

EXHIBIT D

Application for Site Certificate

ORGANIZATIONAL EXPERTISE

OAR 345-021-0010(1)(d)

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D.1 INTRODUCTION

Obsidian Solar Center LLC (Applicant) proposes to construct the Obsidian Solar Center (Facility) in Lake County, Oregon, with an alternating current generating capacity of up to 400 megawatts (MW_{ac}). Refer to Exhibit B for Facility layout information and Exhibit C for Facility location information.

Exhibit D identifies the organizational expertise of Applicant to construct and operate the Facility. This exhibit provides the information required by Oregon Administrative Rules (OAR) 345-021-0010(1)(d): *Information about the organizational expertise of the applicant to construct and operate the proposed facility, providing evidence to support a finding by the Council as required by OAR 345-022-0010.*

D.2 APPLICANT'S PREVIOUS EXPERIENCE

OAR 345-021-0010(1)(d)(A) *The applicant's previous experience, if any, in constructing and operating similar facilities.*

Response: Applicant is owned by Obsidian Renewables, LLC (Obsidian) and Lindgren Development, Inc.

Obsidian was the first, and remains one of the most active, developer of utility-scale solar photovoltaic (PV) facilities in the Pacific Northwest. As of the end of 2016, Obsidian has developed or financed 24 solar PV projects, including 8-MW_{ac} (BC Solar), 5-MW_{ac} (Old Mill Solar), and 2-MW_{ac} (Black Cap I) projects for PacifiCorp, and a 5-MW_{ac} project for Portland General Electric Company (Outback Solar). While the projects are not similar in size to the proposed Facility, they demonstrate cumulatively Applicant's ability to develop solar energy projects, particularly in southeast Oregon. Obsidian has three additional utility-scale projects under development in Lake County, Oregon: Fossil Lake Solar (10 MW_{ac}) in the Christmas Valley area, and Airport Solar (47.25 MW_{ac}) and Airport 10 (10 MW_{ac}) in the Lakeview area.

Lindgren Development, Inc., is a wholly owned subsidiary of Swinerton Incorporated. Swinerton Incorporated is 100% employee-owned. Through its subsidiary, Swinerton Builders and its division Swinerton Renewable Energy (SRE), Swinerton Incorporated offers turnkey utility-scale solar power solutions. SRE has constructed, and has operation and maintenance responsibilities for, a PV portfolio totaling over 3 alternating current gigawatts (GW_{ac}).

In addition to engineering, procuring, and construction capabilities, SRE provides full-service operation and maintenance for any North American solar facility, as well as real-time performance monitoring through SOLV, its proprietary supervisory control and data acquisition platform.

Neither Applicant, Lindgren Development, nor their parent companies, has experience constructing and operating battery storage. While many developers are seeking to permit battery storage associated with renewable energy projects in Oregon, no contractor or developer in Oregon has yet constructed a battery storage facility of the type described in this application. However, Swinerton, an affiliate of Lindgren, has constructed a 20 MW battery storage facility in California and will be involved in this project, as described earlier in Exhibit A.

Applicant, the developer, will not be the operator of the Facility. The Facility will be operated by an experienced and qualified operator, likely to be Swinerton's affiliate SOLV. Whoever the operator, the Facility will be operated in accordance with the terms and conditions of the Site Certificate and the manufacturer's specifications.

D.3 QUALIFICATIONS OF APPLICANT'S PERSONNEL

OAR 345-021-0010(l)(d)(B) *The qualifications of the applicant's personnel who will be responsible for constructing and operating the facility, to the extent that the identities of such personnel are known when the application is submitted.*

Response: Obsidian's senior executives have over 25 years of combined experience in energy generation, finance, complex transactions, and engineering, as detailed below.

- **David W. Brown**, a Senior Principal and co-founder of Obsidian, brings expertise in transaction structures, creative ideas in tax and finance, and resolving or liquidating distressed companies and assets. Industries of particular focus are energy, forest products, finance, and bankruptcy estates. Mr. Brown graduated with a BS in marketing and a JD from the University of Oregon.

With Obsidian, Mr. Brown developed two utility-scale solar PV projects that at the time were the largest such projects in Oregon. Mr. Brown is a former board member of the Oregon Solar Energy Industries Association and is involved with the Bioenergy Deployment Consortium. Mr. Brown has been very active in renewable energy incentive legislation in the state of Oregon.

