

March 8, 2022

Mr. Michael King, Chair
Town of Wareham Planning Board
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**Re: Decommissioning Estimates
Special Permits and Site Plan Approvals
Case No. 9-20 – 150 Tihonet Road
Case No. 7-20 – 27 Charge Pond Road**

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Dear Chairman King and Members of the Planning Board:

This letter is provided in connection with the extension requests for the above-referenced projects filed by New Leaf Energy (successor-in-interest to Borrego Solar Systems, Inc. and referred to herein as the “Proponent”).

As the Planning Board is aware, on December 8, 2022, the Proponent submitted revised decommissioning estimates that established a materially higher estimate for both the 150 Tihonet Road solar project / Case No. 9-20 and the 27 Charge Pond Road solar project / Case No. 7-20 (collectively, the “Projects”). The revised estimates were provided in connection to the Proponent’s request that the Planning Board acknowledge the extensions of these decisions based on the good cause demonstrated in prior submittals to the Planning Board (including the September 21, 2022 letters delivered by the Proponent, and the November 16, 2022 letter from the undersigned).

Based on the discussions held at the January 23, 2023 meeting of the Planning Board, it appears that several of the members of the Planning Board were not satisfied with the revised decommissioning estimates and advocated for reliance upon estimates that are based on a February 2021 National Renewable Energy Laboratory report entitled *Best Practices at the End of the Photovoltaic System Performance Period* (the “NREL Report”). For reasons that are discussed in more detail below, the Proponent believes that reliance on the NREL Report is inappropriate. Notwithstanding, the Proponent is willing to proceed with estimates based on the NREL Report to allow the Projects to proceed forward, with the understanding that future adjustments may be required based on the Town’s peer review, also as discussed below.

Since the last meeting of the Planning Board, the Proponent has reviewed the NREL Report in more detail. There are several reasons why reliance on the report is inappropriate. For one, the NREL Report does not provide any basis for the estimate ranges that it incorporates – it merely makes reference to the estimates included in a webinar presented by one of the authors of the report, without providing any independent basis for the figures. More importantly, however, approximately 75% of the costs in the reported estimates are based on



values for which accurate pricing can be provided. For example, the costs, in today's dollars, of the following line items used in the NREL Report estimates are generally known values:

1. Wiring removal
2. Removal of modules from the racks
3. Dismantling the racks
4. Removing disconnects and combiner boxes
5. Conduit removal
6. Inverter removal
7. Transformer removal

These are all items that involve known labor and equipment costs where actual costs can be used, and for which there is no reason to rely on a non-site specific cost estimate table. A comparison of the Proponent's decommissioning estimates with the NREL Report estimate emphasizes the disparity in these numbers, which makes up the majority of the difference in the estimates.

As noted above, despite the shortfalls of the NREL Report, the Proponent is willing to accept the use of a decommissioning estimate based on this report at this time, subject to the recognition that future adjustments to the estimate's may result following the Town's evaluation of the decommissioning estimates. As set forth in the approvals for both of the Projects, periodic adjustments to the decommissioning estimates are required. As previously stated, the Proponent is willing to work with the Town's peer reviewer in the future (whether at the time of a building permit application or otherwise) to adjust the estimates accordingly. As part of these updates, the Proponent would be willing to provide third party pricing for many of the line items that can be accurately quoted to establish a basis for adjustments to the estimates. The Proponent would also be willing to reimburse the Planning Board up to \$2,000 to cover the fees of a qualified licensed professional engineer to conduct a peer review of each updated estimate in the future.

If you have any questions or wish to discuss, please contact me.

Best regards,

Womble Bond Dickinson (US) LLP

Gregory Sampson