

STATE OF NEW YORK
PUBLIC SERVICE COMMISSION

Verified Petition of East River ESS, LLC for an Expedited
Order Granting a Certificate of Public Convenience and
Necessity Pursuant to Section 68 of the Public Service Law and
Establishing a Lightened Regulatory Regime

Case 21-E-0122

**VERIFIED PETITION OF EAST RIVER ESS, LLC FOR AN EXPEDITED ORDER
GRANTING AN AMENDMENT TO A CERTIFICATE OF PUBLIC CONVENIENCE
AND NECESSITY PURSUANT TO SECTION 68 OF THE PUBLIC SERVICE LAW**

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Dated: December 19, 2022

STATE OF NEW YORK
PUBLIC SERVICE COMMISSION

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Case 21-E-0122

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East River ESS, LLC (East River ESS) respectfully submits this verified petition (the Verified Petition) requesting that the New York State Public Service Commission (the Commission) issue an expedited order pursuant to Public Service Law (PSL) § 68 granting an amendment to the Certificate of Public Convenience and Necessity (CPCN) the Commission issued in this case that authorized East River ESS to construct and operate the East River Energy Storage Project (the Project), a stand-alone, battery-based energy storage facility with a capacity of up to 100 megawatts (MW) that will be located on land leased from the Power Authority of the State of New York (NYPA) at 31-03 20th Avenue, Astoria, New York 11105 (the Project Site).¹

Following the Commission's direction to Consolidated Edison Co. of New York, Inc. (Con Edison) to procure at least 300 MW of energy storage, Con Edison solicited proposals for energy storage projects and ultimately executed an Energy Storage Services Agreement (the ESSA) with East River ESS in December 2020,² pursuant to which Con Edison will have the scheduling and

¹ Case 21-E-0122, *Verified Petition of East River ESS, LLC for an Expedited Order Granting a Certificate of Public Convenience and Necessity Pursuant to Section 68 of the Public Service Law and Establishing a Lightened Regulatory Regime*, One Commissioner Order Granting a Certificate of Public Convenience and Necessity and Providing for Lightened Regulation (issued June 21, 2021) (the CPCN Order). The Commission subsequently confirmed the CPCN Order (Case 21-E-0122, *supra*, Confirming Order [issued July 20, 2021]).

² Case 18-E-0130, *In re Energy Storage Deployment Program*, East River ESS – CECONY – Energy Storage Services Agreement (East River) (Execution Version) (filed Jan. 8, 2021).

dispatch rights to the Project's 100 MW storage capacity for 7 years.³ On June 21, 2021, the Commission granted the CPCN to East River ESS and held that the Project "will advance the public interest, particularly, the energy storage goals previously established by the Commission," including the "Statewide energy storage goal of installing up to 3,000 MW of qualified storage energy system by 2030, with an interim objective of deploying 1,500 MW of energy storage systems by 2025."⁴

As explained in detail below, since the Commission issued the CPCN Order, the Project has undergone certain design modifications. Importantly, these design modifications will not affect the Project's energy storage functionality or advancement of New York State's energy storage goals, and nor will they increase the Project's already nominal environmental impacts.

In light of these recent design modifications, East River ESS files this Verified Petition to amend the Project's CPCN. Because the Project with the design modifications remains in the public interest for all the reasons set forth in the CPCN Order, the Commission should issue an expedited order granting East River ESS an amendment to the CPCN to reflect the Project modifications described in this Verified Petition.

I. THE APPLICANT

East River ESS is a Delaware limited liability company registered to do business in New York State and is an indirect, wholly owned subsidiary of Hanwha Energy USA Holdings Corporation, a Delaware corporation that does business as 174 Power Global (174 PG). East River ESS and 174 PG are each described below.

³ CPCN Order, at 2-3 (citing Case 18-E-0130, *supra*, Order Establishing Energy Storage Goal and Deployment Policy [issued Dec. 13, 2018] [the Energy Storage Order]).

⁴ CPCN Order, at 14.

