| DOCKETED | |
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| Docket Number: | 23-BUSMTG-01 |
| Project Title: | Business Meeting Agendas, Transcripts, Minutes, and Public Comments |
| TN #: | 253613 |
| Document Title: | Resolutions and Orders of the December 13, 2023 Business Meeting |
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| Submitter Role: | Commission Staff |
| Submission Date: | 12/14/2023 12:22:27 PM |
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STATE ENERGY RESOURCES CONSERVATION AND DEVELOPMENT COMMISSION

RESOLUTION: Telos Energy, Inc.

RESOLVED, that the State Energy Resources Conservation and Development Commission (CEC) adopts the staff CEQA findings contained in the Agreement or Amendment Request Form (as applicable); and

RESOLVED, that the CEC approves agreement approving amendment #1 to contract 800-22-004 with Telos Energy, Inc. to extend the contract and add supplemental funds of \$500,000, for continued support with electricity supply system models to better perform the analysis required by SB 846 (Stats. 2022, ch. 239); and

FURTHER BE IT RESOLVED, that the Executive Director or their designee shall execute the same on behalf of the CEC.

CERTIFICATION

The undersigned Secretariat to the CEC does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the CEC held on December 13, 2023.

AYE: Hochschild, Gunda, McAllister, Monahan, Gallardo NAY: NONE ABSENT: NONE ABSTAIN: NONE

Dated: December 14, 2023

SIGNED BY:

STATE ENERGY RESOURCES CONSERVATION AND DEVELOPMENT COMMISSION

RESOLUTION: Rincon Band of Luiseño Indians

RESOLVED, that the State Energy Resources Conservation and Development Commission (CEC) adopts the staff CEQA findings contained in the Agreement or Amendment Request Form (as applicable); and

RESOLVED, that the CEC approves amendment #2 to agreement EPC-19-050 with the Rincon Band of Luiseño Indians to update the project scope, reduce the award amount by \$663,752. SDG&E is updating the distribution infrastructure to the project site within the Rincon Reservation to improve resiliency and add protective measures against grid outages to reduce the project's energy storage and solar capacity needs. The amendment reduces the scope of energy storage requirements while ensuring economic viability of the project; and

FURTHER BE IT RESOLVED, that the Executive Director or their designee shall execute the same on behalf of the CEC.

CERTIFICATION

The undersigned Secretariat to the CEC does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the CEC held on December 13, 2023.

AYE: Hochschild, Gunda, McAllister, Monahan, Gallardo NAY: NONE ABSENT: NONE ABSTAIN: NONE

Dated: December 14, 2023

SIGNED BY:

STATE ENERGY RESOURCES CONSERVATION AND DEVELOPMENT COMMISSION

RESOLUTION: Electric Power Research Institute, Inc.

RESOLVED, that the State Energy Resources Conservation and Development Commission (CEC) adopts the staff CEQA findings contained in the Agreement or Amendment Request Form (as applicable); and

RESOLVED, that the CEC approves amendment 2 to agreement EPC-19-054 with Electric Power Research Institute, Inc. to update the stated purpose in the scope of work. The amendment will modify recruitment criteria from "multifamily affordable housing complexes" to "affordable single-family buildings," and will update the building's Title 24 compliance requirement to accommodate new and existing buildings for recruiting project sites throughout various California counties; and

FURTHER BE IT RESOLVED, that the Executive Director or their designee shall execute the same on behalf of the CEC.

CERTIFICATION

The undersigned Secretariat to the CEC does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the CEC held on December 13, 2023.

AYE: Hochschild, Gunda, McAllister, Monahan, Gallardo NAY: NONE ABSENT: NONE ABSTAIN: NONE

Dated: December 14, 2023

SIGNED BY:

STATE ENERGY RESOURCES CONSERVATION AND DEVELOPMENT COMMISSION

RESOLUTION: FirstElement Fuel, Inc.

