

DOCKETED	
Docket Number:	24-OPT-04
Project Title:	Potentia-Viridi Battery Energy Storage System
TN #:	262576
Document Title:	Acknowledgement of Obligations under Public Resources Code Sections 21183(e), 21183(f), and 21183(g)
Description:	Levy Alameda, LLC's Acknowledgement of Obligations under Public Resources Code Sections 21183(e), 21183(f), and 21183(g) for Potentia-Viridi Battery Energy Storage System Opt-In Application
Filer:	Ronelle Candia
Organization:	Dudek
Submitter Role:	Applicant Consultant
Submission Date:	4/3/2025 7:34:34 AM
Docketed Date:	4/3/2025



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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 Acknowledgement of Obligations under Public Resources Code Sections 21183(e), 21183(f), and 21183(g) 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) 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 SB 7).

By this letter, the Applicant hereby acknowledges and agrees to its obligations under Public Resources Code Sections 21183(e), (f), and (g). Those statutory provisions provide as follows:

Section 21183(e)

The applicant has entered into a binding and enforceable agreement that all mitigation measures required under this division [the California Environmental Quality Act] to certify the project under this chapter [the Act] shall be conditions of approval of the project, and those conditions will be fully enforceable by the lead agency or another agency designated by the lead agency. In the case of environmental mitigation measures, the applicant agrees, as an ongoing obligation, that those measures will be monitored and enforced by the lead agency for the life of the obligation.

Section 21183(f)

The applicant agrees to pay the costs of the trial court and the court of appeal in hearing and deciding any case challenging a lead agency's action on a certified project under this division [the California Environmental Quality Act], including payment of the costs for the appointment of a special master if deemed appropriate by the court, in a form and manner specified by the Judicial Council, as provided in the California Rules of Court adopted by the Judicial Council under Section 21185.

Section 21183(g)

The applicant agrees to pay the costs of preparing the record of proceedings for the project concurrent with review and consideration of the project under this division, in a form and manner specified by the lead agency for the project. The cost of preparing the record of proceedings for the project shall not be recoverable from the plaintiff or petitioner before, during, or after any litigation.

The Applicant acknowledges and agrees that its commitment to comply with the requirements of SB 7 has no impact on CEC's review or processing of the Environmental Impact Report (EIR) for the Project, does not obligate CEC to approve the Project, and does not impact CEC's discretion under applicable law to require modifications or alterations to the Project.

Sincerely,

LEVY ALAMEDA, LLC

DocuSigned by:

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

DocuSigned by:

64953E336E5C4CE...

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

Acknowledged and agreed to by:

CALIFORNIA ENERGY COMMISSION

By: _____

[Printed Name and Title]

Date: _____