A. 174 PG

Formed in December 2013, 174 PG is a leading developer of solar power and energy storage as well as an independent power producer operating in North America with deep expertise across the full spectrum of the project development cycle. 174 PG is owned by Hanwha Energy Corporation, part of the Hanwha Group that includes a Fortune Global 500 Company deeply invested in the renewable energy business. 174 PG works closely with landowners, local communities, financial investors, and other stakeholders to build highly productive utility-scale power plants throughout North America. 174 PG has in-house expertise across all functional areas of development, including, but not limited to: land siting processes, securing permits, stakeholder engagement and outreach, project development and construction, securing interconnection agreements, and power purchase agreement (PPA) origination.

To date, 174 PG has developed over 1 GW of operational solar projects, signed over 3 GW of PPAs with more than 8 GW of additional solar projects and 10 GWh of ESS projects in the development pipeline. 174 PG has highly experienced in-house project finance and deal transaction teams. In 2018, 174 PG was ranked as the No. 1 solar developer in the United States by Wood Mackenzie. With deep experience in raising tax equity and negotiating/closing complex transactions, 174 PG has raised close to \$1 billion of project capital, both nonrecourse debt and tax equity.

B. East River ESS

East River ESS was formed in 2020 to design, develop, construct, own, operate, and decommission the Project. 174 PG will manage East River ESS. Neither East River ESS nor any of its affiliates have any retail customers in New York State.

II. COMMUNICATIONS

The following persons should be included on the official service list in this proceeding, and all communications concerning this filing should be addressed to them:

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III. BACKGROUND AND PROJECT MODIFICATIONS

A. Project Overview

Following the Commission's Energy Storage Order and a solicitation process, in December 2020, East River ESS and Con Edison executed the ESSA,⁵ pursuant to which Con Edison will have the scheduling and dispatch rights to the Project's 100 MW storage capacity for 7 years following the Project's "Substantial Completion," as defined in the ESSA, during which time East River ESS will own, operate, and maintain the Project for Con Edison's benefit. The Project will satisfy one third of Con Edison's 300 MW energy storage target mandated in the Energy Storage Order.⁶

The Project will be a large-scale battery storage facility capable of charging from, and discharging into, Zone J of the New York Control Area. Once operational, the Project will be able to provide peak capacity, energy, and ancillary services and enhance grid reliability in New York

⁵ See ESSA at 1, § 6.05 (b). On May 13, 2022, East River ESS and Con Edison executed a First Amendment to Energy Storage Services Agreement for the Project, which Con Edison filed with the Commission on June 8, 2022 (Case 18-E-0130, *supra*, ESSA First Amendment Executed Redacted [filed June 8, 2022] [the First ESSA Amendment]).

⁶ CPCN Order, at 8.

City (Zone J) and statewide. More specifically, the Project will be capable of supplying up to a maximum of 4 hours of storage capacity at its rated output (*i.e.*, 400 MWh) and charge and discharge at up to 100 MW. The Project will be constructed in a single phase (currently scheduled to begin in the second quarter of 2023).

The Project will not generate electricity but will instead store electricity drawn from the grid that is generated at other facilities. The energy stored by the Project will be released to the grid in accordance with New York Independent System Operator, Inc. (the NYISO) and Con Edison system dispatch orders, operating requirements, and instructions. East River ESS will operate as a NYISO market participant entirely within the competitive wholesale market and not sell any Project output at retail.⁷ For the first seven years of operation, Con Edison will have the exclusive right to direct East River ESS to dispatch the Project, including bulk energy storage scheduling and dispatch rights and all products the Project produces,⁸ by providing “Dispatch Notices” to East River ESS subject to the requirements and limitations set forth in the ESSA.⁹

East River ESS filed an interconnection request for the Project with the NYISO on October 28, 2019, pursuant to the NYISO’s *Large Generator Interconnection Procedures*. The Project requested approval to interconnect at the Con Edison 138 kilovolt (kV) Astoria-West Substation, which is immediately east of the Project Site. The Project’s point of interconnection (POI) to the state’s electric grid is at the Astoria West Substation. The NYISO completed the Project’s

⁷ See CPCN Order, at 8, 17.