RESOLVED, that the State Energy Resources Conservation and Development Commission (CEC) adopts the staff CEQA findings contained in the Agreement or Amendment Request Form (as applicable); and

RESOLVED, that the CEC approves agreement ZVI-23-004 with FirstElement Fuel, Inc. for a \$3,376,800 grant to develop a high-capacity, improved reliability liquid hydrogen pump system in Alameda County capable of 10 kilogram per minute fills for multiple applications, including light, medium- and heavy-duty on-road vehicles; and

FURTHER BE IT RESOLVED, that the Executive Director or their designee shall execute the same on behalf of the CEC.

CERTIFICATION

The undersigned Secretariat to the CEC does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the CEC held on December 13, 2023.

AYE: Hochschild, Gunda, McAllister, Monahan, Gallardo NAY: NONE ABSENT: NONE ABSTAIN: NONE

Dated: December 14, 2023

SIGNED BY:

STATE ENERGY RESOURCES CONSERVATION AND DEVELOPMENT COMMISSION

RESOLUTION FINDING BUILDING ENERGY EFFICIENCY STANDARDS CONTAINED IN CITY OF SAN LUIS OBISPO'S ORDINANCE NO. 1730 SATISFY STATUTORY REQUIREMENTS UNDER PUBLIC RESOURCES CODE SECTION 25402.1(h)(2)

WHEREAS, The City of San Luis Obispo adopted Ordinance No. 1730, which establishes certain locally adopted building energy efficiency standards; and

WHEREAS, Public Resources Code section 25402(a) and (b) establishes that the California Energy Commission (CEC) shall prescribe, by regulation, statewide building energy efficiency standards; and

WHEREAS, Public Resources Code section 25402.1(h)(2) provides that nothing in Public Resources Code section 25402(a) or (b) shall prohibit the enforcement of city or county building energy efficiency standards if: (1) the city or county files the basis of its determination that the standards are cost-effective with the CEC and (2) the CEC finds that the locally adopted standards will require the diminution of energy consumption levels permitted by the rules and regulations adopted pursuant to Public Resources Code section 25402(a) and (b); and

WHEREAS, California Code of Regulations, Title 24, Part 1, section 10-106 establishes a process for local governmental agencies to submit an application to the CEC for a determination that locally adopted building energy efficiency standards meet the requirements set forth in Public Resources Code section 25402.1(h)(2); and

WHEREAS, The City of San Luis Obispo submitted an application to the CEC that included (1) the basis of its determination that the locally adopted energy efficiency standards contained in Ordinance No. 1730 are cost-effective and (2) documentation that the locally adopted energy efficiency standards contained in Ordinance No. 1730 will require the diminution of energy consumption levels compared to the 2022 Building Energy Efficiency Standards, as required by California Code of Regulations, Title 24, section 10-106, on October 4, 2023; and

WHEREAS, The CEC has analyzed whether the locally adopted energy efficiency standards contained in Ordinance No. 1730 will require the diminution of energy consumption levels compared to the 2022 Building Energy Efficiency Standards, and determined that it will do so; and

WHEREAS, California Code of Regulations, Title 24, Part 1, section 10-106(b) requires that the local governmental agency's application include any findings, determinations,

declarations, or reports, including any negative declaration or environmental impact report, required pursuant to the California Environmental Quality Act, Public Resources Code section 21000 et seq; and

WHEREAS, The City of San Luis Obispo, in its application to the CEC, submitted the California Environmental Quality Act documentation required by California Code of Regulations, Title 24, Part 1, section 10-106(b)(4); and

THEREFORE BE IT RESOLVED, that the CEC finds the locally adopted energy efficiency and conservations standards application filed by the City of San Luis Obispo satisfy the requirements of Title 24, California Code of Regulations, section 10-106; and

THEREFORE, BE IT FURTHER RESOLVED, that, pursuant to Public Resources Code section 25402.1(h)(2), the CEC finds the following: (1) the City of San Luis Obispo has filed the basis of its determination that the locally adopted energy efficiency standards contained in Ordinance No. 1730 are cost-effective, and (2) Ordinance No. 1730 will require the diminution of energy consumption levels compared to the 2022 Building Energy Efficiency Standards; and

THEREFORE BE IT FURTHER RESOLVED, that the CEC directs the executive director to take all actions necessary to implement this Resolution.

