

DOCKETED	
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Project Title:	Potentia-Viridi Battery Energy Storage System
TN #:	262575
Document Title:	Affirmation of Compliance with Public Resources Code Sections 21183(b), 211835(c), 21183(h), and 21186
Description:	Levy Alameda, LLC's Affirmation of Compliance with Public Resources Code Sections 21183(b), 21183.5(c), 21183(h), and 21186 for Potentia-Viridi Battery Energy Storage System Opt-In Application
Filer:	Ronelle Candia
Organization:	Dudek
Submitter Role:	Applicant Consultant
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A Capstone Infrastructure Corporation and Eurowind Energy A/S Joint Venture

January 29, 2025

Ms. Lisa Worrall
Project Manager
California Energy Commission
715 P Street
Sacramento, CA 95814

Re: Levy Alameda, LLC's Affirmation of Compliance with Public Resources Code Sections 21183(b), 21183.5(c), 21183(h), and 21186 for Potentia-Viridi Battery Energy Storage System Opt-In Application

Dear Ms. Worrall:

Levy Alameda, LLC (Applicant), is submitting an application for certification of the Potentia-Viridi Battery Energy Storage System Project (Project) as an Environmental Leadership Development Project (ELDP) subject to streamlined judicial review under the Jobs and Economic Improvement through Environmental Leadership Act of 2021, also known as SB7 (the Act).

By this letter, Levy Alameda, LLC, affirms and agrees that the record of proceedings is being and will be prepared in accordance with Public Resources Code Sections 21183(h) and 21186. Those statutes provide as follows:

Sections 21183(b) and 21183.5(c)

The Applicant certifies that all applicable requirements set forth in Public Resources Code Sections 21183(b) and 21183.5(c) will be satisfied. The Project will create high-wage, highly skilled jobs for applicable construction professionals; provide permanent jobs for Californians; and help reduce unemployment. The Applicant will ensure that all construction workers, contractors, subcontractors, and apprentices employed will be paid in accordance with Public Resources Code Section 21183.5(c)(1), and that a skilled and trained workforce will be used to perform all construction work in accordance with Public Resources Code Section 21183.5(c)(2). This certification supplements that already submitted pursuant to Public Resources Code Sections 25545.3.3 and 25545.3.5 [TN258039].

Section 21183(h)

For a project for which environmental review has commenced, the applicant demonstrates that the record of proceedings is being prepared in accordance with Section 21186.

Section 21186

Notwithstanding any other law, the preparation and certification of the record of proceedings for a leadership project [ELDP] certified by the Governor shall be performed in the following manner:


- (a) The lead agency for the project shall prepare the record of proceedings under this division concurrently with the administrative process.
- (b) All documents and other materials placed in the record of proceedings shall be posted on, and be downloadable from, an internet website maintained by the lead agency commencing with the date of the release of the draft environmental impact report.
- (c) The lead agency shall make available to the public in a readily accessible electronic format the draft environmental impact report and all other documents submitted to, or relied on by, the lead agency in preparing the draft environmental impact report.
- (d) Any document prepared by the lead agency or submitted by the applicant after the date of the release of the draft environmental impact report that is a part of the record of the proceedings shall be made available to the public in a readily accessible electronic format within five days after the document is released or received by the lead agency.
- (e) The lead agency shall encourage written comments on the project to be submitted in a readily accessible electronic format and shall make any comment available to the public in a readily accessible electronic format within five days of its receipt.
- (f) Within seven days after the receipt of any comment that is not in an electronic format, the lead agency shall convert that comment into a readily accessible electronic format and make it available to the public in that format.
- (g) Notwithstanding paragraphs (b) to (f), inclusive, documents submitted to or relied on by the lead agency that was not prepared specifically for the project and are copyright protected are not required to be made readily accessible in an electronic format. For those copyright protected documents, the lead agency shall make an index of these documents available in an electronic format no later than the date of the release of the draft environmental impact report, or within five days if the document is received or relied on by the lead agency after the release of the draft environmental impact report. The index must specify the libraries or lead agency offices in which hard copies of the copyrighted materials are available for public review.
- (h) The lead agency shall certify the final record of proceedings within five days of its approval of the project.
- (i) Any dispute arising from the record of proceedings shall be resolved by the superior court. Unless the superior court directs otherwise, a party disputing the content of the record shall file a motion to augment the record at the time it files its initial brief.
- (j) The contents of the record of proceedings shall be as set forth in subdivision (e) of Section 21167.6. The California Energy Commission (CEC) is serving as the CEQA lead agency for the Project. CEC is currently in the process of preparing the EIR. CEC and its CEQA consultant are in possession of all currently available materials constituting the administrative record of proceedings for the Project and the Applicant understands they are in the process of storing those materials in a centralized database for prompt posting to a publicly available website upon release of the Draft EIR.

The Applicant acknowledges that, at the time the draft EIR is released, all then-available materials to be included in the record of proceedings must be publicly available and downloadable from an internet website maintained by CEC. The Applicant further acknowledges that materials prepared or received after the release of the draft EIR must be promptly posted from the same website within the time limits prescribed by Public Resources Code Section 21186.

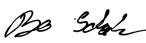
Thank you for considering our application. Please let us know if we can answer any questions or provide additional information.

Sincerely,

LEVY ALAMEDA, LLC

DocuSigned by:

523927614CD842D...

Name: David Eva
Title: Chief Executive Officer
Levy Alameda, LLC

DocuSigned by:

64953E336E5C4CE...

Name: Bo Scholer
Title: Vice President
Levy Alameda, LLC