⁸ ESSA, at 1-2 (defining products as “any and all Capacity, Energy, Ancillary Services, and any other products or benefits associated with the Project (whether or not saleable in NYISO or any other electric wholesale market), including, without limitation, Installed Capacity (ICAP), Energy, Operating Reserve Service (including both Non-Synchronized and Spinning Reserves), Voltage Support Service and Regulation Service, each as defined in the NYISO Tariff, products in markets other than NYISO (including any credits or other products associated with environmental, public policy or other attributes) and products associated with uses of the Project for the benefit of CECONY’s distribution or transmission system unrelated to sales into NYISO or any other market”).

⁹ ESSA, at 3.

Interconnection System Reliability Impact Study, and the Project was accepted into the NYISO's 2021 class year. East River ESS executed a Facility Study Agreement with the NYISO, which was funded and submitted on February 12, 2021, pursuant to which the NYISO completed the Part 1 Study Cost Estimate and Major Milestones report and the Class Year 2021 Facility Studies Preliminary Deliverability Analysis Draft Report (Part 2 Facility Study). The NYISO is expected to complete the revised Part 2 Facility Study in December 2022; no changes affecting the Project are anticipated in the revised Part 2 Facility Study. The Large Generator Interconnection Agreement is currently under negotiation.

B. Project Procedural History

On February 19, 2021, East River ESS initiated this proceeding by filing a verified petition (including exhibits) with the Commission for an order (1) granting East River ESS a CPCN pursuant to PSL § 68 authorizing construction of the Project, and (2) establishing a lightened regulatory regime for East River ESS (the Original Petition).¹⁰

The Original Petition described the development of New York State's energy storage policy, including the Commission's issuance of the Energy Storage Order in December 2018 that, among other things, directed Con Edison to procure and deploy 300 MW of qualified energy storage systems.¹¹ The Original Petition also discussed Con Edison's solicitation and selection of the Project to satisfy the Commission's energy storage mandate.¹² The Original Petition then provided a detailed description of the Project's design, construction, and permitting, and the Project Site.¹³

¹⁰ Case 21-E-0122, *supra*, Verified Petition of East River ESS, LLC for an Expedited Order Granting a Certificate of Public Convenience and Necessity Pursuant to Section 68 of the Public Service Law and Establishing a Lightened Regulatory Regime (filed Feb. 19, 2021).

¹¹ Original Petition, at 3-7.

¹² *Id.* at 8-9.

¹³ *Id.* at 9-12, 19-21.

The Original Petition (including the Expanded Environmental Assessment [Expanded EAF] form attached thereto as Exhibit 5) provided a robust explanation why the Project will not result in any significant adverse environmental impacts.¹⁴ The Original Petition also included information demonstrating that East River ESS's request for a CPCN satisfied all the applicable portions of PSL § 68 and the Department of Public Service's (the Department) implementing regulations at 16 NYCRR Parts 17 and 21 (*e.g.*, 16 NYCRR §§ 17.1, 17.2, 17.3, 21.2, 21.3, and 22.3).¹⁵ That information related to, among other things, (1) the plant and system proposed to be constructed and estimated costs, (2) East River ESS's financing of Project costs, and (3) the public interest in and need for the Project.¹⁶

On June 21, 2021, the Commission issued the CPCN Order, which authorized East River ESS to construct the Project and established a lightened regulatory regime for East River ESS. The Commission granted the CPCN based on its finding that the Project "will advance the public interest, particularly, the energy storage goals previously established by the Commission," including the "Statewide energy storage goal of installing up to 3,000 MW of qualified storage energy system by 2030, with an interim objective of deploying 1,500 MW of energy storage systems by 2025."¹⁷ The Commission concluded that "East River ESS has demonstrated its financial viability and readiness to construct and operate the [Project] and that issuance of the CPCN to East River ESS is in the public interest."¹⁸

¹⁴ *Id.* at 12-19, 30-31.

