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*Comment Received From: Alicia Minyen
Submitted On: 12/6/2024
Docket Number: 24-OPT-05*

Deny the BESS permit application - Incomplete Analysis of Fire Department Resources

December 4, 2024

Renee Longman, Project Manager
California Energy Commission
RE: Docket# 24-OPT-05 - Corby Energy Storage, LLC (Applicant)

Dear Ms. Renee Longman:

The Corby Energy Storage LLC's application for a BESS permit for their project site located in Vacaville, Solano County, should be denied and the application should be deemed incomplete for the following reasons.

1. Lithium-Ion BESS Projects Are Dangerous and Unsuitable for the Subject Site. The Applicant, an affiliate of NextEra Energy Resources, which is owned by NextEra Energy, Inc. (NextEra), a publicly traded company, filed its United States Securities and Exchange Commission Form 10-K (Form 10-K) to inform its shareholders and the public regarding certain financial information and risks, among other things. NextEra discloses in its Form 10-K the risks associated with its business such as from its business in solar and BESS projects, which include, in part:

- Loss of life
- Risks of property damage
- Human injury
- Fires, leaks or other major events
- Risks associated with potential harm to wildlife
- Availability of adequate water resources
- Insufficient Insurance

The CEC should not approve the permit since the Applicant does not appear to address and demonstrate how it will mitigate any of the aforementioned risks. Lack of insurance also raises the risk that the project will not be successful and to the extent human harm occurs, victims will not be compensated.

2. Applicant May Not Have Informed Fire Departments of Risks Regarding Its Lithium-Ion Batteries. The Applicant informed the CEC that the Dixon Fire Department represented during a phone call that it could adequately respond to incidents at the Applicant's BESS project site. According to correspondence in the CEC file, the Applicant noted the City of Dixon plans on building a second fire station, but there is currently no funding. However, Vacaville could also respond to an incident at the project

site.

However, Applicant's notes regarding a phone call with the Dixon Fire Department is grossly inadequate to demonstrate to what extent there is adequate services in place to respond to lithium-ion battery fires for a project of this magnitude.

In fact, there is no documents in the CEC file that demonstrate the Dixon or Vacaville fire departments received any formalized list of risks in connection with its lithium-ion BESS projects, such as those risks self-disclosed by the Applicant's affiliate or parent company in Form 10-K. (See the attached December 31, 2023 Form 10-K for NextEra.)

Consequently, the Applicant's permit application appears incomplete.

Furthermore, a search of the United States Securities and Exchange Commission's website at www.sec.gov, revealed that other publicly traded companies in the BESS industry disclosed in their most current Form 10-Ks other risks. For example, "Lithium cells must be kept within a narrow temperature range of (25 degree Celsius plus or minus negative 5 degree Celsius), otherwise they are at risk of thermal runaway, potentially leading to fire or explosion." Vacaville experiences many extremely hot days during the year sometimes exceeding 110 degrees. (See the attached Form 10-K for EOS Energy Enterprises, Inc. dated December 31, 2023.)

Moreover, the Form 10-K for Sparx dated June 30, 2023, discloses that, "Notably, there is no approved or listed fire protection system for lithium-ion based battery energy storage systems." (See attached Form 10-K for Sparx.)

It does not appear that the Dixon and Vacaville fire departments have been informed about these additional risks and limitations to lithium-ion based battery energy storage systems.

3. Insufficient Fire Department Resources in Solano County. On October 19, 2020, Solano County LAFCO held a meeting to discuss the serious challenges Solano County is experiencing due to the lack of fire department resources. LAFCO hired Citygate Associates who analyzed each fire department within Solano County and prepared a report highlighting the following challenges:

- Lack of Fiscal Sustainability
- Service Model Sustainability
- Response times/dispatching
- Fire Prevention
- Vulnerability to single point failure

See a copy of the Citygate Associates Report at the following link:

<https://storage.googleapis.com/proudcity/solanocountylafco/uploads/2022/09/10-19-2020-Agenda-Item-7A-2019-03-Fire-Special-Study-Public-Review-Draft.pdf>

Citygate Associates ultimately ascertained that there is a significant lack of fire department resources countywide. The County attempted a sales tax measure to address the issues in the Citygate Associates report, but the sales tax measure failed. Therefore, the aforementioned challenges continue today, which is another reason to deem the Corby Project application as incomplete.

