office
430 Golden Gate Ave., 13th Floor, San Francisco, CA 94102

RE: Long Duration Storage Indicative Pricing

From: David Potovsky <dpotovsky@mcecleanenergy.org>

Thu, Jun 16, 2022 at 8:38 AM PDT (GMT-07:00)

To: Beatty, Ted <Ted.Beatty@nexteraenergy.com>

Cc: Shandalov, Jim <Jim.Shandalov@nexteraenergy.com>

Thanks Ted. We will be in touch



David Potovsky (he/him)

Principal Power Procurement Manager

415.464.6652 | dpotovsky@mcecleanenergy.org

mceCleanEnergy.org



From: Beatty, Ted <Ted.Beatty@nexteraenergy.com>

Sent: Wednesday, June 15, 2022 11:55 PM

To: David Potovsky <dpotovsky@mcecleanenergy.org>

Cc: Shandalov, Jim <Jim.Shandalov@nexteraenergy.com>

Subject: Long Duration Storage Indicative Pricing

Hi Dave,

As a follow up to your discussions with Jim, indicative pricing for a 30 MW x 8 hr duration standalone energy storage project with a 4/1/2026 COD and 15-yr term is going to be in the [REDACTED]/kW-mo range. Additionally, we could offer lower pricing with a 20-yr term. Note, this price range does not reflect potential impacts to financing costs from today's Federal Reserve decision to increase short term interest rates by 75 bps.

We have a couple of energy storage projects in advanced stages of development and currently available to meet your needs:

Corby Storage: Located in Vacaville, Solano County, CA (NP15); Proxy Pnode: [REDACTED]; CAISO Queue position: Q1270 [REDACTED] executed LGIA

Key Storage: Located in Huron, Fresno County, CA (ZP26); Proxy Pnode: [REDACTED]; CAISO Queue position: Q1479 [REDACTED] executed LGIA

Please let me know if either of these projects are of interest to MCE and I can follow up with more project details and pricing.

Also, we are working on the Palm Springs wind pricing and expect to have that to you next week.

Best regards,

Ted

Ted Beatty

Executive Director – Renewable Origination

NEXTERA Energy Resources, LLC

One California Street, San Francisco, CA 94111



RE: MCE's 2023 Open Season - notice of consideration for shortlisting - NextEra (Key)

From: Paul Krebs <pkrebs@mcecleanenergy.org>

Fri, Jun 9, 2023 at 10:23 AM PDT (GMT-07:00)

To: Foster, Will <William.Foster@nexteraenergy.com>

Cc: David Potovsky <dpotovsky@mcecleanenergy.org>; Beatty, Ted <Ted.Beatty@nexteraenergy.com>; Anne-Reed Arnaudo <aarnaudo@mcecleanenergy.org>

Bcc: Garth Salisbury <gsalisbury@mcecleanenergy.org>; Efren Oxlaj <eoxlaj@mcecleanenergy.org>

Hi Will,

We've received the wire in the correct amount for Corby and Key.

We should have a draft of the Corby agreement to you by early next week.

Our thinking is that the main commercial terms should be similar between the Corby and Key agreements and starting with Corby should help frame the Key agreement.



Paul Krebs (he/him)

Power Procurement Manager

(415) 464-6653 | pkrebs@mcecleanenergy.org

mceCleanEnergy.org



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From: Foster, Will <William.Foster@nexteraenergy.com>

Sent: Monday, June 5, 2023 8:44 AM

To: Paul Krebs <pkrebs@mcecleanenergy.org>

Cc: David Potovsky <dpotovsky@mcecleanenergy.org>; Beatty, Ted <Ted.Beatty@nexteraenergy.com>; Garth Salisbury <gsalisbury@mcecleanenergy.org>; Efren Oxlaj <eoxlaj@mcecleanenergy.org>

Subject: RE: MCE's 2023 Open Season - notice of consideration for shortlisting - NextEra (Key)

Thanks Paul,

I sent this through to our payments department again last week. Let us know when you receive the deposit.