¹⁵ *Id.* at 21-28.

¹⁶ *Id.*

¹⁷ CPCN Order, at 14.

¹⁸ *Id.* at 19. With respect to review of the Project under the State Environmental Quality Review Act (SEQRA), the Commission's CPCN Order noted NYPA is the lead agency for the Project, and that NYPA's coordinated SEQRA review "determined that construction and operation of the [Project] will not result in any significant adverse impacts and issued a Negative Declaration," which "is binding on the Commission" as "an Involved Agency." CPCN Order, at 12 (citing 6 NYCRR § 617.6 [b] [3] [iii]).

C. Project Design Modifications

Since the Commission issued the CPCN Order, the Project has undergone certain design modifications that will not affect the Project’s energy storage functionality or advancement of the state’s energy storage goals. The design modifications will also not change the Project’s nominal environmental impacts. Except for the specific modifications discussed below, all aspects of the Project’s design, location, financing, permitting, construction, functionality, public interest considerations, and environmental impacts are the same as described in the Original Petition and the CPCN Order.¹⁹

1) Reduced Number of Tesla Megapacks

The original Project design consisted of approximately 127 Tesla Energy (Tesla) Megapacks, which are large-scale stationary rechargeable lithium-ion battery energy storage products. Each Megapack would house racks of battery modules, a bi-directional inverter to convert power between alternating and direct current, a thermal management system, and an AC main breaker and would have been approximately 24 feet long, 8 feet wide, and 8 feet 3 inches high. In 2022, Tesla introduced a new, more powerful Megapack known as the “2XL.” Although the Megapack 2XLs are slightly larger than the original Megapack (each Megapack 2XL will be approximately 28 feet 10.5 inches long, 11 feet 9 inches wide, and 9 feet 2 inches high), their increased power will allow East River ESS to reduce the number of Megapacks necessary to operate the Project from 127 to 110 without any change in the Project Site’s footprint.²⁰

¹⁹ The East River ESS formation documents included in the Original Petition as Exhibits 1, 2, and 3 in satisfaction of 16 NYCRR § 17.2 remain unchanged.

²⁰ Under the original Project design, the Megapacks were to be housed on platforms located on the Project Site. However, under the revised Project design, the 2XL Megapacks will be housed on gabion walls on the Project Site. A gabion wall is a structure made of stacked stone-filled gabion cages tied together with heavy-duty wire. The switch from platforms to gabion walls will not impact the Project Site’s footprint.

In addition to the reduced number of Megapacks, the switch to the Megapack 2XL may reduce the operational noise from the Project. More specifically, under the original Project design, the maximum predicted noise level at the nearest residential receptor due to Project operation was anticipated to be 41 decibels, which is less than the New York City Noise Control Code Criteria.²¹ Further, under the original Project design, the maximum predicted increase in noise levels above current ambient due to the Project's operation at the nearest residential receptor was anticipated to be less than 1 dBA, which represents an imperceptible change in noise levels and is below the New York State Department of Environmental Conservation threshold for appreciable effects at any receptor.²² The 13.4% reduction in the number of Megapacks in the revised Project design (from 127 to 110) may result in a decrease in operational noise from the Project.

2) Modified Electrical Connection with the Astoria West Substation

The revised Project design still includes collecting the energy from the Megapacks at a Project substation (the Power Substation, to be developed, owned, and operated by East River ESS), which will step up the power to transmission level voltage and feed it into Con Edison's Astoria West Substation. The original Project design included an interconnecting tie line between the Power Substation and the Astoria West Substation that was to be 150 to 650 feet in length and either underground or overhead. However, the revised Project design includes an underground generation tie that will be 400 to 500 feet in length.

