



February 16, 2012

VIA E-MAIL AND FIRST CLASS MAIL

Tiffany North
Office of Riverside County Counsel
3960 Orange St., 5th Fl
Riverside, CA 92501

Re: McCoy Solar, LLC – Acknowledgement of Obligations under Public Resources Code, sections 21183 (c), (e) and (f)

Dear Ms. North:

As you know, McCoy Solar, LLC (“McCoy”), a subsidiary of NextEra Energy Resources, Inc., has applied to the California Governor to request certification of the McCoy Solar Energy Project (the “Project”) as a leadership project pursuant to Public Resources Code, section 21178 et seq. As you are further aware, the Governor may certify a leadership project for streamlining if certain conditions outlined in Public Resources Code section 21183 are satisfied.

Subdivision (c) of Public Resources Code section 21183 requires that a leadership project will not result in any net additional emission of greenhouse gases (“GHG”). To ensure the Project meets the requirements of Section 21183 (c), McCoy Solar, LLC will secure voluntary carbon credits totaling 19,152 tonnes CO₂e. Securing these carbon credits will offset the GHG emissions generated during construction and operation of the Project; and therefore, the Project will not result in any net additional GHG emissions. The voluntary carbon credits would be secured from NextEra Energy Resources, LLC or from a similar type of voluntary credit generator.

Subdivisions (e) and (f) of Public Resources Code section 21183 require that the project applicant agree to pay certain costs in connection with processing projects pursuant to the Leadership Program. The purpose of this letter is to acknowledge those obligations and to memorialize McCoy’s agreement to pay those costs as outlined below.

McCoy agrees to pay all costs required by Public Resources Code section 21183(e). Specifically, McCoy agrees “to pay the costs of the Court of Appeal in hearing and deciding any case, including payment of the costs for the appointment of a special master if deemed appropriate by the court”. (Pub. Res. Code, § 21183(e)). McCoy expressly recognized this obligation in its application to the Governor. (See application at p. 4, a copy of which has been provided to you and is also available at: <http://opr.ca.gov/docs/McCoySolarApp.pdf>.)

Furthermore, McCoy agrees to pay all costs required by Public Resources Code section 21183(f). Specifically, McCoy agrees to pay “the costs of preparing the administrative record for the project concurrent with review and consideration of the project”. (Pub. Res. Code, § 21183(f)). McCoy also expressly recognized this obligation in its application to the Governor. (See application at p. 4.) This obligation is further ensured in that McCoy has already agreed to be bound by Riverside County’s (“County”) “hold harmless” condition of approval. Upon filing its conditional use permit (CUP-03671) and public use permit (PUP-00911) applications, McCoy has agreed to indemnify the County in connection with any claims, actions or proceedings brought against the County in connection with its processing of the Project.

Finally, as Vice President for McCoy Solar, LLC., I am authorized to acknowledge and to bind the project as outlined above.

If you have any questions regarding this aspect of the application, please contact Kenny Stein at 561.691.2216 or via email at Kenneth.Stein@NextEraEnergy.com.

Sincerely,



Matthew S. Handel
Vice President

OK

cc: Ken Alex, Office of Planning and Research, California Governor’s Office