

ESTERSON Sarah * ODOE

Subject: NextEra/Vansycle II: Amendment Determination Request [SR-ACTIVE.FID5495790]
Attachments: Amendment Determination Request.pdf; ADR Exhibit A.pdf

From: Curtiss, Sarah Stauffer <sarah.curtiss@stoel.com>
Sent: Tuesday, October 11, 2022 11:21 AM
To: ESTERSON Sarah * ODOE <Sarah.ESTERSON@energy.oregon.gov>
Cc: Solsby, Anneke <Anneke.Solsby@nexteraenergy.com>; Lawlor, David <David.Lawlor@nexteraenergy.com>; Rowe Patrick G <patrick.g.rowe@doj.state.or.us>
Subject: NextEra/Vansycle II: Amendment Determination Request [SR-ACTIVE.FID5495790]

Hi Sarah,

Following up on our conversation a few weeks ago related to the NextEra project entity change for the Vansycle II unit at Stateline, I'm sending along an Amendment Determination Request that outlines the change and addresses the ADR standards, as well as a corresponding exhibit (letter from the new LLC). Please let us know if you'd like us to mail in a hard copy, or if there is anything else you need to process the ADR.

And then, once you have a chance to review, can we schedule a brief call to discuss timing for ODOE's review of this request? We're happy to work around your schedule, so feel free to provide a few times that might work on your end.

Thanks in advance,

Sarah Stauffer Curtiss | Partner
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Amendment Determination Request for the Stateline Wind Project

A. Introduction and Description of Proposed Change

FPL Energy Vansycle L.L.C. (FPL Vansycle) and FPL Energy Stateline II, Inc. (FPL Stateline) (together, Certificate Holders), wholly owned subsidiaries of NextEra Energy Resources, LLC (NEER), are submitting this Amendment Determination Request (ADR) for the Stateline Wind Project. The Stateline Wind Project is an operating wind energy facility consisting of two geographic units –Stateline 1 & 2 and the Vansycle II Wind Project (formerly known as Stateline 3). Stateline 1 & 2 is composed of 186 wind turbines and has a peak generating capacity of up to 123 megawatts. The Vansycle II Wind Project consists of up to 42 wind turbines with a peak generating capacity of 99 MW and is approved for up to 45 wind turbines with a peak generating capacity of up to 119 megawatts. The Energy Facility Siting Council (Council) executed the Seventh Amended Site Certificate for the Stateline Wind Project (Site Certificate) on July 29, 2022.

Consistent with the Final Order on Request for Amendment 7 to the Stateline Wind Project Site Certificate, the Vansycle II Wind Project is currently being repowered. As part of the repower, the Vansycle II Wind Project assets will be assigned to a new project entity, Vansycle II Wind, LLC, which will require a change in the name of the Certificate Holder for the Vansycle II Wind Project from FPL Energy Stateline II, Inc. to Vansycle II Wind, LLC. Following the assignment, NEER will retain control of the Vansycle II Wind Project and the Vansycle II Wind Project Certificate Holder, Vansycle II Wind, LLC.

Because there will be no change in NEER’s control of any portion of the Stateline Wind Project (including the Vansycle II Wind Project) or the Certificate Holders, the Certificate Holders are requesting a written concurrence under OAR 345-027-0357(1)(b) that a site certificate amendment to transfer ownership of the facility or certificate holder under OAR 345-27-0400 is not required. Below, the Certificate Holders evaluate the proposed change against the applicable ADR evaluation standards and demonstrate that the proposed change to the Certificate Holder for the Vansycle II Wind Project from FPL Energy Stateline II, Inc. to Vansycle II Wind, LLC can be accomplished without an amendment to the Site Certificate.

B. Amendment Determination Evaluation

Consistent with OAR 345-027-0357, the purpose of this ADR is to obtain the Oregon Department of Energy’s (ODOE) determination that the proposed change does not require a site certificate amendment. For proposed changes that do not add area to the site boundary, the rule requires that the ADR include a description of the proposed change and the certificate holder’s evaluation demonstrating that the proposed change would comply with applicable Council standards and would not require an amendment under OAR 345-027-0350. The proposed change is described above and as explained below, the change proposed in this ADR is not subject to a Site Certificate amendment under OAR 345-027- 0350.¹

¹ OAR 345-027-0353 provides exemptions for changes not requiring an amendment. None of these exemptions apply to the proposed change.