Mr. Brown has repeatedly applied his extensive experience in the forest products industry, most recently while leading the effort to acquire a major Pacific Northwest forest products company. This effort involved a unique structure that included tax efficiencies not generally available when taking timberland private, maximizing value for shareholders.

Prior to founding Obsidian, Mr. Brown practiced law with Miller Nash LLP in Portland, Oregon. His practice included many different aspects of business, tax, and finance for both successful and financially distressed companies.

- **Peter Brown, P.E.**, has been engaged in engineering, technology, energy, and sales for over 30 years. He holds MS degrees in physical chemistry and mechanical engineering. After college, he began his career in energy controls design at Honeywell and has also practiced engineering in energy conservation and alternative energy systems. He has technical sales and marketing experience in the fields of bar code data collection (with Symbol Technologies), tablet computing (Fujitsu Personal Systems), optical test and measurement (ILX Lightwave), and infrared optical systems (Lattice Materials).

Mr. Brown joined Obsidian in October 2013 and brought a new level of technical expertise to the company.

- **Laurie Hutchinson** is a Project Manager at Obsidian. Ms. Hutchinson oversees the construction process for Obsidian's solar projects from contract to final commercial operation. She also works on project development, managing the interconnection process, working on land use planning and permitting, and developing contracts and working with engineering, procurement, and construction contractors from concept to design and documentation. She monitors Obsidian's existing solar plants and oversees operation and maintenance.

Ms. Hutchinson has been working in the solar industry since 2007. Prior to Obsidian, she worked in solar electric design, construction management, and technical sales. She holds a BS in psychology from Penn State University.

- **Todd Gregory** was Vice President at Obsidian between 2008 and 2016, and now works for the company as a development consultant. Mr. Gregory specializes in tax minimization strategies, tax credits and incentives, renewable energy financing, and project management.

For the three years prior to joining Obsidian, Mr. Gregory was a tax senior manager with Ernst & Young. He has considerable experience managing state tax restructuring, negotiated incentives, indirect state tax review, tax credit recovery, and state tax controversy projects. From 1999 to 2004, he was a state and local tax manager with Deloitte & Touche.

Mr. Gregory earned a BS in economics with honors from Willamette University, a JD from Syracuse University, and an LLM in taxation from the University of Denver, Graduate Tax Program. Mr. Gregory is a member of the Colorado Bar and the American Bar Association.

- **Michelle Slater** is an attorney with more than 20 years of experience working with complex transactions in a variety of industries, including renewable energy, the insurance sector, and the financial sector. Ms. Slater serves as Project Manager for the Obsidian Solar Center. She holds a BA in English Literature from Vassar College and a JD from the Northwestern School of Law at Lewis and Clark College, with a Federal Tax Certificate.

SRE personnel have over 20 years in the solar, electrical, and construction industries.

- **Garret Cope** is the Field Operations Manager for SRE and manages construction activities for all solar utility plants built by SRE. Mr. Cope was selected to help create SRE and has been instrumental in establishing SRE as an industry leader in the renewable energy sector. Mr. Cope has over 20 years of experience in the construction industry and contributes a broad knowledge of construction means and methods that allows him to create innovative solar industry solutions.
Mr. Cope oversees all commercial and utility-scale projects and supervises the jobsite's project superintendents. Throughout the design process, and prior to the start of construction, he develops construction schedules, site logistics, and staging plans specific to the job site. With his extensive experience, Mr. Cope has become a recognized expert in the solar industry.
- **Jerime Cope** has field experience in general construction, welding, and PV solar projects. His broad knowledge of construction methods makes him well suited to handle many different building types. As a Project Superintendent, Mr. Cope oversees projects from the jobsites and is responsible for day-to-day construction operations. He supervises and directs all field labor and is responsible for the coordination and scheduling of all subcontractor trade work and self-performing work. Prior to the start of construction, Mr. Cope develops site logistics and staging plans specific to each jobsite. His responsibilities also include quality control, and safety and labor relations for the Facility.
- **Angelo Purpura** manages the SOLV Division, which includes operation and maintenance field technicians, monitoring and performance teams, and project management teams. He brings over two decades of experience in a variety of solar, electrical, and construction areas, adding value to clients' solar portfolios. Mr. Purpura is responsible for the field operations of over 4 GW_{ac} of utility-scale solar PV plants and for staying ahead of industry trends. He consistently tracks new regulatory requirements affecting the solar industry, new safety and Occupational Safety and Health Administration standards, utility interconnection regulation developments, and North American Electric Reliability Corporation regulations. Mr. Purpura also works with the SRE Engineering, Procurement, and Construction team during project development phases. His limitless list of contacts in the industry is an asset to clients. He has a depth of knowledge in solar projects' civil, legal, utility requirements, power purchase agreements, contracting and reporting. Mr. Purpura's management philosophy is safety first, then consistent and ongoing employee training, along with seeking new approaches to improve efficiency and quality control.