You can hear the October 19, 2020, LAFCO meeting, including public comment where members of the public are literally crying because Vacaville Water District and Solano Irrigation District were unable to generate water during the LNU Complex Fire given the lack of generators, among other issues. You can hear the Citygate Associates consultant speak about each of the challenges, at the link below:

<https://www.solanolafco.com/meetings/commission-meeting-october-19-2020/>

The Applicant and its consultants failed to address the aforementioned challenges highlighted by Citygate Associates, and failed to address the difficulty for the County's special water district's ability to obtain water during a large-scale fire, which can be caused by a lithium-ion battery energy storage system.

4. Risks Would Irreparably Harm Prime Agricultural Land. Additionally, the aforementioned risks would be detrimental to the project site and surrounding prime agricultural land. CEC should recognize that the project site along with neighboring lands were included in an "agricultural preserve" established by the County on February 13, 1979, pursuant to a Land Conservation Contract No. 1213. (See the attached Land Conservation Contract attached, which was obtained from the Solano County Planning Department.)

This Land Conservation Contract states that "the owner and County desire to limit the use of said property to agricultural or open space purposes" recognizing that such land has substantial public value as open space and that the preservation of such land in agricultural production or as open space constitutes an important physical, social, esthetic and economic asset to the County.

While a Williamson Act contract in connection with the subject site may have expired, the importance of this land as expressed in the Land Conservation Contract is still true today.

The Applicant's proposal to mitigate the loss of agricultural land is inadequate since the project will destroy not only the subject site " but the surrounding agricultural land. Therefore, it is in the public interest to deny the permit.

Please also note that I have additional comments to submit, and because of file size limitations, I will be providing multiple comments. This is my third comment.

Thank you,

Alicia Minyen
Concerned Resident of Vacaville

Additional submitted attachment is included below.



**UNITED STATES SECURITIES AND EXCHANGE COMMISSION
Washington, D.C. 20549
FORM 10-K**

ANNUAL REPORT PURSUANT TO SECTION 13 OR 15(d) OF THE SECURITIES EXCHANGE ACT OF 1934
For the fiscal year ended **December 31, 2023**

OR

TRANSITION REPORT PURSUANT TO SECTION 13 OR 15(d) OF THE SECURITIES EXCHANGE ACT OF 1934
For the transition period from _____ to _____

Exact name of registrants as specified in their
charters, address of principal executive offices and
registrants' telephone number

**NEXTERA ENERGY, INC.
FLORIDA POWER & LIGHT COMPANY**

700 Universe Boulevard
Juno Beach, Florida 33408
(561) 694-4000

Commission
File
Number

1-5541

2-27612



State or other jurisdiction of incorporation or organization: Florida
Securities registered pursuant to Section 12(b) of the Act:

Registrants	Title of each class	Trading Symbol(s)	Name of each exchange on which registered
NextEra Energy, Inc.	Common Stock, \$0.01 Par Value	NEE	New York Stock Exchange
	6.928% Corporate Units	NEE.PRR	New York Stock Exchange
Florida Power & Light Company	None		

Indicate by check mark if the registrants are well-known seasoned issuers, as defined in Rule 405 of the Securities Act of 1933.

NextEra Energy, Inc. Yes No

Florida Power & Light Company Yes No

Indicate by check mark if the registrants are not required to file reports pursuant to Section 13 or Section 15(d) of the Securities Exchange Act of 1934.

NextEra Energy, Inc. Yes No

Florida Power & Light Company Yes No

Indicate by check mark whether the registrants (1) have filed all reports required to be filed by Section 13 or 15(d) of the Securities Exchange Act of 1934 during the preceding 12 months, and (2) have been subject to such filing requirements for the past 90 days.

Uncertainties and risks inherent in operating and maintaining NEE's and FPL's facilities include, but are not limited to:

- risks associated with facility start-up operations, such as whether the facility will achieve projected operating performance on schedule and otherwise as planned;
- failures in the availability, acquisition or transportation of fuel or other necessary supplies;
- the impact of unusual or adverse weather conditions and natural disasters, including, but not limited to, hurricanes, tornadoes, extreme temperatures, icing events, wildfires, floods, severe convective storms, earthquakes and droughts;
- performance below expected or contracted levels of output or efficiency;
- breakdown or failure, including, but not limited to, explosions, fires, leaks or other major events, of equipment, transmission or distribution systems or pipelines;
- availability of replacement equipment;
- risks of property damage, human injury or loss of life from energized equipment, hazardous substances or explosions, fires, leaks or other events, especially where facilities are located near populated areas;
- potential environmental impacts of gas infrastructure operations;
- risks associated with potential harm to wildlife;
- availability of adequate water resources and ability to satisfy water intake and discharge requirements;
- inability to identify, manage properly or mitigate equipment defects in NEE's and FPL's facilities;
- use of new or unproven technology;
- risks associated with dependence on a specific type of fuel or fuel source, such as commodity price risk, availability of adequate fuel supply and transportation, and lack of available alternative fuel sources;
- increased competition due to, among other factors, new facilities, excess supply, shifting demand and regulatory changes (such as the passage of the IRA); and
- insufficient insurance, warranties or performance guarantees to cover any or all lost revenues or increased expenses from the foregoing.

