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May 23, 2024

Ms. Sallie Tanner
Executive Secretary
Georgia Public Service Commission
244 Washington Street, SW
Atlanta, GA 30334-5701

RE: Georgia Power Company's CARES 2023 Utility Scale Renewable Request for Proposals, Docket No. 45084

Dear Ms. Tanner:

On May 16, 2024, the White House announced that the Biden-Harris Administration will take steps to remove a bifacial solar module exclusion under Section 201 of the U.S. Trade Act of 1974 ("Trade Act"), which previously excluded bifacial solar panels from a 15% tariff on imports from Southeast Asia. This reinstatement comes just one day after the administration announced an increase to tariff rates under Section 301 of the Trade Act, as applied to (i) imported Chinese solar cells and modules, which will increase from 25% to 50% in 2024, and (ii) imported Chinese lithium-ion non-EV batteries, which will increase from 7.5% to 25% in 2026.

While the actual impact of these tariffs on the industry is still unknown, Georgia Power Company ("Georgia Power") is concerned about how these changes in law may impact the CARES 2023 Utility Scale ("US") Request for Proposals ("RFP"), considering the bid window closed on February 12, 2024, and bid security is due on June 14, 2024. Georgia Power polled bidders participating in the CARES 2023 US RFP seeking feedback on whether the reinstatement of solar tariffs would impact the bids submitted into the CARES 2023 US RFP. Based upon their feedback, approximately 60% of bids could be impacted.

Further, to address heightened reliability risk associated with including certain foreign-made battery components within projects connected to the Georgia Power electric system, the Company seeks to modify each of the applicable pro forma contracts from the CARES 2023 US RFP to include the following revised requirements for Battery Energy Storage Systems ("BESS"), which will be consistent with the requirements for BESS in the other RFPs the Company is currently implementing:

> For all Battery Energy Storage Systems (BESS) submitted as part of the "CARES 2023 Utility Scale RFP", all components of the Battery Management System (BMS), BESS Controller, and Site Controller (including controls, hardware and software) shall be sourced from and manufactured domestically or by our allied nations and shall not include components sourced from or manufactured by

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entities affiliated with or located in China, Russia, North Korea, Saudi Arabia, Serbia, Algeria, Venezuela, Iran, Iraq, Belarus, Kazakhstan, Kyrgyzstan, Uzbekistan, Syria, Lebanon, South Sudan, Pakistan, Cuba, and the Netherlands.

Given the RFP's 2,875 MW procurement target and the desire to keep viable bids in the competitive tier and under consideration, Georgia Power seeks Georgia Public Service Commission ("Commission") approval to modify the CARES 2023 US RFP and implement a limited bid refresh process. The proposed bid refresh would permit competitive tier bidders who have paid Bid Security to: (1) extend the commercial operation date ("COD") of a proposed Facility up to November 30, 2029; (2) modify the bid price; or (3) both.

The proposed bid refresh process would take place prior to determination of the Short List. Georgia Power expects these proposed solutions to mitigate the impacts of these changes by offering bidders additional time to source alternate panels or battery components and/or the opportunity to reprice their bids to account for added costs resulting from the tariff impacts and/or any costs associated with the BESS component requirement. Georgia Power will work with the Commission Staff to finalize the timing, process, and details for this proposed limited bid refresh.

As originally filed and approved, the CARES 2023 US RFP did not contemplate use of a refreshed bid process. Therefore, strict application of the Commission's RFP Rule would prohibit the implementation of a refreshed bid process in an ongoing RFP and would limit the proposed pricing flexibility to enable bidders to modify their bid price based on the change in solar and battery tariffs. Absent a waiver to the Commission RFP Rule related to establishing a refreshed bid process, the success of the RFP and the Company's ability to procure sufficient renewable resources would be severely jeopardized. As such, in order to implement the proposed modifications and a limited refreshed bid process, the Company requests a waiver to Commission RFP Rules 515-3-4-.04(3)(e)(1)(ix) and 515-3-4-.04(3)(e)(4) to permit the Company to introduce a refreshed bid process and permit bidders to modify their bid prices. Allowing bidders to modify their COD, bid price, or both would enable more bids to stay in the competitive tier and under evaluation in the RFP, thereby keeping the Company's solicitation competitive and robust prior to determining the recommended portfolio of winning projects to be filed with the Commission for certification. Consistent with the conduct of all Georgia Power RFPs, the refreshed bid process and impact on evaluations will be overseen by the Commission Staff and Independent Evaluator.

Accordingly, Georgia Power requests Commission approval on an expedited basis of the proposed bid refresh process and rule waiver, the revised battery requirements, and the accompanying modifications to the CARES 2023 US RFP.

If you have any questions regarding this filing, please call me at (404) 885-3779.

Sincerely,

Allison W. Pryor

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