CERTIFICATION

The undersigned Secretariat to the CEC does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the CEC held on December 13, 2023.

AYE: Hochschild, Gunda, McAllister, Monahan, Gallardo NAY: NONE ABSENT: NONE ABSTAIN: NONE

Dated: December 14, 2023

SIGNED BY:

STATE ENERGY RESOURCES CONSERVATION AND DEVELOPMENT COMMISSION

RESOLUTION ADOPTING RENEWABLES PORTFOLIO STANDARD 2017-2020 VERIFICATION RESULTS REPORTS FOR 28 LOCAL PUBLICLY OWNED ELECTRIC UTILITIES FOR COMPLIANCE PERIOD 3

WHEREAS, Public Utilities Code Section 399.25(b) requires the California Energy Commission to design and implement an accounting system to verify compliance with California's Renewables Portfolio Standard (RPS) by retail sellers and local publicly owned electric utilities (POUs), to ensure that electricity generated by an eligible renewable energy resource is counted only once for the purpose of meeting the renewables portfolio standard of this state or any other state, and for verifying retail product claims in this state or any other state; and

WHEREAS, the California Energy Commission, in collaboration with the California Public Utilities Commission, has adopted regulations and guidelines addressing its responsibilities under Public Utilities Code Section 399.25(b) as well as other provisions of the law governing California's RPS, the *Enforcement Procedures for the Renewables Portfolio Standard for Local Publicly Owned Electric Utilities* (RPS POU Regulations) and the *Renewables Portfolio Standard Eligibility Guidebook, Ninth Edition (Revised)* (RPS Eligibility Guidebook), respectively; and

WHEREAS, in furtherance of Public Utilities Code Section 399.25(b) the California Energy Commission prepares Renewables Portfolio Standard Verification Results Reports on its findings on the amount of eligible renewable energy procured each compliance period by POUs subject to California's RPS; and

WHEREAS, the Renewables Portfolio Standard Verification Results Reports apply the statutory requirements as specified in Public Utilities Code Section 399.11, et seq., the RPS POU Regulations, RPS Eligibility Guidebook, and the Energy Commission staff *Renewables Portfolio Standard Verification Methodology Report, Third Edition*, in determining the amount of renewable energy procurement that qualifies toward each POU's California RPS procurement requirements; and

WHEREAS, California Energy Commission staff have prepared a Compliance Period 3 (2017-2020) verification report for each of the 28 POUs identified in Attachment A hereto, entitled the *California Energy Commission Staff Draft Report Renewables Portfolio Standard Verification Results; and*

WHEREAS, the scope of each of the *California Energy Commission Staff Draft Report Renewables Portfolio Standard Verification Results* includes RPS procurement verification findings for each of the POUs identified in Attachment A hereto; and

WHEREAS, the California Energy Commission Staff Draft Report Renewables Portfolio Standard Verification Results for each POU address the following items with respect to each 28 POUs identified in Attachment A hereto:

- The POU's procurement target and portfolio balance requirements and limitations.
- The amount of eligible renewable energy credits retired, and the amount applied to meet the compliance period requirements, both shown by Portfolio Content Category classification and Long-Term Procurement Requirement classification, as applicable.
- Deficits in meeting RPS procurement requirements for the compliance period.
- Optional compliance measures being applied by the POU for the compliance period.
- A calculation of excess procurement accumulated in this compliance period.
- A summary of the POU's excess procurement and historic carryover, if any, including any prior balance, the amount accumulated and used in the current compliance period, and remaining balance.

WHEREAS, the CEC has considered the application of the California Environmental Quality Act (CEQA) to the adoption of the *California Energy Commission Staff Draft Report Renewables Portfolio Standard Verification Results,* and concluded that the adoption of this report is not a "project" under CEQA, but that in the event that adoption were determined to be a project, that it would nonetheless be exempt from CEQA requirements pursuant to the "common sense" exemption (CEQA Guidelines, § 15061, subd. (b)(3)).