NEE's and FPL's business, financial condition, results of operations and prospects may be negatively affected by a lack of growth, slower growth or a decline in the number of customers or in customer usage.

Next >

generating capacity of 347 MW to a NEP subsidiary for cash proceeds of approximately \$805 million, plus working capital and other adjustments of \$8 million. NEER continued to consolidate one of the projects under construction for accounting purposes through March 2023 and the second project under construction through July 2023. A **NextEra** Energy Resources affiliate will continue to operate the facilities included in the sale. In connection with the sale, a gain of approximately \$301 million (\$230 million after tax) was recorded in NEE's consolidated statements of income for the year ended December 31, 2022 and is included in the gains on disposal of businesses/assets – net. In connection with the two facilities that were under construction, approximately \$251 million of cash received was recorded as contract liabilities, which is included in current other liabilities on NEE's consolidated balance sheet at December 31, 2022. The contract liabilities related to sale proceeds from NEP of approximately \$150 million and differential membership interests of approximately \$101 million. In 2023, the two facilities achieved commercial operations and approximately \$251 million of contract liabilities were reversed and the sale of those facilities was recognized for accounting purposes. In addition, **NextEra** Energy Resources was responsible to pay for all construction costs related to the portfolio. At December 31, 2023 and December 31, 2022, approximately \$68 million and \$810 million, respectively, are included in accounts payable on NEE's consolidated balance sheets and represent amounts owed by **NextEra** Energy Resources to NEP to reimburse NEP for construction costs.

In 2022, subsidiaries of **NextEra** Energy Resources sold to a NEP subsidiary a 67% controlling ownership interest in a battery storage facility in **California** with storage capacity of 230 MW, for cash proceeds of approximately \$191 million, plus working capital and other adjustments of \$2 million. A **NextEra** Energy Resources affiliate will continue to operate the facility included in the sale. In connection with the sale, a gain of approximately \$87 million (\$66 million after tax) was recorded in NEE's consolidated statements of income for the year ended December 31, 2022 and is included in gains on disposal of businesses/assets – net.

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NEXTERA ENERGY, INC. AND FLORIDA POWER & LIGHT COMPANY

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424B2 (Prospectus)

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FLORIDA POWER & LIGHT CO

2023-

12-22

CITIGROUP INC (C, C-PN)

Citigroup Global Markets Holdings Inc.

SECURITIES AND EXCHANGE COMMISSION
Washington, D.C. 20549

FORM 10-K

ANNUAL REPORT PURSUANT TO SECTION 13 OR 15(d) OF THE SECURITIES EXCHANGE ACT OF 1934

For the fiscal year ended: December 31, 2023

TRANSITION REPORT PURSUANT TO SECTION 13 OR 15(d) OF THE SECURITIES EXCHANGE ACT OF 1934

EOS ENERGY ENTERPRISES, INC.

Delaware

001-39291

(State or other jurisdiction
of incorporation)

(Commission
File Number)

3920 Park Avenue
Edison, New Jersey 08820

(Address of principal executive offices, including zip code)
Registrant's telephone number, including area code: (732) 225-8400

Securities registered pursuant to Section 12(b) of the Act:

Title of each class	Trading Symbol(s)	Name of each exchange on which registered
Common stock, par value \$0.0001 per share	EOSE	The Nasdaq Stock Market LLC
Warrants, each exercisable for one share of common stock	EOSEW	The Nasdaq Stock Market LLC

Indicate by check mark if the registrant is a well-known seasoned issuer, as defined in Rule 405 of the Securities Act. Yes No

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Competitive Strengths

We believe the following strengths of our business distinguish us from our competitors and position us to capitalize on the expected continued growth in the energy storage market:

