

# Exhibit D

## Applicant's Organizational Expertise

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**Wagon Trail Solar Project  
December 2023**

**Prepared for**



**Prepared by**



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**Table of Contents**

**1.0 Introduction ..... 1**

**2.0 Applicant’s Previous Experience ..... 1**

**3.0 Qualifications of Applicant’s Personnel ..... 2**

**4.0 Qualifications of Known Contractors ..... 3**

**5.0 Applicant’s Past Performance ..... 4**

**6.0 Mitigation ..... 4**

**7.0 Submittal Requirements and Approval Standards ..... 6**

    7.1 Submittal Requirements ..... 6

    7.2 Approval Standards ..... 7

**8.0 References ..... 8**

**List of Tables**

Table D-1. Submittal Requirements Matrix ..... 6

Table D-2. Approval Standards ..... 7

**List of Attachments**

Attachment D-1. Applicant and Parent Company Commitment Letter

### **Acronyms and Abbreviations**

Applicant	Wagon Trail Energy Center, LLC c/o NextEra Energy Resources, LLC
Council	Energy Facility Siting Council
Facility	Wagon Trail Solar Project
MW	megawatts
NextEra	NextEra Energy Resources, LLC
NWC	Northwest Wildlife Consultants, Inc.
OAR	Oregon Administrative Rules
ODOE	Oregon Department of Energy

## 1.0 Introduction

Wagon Trail Energy Center, LLC c/o NextEra Energy Resources, LLC (Applicant) proposes to construct and operate the Wagon Trail Solar Project (Facility), a solar energy generation facility and related or supporting facilities in Morrow County, Oregon. This Exhibit D was prepared to meet the submittal requirements in Oregon Administrative Rules (OAR) 345-021-0010(1)(d).

## 2.0 Applicant's Previous Experience

*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, including:*

*(A) The applicant's previous experience, if any, in constructing and operating similar facilities.*

The Applicant is a wholly-owned indirect subsidiary of NextEra Energy Resources, LLC (NextEra). NextEra, headquartered in Juno Beach, Florida, is the world's largest generator of renewable energy from the wind and sun<sup>1</sup>. NextEra is a regionally diversified company with approximately 5,100 employees dedicated to the production of an ever-expanding portfolio of approximately 21,900 megawatts (MW), from 175 facilities in 36 states and four Canadian provinces (as of year-end 2019). With more than 10,000 wind turbines in its fleet, NextEra's wind generation capacity totals more than 15,000 MW. NextEra is also capable of generating more than 2,100 MW of electricity from natural gas facilities, operates three nuclear power plants with a capacity of more than 2,700 MW, and operates more than 3,000 MW of solar energy. It is estimated that nearly 95 percent of the electricity produced by NextEra comes from clean or renewable sources. Along with its rate-regulated sister company, Florida Power and Light, NextEra is a wholly owned subsidiary of NextEra Energy, Inc. NextEra Energy, Inc. is a Fortune 150 Company with a market capitalization of approximately 134 billion dollars. The financial strength of NextEra and its parent company provides the company with the financial capital to self-finance and build up to 4 billion dollars of projects per year on its own balance sheet. The Applicant and NextEra Energy Resources, LLC can confirm that their teams have the sufficient resources and expertise to construct, own, operate, and maintain the Facility (see Attachment D-1).

NextEra's energy storage team is leading the growth of the storage market with more than 145 MW of operating energy storage assets, including the Lee DeKalb Energy Storage Facility in Illinois and the Blue Summit Energy Storage Facility in Texas. There have been no citations for the operating facility. Further, it is integrating another 100 MW of energy storage systems that are under late-stage development or construction today. NextEra has also signed Power Purchase Agreements for several of the largest solar plus storage projects in the United States including 10 MW/40 MW-

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<sup>1</sup> <https://www.nexteraenergy.com/>

hours energy storage paired with 20 MW of solar under long-term contract with Salt River Project and currently operating in Arizona; 30 MW/120 MW-hours storage project paired with 100 MW of solar under long-term contract with Tucson Electric Power that began operation in 2021.

Additionally, according to Jim Robo, the Chairman and CEO of NextEra, "NextEra expects to invest more than \$1 billion in storage in 2021, which would be the largest-ever annual battery storage investment by any power company in history."

Within Oregon, NextEra subsidiaries—FPL Vansycle, LLC and FPL Energy Stateline II—constructed, own, and operate 186 turbines, with a total peak generating capacity of 123 MW at the Stateline 1 and 2 wind energy facilities, and 43 turbines with a total peak generating capacity of 99 MW at the Vansycle II Wind Energy Facility. NextEra subsidiaries recently completed a 300-MW wind farm in Morrow County, Oregon—the Wheatridge Renewable Energy Facility II—and are currently constructing the Wheatridge Renewable Energy Facility III, a solar facility that includes battery storage in Morrow County, Oregon. These projects were permitted through the Oregon Energy Facility Siting Council (Council). For all projects in Oregon, NextEra has and continues to comply with preconstruction, construction and operational requirements as enforced by the Council.

