COMMONWEALTH OF KENTUCKY

BEFORE THE KENTUCKY STATE BOARD ON ELECTRIC GENERATION AND TRANSMISSION SITING

In the Matter of:

ELECTRONIC APPLICATION OF SEBREE	)	
SOLAR II, LLC FOR A CERTIFICATE TO	)	
CONSTRUCT AN APPROXIMATELY 150	)	
MEGAWATT MERCHANT SOLAR ELECTRIC	)	**CASE NO. 2022-00131**
GENERATING FACILITY IN	)	
HENDERSON COUNTY, KENTUCKY AND	)	
WEBSTER COUNTY, KENTUCKY PURSUANT	)	
TO KRS 278.700 AND 807 KAR 5:110	)	

SEBREE SOLAR II, LLC'S VERIFIED RESPONSES TO
SITING BOARD STAFF'S REQUEST FOR INFORMATION DATED JUNE 22, 2026

Comes now Sebree Solar II, LLC (Sebree Solar II), by counsel, and does hereby tender its Verified Responses to Siting Board Staff's Request Information dated June 22, 2026.

Filed: July 13, 2026

COMMONWEALTH OF KENTUCKY

BEFORE THE KENTUCKY STATE BOARD ON
ELECTRIC GENERATION AND TRANSMISSION SITING

IN THE MATTER OF:

ELECTRONIC APPLICATION OF SEBREE SOLAR II, LLC FOR A CERTIFICATE TO CONSTRUCT AN APPROXIMATELY 150 MEGAWATT MERCHANT SOLAR ELECTRIC GENERATING FACILITY IN HENDERSON COUNTY, KENTUCKY AND WEBSTER COUNTY, KENTUCKY PURSUANT TO KRS 278.700 AND 807 KAR 5:110	**) CASE NO. 2022-00131**

VERIFICATION OF BENJAMIN EMIL

STATE OF FLORIDA)

COUNTY OF MARTIN)

Comes now Benjamin Emil, Senior Director Capital Markets, being first duly sworn, and states that he has supervised the preparation of certain responses of Sebree Solar II, LLC to the Siting Board Staff's Request for Information in the above-referenced case, and that the matters and things set forth therein are true and accurate to the best of his knowledge, information and belief, formed after reasonable inquiry.

Benjamin Emil

Subscribed and sworn to before me on this 11th day of July 2026.

Hailey O'Connor
Notary ID: HH572988
Expires: 07-17-2028

HAILEY O'CONNOR
Notary Public
State of Florida
Comm# HH572988
Expires 7/17/2028

COMMONWEALTH OF KENTUCKY

BEFORE THE KENTUCKY STATE BOARD ON ELECTRIC GENERATION AND TRANSMISSION SITING

IN THE MATTER OF:

ELECTRONIC APPLICATION OF SEBREE SOLAR II, LLC FOR A CERTIFICATE TO CONSTRUCT AN APPROXIMATELY 150 MEGAWATT MERCHANT SOLAR ELECTRIC GENERATING FACILITY IN HENDERSON COUNTY, KENTUCKY AND WEBSTER COUNTY, KENTUCKY PURSUANT TO KRS 278.700 AND 807 KAR 5:110	**) CASE NO. 2022-00131**

VERIFICATION OF LESTER MORALES

STATE OF FLORIDA)

COUNTY OF PALM BEACH)

Comes now Lester Morales, Lead Project Manager, being first duly sworn, and states that he has supervised the preparation of certain responses of Sebree Solar II, LLC to the Siting Board Staff's Request for Information in the above-referenced case, and that the matters and things set forth therein are true and accurate to the best of his knowledge, information and belief, formed after reasonable inquiry.

Lester Morales

Subscribed and sworn to before me on this 13 day of July 2026.

Notary ID: HH 570964
Expires: July 30, 2027

STEPHANIE MAIONE
MY COMMISSION # HH 570964
EXPIRES: July 30, 2027

Respondent: Lester Morales

SEBREE SOLAR II, LLC
CASE NO. 2022-00131
RESPONSE TO INFORMATION REQUEST

Request 1. Provide a status update for the project.

Response 1. Sebree Solar II has completed construction and the project has been energized. It is expected Sebree Solar II will begin commercial operations September 2026.

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Request 2. Explain the difference between the non-controlling equity investment transaction compared to the other anticipated transactions that have already been approved by Siting Board for this project.

Response 2. The non-controlling equity investment transaction is similar to the tax equity transaction that was previously approved by the Siting Board.[1] Both transaction structures utilize upstream ownership of the project company (i.e., Sebree Solar II) by a limited liability company. This is referred to informally as a "joint venture" or "tax equity partnership" (The generic term "JV" will be used to refer to these structures.). Under both structures, the "Class A Membership Interests" in the JV would be owned by NextEra Energy Resources ("NEER") and the "Class B Membership Interests" in the JV would be owned by the non-controlling equity investor or the tax equity investor, respectively. NEER will control the JV (as Managing Member of the applicable limited liability company) and thus Sebree Solar II. The tax equity and JV structures differ in the allocations of cash flows, income, and tax credits as between the Class A Member and Class B Member, and the timing of when such allocations might "flip." The largest difference between the JV and tax equity structure is the allocation of tax credits to the Class B Member.

Because of the similarities between these two structures, Sebree Solar II considered whether approval of the non-controlling equity investment transaction structure was already

[1] June 11, 2025 Order (Ky. S.B. June 11, 2025).

effectively covered under the Siting Board's approval of the tax equity transaction structure, but viewed it as appropriate in the interest of caution considering the express language regarding "tax" equity under Sebree Solar II's prior application and the Siting Board's approval.