- **Differentiated Product-** Lithium cells must be kept within a narrow temperature range ($25^{\circ}\text{C} \pm 5^{\circ}\text{C}$), otherwise they are at risk of thermal runaway, potentially leading to fire or explosion. The Znyth™ BESS has a significantly wider thermal operating range (-20°C to 50°C), which eliminates the need for costly thermal management measures such as HVAC and fire suppression systems. Additionally, the product is a static modular battery design, which eliminates the need for pumps or compressors, both maintenance prone equipment required for flow batteries. Our battery system can charge and discharge at different durations, covering a wide range of use cases. The charge and discharge rates are fixed for Li-ion, and the life of a Li-ion battery can degrade if it is not charged or discharged at the rate for which it was designed, while the Eos Znyth technology BESS is not subject to the same degradation. This is because Eos batteries are manufactured at zero voltage and a zero percent state of charge, whereas Li-ion batteries must be kept at a specific voltage and state of charge even when not actively being used.
- **Minimal Supply Chain Constraints-** All materials for producing our Gen 2.3 and next generation Z3™ battery products are widely available commodities with fewer supply chain constraints and minimal competition from electric vehicles. Additionally, the majority of the materials are recyclable at end of product life, helping preserve the environment.
- **Proven Technology Solution in the Growing and Evolving Energy Storage Market-** As we launch the Z3 battery and ramp up manufacturing to gigawatt-hours (“GWh”) scale, we believe that we will benefit from the overall growth of the energy storage market, which is expected to reach 1,095 GWh by 2040, as projected by BNEF. From an application perspective, the market is evolving to a LDES market. Our technology is tailored to address such a need. While Li-ion has been optimized for shorter duration, the performance of our batteries improves as it moves towards longer duration, making us the prime technology for the

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OR

[] TRANSITION REPORT PURSUANT TO SECTION 13 OR 15(D) OF THE SECURITIES EXCHANGE ACT OF 1934

For the transition period from to
COMMISSION FILE NUMBER: 000-56315



Sparx Holdings Group, Inc.
(Exact name of registrant as specified in its charter)

Nevada

(State or other jurisdiction
of incorporation or organization)

[REDACTED]
[REDACTED] (File No.)

780 Reservoir Avenue #123

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how fire sprinklers operate to keep up with the ever-evolving storage industry. Warehouses are trending towards higher ceiling heights and greater storage capacity to meet the growing demands of e-commerce and to circumvent the increasing cost of real-estate. The trend for warehouses 60 years ago included ceiling heights of 20-25 ft. while today's warehouse roof heights trend towards 45 ft. or more⁶. Warehouses are also implementing automated technology using ASRS and robotics which has changed the way warehouses operate. Higher ceiling heights and the plastic bins utilized by ASRS structures to store commodities with exceptionally tall racks and narrow aisles make it very difficult for a traditional fire sprinkler system to control potential fires. These challenges have prompted retailers, building owners, and insurance providers to reassess their fire protection systems; however, in many cases there are very few reasonable and effective options available. We are developing state-of-the-art technology with a focus on meeting the needs of retailers and storage customers who are constantly striving to expand their operations and maximize efficiency. We are confident that our patent-pending technology, combined with a customer-centric approach, positions us to meet the demands of the fire sprinkler storage market as ceiling heights continue to increase and the use of automation in warehouses continues to grow.

We are also actively pursuing opportunities to serve areas where traditional sprinklers are unable to provide sufficient protection. We see great potential in leveraging our innovative technology to capture market share in sectors that involve the storage of highly hazardous materials such as aerosols, flammable liquids, tires, and lithium-ion based battery energy storage systems. At present, the storage of these commodities is hindered by several limitations driven by traditional fire sprinkler capabilities including restricted ceiling heights, storage configurations, aisle widths between storage racks, and more. Notably, there is no approved or listed fire protection system for lithium-ion based battery energy storage systems. We intend to leverage, what we believe to be, our cutting-edge technology to address the gaps that traditional fire sprinkler systems are unable to effectively fill.

With our patent-pending technology we believe we are positioned to provide superior fire protection solutions for warehousing and storage. Our multi-sensor technology will allow us to respond to fires very early on in fire development and our fire sprinklers communicate and work together to prevent fire spread. We are leveraging software and electronics to detect and respond to fires faster than traditional fire sprinklers that only rely on a fixed temperature threshold for activation. Our approach to get to market quickly and effectively is not to fully replace traditional fire sprinklers, but to use our technology to enhance their operation and create flexible and adaptable solutions for the fire sprinkler needs of modern storage facilities and warehouses. Our technology, at its current rate of development, can currently integrate with 5mm bulb-type traditional fire sprinklers. We are also working on solutions that are compatible with 3mm bulb-type traditional fire sprinklers as well as solder link-

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