Like the originally designed interconnecting tie, the generation tie will be sited on lands owned by NYPA and Con Edison outside the Project Site. An access route on lands owned by NYPA and Con Edison outside of the Project Site will be necessary to allow access to the Project

²¹ Original Petition, at 14 (citing Exhibit 5, at 3-2, 3-3).

²² *Id.*

Site from the nearby public road. East River ESS is in the process of obtaining necessary real property rights from NYPA and Con Edison for siting the generation tie and access route. East River ESS will also secure a permit from the New York City Department of Buildings to construct the generation tie on Con Edison's property.

The Expanded EAF for the Project stated that both overhead and underground routes were under consideration for the interconnecting tie.²³ Construction of the underground generation tie within the highly developed Astoria Industrial Complex will not increase environmental impacts,²⁴ and selection of the underground route of the generation tie will reduce the Project's already nominal visual impacts.²⁵

IV. ARGUMENT

THE COMMISSION SHOULD GRANT EAST RIVER ESS AN AMENDMENT TO THE CPCN BECAUSE THE PROJECT REMAINS CONVENIENT AND NECESSARY FOR THE PUBLIC SERVICE

PSL § 68 requires electric corporations to obtain a CPCN from the Commission prior to beginning construction of electric plant.²⁶ Where a proposed electric plant project is modified after issuance of a CPCN, the Commission may grant an amendment to the CPCN pursuant to PSL § 68 after due hearing and upon a determination that the proposed modifications to the project do not change the Commission's previous finding that the project is necessary and convenient for the public service.²⁷

²³ Original Petition, Exhibit 5, at 1-3.

²⁴ See *id.* at 3-5 to 3-6 ("The Astoria Industrial Complex consists of existing electric generation facilities (e.g., NYPA Poletti Station, NRG Astoria Gas Turbine Facility), utility substations (e.g., Con Edison Astoria West) and other industrial development (e.g., LNG facility).").

²⁵ See *id.* at 3-5 to 3-7.

²⁶ See e.g., CPCN Order, at 10.

²⁷ See e.g., Case 06-E-0428, *Petition of Flat Rock Windpower, LLC to Amend its Certificate of Public Convenience and Necessity pursuant to Public Service Law Section 68 and Motion for Expedited Treatment*, filed in C 02-E-0362, Order Granting Amendment of Certificate of Public Convenience and Necessity (issued May 22, 2006), at 5.

Here, based on East River ESS’s Original Petition, the Commission held the Project “will advance the public interest, particularly, the energy storage goals previously established by the Commission” in the Energy Storage Order.²⁸ The Commission thus concluded, “after due hearing held on April 27, 2021, that the issuance of a CPCN for East River ESS [is] in the public interest and that the [Project] is convenient and necessary for the public service.”²⁹

The proposed modifications to the Project’s design described in this Verified Petition will not affect the Project’s energy storage functionality or advancement of the state’s energy storage goals. Further, the proposed modifications to the Project’s design will not change the Project’s nominal environmental impacts – and NYPA had previously determined that the Project would not result in any significant adverse environmental impacts.³⁰ Consequently, because the proposed modifications to the Project do not change the Commission’s previous finding that the Project is necessary and convenient for the public service and in the public interest, the Commission should grant the requested amendment to the CPCN.³¹

V. ENVIRONMENTAL REVIEW

As the SEQRA lead agency for the Project, NYPA has already exercised its authority to determine that the Project’s above-described design modifications do not alter NYPA’s prior determination that construction and operation of the Project will not result in any significant

²⁸ CPCN Order, at 14.

²⁹ *Id.* at 14-15.

³⁰ *Id.* at 12.

³¹ *See* Case 06-E-0428, *supra*, Order Granting Amendment of Certificate of Public Convenience and Necessity, at 5.

The design modifications to the Project described in this Verified Petition do not affect East River ESS’s financial or operational capabilities. East River ESS remains capable of constructing, operating, and maintaining the Project and providing safe, adequate, and reliable service for the reasons set forth in the Original Petition.

adverse environmental impact – and that determination remains binding on the Commission as an involved agency.³² Therefore, the SEQRA review of the Project remains complete.

