

Thomas Beers

From: Kevin Greene
Sent: Wednesday, February 06, 2019 2:40 PM
To: rcullen@mcguirewoods.com; jim.cooney@wbd-us.com
Cc: LCameron@mcguirewoods.com; Thomas Beers; Frank Brostrom
Subject: ACP Proffer Topics
Attachments: ACP Proffer Topics (2-6-19).docx

Gentlemen,

It was a pleasure meeting you all this past Friday. Per our discussion on Friday, February 1, 2019, EIS has prepared the attached summary of topics/issues to be addressed by proffer.

Please contact us with any questions or concerns. We thank you for your time on Friday and look forward to your continued assistance with this matter.

With best regards.

Kevin

Eagle Intel Services LLC

Thomas Beers (910-489-1458)
Kevin Greene (919-417-0925)
Frank Brostrom (910-580-9097)

Sent from [Mail](#) for Windows 10

In referencing the Atlantic Coast Pipeline (ACP), this implies the partners of the ACP to include, but not limited to Dominion Energy and Duke Energy, including affiliations and/or related companies.

ACP person(s) should include employees, executives, contractors, lobbyist or others receiving wages, salary or benefits on behalf of the ACP.

Mitigation Project Memorandum of Understanding “Mitigation Fund”

Explain the evolution of the Mitigation Fund. This explanation should identify any and all ACP person(s) involved in negotiating this fund and with whom they negotiated. It should explain the purpose of the fund and how the fund would benefit all parties. This explanation should identify what each specific person(s) would say if questioned regarding their involvement in the fund.

The explanation should include but not be limited to:

- Timeline of Mitigation Fund.
- Details of changes from “Memorandum of Agreement” to “Memorandum of Understanding” and party change from “State of North Carolina” to “Governor of the State of North Carolina”.
- Who began negotiations?
- How was the dollar amount of the fund calculated/negotiated, to include offers and counter offers?
- How/Why did negotiations progress from private sector to the Governor’s Office?
- How would the ACP partnership benefit by providing these funds?
- How does the renewable energy industry, including ACP partner interest, benefit by the fund?
- How did purpose of final fund (environmental mitigation, renewable energy, economic development) change from just economic development and why?

The explanation should include any observations (real/implied/perceived) by any person(s) of the ACP partnership that indicated the fund would be a condition for any required permits issued by any NC Agency.

The explanation should provide any facts that indicate or reflect the fund was offered by the ACP partners to the State of NC or the Governor of the State of North Carolina in exchange for required permits or approvals.

Agreement between Duke and Solar Industry “Solar Deal”

Explain the evolution of the Solar Deal. This explanation should identify any and all ACP person(s) involved in negotiating this the solar deal and with whom they negotiated. It should explain all negotiated issues and how the solar deal benefited (or didn't benefit) all parties. This explanation should identify each specific person(s) involved and what each would say if questioned regarding their involvement in the negotiations.

The explanation should include but not be limited to: (Took out explain on each point)

- The effect(s) of HB589 on the solar industry and Duke (to include nameplate issue).
- The process and reasoning around the agreement where Duke agreed to alter the nameplate requirement.
- How Duke, their shareholders and their ratepayers benefited from the solar deal. How the Solar Industry benefited from the solar deal. How the State of North Carolina, the Governor's office and/or the Governor (personally) benefited from the solar deal.
- Provide the details of conversations between Lynn Good and Governor Cooper in any private meetings regarding the solar deal and/or issues pertaining to the ACP.
- The correlation between the solar deal and the issuance of the 401 certifications and permit for the ACP.

ACP 401 Certification and Permitting Process

Provide an explanation of the 401 Certification and Permitting process for the ACP project. This explanation should identify each specific employee/executive involved and what each would say if questioned regarding their involvement in the certification and permitting process.

- This explanation should include a basic timeline of events (as related specifically to the 401 Certifications and Permit) It should include significant dates of applications/submissions and requests for additional information from NCDEQ
- The explanation should include any observations (real/implied/perceived) by any person(s) associated with the ACP partnership that indicated any anomalies or inconsistencies in the normal certification and permitting process. (Delays, Stalling, Excessive additional requests, etc.)
- The explanation should describe if and how the certification and permitting process changed as it was delayed from September 2017 to January 2018 and if

there was a perception that the decision-making and direction changed from DEQ leaders, to more oversight and control by the NC Governor's Office.

- The explanation should include any observations (real/implied/perceived) by any person(s) associated with the ACP partnership that indicated the issuance of the 401 Certifications and Permit would be contingent on other factors such as the "Solar Deal" or the creation of the "Mitigation Fund".

ACP Partners Cooper Administration Contacts

Identify any and all ACP person(s) that had any direct contact, whether in person, by phone, email or other means of communication, with the Governor's Office personnel, including the Governor and the Governor's appointees. Provide the date and time of each occurrence, along with the purpose and/or topics for the contact(s).

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