Best,
Will

From: Paul Krebs <pkrebs@mcecleanenergy.org>

Sent: Thursday, June 1, 2023 3:53 PM

To: Foster, Will <William.Foster@nexteraenergy.com>

Cc: David Potovsky <dpotovsky@mcecleanenergy.org>; Beatty, Ted <Ted.Beatty@nexteraenergy.com>; Garth Salisbury <gsalisbury@mcecleanenergy.org>; Efren Oxlaj <eoxlaj@mcecleanenergy.org>

Subject: RE: MCE's 2023 Open Season - notice of consideration for shortlisting - NextEra (Key)

Will,

Please find the following documents attached to this email:

- Completed New Vendor Packet
- MCE's W9
- Incoming Wire Transfer Instructions

Please let me know if you have any questions.

Thanks.



Paul Krebs (he/him)

Power Procurement Manager

(415) 464-6653 | pkrebs@mcecleanenergy.org

mceCleanEnergy.org



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From: Foster, Will <William.Foster@nexteraenergy.com>

Sent: Wednesday, May 31, 2023 2:36 PM

To: Paul Krebs <pkrebs@mcecleanenergy.org>

Cc: David Potovsky <dpotovsky@mcecleanenergy.org>; Beatty, Ted <Ted.Beatty@nexteraenergy.com>; Finance <finance@mcecleanenergy.org>

Subject: RE: MCE's 2023 Open Season - notice of consideration for shortlisting - NextEra (Key)

Hey Paul,

I spoke too soon. Our payment department just let me know they aren't able to process the wire to the account we have on file due to some internal departmental access barriers. (The wind deal was not a greenfield site, so the account is tied into a different NextEra department.)

Are you able to fill out the new vendor form (reattached here) so we can get the wire sent over to your Outside Collateral Account?

Best,
Will

From: Foster, Will
Sent: Wednesday, May 31, 2023 12:55 PM
To: Paul Krebs <pkrebs@mcecleanenergy.org>
Cc: David Potovsky <dpotovsky@mcecleanenergy.org>; Beatty, Ted <Ted.Beatty@nexteraenergy.com>; Finance <finance@mcecleanenergy.org>
Subject: RE: MCE's 2023 Open Season - notice of consideration for shortlisting - NextEra (Key)

Thanks Paul,

Sounds like a plan. Our payment folks are processing this now.

Best,
Will

From: Paul Krebs <pkrebs@mcecleanenergy.org>
Sent: Wednesday, May 31, 2023 12:29 PM
To: Foster, Will <William.Foster@nexteraenergy.com>
Cc: David Potovsky <dpotovsky@mcecleanenergy.org>; Beatty, Ted <Ted.Beatty@nexteraenergy.com>; Finance <finance@mcecleanenergy.org>
Subject: RE: MCE's 2023 Open Season - notice of consideration for shortlisting - NextEra (Key)

Will,

Please use the account that you have on file.

Thanks.



Paul Krebs (he/him)

Power Procurement Manager

(415) 464-6653 | pkrebs@mcecleanenergy.org

mceCleanEnergy.org



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From: Foster, Will <William.Foster@nexteraenergy.com>
Sent: Wednesday, May 31, 2023 11:55 AM
To: Paul Krebs <pkrebs@mcecleanenergy.org>

Cc: David Potovsky <dpotovsky@mcecleanenergy.org>; Beatty, Ted <Ted.Beatty@nexteraenergy.com>

Subject: RE: MCE's 2023 Open Season - notice of consideration for shortlisting - NextEra (Key)

Hey Paul,

Following up on our call. The MCE account that we currently have in our system does not match the MCE Outside Collateral Account listed in the Incoming Wire Instructions PDF. We have a few options for getting this deposit over to you:

1. Send to the account that we currently have listed in our system (Used for our recent wind PPA together, account number ending in [REDACTED])
2. MCE can fill out our new vendor form (attached) which will allow us to direct the wire to the account listed in the Wire Instructions.

Let me know how you'd like to proceed.

