We have been informed by several County officials as well as County Counsel, Laura Anderson, that the General Plan Policy AG/LU-29 "contemplates" allowing public utility uses in appropriate locations. In an e-mail dated November16 Laura stated,

> "As to your first question, it's difficult to reply to your hypothetical because all projects are considered on their own merits or lack thereof. The County's General Plan does provide staff with guidance, though it may not be as robust as some folks would like**. As discussed in the staff report, General Plan Policy AG/LU-29 contemplates allowing public utility uses "in appropriate locations."** Staff must evaluate an application and make a recommendation whether the project is consistent with this policy. The Commission must then weigh this recommendation and determine whether the project is consistent with this policy and in harmony overall with the General Plan as a whole. Staff may review a future solar application at a different location, with a similar zoning and General Plan designation, and advise that based on some other site specific or locational factors, the location would not be appropriate and therefore inconsistent with AG/LU-29."

<u>Renewable Properties, LLC is not a "public utility"</u>.

Renewable Properties, LLC., is a privately-owned corporation that designs and builds solar installations to manufacture electricity. This distinction is critical. A solar "farm" is a **manufacturing facility**.

As stated by Mr. Halimi, Renewable Properties, LLC is a "**quasi-utility**". Until now, no-one I have spoken with has had any idea what that title means. Countless people have asked me what a "quasi-utility" is and I laughed it off as a "sort-of-utility".

When I read the aforementioned e-mail, I realized that major decisions were being made based on General Plan "public-utility" verbiage. Yet the developer calls it a "quasi-utility". I spent several hours researching this obscure term. It is no longer a joke.

A "quasi-utility" is an entirely different entity than a public utility. It is a deceptive expression for a project that is not a "public utility" in any sense of the words. With no experience and no regulations in place, we have unknowingly been deceived by an industry that is deliberately coining new and duplicitous terms.

A "quasi-utility" is, in actuality, a company that manufactures supplies for a utility company.

Tesla is another example of a company deemed a "quasi-utility". Tesla has partnered with Solar City, a solar developer, to manufacture and sell batteries and solar panels. Solar City, also a "quasi-utility", then provides electricity to Nexergy, a community energy retailer.

> "CEO Elon Musk has also been busy charging towards this week's shareholder approval for the merger of Tesla and Solarcity. The $2b deal has, according to Bloomberg New Energy Finance, given "Tesla has the **product suite and resources** to evolve into a quasi-utility".[1]

The Rhode Island Supreme Court defines the situation clearly. The Providence Journal reported:

> "Van Couyghen (the Supreme Court Justice) cited a previous case in which the state Supreme Court found that wind turbines represented a manufacturer because they are used for the sole purpose of transforming raw materials, "namely wind — into a finished product — namely electricity."
>
> "Thus, even though the [zoning] board found that the proposed solar farm was similar to a public utility, it would be, in fact, a manufacturing facility because it would transform sunlight into electricity ... manufacturing is expressly prohibited in residential zones under the ordinance. As a result, the granting of a special use permit for a manufacturing facility — the solar farm — was clearly erroneous."[2]

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[1] https://medium.com/@Nexergy/the-age-of-the-quasi-utility-f83e38029b02

[2] http://www.providencejournal.com/news/20180730/judge-reverses-zoning-boards-ok-of-solar-farm-in-portsmouth

As the Rhode Island case suggests, this uncharted development carries the potential of years of legal battles.

Even the basic definition of a "solar-farm" or "utility-scale solar power plant" confirms this distinction as well.

> "A utility-scale solar power plant can be one of several solar technologies – concentrating solar power (CSP), photovoltaics (PV), or concentrating photovoltaics (CPV). What distinguishes utility-scale solar from distributed generation is project size and the fact that the electricity is sold to wholesale utility buyers, not end-use consumers."[3]

Approval of the project sets a frightening precedent for our County's economic and environmental future. The misrepresentation of the basic facts of this project to a community that has no former experience or regulations reflects poorly on the business practices of both Renewable Properties, LLC and MCE. It is up to each of you to determine how it reflects on our County Government.

Contrary to other controversial issues such as cannabis dispensaries, not one resident has spoken in favor of large-scale solar projects with no regulations in place. Before any commercial project is approved, you must to take time to become educated, listen to the citizens and put aside special interests. It is simple common-sense.

Scientific research reveals a significant difference between a "public utility" and a privately developed solar installation. The distinction is clear that a manufacturing site is not the proper use for an Agricultural Reserve and Agricultural Watershed zoning designation.

We, the concerned citizens, are merely asking for laws to be established to protect our watershed, viewshed, property values, and quality of life.

Sincerely,

Laura Tinthoff, on behalf of Napa Residents for Smart Planning with the support of Napa County Farm Bureau and Napa Vision 2050

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[3] https://www.seia.org/initiatives/utility-scale-solar-power