VI. MOTION FOR AN EXPEDITED PROCEEDING

Pursuant to 16 NYCRR § 21.10 (a), East River ESS respectfully requests that the public hearing required by PSL § 68 prior to the issuance, modification, or renewal of a CPCN be held before the Commission based on this Verified Petition, inclusive of the attached exhibit, without oral testimony. Such relief is proper here given that amendment of the CPCN in this proceeding is in the public interest.³³

Within 14 days of filing the Verified Petition, East River ESS will publish in a newspaper of general circulation in Queens County a notice that: (1) briefly describes the Verified Petition’s subject matter; (2) states that East River ESS has moved that the public hearing required by the PSL be held before the Commission on the basis of the Verified Petition and such exhibits, prepared testimony, and any other information as may have been filed by any party or Department Staff, and that oral testimony not be taken; and (3) states that any person opposed to amendment of the CPCN should, within 10 days of the date of the publication of the notice, notify in writing the Secretary of the Public Service Commission at Agency Building 3, Empire State Plaza, Albany, New York 12223, of the reasons for the opposition (the Newspaper Notice).³⁴ The Newspaper Notice will satisfy the requirements of 16 NYCRR § 21.10 (a) (3).

Further, East River ESS satisfied the 16 NYCRR § 21.10 (a) (2) service requirement because East River ESS’s motion for an expedited proceeding is included within the Verified

³² See December 14, 2022 letter from Patricia A. Meehan, NYPA Vice President of Environment, Health and Safety, attached hereto as Exhibit A; CPCN Order, at 12; *Boyles v Bethlehem Town Bd.*, 278 AD2d 688, 691 (3d Dept 2000) (holding lead agency has discretion to decline to amend a negative declaration or reopen SEQRA review where it determines changes to a project are not significant).

³³ 16 NYCRR § 21.10 (a) (1); *see supra* Point IV.

³⁴ 16 NYCRR § 21.10 (a) (3).

Petition and was properly served on each person or municipality entitled to service of a copy of the same (e.g., New York City, where the Project is located and Con Edison, as the impacted utility).

Thus, if no written objection outlining a substantive reason opposing the motion is received within 10 days of the date of the Newspaper Notice's publication, the Commission may, consistent with the governing regulation and its precedent, grant the motion and hold the hearing required by PSL § 68 at the time it considers this Verified Petition.³⁵

To allow East River ESS to begin to construct and operate the Project without delay to meet the required in-service date, East River ESS respectfully requests the Commission issue an order promptly, but no later than the Commission's February 2023 session. A decision at the February 2023 session will allow East River ESS to begin construction of the Project as currently scheduled in the second quarter of 2023.

³⁵ 16 NYCRR § 21.10 (b); *see also* Case 14-E-0372, *Binghamton BOP LLC-Petition for an Original Certificate of Public Convenience and Necessity and Establishing a Lightened Regulatory Regime*, Order Granting a Certificate of Public Convenience and Necessity and Providing for Lightened Regulation (issued Dec. 11, 2014); Case 13-M-0028, *Petition of RED-Rochester, LLC and Eastman Kodak Company for Approval to Transfer Regulated Utility Assets at Eastman Kodak Park, Approval to Transfer Certificates of Public Convenience and Necessity, Providing for Continued Lightened and Incidental Regulation, Approval of Financing and Authorization, to the Extent Necessary, for Submetering*, Order Approving Transfer Subject to Conditions, Providing for Lightened Ratemaking Regulation, and Making Other Findings (issued May 30, 2013); Case 11-E-0593, *Petition of Cricket Valley Energy Center, LLC for an Original Certificate of Public Convenience and Necessity and for an Order Providing for Lightened Regulation*, Order Granting Certificate of Public Convenience and Necessity and Establishing Lightened Ratemaking Regulation (issued Feb. 14, 2013).