Through this relationship, the Applicant's management team and the NextEra family of companies have deep regional expertise, derived over years of successfully permitting and operating hundreds of MWs of energy projects in Oregon. NextEra employees have deep local ties to the communities they operate in, and a solid history of understanding local economic development, permitting, environmental concerns. There are no recorded citations, nor North American Energy Reliability Corporation violations, for these projects. Moreover, the Council previously found for Wheatridge Renewable Energy Facility III that NextEra can comply with the requirements of the Oregon Energy Facility Siting Statutes, standards adopted by the Council pursuant to Oregon Revised Statutes 469.501, and all other Oregon statutes and administrative rules identified as applicable to the issuance of a site certificate (Oregon Department of Energy [ODOE] 2020).

### **3.0 Qualifications of Applicant's Personnel**

*OAR 345-021-0010(1)(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.*

Members of NextEra's development and permitting team were directly involved in the permitting of the projects described in Section 2.0 (Stateline and Wheatridge facilities), subsequent amendments to the original site certificates, and site certificate compliance for all phases of development. As a result, through its parent company, the Applicant and its management team have a direct lineage to one of the oldest, continuously owned and operated wind energy facilities in Oregon (Stateline Wind Project). Through this relationship, the Facility's management team and the NextEra family of companies have deep regional expertise, derived over years of successfully permitting and operating hundreds of MW of wind and solar energy projects in the Oregon. NextEra employees have extensive local ties to the communities we operate in, and a solid history of understanding

local economic development, permitting, environmental concerns, and compliance with the various conditions stipulated within a Council site certificate.

### **Applicant's Management Team Biographies**

**Sara Twitchell** – Sara Twitchell joined NextEra in April 2022 and is responsible for environmental permitting and compliance for NextEra projects in Washington and Oregon. Prior to joining NextEra, Sara spent 16 years as an environmental consultant, holding various energy project and management roles. As a consultant, Sara supported a number of renewable energy development clients with project permitting, including many NextEra projects in the Pacific Northwest.

**David Lawlor** – David Lawlor has worked in the power generation and utility fields for 20 years, the last 3½ with NextEra. He has developed, originated, and/or permitted over 1,000 MW of power generation across northwestern North America. Mr. Lawlor holds a bachelor's degree in geography from University of Saskatchewan and a master's degree in Environmental Studies from Dalhousie University.

**Matt Handel** – Matt Handel is a Vice President of Development for NextEra, with responsibility for utility-scale solar, distributed generation, and energy storage development. He has been with NextEra for 14 years. From 2001 through 2006, he served as Vice President of Structured Transactions within NextEra's wholesale trading group working on long-dated customized power deals. From 2006 through 2009, he served as Vice President of Northeast Generation, where he had commercial responsibility for a 3-gigawatt portfolio of merchant generating assets, including nuclear, hydro, combined cycle, and natural gas peaking plants in the New England Power Pool, PJM, and the New York Independent System Operator. In 2009, he was named Vice President of Solar Development with responsibility for growing the utility-scale solar business. In 2012, the solar effort was expanded to include a distributed generation division focused on non-residential solar projects. In 2013, an energy storage business was added, which focuses on both grid connected projects and behind-the-meter storage applications. By the end of 2016, NextEra will have developed and constructed over 2 gigawatts of solar and storage projects throughout the U.S. and Canada representing over \$6 billion in capital deployed across nine states and Ontario. Prior to joining NextEra, Mr. Handel was a lawyer in New York and then a brewery owner in Colorado. He is a graduate of Stanford University and Columbia Law School.

## **4.0 Qualifications of Known 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.*

At this point in time, the Applicant has not selected a solar manufacturer for the proposed Facility's solar panels, or a specific contractor to construct the proposed Facility. This said, based on its

team's vast experience and the parent company's portfolio as the largest provider of renewable energy in the world, the Applicant will select qualified contractors, engineers, and manufacturers with experience in the solar industry.

NextEra has extensive relationships with all the major solar panel manufacturers, as well as with the chief building-of-plant contractors in the United States. NextEra has also relied on the input of external consultants with decades of relevant experience developing successful energy facilities in the Pacific Northwest.