THEREFORE, BE IT RESOLVED, that the California Energy Commission hereby adopts the 28 California Energy Commission Staff Draft Report Renewables Portfolio Standard Verification Results for the POUs identified in Attachment A hereto and authorizes the Executive Director, or his designee, to finalize the reports as Energy Commission adopted reports, including making any necessary minor typographical edits, and distribute and post on the Energy Commission website as necessary.

FURTHER BE IT RESOLVED, that documents and other materials that constitute the proceeding record can be found at the CEC, 715 P Street, Sacramento, California, 95814 in the custody of the Docket Unit and online in <u>Docket Number 21-RPS-01</u>, https://efiling.energy.ca.gov/Lists/DocketLog.aspx?docketnumber=21-RPS-01; and

CERTIFICATION

The undersigned Secretariat to the CEC does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the CEC held on December 13, 2023.

AYE: Hochschild, Gunda, McAllister, Monahan, Gallardo NAY: NONE ABSENT: NONE ABSTAIN: NONE

Dated: December 14, 2023

SIGNED BY:

STATE ENERGY RESOURCES CONSERVATION AND DEVELOPMENT COMMISSION

RESOLUTION: Form Energy, Inc.

WHEREAS, Form Energy, Inc. has requested funding for the Commercial Demonstration of a Long-Duration Energy Storage System Project, known as the East Road Storage Project (Project), a project to construct and operate an iron-air energy storage system with a capacity of 5 megawatts (MW) / 500 megawatt hours (MWh), located at 7475 East Road and 7399 East Road, Redwood Valley, Mendocino County, California. The commercial deployment of the long-duration energy storage will demonstrate a cost-effective solution to support grid reliability, resilience and decarbonization; and

WHEREAS, the California Energy Commission (CEC) is the lead agency pursuant to the California Environmental Quality Act (CEQA) (Pub. Resources Code, § 21000 et seq.) and the CEQA Guidelines (Cal. Code Regs., tit. 14, § 15000 et seq.); and

WHEREAS, on October 26, 2023, the CEC published on its public website its Initial Study (IS), proposed Mitigated Negative Declaration (MND), proposed Mitigation Monitoring and Reporting Program (MMRP), and Notice of Intent to Adopt a Mitigated Negative Declaration for the Project, all of which the State Clearinghouse received and published to its public website on October 27, 2023; and

WHEREAS, the IS and proposed MND conclude that the Project will not result in any significant environmental impacts, with the imposition and implementation of the mitigation measures proposed in the IS and MMRP in the technical areas of Biological Resources, Cultural and Tribal Cultural Resources, Geology and Soils, Hazardous Materials, Noise, and Transportation; and

WHEREAS, the Notice of Intent was mailed to a list of nearby property owners compiled in accordance with CEQA. Moreover, it was provided to responsible agencies, trustee agencies, the Mendocino County Clerk, and organizations and individuals who have previously requested such notice; and

WHEREAS, the CEC provided a review and comment period for its IS and proposed MND, which ran from October 27, 2023 through 5:00 p.m. on November 27, 2023; and

WHEREAS, during the review and comment period, the CEC received four comment letters regarding the CEC's proposed adoption of the MND; and

WHEREAS, on December 13, 2023, the CEC held a public hearing to consider adoption of the IS, proposed MND, and MMRP; and

WHEREAS, the Energy Commission has reviewed and considered the IS, proposed MND, comments, and other related documents in the record before it.

THEREFORE BE IT RESOLVED, after reviewing and considering the IS, MND, MMRP, comments, and all related materials in the record, the CEC finds the following: (1) the IS, proposed MND, and MMRP were completed in compliance with CEQA; (2) with the implementation of the mitigation measures and MMRP adopted in this resolution, there is no substantial evidence that the adoption of the Project will have a significant effect on the environment, and (3) the Negative Declaration reflects the CEC's independent judgment and analysis. The CEC hereby adopts the IS, MND, and MMRP, including adopting and imposing mitigation measures MM BIO-1 through MM BIO-8, MM CUL-1 through MM CUL-3, PR-1 through PR-2, MM HAZ-1 through MM HAZ-3, MM NOISE-1 through MM NOISE-3, and MM TRANS-1, which are proposed in the IS and MMRP. Documents and other materials that constitute the record of proceedings upon which the decision to adopt the MND is based can be found at the Natural Resources Headquarters Building, 715 P Street, Sacramento, California, 95814 in the custody of the CEC Docket Unit.