Best,
Will

From: Foster, Will

Sent: Tuesday, May 30, 2023 5:11 PM

To: Paul Krebs <pkrebs@mcecleanenergy.org>

Cc: David Potovsky <dpotovsky@mcecleanenergy.org>; Beatty, Ted <Ted.Beatty@nexteraenergy.com>

Subject: RE: MCE's 2023 Open Season - notice of consideration for shortlisting - NextEra (Key)

Thanks Paul,

Looks great. Yes, we're still planning to post cash. I'll have the wire initiated shortly.

Should we expect draft PPAs from MCE once the wire has been received?

Best,
Will

From: Paul Krebs <pkrebs@mcecleanenergy.org>

Sent: Tuesday, May 30, 2023 4:27 PM

To: Foster, Will <William.Foster@nexteraenergy.com>

Cc: David Potovsky <dpotovsky@mcecleanenergy.org>

Subject: RE: MCE's 2023 Open Season - notice of consideration for shortlisting - NextEra (Key)

Will,

Please find the fully executed Exclusive Negotiating Agreements for the Corby as well as the Key project.

As a condition of MCE's obligations under the Exclusive Negotiating Agreement for **Corby**, Respondent agrees to provide MCE with a deposit in the form of either (a) cash or (b) a letter of credit in a form reasonably acceptable to MCE in the amount of **Three Hundred Thousand Dollars (\$300,000)** (the "Shortlist Deposit") within three (3) business days of Respondent's countersignature of this Exclusive Negotiating Agreement.

As a condition of MCE's obligations under the Exclusive Negotiating Agreement for **Key**, Respondent agrees to provide MCE with a deposit in the form of either (a) cash or (b) a letter of credit in a form reasonably acceptable to MCE in the amount of **One Hundred and Five Thousand Dollars (\$105,000)** (the "Shortlist Deposit") within three (3) business days of Respondent's countersignature of this Exclusive Negotiating Agreement.

Is NextEra still planning to post in cash?

If so, please see the wiring instructions for MCE's collateral account.



Paul Krebs (he/him)

Power Procurement Manager

(415) 464-6653 | pkrebs@mcecleanenergy.org

mceCleanEnergy.org



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From: Foster, Will <William.Foster@nexteraenergy.com>

Sent: Tuesday, May 30, 2023 12:26 PM

To: Paul Krebs <pkrebs@mcecleanenergy.org>

Cc: David Potovsky <dpotovsky@mcecleanenergy.org>

Subject: RE: MCE's 2023 Open Season - notice of consideration for shortlisting - NextEra (Key)

Hey Paul,

Thanks for checking, and hope you had a great holiday. See attached, just got these back a few moments ago.

Let me know if you need anything else to execute.

Best,
Will

From: Paul Krebs <pkrebs@mcecleanenergy.org>

Sent: Tuesday, May 30, 2023 9:57 AM

To: Foster, Will <William.Foster@nexteraenergy.com>

Cc: David Potovsky <dpotovsky@mcecleanenergy.org>

Subject: RE: MCE's 2023 Open Season - notice of consideration for shortlisting - NextEra (Key)

Hi Will,

Any update?

Thanks.



Paul Krebs (he/him)

Power Procurement Manager

(415) 464-6653 | pkrebs@mcecleanenergy.org

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From: Foster, Will <William.Foster@nexteraenergy.com>

Sent: Friday, May 26, 2023 1:59 PM

To: Paul Krebs <pkrebs@mcecleanenergy.org>

Subject: RE: MCE's 2023 Open Season - notice of consideration for shortlisting - NextEra (Key)

Hey Paul, quick update on this. We were trying to get these documents turned around to you today but our signatory is out on vacation right now. I'm checking if we can find someone else with the right authorization today, but otherwise we're hoping to get this back to you on Tuesday.

Enjoy the long weekend!