## 5.0 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.*

The Applicant's management team has substantial experience in managing all aspects of development, preconstruction, and operational activities at multiple solar energy projects across the United States and Canada. NextEra entered the solar generation business in 1989 through its interest in Solar Electric Generating System, one of seven solar thermal projects sited in Kramer Junction and Harper Lake, California. The Applicant's team can rely on a deep bench of corporate professionals who manage more than 90 solar projects (with ownership interest) with a total net generating capacity of more than 3,000 MW of owned solar generation energy facilities across the United States and Canada (in Oregon, the Stateline and Wheatridge facilities). NextEra has more than 145 MW of operational battery energy storage with another 100 MW that will be integrated under late-stage development or construction. NextEra also includes more than 5,100 professionals working in various departments, including operations and maintenance, development, land services, environmental services, construction and engineering, and in-house corporate legal services. Specifically, the Wheatridge Renewable Energy Facility III, also in Morrow County, Oregon, is a solar facility similar to the proposed Facility. For the Wheatridge Renewable Energy Facility III, NextEra has coordinated with ODOE compliance staff throughout the pre-construction, construction and pre-operations phases, which included site visits by ODOE compliance staff (Duane Kilsdonk and Sarah Esterson). See Section 2.0 for further information on the Applicant's previous experience (specifically experience in Oregon with Council approved facilities that have been constructed and are in operation [Stateline and Wheatridge facilities]).

## 6.0 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.*

The Applicant relies on mitigation to demonstrate compliance with several approval standards, most importantly with the Oregon Department of Fish and Wildlife fish and wildlife habitat goals and standards, addressed in Exhibit P of this request. The Applicant is working with Tetra Tech, Inc. to determine impacts and related mitigation requirements. Tetra Tech personnel have extensive experience in determining mitigation needs at numerous energy facilities in Oregon and throughout the country. The Applicant's managers have substantial experience in designing habitat mitigation projects. The Applicant will rely on the experience and expertise of Sara Twitchell and Northwest Wildlife Consultants, Inc. (NWC) to successfully complete the mitigation required for the proposed Facility.

As noted above in Section 3.0, Sara Twitchell has approximately 16 years of experience in environmental permitting and compliance, functioning as an environmental consultant supporting numerous renewable energy development clients with project permitting. She has consulted for NextEra and other renewable energy developers across the states of Oregon and Washington. The Applicant is working with NWC to implement habitat mitigation. NWC and its personnel (Karen Kronner, Bob Gritski, and others) have demonstrated success at all aspects of such a mitigation process as required for the proposed Facility, including the drafting of initial concepts, contacting owners of potentially suitable mitigation areas, assessing (in concert with appropriate agency personnel) the suitability of such lands, implementation of protection and enhancement measures, monitoring of effectiveness, and validation of successful completion. NWC has completed some or all of these mitigation components on a number of wind energy projects in Oregon and Washington, including both those associated with county Conditional Use Permits and Council projects. Some of these projects are the Wheatridge Facilities, Stateline 2, Stateline 3, Klondike III, Leaning Juniper I, Leaning Juniper II, Pebble Springs, Willow, Star Point, Rattlesnake Road, and Wheat Field.

Any process or requirements that would ensure that contractors are contractually obligated to implement EFSC-approved mitigation plans will be included in the contracting documents provided to the Applicant's Engineering Procurement and Construction contractors. NextEra will require the EPC to provide a Vegetation Management Plan to provide guidance for managing and sustaining vegetation throughout the Facility. Vegetation management goals and objectives for the Facility include:

- Stabilization of the site by maintaining 70 percent perennial vegetative cover over the soil surface. This will result in reduced erosion from stormwater runoff, reduced formation of gullies and reduced windblown dust.
- Establish and sustain vegetation that will not require irrigation, regular fertilization, or pest management.
- Comply with all applicable regulatory requirements, including county ordinances for ground cover, erosion and sediment control, stormwater management and weed control.

In compliance with OAR 345-022-0010 and as instilled at all NextEra projects, NextEra enforces a workplace culture dedicated to health and safety. Part of that safety is protecting the public from health and safety risks that may be created by their projects. Measures implemented by project employees and contractors can directly impact the safety of the public. As with any solar project, potential public health and safety risks are created including potential injury from project component failures, creating the opportunity for trespassing, and potentially placing more demand on local health and safety utilities (e.g., fire, law enforcement, and medical services). Measures such as following proper component handling procedures during construction; reporting accidents including mechanical failures during construction; instating a Health and Safety Plan as well as an Emergency Response Plan prior to construction; installing various security measures (e.g., fencing, locked gates) and hiring on-site security during construction and operations; providing staff emergency and safety training during construction and operations; maintaining the supervisory control and data acquisition system during operations; will be implemented by Facility staff and the Applicant to ensure that the standard is met. Supplemental safety measures as applicable to various public utilities and services (e.g., fire, traffic, roads) can be found in Exhibit U.