FURTHER BE IT RESOLVED, that the CEC approves amendment 1 to agreement LDS-22-004 for term extension, budget augmentation, and scope of work revision. This amendment will increase the funding by \$29,920,400 for a total of \$30,000,000, extend the Project term by five years one month, and modify the scope of work to include project tasks to construct and operate an iron-air energy storage system as described above; and

FURTHER BE IT RESOLVED, that the Executive Director or their designee shall execute the same on behalf of the CEC.

CERTIFICATION

The undersigned Secretariat to the CEC does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the CEC held on December 13, 2023.

AYE: Hochschild, Gunda, McAllister, Monahan, Gallardo NAY: NONE ABSENT: NONE ABSTAIN: NONE

Dated: December 14, 2023

SIGNED BY:

STATE ENERGY RESOURCES CONSERVATION AND DEVELOPMENT COMMISSION

RESOLUTION: Storer Transportation Service

RESOLVED, that the State Energy Resources Conservation and Development Commission (CEC) adopts the staff CEQA findings contained in the Agreement or Amendment Request Form (as applicable); and

RESOLVED, that the CEC approves agreement ZVI-23-005 with Storer Transportation Service for a \$3,000,000 grant to install 37 bi-directional charging ports at two school Modesto school district sites. Storer Transportation Service and its partners will utilize experience and lessons learned to inform the development of a vehicle-to-grid blueprint as a replicable, scalable approach to help other school bus fleets transition to zeroemission buses and bi-directional charging infrastructure; and

FURTHER BE IT RESOLVED, that the Executive Director or their designee shall execute the same on behalf of the CEC.

CERTIFICATION

The undersigned Secretariat to the CEC does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the CEC held on December 13, 2023.

AYE: Hochschild, Gunda, McAllister, Monahan, Gallardo NAY: NONE ABSENT: NONE ABSTAIN: NONE

Dated: December 14, 2023

SIGNED BY:

STATE ENERGY RESOURCES CONSERVATION AND DEVELOPMENT COMMISSION

RESOLUTION: Nuvve Holding Corp. (Nuvve)

RESOLVED, that the State Energy Resources Conservation and Development Commission (CEC) adopts the staff CEQA findings contained in the Agreement or Amendment Request Form (as applicable); and

RESOLVED, that the CEC approves agreement ZVI-23-006 with Nuvve for a \$1,910,703 grant to install at least three bi-directional charging ports and electrical equipment for microgrids at two San Diego school district sites. This project will expand vehicle-to-grid capabilities through the integration of bi-directional charging ports with microgrids utilizing battery energy storage systems as backup power. Nuvve will develop a scalable vehicle-to-grid and vehicle-to-building blueprint to demonstrate opportunities for other school districts in California to transition to zero-emission school buses and bi-directional charging infrastructure; and

FURTHER BE IT RESOLVED, that the Executive Director or their designee shall execute the same on behalf of the CEC.

CERTIFICATION

The undersigned Secretariat to the CEC does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the CEC held on December 13, 2023.

AYE: Hochschild, Gunda, McAllister, Monahan, Gallardo NAY: NONE ABSENT: NONE ABSTAIN: NONE

Dated: December 14, 2023

SIGNED BY:

STATE ENERGY RESOURCES CONSERVATION AND DEVELOPMENT COMMISSION

RESOLUTION: The Mobility House, LLC

RESOLVED, that the State Energy Resources Conservation and Development Commission (CEC) adopts the staff CEQA findings contained in the Agreement or Amendment Request Form (as applicable); and

RESOLVED, that the CEC approves agreement ZVI-23-007 with The Mobility House, LLC for a \$2,924,042 grant to install at least 12 single port bi-directional chargers across four parking lot sites owned by three California school districts (Napa Valley, Pittsburg, and Fremont). The Mobility House, LLC and its project partners will also develop a vehicle-to-grid and vehicle-to-building blueprint as a replicable, scalable approach to help other school bus fleets transition to zero-emission buses and bidirectional charging infrastructure; and

FURTHER BE IT RESOLVED, that the Executive Director or their designee shall execute the same on behalf of the CEC.