D.4 QUALIFICATIONS OF CONTRACTORS

OAR 345-021-0010(1)(d)(C) *The qualifications of any architect, engineer, major component vendor, or prime contractor upon whom the applicant will rely in constructing and operating the facility, to the extent that the identities of such persons are known when the application is submitted.*

Response: Applicant has selected SRE, its contractor on several other Oregon projects, to provide construction and operation services for the Facility.

SRE is a division of Swinerton Builders, a California-based construction company with more than 100 years of continuous experience. SRE has built more than 100 solar projects totaling more than 3 GW_{ac}, including more than 18 projects and over 200 MW_{ac} in Oregon. SRE's projects range in size from 1 to 480 MW_{ac}. SRE, which currently provides operation and maintenance services to approximately 2 GW_{ac} of solar projects around the country, will also be responsible for operating and maintaining the Facility. SRE has also provided contractor services for some of the larger battery projects recently installed in California. SRE has agreed to provide general contractor services, as well as operation and maintenance services for the Facility.

SRE brings to the project its experience in the construction industry generally and the renewable energy industry specifically, including its understanding of labor costs, supply chain and materials values, safety issues, and required time and expense for installation, retirement, and repurposing of renewable energy facilities.

D.5 APPLICANT'S PAST PERFORMANCE

OAR 345-021-0010(1)(d)(D) *The past performance of the applicant, including but not limited to the number and severity of any regulatory citations in constructing or operating a facility, type of equipment, or process similar to the proposed facility.*

Response: Neither Applicant nor either of its parent companies, Obsidian Renewables, LLC and Lindgren Development Inc., has received any complaints or citations in connection with the development, construction, or operation of any of its solar projects.

D.6 APPLICANTS WITH NO PREVIOUS EXPERIENCE

OAR 345-021-0010(1)(d)(E) *If the applicant has no previous experience in constructing or operating similar facilities and has not identified a prime contractor for construction or operation of the proposed facility, other evidence that the applicant can successfully construct and operate the proposed facility. The applicant may include, as evidence, a warranty that it will, through contracts, secure the necessary expertise.*

Response: Applicant does not have previous experience directly, but, as stated in Section D.2, it has experience through its owners and affiliates. Therefore, this rule is not applicable.

D.7 DESCRIPTION OF ISO CERTIFIED PROGRAM

OAR 345-021-0010(1)(d)(F) *If the applicant has an ISO 9000 or ISO 14000 certified program and proposes to design, construct and operate the facility according to that program, a description of the program.*

Response: Applicant does not propose to design, construct, and operate the Facility according to an International Organization for Standardization (ISO) 9000 or ISO 14000 certified program.

D.8 PROOF OF ABILITY TO COMPLETE MITIGATION

OAR 345-021-0010(1)(d)(G) *If the applicant relies on mitigation to demonstrate compliance with any standards of Division 22 or 24 of this chapter, evidence that the applicant can successfully complete such proposed mitigation, including past experience with other projects and the qualifications and experience of personnel upon whom the applicant will rely, to the extent that the identities of such persons are known at the date of submittal.*

Response: Applicant relies on mitigation to demonstrate compliance with Division 22 standards relating to the Oregon Department of Fish and Wildlife habitat goals and standards as described in Exhibit P. Applicant does not have previous experience with habitat mitigation projects, but its affiliates Obsidian Renewables, LLC, and Obsidian Finance Group, LLC, each have extensive experience analyzing complex problems, developing and implementing creative solutions to satisfy the needs of multiple stakeholder groups. In coordination with the appropriate state agencies and local interests, David W. Brown, senior principal of Obsidian Finance Group and owner of Obsidian Renewables, LLC, and his team (which includes engineering, legal, development, and environmental professionals) will develop and implement a meaningful and successful mitigation project and will engage with third parties with specific habitat mitigation experience.