From: Paul Krebs <pkrebs@mcecleanenergy.org>

Sent: Thursday, May 25, 2023 2:06 PM

To: Foster, Will <William.Foster@nexteraenergy.com>

Cc: David Potovsky <dpotovsky@mcecleanenergy.org>; Beatty, Ted <Ted.Beatty@nexteraenergy.com>; Shandalov, Jim <Jim.Shandalov@nexteraenergy.com>

Subject: RE: MCE's 2023 Open Season - notice of consideration for shortlisting - NextEra (Key)

Thanks for the update, Will.

I'll be on the lookout for the partially executed copy and will facilitate execution on MCE's side.



Paul Krebs (he/him)

Power Procurement Manager

(415) 464-6653 | pkrebs@mcecleanenergy.org

mceCleanEnergy.org



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From: Foster, Will <William.Foster@nexteraenergy.com>

Sent: Thursday, May 25, 2023 2:04 PM

To: Paul Krebs <pkrebs@mcecleanenergy.org>

Cc: David Potovsky <dpotovsky@mcecleanenergy.org>; Beatty, Ted <Ted.Beatty@nexteraenergy.com>; Shandalov, Jim <Jim.Shandalov@nexteraenergy.com>

Subject: RE: MCE's 2023 Open Season - notice of consideration for shortlisting - NextEra (Key)

Thanks Paul,

We're reviewing these for signature now. Will get you a signed version for execution asap.

Best,
Will

From: Paul Krebs <pkrebs@mcecleanenergy.org>

Sent: Wednesday, May 24, 2023 1:32 PM

To: Shandalov, Jim <Jim.Shandalov@nexteraenergy.com>

Cc: David Potovsky <dpotovsky@mcecleanenergy.org>; Foster, Will <William.Foster@nexteraenergy.com>; Beatty, Ted <Ted.Beatty@nexteraenergy.com>

Subject: RE: MCE's 2023 Open Season - notice of consideration for shortlisting - NextEra (Key)

Hi Jim,

Attached is a proposed Execution Version of the NextEra (Key) Exclusive Negotiating Agreement (ENA) with the May 4 Term Sheet included as Exhibit A and a pdf comparison against the Corby ENA.

I have addressed the ENA to Will Foster, but feel free to change it if you prefer to have it addressed to someone else at NextEra. Similarly, the ENA is dated for today, but this can be updated.

Please let me know if you have any questions.

Thanks.



Paul Krebs (he/him)

Power Procurement Manager

(415) 464-6653 | pkrebs@mcecleanenergy.org

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From: Shandalov, Jim <Jim.Shandalov@nexteraenergy.com>
Sent: Monday, May 8, 2023 3:28 PM
To: Foster, Will <William.Foster@nexteraenergy.com>; Beatty, Ted <Ted.Beatty@nexteraenergy.com>
Cc: Paul Krebs <pkrebs@mcecleanenergy.org>; David Potovsky (<dpotovsky@mceCleanEnergy.org>
<dpotovsky@mcecleanenergy.org>
Subject: FW: MCE's 2023 Open Season - notice of consideration for shortlisting - NextEra (Key)

Thanks, Dave. Ted and Will will take this forward, and I look forward to getting started as well.

In terms of next steps on Corby, do you plan to shortly issue a redline and exclusivity agreement on that one as well? Thanks

Jim Shandalov
925-285-2510

From: David Potovsky <dpotovsky@mcecleanenergy.org>
Sent: Monday, May 8, 2023 1:52 PM
To: Shandalov, Jim <Jim.Shandalov@nexteraenergy.com>
Cc: Paul Krebs <pkrebs@mcecleanenergy.org>; David Potovsky <dpotovsky@mcecleanenergy.org>
Subject: MCE's 2023 Open Season - notice of consideration for shortlisting - NextEra (Key)

Jim –

Attached are the term sheet and exclusive negotiating agreement for Key.

Looking forward to getting started.

Thanks,
David



David Potovsky (he/him)

Manager of Power Resources | 415.464.6652

dpotovsky@mcecleanenergy.org

mceCleanEnergy.org



MCE is committed to protecting customer privacy. Learn more at: <https://www.mceCleanEnergy.org/privacy/>

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