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Request 3. Explain to the Siting Board why a non-controlling equity investment transaction is needed.

Response 3. NEER's business model for building, owning, and operating renewable energy projects (including Sebree Solar II) relies on utilizing long-term financing from third parties, and NEER's investments in projects are based on economic models that assume such financing is in place. In recent years, such long-term financing implemented by NEER would have typically included tax equity or back leverage financing[2] or both. NEER has recently begun utilizing non-controlling equity investment transactions which allows it to raise funding under a partnership structure similar to tax equity in which NEER is the managing member. Based on a number of factors, including market pricing, access to capital, optimizing capital structure, and diversification of funding sources to name a few, NEER has determined that a non-controlling equity investment is appropriate and advantageous to use for a portfolio of projects.

[2] The Siting Board's June 11, 2025 Order approved tax equity and back leverage financing in this matter.

Respondent: Benjamin Emil

SEBREE SOLAR II, LLC
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RESPONSE TO INFORMATION REQUEST

<u>Request 4.</u> Explain why this transaction does not constitute a transfer of ownership or control that is contemplated under Mitigation Measure 28 in the final Order.

<u>Response 4.</u> The non-controlling equity investment transaction does not constitute a transfer of control because (i) NEER will retain control through the Managing Member of the JV and (ii) the investor has only basic consent rights over major decisions to protect its investment (similar to a tax equity investor). This is the same as the tax equity transaction already approved by the Siting Board.

SEBREE SOLAR II, LLC
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Request 5. Explain whether, if this transaction is approved, the tax equity transaction will affect the way Sebree Solar II is operated or its ability to comply with Siting Board's mitigation measures.

Response 5. If approved, the non-controlling equity investment transaction will not affect the way Sebree Solar II is operated or its ability to comply with the Siting Board's mitigation measures, for the same reason that a tax equity transaction would not do so. Under either transaction, NEER would retain control of Sebree Solar II as the Managing Member of the JV and will manage operation of Sebree Solar II consistent with its general practices in managing its large portfolio of solar projects, including compliance with all regulatory requirements.

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Request 6. Explain whether the tax equity investors will have direct control over the project.

Response 6. The non-controlling equity investors will not have direct control over the project (just as tax equity investors would not have direct control over the project). NEER will retain control of Sebree Solar II as the Managing Member of the JV, and the non-controlling equity investor (similar to a tax equity investor) will have only basic consent rights over major decisions to protect its investment.

SEBREE SOLAR II, LLC
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RESPONSE TO INFORMATION REQUEST

Request 7. Explain which entities will have direct and indirect control over the Sebree Solar II project.

Response 7. NEER will have direct control of Sebree Solar II as the 100% owner of the Managing Member of the JV.

SEBREE SOLAR II, LLC
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Request 8. Explain whether the project could move forward if the non-controlling equity transaction is not approved.

Response 8. As noted in the response to Item 3, NEER's business model for building, owning, and operating renewable energy projects (including Sebree Solar II) relies on utilizing long-term financing from third parties, and its investments in such projects are based on economic models that assume such financing is in place. Sebree Solar II's project is near completion and could be operated if the non-controlling equity transaction is not approved, but such lack of approval would cause significant disruption and deviation from NEER's business model and efficient use of capital for the project.

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Request 9. Explain the statement contained in Sebree Solar II's motion that this transaction is very analogous to the Tax and Back Leverage financings that were previously approved by the Siting Board when this transaction requires Next Era Energy Resources, LLC (NEER) to be transferred to a new formed limited liability company that was not an original party to the case.

Response 9. NEER would not be transferred to any newly formed limited liability company (or any other entity) in connection with the non-controlling equity interest transaction. Sebree Solar II, currently an indirect wholly-owned subsidiary of NEER, would be transferred to a JV that is partially owned and controlled by NEER. This transfer to a JV controlled by NEER mirrors the transfer and governance structure under a tax equity transaction and is thus very analogous.

SEBREE SOLAR II, LLC
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Request 10. Explain how Sebree Solar II is going to ensure that the newly formed limited liability company that NEER is going to be transferred to does not have any environmental violations.

Response 10: As described in the response to Item 9, NEER is not being transferred to a newly formed liability company (or any other entity) in connection with the non-controlling equity interest transaction. As described in the response to Item 7, Sebree Solar II will remain controlled by NEER. NEER will ensure environmental compliance by Sebree Solar II in the same manner as it would have previously (including under any of the previously approved financing transactions), by managing operation of Sebree Solar II consistent with its established and continually updated practices in managing its large portfolio of solar projects, to ensure compliance with all environmental regulatory requirements.

SEBREE SOLAR II, LLC
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Request 11. Explain how Sebree Solar II is going to ensure that the newly formed limited liability company that NEER is going to be transferred to will comply with decommissioning requirements pursuant to KRS 278.710(8).

Response 11. As described in the response to Item 9, NEER is not being transferred to a newly formed liability company (or any other entity) in connection with the non-controlling equity interest transaction. As described in the response to Item 7, Sebree Solar II will remain controlled by NEER. NEER will ensure compliance by Sebree Solar II with the decommissioning requirements under KRS 278.710(8) in the same manner as it would have previously (including under any of the previously approved financing transactions), by managing operation of Sebree Solar II consistent with its established and continually updated practices in managing its large portfolio of solar projects, to ensure compliance with all regulatory decommissioning requirements.