CERTIFICATION

The undersigned Secretariat to the CEC does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the CEC held on December 13, 2023.

AYE: Hochschild, Gunda, McAllister, Gallardo NAY: NONE ABSENT: NONE ABSTAIN: Monahan

Dated: December 14, 2023

SIGNED BY:

STATE ENERGY RESOURCES CONSERVATION AND DEVELOPMENT COMMISSION

RESOLUTION: Senate Bill 114 Funded Charging and Refueling Infrastructure Program Guiding Principles

WHEREAS, Senate Bill 114 (Committee on Budget and Fiscal Review, Statutes of 2023, Chapter 48), which amended section 121 of Assembly Bill 181 (Committee on Budget, Statutes of 2022, Chapter 52) directs the California Energy Commission (CEC) to fund zero-emission school bus charging or fueling infrastructure and related activities, including, but not limited to, charging or fueling stations, equipment, site design, construction, and related infrastructure upgrades; and

WHEREAS, Senate Bill 114 section 96 (a)(2) appropriated \$125 million to the CEC for the 2023-2024 fiscal year, and section 96 (b) states the intent of the Legislature to appropriate \$125 million in the 2024-2025 and 2025-2026 fiscal years to the CEC, for these activities; and

WHEREAS, Senate Bill 114 section 96 (g) provides that CEC shall create guidelines relative to its activities under SB 114; and

WHEREAS, the Draft Senate Bill 114 Funded Charging and Refueling Infrastructure Program Guiding Principles (Guiding Principles) were developed pursuant to section 96 (g) and are intended to be high-level guidance for the program CEC implements under Senate Bill 114 (SB 114 Program); and

WHEREAS, the Guiding Principles were published to the School Bus Workshops program docket (18-TRAN-01) and emailed to the Clean Transportation Program and School Bus Replacement Program email subscription lists on November 8, 2023; and

WHEREAS, revised Guiding Principles were published to the School Bus Workshops program docket (18-TRAN-01) and emailed to the Clean Transportation Program and School Bus Replacement Program email subscription lists on November 9, 2023, and are included in the backup materials for this Business Meeting item; and

WHEREAS, notice of a public comment period accepting written comments through December 8, 2023 on the Guiding Principles was emailed to the Clean Transportation Program, School Bus Replacement Program and Zero Emission School Bus and Infrastructure Program email subscription lists on November 22, 2023 and published on the School Bus Workshops program docket (18-TRAN-01) on December 1, 2023; and

WHEREAS, CEC staff has considered any public comments received on the Guiding Principles; and

WHEREAS, CEC's legal office has considered the application of the California Environmental Quality Act (CEQA) to the CEC's adoption of the Guiding Principles, and advised that the CEC's adoption of these Guiding Principles is exempt from CEQA under Title 14, California Code of Regulations, sections 15308, and 15061(b)(3) for the reasons set forth in the "Proposed California Environmental Quality Act Compliance for Adoption of Guiding Principles for the SB 114 Funded Charging and Refueling Infrastructure Program" Memorandum, a document that is included in the backup materials to this Business Meeting item.

THEREFORE, BE IT RESOLVED, the CEC hereby finds the adoption of the Guiding Principles to be exempt from CEQA under California Code of Regulations, title 14, section 15308 and section 15061(b)(3) and adopts the Guiding Principles with any errata approved at the December 13, 2023 Business Meeting; and

FURTHER BE IT RESOLVED, the CEC authorizes the Executive Director or their designee to implement the SB 114 Program consistent with the Guiding Principles.

CERTIFICATION

The undersigned Secretariat to the CEC does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the CEC held on December 13, 2023.

AYE: Hochschild, Gunda, McAllister, Monahan, Gallardo NAY: NONE ABSENT: NONE ABSTAIN: NONE

Dated: December 14, 2023

SIGNED BY: