

STATE OF NEW YORK
PUBLIC SERVICE COMMISSION

Petition of Bear Ridge Solar, LLC, for a
Certificate of Public Convenience and Necessity
Pursuant to Public Service Law Section 68 and
for an Order Granting Lightened Regulation.

Case 24-E-_____

**PETITION OF BEAR RIDGE SOLAR, LLC, FOR A CERTIFICATE OF PUBLIC
CONVENIENCE AND NECESSITY PURSUANT TO PUBLIC SERVICE LAW
SECTION 68 AND FOR AN ORDER GRANTING LIGHTENED REGULATION**

Steven D. Wilson
YOUNG / SOMMER LLC
Executive Woods
5 Palisades Drive
Tel: (518) 438-9907
swilson@youngsommer.com

Dated: March 3, 2024

Petition of Bear Ridge Solar, LLC, for a Certificate of Public Convenience and Necessity Pursuant to Public Service Law Section 68 and for an Order Granting Lightened Regulation.

Case 24-E-_____

PETITION OF BEAR RIDGE SOLAR, LLC, FOR A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY PURSUANT TO PUBLIC SERVICE LAW SECTION 68 AND FOR AN ORDER GRANTING LIGHTENED REGULATION

I. INTRODUCTION

On December 1, 2021, Bear Ridge Solar, LLC (“Bear Ridge” or “Petitioner”), a subsidiary of Cypress Creek Renewables, LLC. (“Cypress Creek”), filed an application with the Office of Renewable Energy Siting (“ORES” or, “the Office”), pursuant to Section 94-c of the New York State Executive Law (“94-c Process”), seeking a Siting Permit from the Office authorizing construction and operation of the Bear Ridge Solar Facility (the “Facility”), a 100 megawatt (“MW”) solar powered major electric generating facility in the Towns of Cambria and Pendleton, Niagara County, New York.¹ A Final Siting Permit for the Facility was issued by ORES on July 31, 2023. The Final Siting Permit authorizes Bear Ridge to construct a Facility of up to 100 MW.

Bear Ridge remains responsible for obtaining a Certificate of Public Convenience and Necessity (“CPCN”) under Public Service Law (“PSL”) § 68 from the Public Service Commission

¹ On June 5, 2018, Bear Ridge commenced a proceeding under Article 10 of the Public Service Law seeking a certificate of environmental compatibility and public need from the New York State Board on Electric Generation Siting and the Environment (“Siting Board”). On February 9, 2021, Bear Ridge opted into the 94-c Process.

(the “Commission”).² Bear Ridge hereby files this petition respectfully requesting that the Commission issue (1) a CPCN to Bear Ridge pursuant to PSL § 68, and (2) an Order finding that Bear Ridge, as a wholesale electric market participant, is entitled to a lightened regulatory regime. Construction and operation of the Facility is consistent with the State’s aggressive climate policy and early action on this Petition will ensure that necessary approvals are timely in place to facilitate construction of the Facility.

Although ORES’ rules authorize the Commission to approve construction or operation of the Facility through issuance of a CPCN, such authorization comes with “the understanding that the Commission will not duplicate any issue already addressed by the Office and will instead only act on its police power functions related to the entity as described in the body of [the] siting permit.”³ As stated by the Commission, “[t]he granting of a CPCN... is an activity undertaken in relation to the Final Permit issued by ORES.”⁴ Thus, the scope of this proceeding is limited. This proceeding should not duplicate the public need and environmental compatibility issues resolved in the 94-c proceeding and resultant siting permit.⁵ In considering issuance of a CPCN, the Commission “shall consider the economic feasibility of the corporation, the corporation’s ability to finance improvements of a gas plant or electric plant, render safe, adequate and reliable service, and provide just and reasonable rates, and whether issuance of a certificate is in the public interest.”⁶

² See 19 NYCRR § 900-6.1(d)(1).

³ 19 NYCRR § 900-6.1(d)(1).

⁴ Case 21-E-0345: *Petition of Morris Ridge Solar Energy Center, LLC, for a Certificate of Public Convenience and Necessity*, Order Granting Certificate of Public Convenience and Necessity and Providing for Lightened Regulation (November 24, 2021), at 13 (“Morris Ridge Order”).

⁵ *Id.*

⁶ *Id.* at 12.

As will be shown herein, Bear Ridge has obtained all necessary local approvals and has sufficient financial resources to construct the Facility and significant expertise to operate it. Bear Ridge will also operate the Facility as a competitive wholesale generator. As such, the Commission's Order should also find, as has been done for numerous generators operating under similar circumstances, that Bear Ridge is entitled to a lightened regulatory regime.

Lastly, Petitioner requests that a public statement hearing be scheduled in satisfaction of the hearing requirements of PSL § 68 and if no comments or information, oral or written, raise any material issues of fact, immediately rule, at the public statement hearing, that no evidentiary hearings be held.

II. BACKGROUND

A. The Project

As noted above, Bear Ridge is proposing to construct the Bear Ridge Solar Facility, an up to 100 MW photovoltaic solar energy generation facility in the Towns of Cambria and Pendleton, Niagara County, New York consisting of the following major components: PV modules and their rack/support systems; direct current (DC) collection lines and communications cables connecting the modules to inverters; the inverters with their support platforms, control electronics, and step-up transformers; buried alternating current (AC) medium voltage collection lines; security fencing and gates around each array of PV modules; gravel access roads; temporary laydown areas; medium voltage-to-transmission voltage substation with associated equipment and fenced areas; a short length of transmission voltage line (approximately 260 feet) to connect the Facility to the designated point of interconnect (POI); and a switching station, to be owned by National Grid. The Facility will interconnect to the existing National Grid Mountain – Lockport 115 kV transmission line via a new 115 kV overhead transmission line from the collection substation.

B. The Petitioner

i. Bear Ridge Solar, LLC

Bear Ridge is a limited liability company duly formed and existing under the laws of the State of Delaware and a directed subsidiary of Cypress Creek.

In 2021, the New York State Energy Research and Development Authority (“NYSERDA”) selected the Facility as a Tier 1 award recipient in its third request for proposals under the Clean Energy Standard (RESRFP21-1). Bear Ridge recently re-bid the project into NYSERDA’s 2023 Tier 1 solicitation (RESRFP23-1). Considering that Bear Ridge previously received an award and the advanced stage of Project permitting, *i.e.* the Project has received a Final Siting Permit from ORES, Bear Ridge anticipates receiving an award under RESRFP23-1.

The Bear Ridge Solar Facility will generate revenue through sales of energy into the NYISO wholesale markets and through the sale of renewable energy credits to NYSERDA under a Renewable Energy Services (“RES”) Agreement.

ii. Cypress Creek

Cypress Creek is an integrated solar and storage company. Cypress Creek’s current portfolio includes over 12,000 MW of developed solar projects and over 4,800 MW under management across 22 states. Cypress Creek possesses the project development experience, technical expertise, financial resources, and commitment to deliver the planned Bear Ridge Solar Project in fulfillment of the goals of New York’s Climate Leadership and Community Protection Act enacted in 2019.

III. PETITION FOR CPCN

A. Standard for Issuing a CPCN Under PSL § 68.

Section 68 of the PSL requires electric corporations to obtain a CPCN from the Commission before commencing construction of an electric plant. Section 94-c requires renewable energy project sponsors, such as Bear Ridge, to obtain a CPCN under Section 68 from the Commission but that such review will be limited with “the understanding that the [Commission] will not duplicate any issue already addressed by [ORES] and will instead only act on its police power functions related to the entity as described in the body of this siting permit.”⁷ Thus, this proceeding should focus on “the economic feasibility of the corporation, the corporation’s ability to finance improvements of a gas plant or electric plant, render safe, adequate and reliable service, and provide just and reasonable rates, and whether issuance of a certificate is in the public interest.”⁸

To receive a CPCN, the electric corporation seeking approval must provide a certified copy of its charter and a “verified statement of the president and secretary of the corporation, showing that it has received the required consent of the proper municipal authorities.”⁹ In conjunction with meeting the requirements specified in PSL § 68, Petitioner must also satisfy the requirements for CPCNs set forth in 16 NYCRR §§ 21.2 and 21.3. Consistent with the *Morris Ridge* Order, many of these requirements have been addressed as part of the Applicant’s 94-c Application review and need not be duplicated here.¹⁰

⁷ 19 NYCRR § 900-6.1(d); ORES issued a Final Siting Permit to Bear Ridge on July 31, 2023, ORES Docket No. 21-02104.

⁸ *Morris Ridge* Order, at 12.

⁹ PSL § 68.

¹⁰ *See Morris Ridge* Order, at 14.

Bear Ridge requests that the Commission, as it did in the *Morris Ridge* Order, find that through this Petition and supplemental information provided during the course of this proceeding, and the record developed in the 94-c proceeding, sufficient information is available to satisfy the requirements of 16 NYCRR Part 21 and to provide a full evidentiary record.¹¹

B. Required Findings for a Project Under PSL § 68.

i. Certified Charter

PSL § 68(1) requires that, before the Commission can issue a CPCN, the applicant must submit “a certified copy of the charter of such corporation.”¹² A copy of Bear Ridge’s Certificate of Incorporation, certified by the Delaware Secretary of State, is attached hereto as Exhibit A. Database records for Bear Ridge demonstrating that the company is registered to do business in New York as a foreign limited liability company and that it has properly registered an agent for service of process is attached hereto as Exhibit B.

ii. Consent of Municipal Authorities

PSL § 68 also requires that Bear Ridge provide a “verified statement of the president and secretary of the corporation, showing that it has received the required franchise consent of the proper municipal authorities.”¹³ This has been interpreted by the Commission to include potential municipal consents related to the location of facility components in land owned by the municipality or in municipal rights of ways (“ROW”).

Bear Ridge will not provide utility service in any territory and does not require any municipal right or privilege under any franchise. With respect to municipal ROWs, certain portions

¹¹ See *Id.*

¹² See *Cassadaga Order*, at 12.

¹³ PSL § 68(1); see also *Cassadaga Order*, at 12.

of the Facility’s collection lines will cross or otherwise be located on municipal ROWs. Neither the Town of Cambria nor the Town of Pendleton requires a Road Use Agreement, or other municipal consent to construct and operate the Project.¹⁴ Nevertheless, Bear Ridge will work with the municipalities to provide any required construction drawings that depict the location of the underground ROW crossings and access road intersections with municipal ROWs.

Bear Ridge does not have a president or secretary. In fulfillment of the requirement that the Commission ensure that the entity has received the necessary consents of the municipal authority for use of municipal property or public ROWs, Bear Ridge has included as Exhibit C a verified statement of an authorized representative that the consents of the proper municipal authorities necessary for issuance of a CPCN have been received, to the extent that such consents are not preempted by 94-c. The Commission has accepted a verification from an authorized representative in situations where the project company does not have a president or secretary.¹⁵

C. Evidence Relating to Economic Feasibility of Entity and Entity’s Ability to Finance Improvements

Section 68 requires the Commission to consider “the economic feasibility of the corporation, and the corporation’s ability to finance improvements of . . . an electric plant.”¹⁶

Petitioner’s parent companies have substantial experience in the construction and operation of utility-scale renewable electric generation facilities of all types, including solar. As discussed

¹⁴ Consistent with the Commission’s order in the Cider Solar proceeding, the statutory requirements of PSL §68 are satisfied, and a CPCN may be issued, where a host municipality does not have any local code, ordinance, or other permit requirement for the use of municipal roads or ROWs. *See* Case 22-E-0343: *Petition of Hecate Energy Cider Solar, LLC*, Order Granting Certificate of Public Convenience and Necessity, Provided for Lightened Regulation, and Making Other Findings (Dec. 16, 2022).

¹⁵ *See*, Case 21-E-0502: *Petition of Flint Mine Solar, LLC*, Order Granting Certificate of Public Convenience and Necessity, Providing for Lightened Regulation, and Making Other Findings (June 21, 2022).

¹⁶ *See also*, Morris Ridge Order, at 12.

above, Cypress Creek develops, builds, and operates renewable energy and storage facilities across the United States.

As noted above, Cypress Creek's current portfolio includes over 12,000 MW of developed solar projects and over 4,800 MW under management across 22 states.

Bear Ridge has not constructed the Facility and does not therefore have any assets or direct financing abilities. However, upon receipt of the necessary permits and approvals, the Facility will be financed through Cypress Creek's robust balance sheet. At Notice To Proceed ("NTP"), CCR will secure construction debt capital for the Facility, and a tax equity investor will enter the ownership structure for the Facility.

The Facility will realize income from the sale of renewable energy certificates pursuant to a long-term RES Agreement with NYSERDA with generation from the Bear Ridge Facility sold into the NYISO wholesale markets.

Consistent with the discussion of Cypress Creek above, the upstream owners of the Facility are financially viable. At or before NTP, the Facility will have confirmed all capital expenditures, and revenue streams and can then be confirmed as economically feasible as part of the diligence required to secure financing.

D. Information About Petitioner's Ability to Render Safe, Adequate and Reliable Service

To the extent this standard applies to a wholesale generator, this element of the CPCN review is essentially addressed as part of the 94-c review process and need not be duplicated with respect to the CPCN. This standard is addressed in multiple exhibits of the 94-c Application, mainly Exhibit 6, *Public Health, Safety, and Security*, which includes an evaluation of all efforts made to avoid and minimize potential adverse impacts of the construction and operation of the facility, the interconnections, and related facilities on the environment, public health, and safety as

well as site security and safety response plans.¹⁷ Bear Ridge’s ability to provide adequate and reliable service are also addressed in Exhibit 17, *Consistency with Energy Planning Objectives*, and Exhibit 21, *Electric System Effects and Interconnection*, and are inherent in ORES’ issuance of a Siting Permit.

In addition, even under a lightened regulatory regime, Bear Ridge will remain subject to the PSL with respect to matters such as enforcement, investigation, safety, reliability, and system improvement, and the other requirements of PSL Articles 1 and 4, to the extent discussed in previous lightened regulation Orders. Bear Ridge anticipates that, like other lightly-regulated generators, it will be required to conduct tests for stray voltage on all publicly accessible electric facilities, to give notice of generation unit retirements, and to report personal injury accidents pursuant to 16 NYCRR Part 125.¹⁸ According to the Commission, “[t]hese conditions further ensure [lightly regulated generators] will render safe, adequate, and reliable service.”¹⁹

In addition, in the *Cassadaga Order*, the Commission also determined that Cassadaga’s economic feasibility and financial viability “demonstrate Cassadaga’s ability to finance improvements of the Facility and to render safe, adequate and reliable service.”²⁰ Bear Ridge’s financial viability is demonstrated in Section III.C and the Commission should, as it did in the *Cassadaga Order*, also find that Petitioner has demonstrated its ability to render safe, adequate and reliable service.

¹⁷ See 19 NYCRR § 900-2.7.

¹⁸ Case 18-E-0399: *Petition of Cassadaga Wind LLC for a Certificate of Public Convenience and Necessity*, Order Granting Certificate of Public Convenience and Necessity and Providing for Lightened Regulation (November 15, 2018), at 20 (“Cassadaga Order”).

¹⁹ *Id.* at 25.

²⁰ *Id.* at 20.

E. Evidence Demonstrating Petitioner’s Ability to Provide Just and Reasonable Rates

The “just and reasonable rates” factor is inapplicable to the Facility, which is a wholesale generation facility that will not be selling electricity at retail. *See Cassadaga Order*, p. 8 (noting no retail service will be provided by the wind energy generator). According to the Commission, “so long as the wholesale generation market is effectively competitive, wholesale generators complying with tariffs approved by the Federal Energy Regulatory Commission. . . will provide just and reasonable rates and cannot raise prices even if their costs rise due to poor management.”²¹

F. Evidence/Documents Under Commission’s Regulations

The Commission has adopted regulations identifying the evidence and documentation required to support CPCN petitions. *See* 16 NYCRR § 21.2 and 21.3. According to the *Morris Ridge Order*, evidence/documents addressed pursuant to an Article 10 CECPN process and 94-c process need not be duplicated in a CPCN proceeding. According to the Commission, “[t]hrough its Petition... and the record developed in the PSL Article 10 proceeding and the Section 94-c proceeding, sufficient information is available to satisfy the requirements of 16 NYCRR Part 21 and to provide a full evidentiary record.”²² Moreover, certain other requirements of the regulations are inapplicable to competitive wholesale generation facilities such as the Facility.

With respect to subsections of 16 NYCRR § 21.2, the Petitioner notes that:

- (a) Bear Ridge is not proposing to render utility service in any territory. As a result, the information required by this subsection is inapplicable.

²¹ Cassadaga Order, at 24.

²² Morris Ridge Order, at 14.

- (b) No franchises have been or will be granted to or by the municipalities in which the Facility will be constructed. Therefore, no certified copies of franchises need to be submitted.
- (c) The Petitioner has not previously secured authority to exercise powers granted under a prior franchise that has expired; therefore, this provision does not apply.
- (d) All permits, licenses or authorities by any Federal authority relative to the pending petition were addressed in the 94-c proceeding.

With respect to subsections of 16 NYCRR § 21.3, Petitioner notes that:

- (a) Petitioner does not propose to exercise authority granted by a franchise in any territory, so this provision is not applicable. Information about the towns in which the Facility is proposed to be constructed, and the approximate dates that construction will begin, is addressed in the 94-c Application and proceeding.
- (b) A detailed description of the plant to be constructed, and its estimated costs, is provided in the 94-c Application and proceeding.
- (c) As discussed above, the Facility will be financed through Cypress Creek's robust balance sheet. At Notice To Proceed ("NTP"), CCR will secure construction debt capital for the Facility, and a tax equity investor will enter the ownership structure for the Facility.
- (d) Petitioner is not proposing to provide services for which retail rates would be charged, making this section inapplicable.
- (e) The estimated revenues to be derived from the Facility will generally be derived from a RES Agreement with NYSERDA and through sales of electricity into the wholesale

market. The estimated expenses of operation of the Facility, including (1) an estimate of the number of jobs and the on-site payroll, by discipline, during a typical year once the facility is in operation, and (2) an estimate of other expenditures likely to be made in the host municipality(ies) during a typical year of operation, are included in Exhibit 18 of the 94-c Application.²³ Petitioner does not propose to provide service to residential, commercial or industrial customers in any territory. Therefore, the latter half of this provision is inapplicable.

(f) *See* Section III.C above for information responsive to this provision.

(g) Petitioner is not proposing to provide services in this manner; these provisions regarding the availability of other services in this territory are inapplicable.

IV. REQUEST FOR LIGHTENED REGULATORY REGIME

In interpreting the PSL, the Commission has examined what reading best carries out the statutory intent and advances the public interest. The Commission thus concluded previously that new forms of electric service providers participating in competitive wholesale markets would be lightly regulated. In a series of Orders—the *Wallkill Order*,²⁴ the *AES Order*²⁵ and the *Carr Street Order*²⁶—the Commission outlined this “lightened regulatory regime” applicable to wholesale

²³ The Commission has accepted estimated expenses for facility operations, as contained in Exhibits 13 and 27 to an Article 10 application, in satisfaction of the requirements of 16 NYCRR § 21.3 (e). *See, e.g.*, Cassadaga Order. The information contained in Exhibits 4 and 18 of the 94-c Application contain essentially the same information.

²⁴ *See* Case 91-E-0350: *In re Wallkill Generating Co., LP* Order Establishing Regulatory Regime (April 11, 1994) (“Wallkill Order”).

²⁵ Case 99-E-0148: *AES Eastern Energy LP*, Declaratory Ruling on Lightened Regulation (April 23, 1999) (“AES Order”).

²⁶ Case 98-E-1670: *Carr Street Generating Station LP*, Order Providing for Lightened Regulation (Apr. 23, 1999) (“Carr Street Order”); *See also* Case 07-E-0213: *Sheldon Energy LLC*, Order Granting and Amending Certificate of Public Convenience and Necessity and Providing for Lightened Regulation (Jan. 17, 2008) (noting those sections of the PSL applicable to retail service providers).

generation facilities which fall under the definition of “electric corporation” in PSL § 2(13), but which are not a traditional monopoly “utility company” or “public utility” under PSL § 2(23). This lightened regime has since been granted to numerous wholesale renewable electric generation facilities throughout the State.²⁷

The Commission determined that, under a lightened regulatory regime, certain requirements—which were developed to address monopoly utilities—do not apply to competitive wholesale electric providers, such as Bear Ridge, that are operating in a competitive environment.²⁸ These items include the following, which address rates, recordkeeping, internal financing and transactions among other subjects, including most of the provisions in PSL Articles 2, 4 (except § 68, 69, 69-a and 70) and 6 (except §§ 110(1), 110(2) and 119-b); PSL § 115 on competitive bidding; PSL § 72-a requiring that monthly fuel costs reports be filed and PSL §§ 106, 107, 108, 110(3) and 110(4), relating to loans, use of revenues, mergers, and certain types of contracts.

Consistent with the *Wallkill*, *AES* and *Carr Street* Orders and various orders granting lightened regulation to renewable energy projects, the following limited provisions of the PSL should apply to Bear Ridge as a wholesale generator: PSL §§ 11, 19, 24, 25, and 26, preventing electricity producers from taking actions contrary to the public interest; PSL § 66(6) and § 111 on annual reporting; PSL §§ 69 or 69-a involving issuance of securities or debt instruments, which

²⁷ See, e.g., Case 02-E-0362: *Flat Rock Windpower LLC*, Order Granting a Certificate of Public Convenience and Necessity and Providing for Lightened Regulation, pp. 11-15 (June 17, 2004); Case 05-E-1634: *Noble Clinton Windpark I, LLC*, Order Granting a Certificate of Public Convenience and Necessity and Providing for Lightened Regulation, pp. 9-13 (Oct. 19, 2006); Case 11-E-0351: *Stony Creek Energy LLC*, Order Granting Certificate of Public Convenience and Necessity, Providing for Lightened Rate Making Regulation and Approving Financing, pp. 37-41 (Dec. 15, 2011); Case 07-E-1343: *Marble River, LLC*, Order Granting Certificate of Public Convenience and Necessity, and Providing for Lightened Regulation, pp. 16-19 (June 19, 2008). See also *Cassadaga Order*, pp. 21-25.

²⁸ See Case 99-M-1722: *Applicability of Public Service Law Provisions to Competitive Entities*, Order Instituting Proceeding (Dec. 17, 1999).

requires approval of the Commission under a separate “reduced scrutiny” standard; PSL § 70 regarding transfer of property or direct ownership of the facility; PSL §§ 110(1) and (2); and PSL 119-b on protection of underground facilities.

Consistent with these prior decisions, Bear Ridge respectfully requests an Order of the Commission confirming that a lightened regulatory regime will apply to its activities as a wholesale electric generator in the New York market and granting such other and further relief as the Commission may determine is necessary or appropriate.

Bear Ridge will generate up to 100 MW of renewable electricity. Bear Ridge, through its parent corporations, is also affiliated with 3.3 MW of solar electricity developed and operated, and an additional 97.5 MW of solar electricity developed and sold to other operating parties. Accordingly, taking into consideration the Bear Ridge Facility, Cypress Creek operates a de minimis amount 103.3 MW of electric generation within the State.

At the time of this filing, neither Petitioner, its affiliates or direct and indirect upstream parents:

- own or control any traditional franchised utilities with captive customers in New York,
- own or control any transmission facilities other than the limited interconnection equipment necessary to connect their generating facilities to the transmission grid, or
- is a scheduling coordinator, reliability coordinator, electric or gas transmission or distribution provider or balancing authority within (or into) the NYCA or has control over the provision of fuels used in generation within the State of New York.

Accordingly, there are no horizontal or vertical market power issues.

V. CONCLUSION

For the foregoing reasons, Bear Ridge respectfully requests that the Commission issue an Order granting a CPCN and finding that Bear Ridge will be subject to a lightened regulatory regime.

Dated: March 3, 2024

/s/ Steven D. Wilson

Steven D. Wilson
YOUNG / SOMMER LLC

Attorneys for Bear Ridge Solar, LLC

EXHIBIT A

CERTIFICATE OF FORMATION

OF

Abitz Solar, LLC

FIRST: The name of the Limited Liability Company is:

Abitz Solar, LLC

SECOND: Its registered office in the State of Delaware is to be located at 1679 South Dupont Highway, Suite 100, in the city of Dover, County of Kent, Zip Code 19901 and its registered agent at such address is Allstate Corporate Services Corp.

THIRD: The duration of the Limited Liability Company shall be perpetual.

FOURTH: This Certificate of Formation shall be effective immediately upon filing of this Certificate with the office of the Secretary of State of the State of Delaware.

IN WITNESS WHEREOF, this Certificate has been subscribed this 3rd day of February 2016 by the undersigned that affirms that the statements made herein are true and correct under the penalties of perjury.

/s/ Nikki Anas
Nikki Anas, Organizer

CERTIFICATE OF AMENDMENT
OF

Abitz Solar, LLC

FIRST: The name of the Limited Liability Company is

Abitz Solar, LLC

SECOND: The Certificate of Formation of the Limited Liability Company is hereby amended as follows:

The name of the Limited Liability Company is hereby changed to:

Maple Park Solar, LLC

IN WITNESS WHEREOF, this Certificate has been subscribed this 3rd day of May 2016 by the undersigned that affirms that the statements made herein are true and correct under the penalties of perjury.

/s/ Jerome O'Brien

Jerome O'Brien, Vice President

CERTIFICATE OF AMENDMENT
OF

Maple Park Solar, LLC

FIRST: The name of the Limited Liability Company is

Maple Park Solar, LLC

SECOND: The Certificate of Formation of the Limited Liability Company is hereby amended as follows:

The name of the Limited Liability Company is hereby changed to:

Hawkfall Solar, LLC

IN WITNESS WHEREOF, this Certificate has been subscribed this 5th day of July 2017 by the undersigned that affirms that the statements made herein are true and correct under the penalties of perjury.

/s/ Jerome O'Brien

Jerome O'Brien, Authorized Person

CERTIFICATE OF AMENDMENT
OF

Hawkfall Solar, LLC

FIRST: The name of the Limited Liability Company is

Hawkfall Solar, LLC

SECOND: The Certificate of Formation of the Limited Liability Company is hereby amended as follows:

The name of the Limited Liability Company is hereby changed to:

Bear Ridge Solar, LLC

IN WITNESS WHEREOF, this Certificate has been subscribed this 14th day of November, 2017 by the undersigned that affirms that the statements made herein are true and correct under the penalties of perjury.

/s/ Jerome O'Brien

Jerome O'Brien, Authorized Person

EXHIBIT B

Department of State Division of Corporations

Entity Information

[Return to Results](#)[Return to Search](#)

Entity Details



ENTITY NAME: BEAR RIDGE SOLAR, LLC

DOS ID: 7207906

FOREIGN LEGAL NAME: BEAR RIDGE SOLAR, LLC

FICTITIOUS NAME:

ENTITY TYPE: FOREIGN LIMITED LIABILITY COMPANY

DURATION DATE/LATEST DATE OF DISSOLUTION:

SECTION OF LAW: LIMITED LIABILITY COMPANY - 802 LIMITED LIABILITY COMPANY LAW - LIMITED LIABILITY COMPANY LAW

ENTITY STATUS: ACTIVE

DATE OF INITIAL DOS FILING: 12/15/2023

REASON FOR STATUS:

EFFECTIVE DATE INITIAL FILING: 12/15/2023

INACTIVE DATE:

FOREIGN FORMATION DATE: 02/04/2016

STATEMENT STATUS: CURRENT

COUNTY: ALBANY

NEXT STATEMENT DUE DATE: 12/31/2025

JURISDICTION: DELAWARE, UNITED STATES

NFP CATEGORY:

[ENTITY DISPLAY](#)[NAME HISTORY](#)[FILING HISTORY](#)[MERGER HISTORY](#)[ASSUMED NAME HISTORY](#)

Service of Process on the Secretary of State as Agent

The Post Office address to which the Secretary of State shall mail a copy of any process against the corporation served upon the Secretary of State by personal delivery:

Name: CORPORATION SERVICE COMPANY

Address: 80 STATE STREET, ALBANY, NY, UNITED STATES, 12207 - 2543

Electronic Service of Process on the Secretary of State as agent: Not Permitted

Chief Executive Officer's Name and Address

Name:

Address:

Principal Executive Office Address

Address:

Registered Agent Name and Address

Name:

Address:

Entity Primary Location Name and Address

Name:

Address:

Farmcorpflag

Is The Entity A Farm Corporation: NO

Stock Information

Share Value

Number Of Shares

Value Per Share

EXHIBIT C

STATE OF NEW YORK
PUBLIC SERVICE COMMISSION

Petition of Bear Ridge Solar, LLC, for a Certificate of Public Convenience and Necessity Pursuant to Public Service Law Section 68 and for an Order Granting Lightened Regulation.

Case 24-E-_____

VERIFICATION

Marisa Scavo, being duly sworn, deposes and states as follows:

1. I am the Senior Director, Development, for Cypress Creek Renewables, LLC.
2. Petitioner in the above-captioned proceeding is an indirect subsidiary of Cypress Creek Renewables, LLC,
3. I am authorized to make this Verification on behalf of Bear Ridge Solar, LLC,
4. I have read the foregoing Petition for an Order Granting an Original Certificate of Public Convenience and Necessity and Lightened Regulation and state that I know the contents thereof and that the facts stated therein are true to the best of my knowledge, information, and belief,
5. I further state that the Petitioner has obtained all of the municipal approvals required for the construction and operation of the Project to the extent detailed in the Petition.

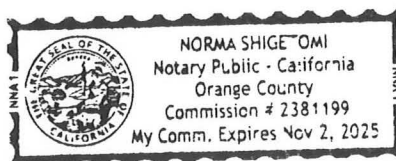


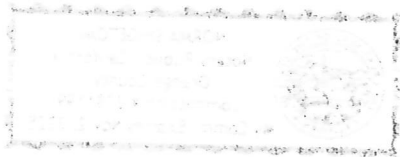
Marisa Scavo

Sworn to before me
This 22 day of February 2024



Notary Public





CALIFORNIA ACKNOWLEDGMENT

CIVIL CODE § 1189



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 }

On February 22, 2014 before me, Norma Shigetomi - Notary Public
Date Here Insert Name and Title of the Officer

personally appeared Marisa Ann Scavo
Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



Place Notary Seal and/or Stamp Above

Signature Norma Shigetomi
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:

Capacity(ies) Claimed by Signer(s)

Signer's Name: Signer's Name:

Corporate Officer - Title(s): Corporate Officer - Title(s):

Partner - Limited General Partner - Limited General

Individual Attorney in Fact Individual Attorney in Fact

Trustee Guardian or Conservator Trustee Guardian or Conservator

Other: Other:

Signer is Representing: Signer is Representing:

NOTARY PUBLIC - CALIFORNIA
KORNA SHYDLOMI
Orange County
Commission # 1287194
My Comm. Expires Nov. 1, 2025