Additionally, all project employees, contracted employees, and contractors are required to comply with all health and safety policies and procedures. All contractors must manage their health, safety, and environment risks in a manner consistent with NextEra’s safety policy. All contractors are heavily scrutinized prior to employment using robust pre-qualification and selection criteria. This includes assessment of contractor health and safety management systems, worker qualifications, injury statistics, insurance requirements, and past compliance with jurisdictional regulations. With these measures, NextEra’s strong health and safety culture means that employees are continually monitoring risks and seeking ways to further reduce the potential for impacts to health and safety.

## **7.0 Submittal Requirements and Approval Standards**

### **7.1 Submittal Requirements**

**Table D-1. Submittal Requirements Matrix**

<b>Requirement</b>	<b>Location</b>
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, including:	-
(A) The applicant’s previous experience, if any, in constructing and operating similar facilities;	Section 2.0
(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.	Section 3.0

<b>Requirement</b>	<b>Location</b>
(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.	Section 4.0
(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.	Section 5.0
(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.	N/A
(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.	N/A
(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.	Section 6.0

**7.2 Approval Standards**

**Table D-2. Approval Standards**

<b>Requirement</b>	<b>Location</b>
<b>OAR 345-022-0010</b>	-
(1) To issue a site certificate, the Council must find that the applicant has the organizational expertise to construct, operate and retire the proposed facility in compliance with Council standards and conditions of the site certificate. To conclude that the applicant has this expertise, the Council must find that the applicant has demonstrated the ability to design, construct and operate the proposed facility in compliance with site certificate conditions and in a manner that protects public health and safety and has demonstrated the ability to restore the site to a useful, non-hazardous condition. The Council may consider the applicant’s experience, the applicant’s access to technical expertise and the applicant’s past performance in constructing, operating and retiring other facilities, including, but not limited to, the number and severity of regulatory citations issued to the applicant.	Sections 2.0 through 6.0
(2) The Council may base its findings under section (1) on a rebuttable presumption that an applicant has organizational, managerial and technical expertise, 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.	N/A

<b>Requirement</b>	<b>Location</b>
(3) If the applicant does not itself obtain a state or local government permit or approval for which the Council would ordinarily determine compliance but instead relies on a permit or approval issued to a third party, the Council, to issue a site certificate, must find that the third party has, or has a reasonable likelihood of obtaining, the necessary permit or approval, and that the applicant has, or has a reasonable likelihood of entering into, a contractual or other arrangement with the third party for access to the resource or service secured by that permit or approval.	N/A
(4) If the applicant relies on a permit or approval issued to a third party and the third party does not have the necessary permit or approval at the time the Council issues the site certificate, the Council may issue the site certificate subject to the condition that the certificate holder shall not commence construction or operation as appropriate until the third party has obtained the necessary permit or approval and the applicant has a contract or other arrangement for access to the resource or service secured by that permit or approval.	N/A

## **8.0 References**

ODOE (Oregon Department of Energy). 2020. Final Order on Request for Amendment 1 to the Site Certificate. November 19, 2020. Available online at:  
<https://www.oregon.gov/energy/facilities-safety/facilities/Facilities%20library/2020-11-19-WREFIIAMD1-Final-Order-on-Amendment-1.pdf>.

# **Attachment D-1. Applicant and Parent Company Commitment Letter**

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**WAGON TRAIL ENERGY CENTER, LLC**  
**700 Universe Blvd.**  
**Juno Beach, FL 33408**

September 19, 2023

Oregon Department of Energy  
Energy Siting Division  
550 Capital St. NE  
Salem, OR 97301


To Whom it May Concern,


As described in the Application for Site Certificate submitted by Wagon Trail Energy Center, LLC for the Wagon Trail Solar Project ("Facility"), Wagon Trail Energy Center, LLC is a wholly-owned indirect subsidiary of NextEra Energy Resources, LLC.

With this letter, Wagon Trail Energy Center, LLC and NextEra Energy Resources, LLC confirm that Wagon Trail Energy Center, LLC will have access to sufficient resources and expertise to construct, own, operate, and maintain the Facility, which resources and expertise may be obtained as services provided by NextEra Energy Resources, LLC or an affiliate thereof on terms and conditions that will ensure the availability of such resources and expertise to Wagon Trail Energy Center, LLC as and when needed to ensure safe and reliable operation of the Facility.

Thank you in advance for your consideration of this matter.

Very truly yours,

  
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Anthony Pedroni  
Vice President  
Wagon Trail Energy Center, LLC

  
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Anthony Pedroni  
Vice President  
NextEra Energy Resources, LLC

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