VII. CONCLUSION

Based on the foregoing, East River ESS respectfully requests that the Commission issue an expedited order granting an amendment to the CPCN to reflect the Project modifications described in this Verified Petition.

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/s/ John T. McManus

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Attorneys for East River ESS, LLC

Dated: December 19, 2022
Albany, New York

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Case 21-E-0122

VERIFICATION

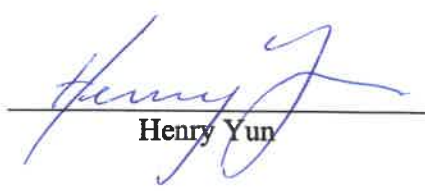
STATE OF CALIFORNIA)
) ss:
COUNTY OF ORANGE)

Henry Yun, being duly sworn, deposes and states as follows:

1. I am the President and Chief Executive Officer of Hanwha Energy USA Holdings Corporation, a Delaware corporation doing business as 174 Power Global, which is the manager of East River ESS, LLC ("East River ESS"), the petitioner in this proceeding.
2. I am authorized to sign this verification on behalf of East River ESS.
3. I have reviewed the foregoing verified petition ("Verified Petition"), and the statements of fact contained therein pertaining to East River ESS, which are true and correct to the best of my knowledge, information, and belief.
4. Because the project as described in the Verified Petition will not cross any public roads, East River ESS does not need to secure any franchise (*i.e.*, consent or approval) from any municipality.

Sworn to and subscribed before me
this see attached day of December 2022.

Notary Public



Henry Yun

CALIFORNIA JURAT WITH AFFIANT STATEMENT

GOVERNMENT CODE § 8202

- ☒ See Attached Document (Notary to cross out lines 1–6 below)
☐ See Statement Below (Lines 1–6 to be completed only by document signer[s], not Notary)

1
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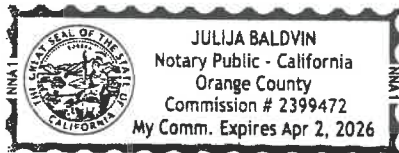
Signature of Document Signer No. 1 Signature of Document Signer No. 2 (if any)

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California

County of Orange

Subscribed and sworn to (or affirmed) before me

on this 8 day of 12, 2022
by Date Month Year(1) Henry Xun(and (2) _____),
Name(s) of Signer(s)proved to me on the basis of satisfactory evidence to
be the person(s) who appeared before me.

Place Notary Seal and/or Stamp Above

Signature Baldvin
Signature of Notary Public**OPTIONAL**

Completing this information can deter alteration of the document or
fraudulent reattachment of this form to an unintended document.

Description of Attached Document

Title or Type of Document: _____

Document Date: _____ Number of Pages: _____

Signer(s) Other Than Named Above: _____

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VERIFICATION

STATE OF CALIFORNIA)
) ss:
COUNTY OF ORANGE)

Carolyn Byun, being duly sworn, deposes and states as follows:

1. I am the Chief Legal Officer and Secretary of Hanwha Energy USA Holdings Corporation, a Delaware corporation doing business as 174 Power Global, the manager of East River ESS, LLC ("East River ESS"), the petitioner in this proceeding.
2. I am authorized to sign this verification on behalf of East River ESS.
3. I have reviewed the foregoing verified petition ("Verified Petition"), and the statements of fact contained therein pertaining to East River ESS, which are true and correct to the best of my knowledge, information, and belief.
4. Because the project as described in the Verified Petition will not cross any public roads, East River ESS does not need to secure any franchise (*i.e.*, consent or approval) from any municipality.

Sworn to and subscribed before me
this ____ day of December 2022.

see attached

Notary Public

Carolyn Byun

Carolyn Byun

GOVERNMENT CODE § 8202

☐ See Statement Below (Lines 1–6 to be completed only by document signer[s], not Notary)

Signature of Document Signer No. 2 (if any)

County of Orange



on this 8 day of 12, 2022,
by Date Month Year

Signature Balodrip-
Signature of Notary Public

Signer(s) Other Than Named Above: _____