OAR 345-027-0350 provides:

Except for changes allowed under OAR 345-027-0353, an amendment to a site certificate is required to:

(1) Transfer ownership of the facility or the certificate holder as described in OAR 345-027-0400;

Response: Consistent with prior Council precedent, where the owner of the certificate holder or the owner of the entity to be in control of the possession of the facility remains the same, the OAR 345-027-0400 transfer process does not apply. *See* Wheatridge Wind Energy Facility Final Order on Request for Amendment 5 at 4 (May 2020). In this instance, the proposed assignment involves moving the Vansycle II Wind Project assets from one entity controlled by NEER, FPL Energy Stateline II, Inc., to another entity controlled by NEER, Vansycle II Wind, LLC. Because these entities are both reliant upon NEER and NEER will retain control of the Vansycle II Wind Project and the Certificate Holders, a Site Certificate amendment is not required under this provision.

(2) Apply later-adopted law(s) as described in OAR 345-027-0390;

Response: The proposed change is not the result of a later-adopted law, as described in OAR 345-027-0390. Therefore, a Site Certificate amendment is not required under this provision.

(3) Extend the construction beginning or completion deadline as described in OAR 345-027-0385;

Response: The proposed change will not extend the previously approved construction's beginning or completion deadlines. Therefore, a Site Certificate amendment is not required under this provision.

(4) Design, construct or operate a facility in a manner different from the description in the site certificate, if the proposed change:

(a) Could result in a significant adverse impact that the Council has not addressed in an earlier order and the impact affects a resource or interest protected by a Council standard;

Response: No new facilities or changes to the dimensions of the permitted facilities are being proposed.

(b) Could impair the certificate holder's ability to comply with a Site Certificate condition; or

Response: The proposed change will not impair the Certificate Holders' ability to comply with any Site Certificate condition. To confirm that the new Vansycle II Wind Project Certificate Holder

will comply with the Site Certificate conditions, please see attached Exhibit A, which confirms that Vansycle II Wind, LLC agrees to adhere to the applicable terms and conditions of the Site Certificate as amended.

(c) Could require a new condition or a change to a condition in the site certificate.

Response: The proposed change will neither require a new condition, nor change a condition in the Site Certificate.

C. Conclusion

OAR 345-027-0400 requires a site certificate transfer if there has been a change in the ownership, possession or control of the facility or the certificate. As discussed above, the proposed assignment involves moving the Vansycle II Wind Project assets from one entity controlled by NEER, FPL Energy Stateline II, Inc., to another entity controlled by NEER, Vansycle II Wind, LLC. Because both entities are reliant upon NEER and NEER will retain control of the Certificate Holders, a Site Certificate amendment is not required.

VANSYCLE II WIND, LLC
700 Universe Blvd.
Juno Beach, FL 33408

October 10, 2022

Ms. Sarah Esterson, Senior Policy Advisor
Oregon Department of Energy
Energy Siting Division
550 Capital St. NE
Salem, OR 97301


Dear Ms. Esterson,

As described in the Amendment Determination Request submitted by FPL Energy Vansycle, L.L.C. (FPL Vansycle) and FPL Energy Stateline, Inc. (FPL Stateline) (together, Certificate Holders) for the Stateline Wind Project, which includes Stateline 1 & 2 and the Vansycle II Wind Project (formerly known as Stateline 3), the Vansycle II Wind Project assets will be assigned to Vansycle II Wind, LLC as part of the repowering of the Vansycle II Wind Project. Vansycle II Wind, LLC is controlled by NextEra Energy Resources, LLC. With this submittal, Vansycle II Wind, LLC:

1. Confirms that, in light of the assignment of the Vansycle II Wind Project assets to Vansycle II Wind, LLC, it is now the Certificate Holder for the Vansycle II Wind Project and agrees to abide by the applicable terms and conditions of the Seventh Amended Site Certificate for the Stateline Wind Project.
2. Verifies that NextEra Energy Resources, LLC will retain control of the Vansycle II Wind Project and the Vansycle II Wind Project Certificate Holder, Vansycle II Wind, LLC.

Thank you in advance for your consideration of this matter.

Very truly yours,

DocuSigned by:

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Anthony Pedroni
Vice President
Vansycle II Wind, LLC