

DOCKETED	
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November 16, 2022

California Energy Commission
Attention: Eric Knight, Manager, Siting & Environmental Office
715 P Street
Sacramento, CA 95814

Dear Mr. Knight,

In connection with its Application for Certification for the Fountain Wind Project in Shasta County, California, Fountain Wind, LLC certifies that it will comply with the prevailing wage and workforce requirements set forth in Assembly Bill 205 ("AB 205"), including that (1) all construction workers employed on the project will be paid at least the general prevailing rate of per diem wages or apprenticeship wages, as applicable, in accordance with Public Resources code section 25545.3.3, and (2) a skilled and trained workforce will be used to perform all construction work on the project, in accordance with Public Resources code section 25545.3.5.

Specifically, Fountain Wind, LLC certifies as follows:

1. Prevailing Wages:

- a. The prevailing wage requirement of AB 205 will be included in all contracts for the performance of all construction work.
- b. All contractors and subcontractors will be required to pay to all construction workers employed in the construction of the project at least the general prevailing rate of per diem wages or the applicable apprentice prevailing rate, as applicable.
- c. All contractors and subcontractors performing construction work on the project will be required to employ apprentices at no less than the ratio required in Section 1777.5 of the Labor Code.
- d. All contractors and subcontractors performing construction work will maintain and verify payroll records pursuant to Section 1776 of the Labor Code, make those records available for inspection and copying as provided therein, and furnish those payroll records to the Labor Commissioner pursuant to Section 1771.4 of the Labor Code.
- e. The obligation of the contractors and subcontractors to pay prevailing wages and employ apprentices may be enforced by the Labor Commissioner through the issuance of a civil wage and penalty assessment pursuant to Section 1741 of the Labor Code, which may be reviewed pursuant to Section 1742 of the Labor Code, within 18 months after the completion of the project, or by an underpaid worker through an administrative complaint or civil action, or by a joint labor-management committee through a civil action under Section 1771.2 of the Labor Code. If a civil wage and penalty assessment is issued, the contractor, subcontractor, and surety on a bond or bonds issued to secure the payment of wages covered by the assessment will be liable for liquidated damages pursuant to Section 1742.1 of the Labor Code.

- f. Alternatively, all contractors and subcontractors performing construction work on the project may be subject to a project labor agreement, which would include the following. If the project is subject to a project labor agreement, then sections 1.d and 1.e, above, do not apply:
 - i. Provisions requiring payment of prevailing wages to all construction workers employed in the construction of the project and for enforcement of that obligation through an arbitration procedure.
 - ii. Targeted hiring provisions, including a targeted hiring plan, on a craft-by-craft basis to address job access for local, disadvantaged, or underrepresented workers, as defined by a relevant local agency.
 - iii. Apprenticeship utilization provisions that commit all parties to increasing the share of work performed by state-registered apprentices above the state-mandated minimum ratio required in Section 1777.5 of the Labor Code.
 - iv. Apprenticeship utilization provisions that commit all parties to hiring and retaining a certain percentage of state-registered apprentices that have completed the Multi-Craft Core pre-apprenticeship training curriculum referenced in subdivision (t) of Section 14005 of the Unemployment Insurance Code.


2. Skilled and Trained Workforce:

- a. All contracts for the performance of work will require that every contractor and subcontractor at every tier will individually use a skilled and trained workforce to construct the project.
- b. Every contractor and subcontractor will be required to use a skilled and trained workforce to construct the project.
- c. Contractors and subcontractors that fail to use a skilled and trained workforce will be subject to the penalties provided in Section 2603 of the Public Contract Code. Penalties for a contractor's or subcontractor's failure to comply with the requirement to use a skilled and trained workforce may be assessed by the Labor Commissioner within 18 months of completion of the project using the same procedures for issuance of civil wage and penalty assessments pursuant to Section 2603 of the Public Contract Code. Penalties shall be paid to the State Public Works Enforcement Fund.
- d. Fountain Wind, LLC will retain records, including copies of monthly reports, that demonstrate compliance with Chapter 2.9 (commencing with Section 2600) of Part 1 of Division 2 of the Public Contract Code while the project or contract is being performed and for three years after completion of the project or contract. Fountain Wind, LLC will submit these records immediately upon request of the commission. When submitted to the commission, these records shall be a public record under the California Public Records Act (Chapter 3.5 (commencing with Section 6250) of Division 7 of Title 1 of the Government Code) and shall be open to public inspection.
- e. Alternatively, all contractors and subcontractors performing work on the project may be subject to a project labor agreement, which would include the following. If the project is subject to a project labor agreement, then sections 2.c and 2.d, above, do not apply:
 - i. Provisions requiring compliance with the skilled and trained workforce requirement and for enforcement of that obligation through an arbitration procedure.

- ii. Targeted hiring provisions, including a targeted hiring plan, on a craft-by-craft basis to address job access for local, disadvantaged, or underrepresented workers, as defined by a local agency.
- iii. Apprenticeship utilization provisions that commit all parties to increasing the share of work performed by state-registered apprentices above the state-mandated minimum ratio required in Section 1777.5 of the Labor Code.
- iv. Apprenticeship utilization provisions that commit all parties to hiring and retaining a certain percentage of state-registered apprentices that have completed the Multi-Craft Core pre-apprenticeship training curriculum referenced in subdivision (t) of Section 14005 of the Unemployment Insurance Code.

Fountain Wind, LLC looks forward to working with the CEC regarding its Application for Certification for the Fountain Wind Project.

Yours Sincerely,

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DocuSigned by:

Sara Parsons

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Sara Parsons

Vice President, Development/Commercial Services

DocuSigned by:

Stephanie La Pier

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Stephanie La Pier

Authorized Representative