



Public Notice

FOR IMMEDIATE RELEASE

JULY 10, 2023

BAPCOL's Response to PUC's Order of June 7th, Order BEL BAPCOL Solar PPA.

Issued June 12, 2023



June 12, 2023

Mr Abraham T. Teck
Director – Regulated Services
Public Utilities Commission
Marina Towers 2nd Floor
4 Princess Margaret Drive
P.O. Box 300
Belize City, Belize

Dear Mr Teck,

I am writing on behalf of Blair Athol Power Company Limited (“BAPCOL”) in response to your letter dated June 7, 2023, acknowledging the receipt of said correspondence. While we appreciate the opportunity for dialogue, we must express our disagreement with the background information presented on pages 2-6. For the purposes of fostering a productive discussion, we will confine our response to Clause 24 on page 6, and the decision rendered by the Commission on page 7.

It is important to note that the draft Power Purchase Agreement (PPA) has been in the possession of the Public Utilities Commission (PUC) for a substantial period, during which ample time was available for providing clear feedback. Regrettably, no such feedback was provided, and BAPCOL has now been presented with the decision of the PUC without the opportunity to respond to the material and conclusions on which the decision has been based. As the developer of the Solar Projects, BAPCOL has acted in good faith by investing significant time and capital in the proposed project, and reserves all rights to recover these investments.

In light of the foregoing, and the PUC’s request for further amendment of the PPAs (multiple drafts of which have been negotiated between the parties over several years with a significant expenditure of time and costs), below is BAPCOL’s response on the following matters prior to further action:

Clause 24.

- 24.a. – BAPCOL requests that BEL agree to re-execute the PPAs with BAPCOL and that the PUC confirm that any subsequent assignment of the same by BAPCOL to a subsidiary company will not require further PUC approval.
- 24.b. – BAPCOL requests that BEL work collaboratively with BAPCOL to ensure the timely completion of the Exhibits.
- 24.c. – BAPCOL seeks confirmation that no further action is required.
- 24.d. – BAPCOL seeks confirmation that no further action is required.

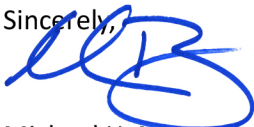
- 24.e. – BAPCOL rejects this material change to the agreement as this project was never contemplated to be a Build Own Operate and Transfer (BOOT).
- 24.f. – BAPCOL requests proposals as to how early termination ought to be defined, since the parties considered the current provisions to be adequate.
- 24.g. – BAPCOL can commit to reviewing the PPA with BEL at the conclusion of year 14.
- 24.h. – BAPCOL requests clarification regarding the guarantee that the PUC seeks since the parties considered the current provisions to be adequate.

Decision of the Commission.

- 2.(i) – BAPCOL accepts the proposed Term as put forth.
- 2.(ii) – BAPCOL accepts an average Levelized Cost of Energy (LCOE) of US\$0.0593, comprising an LCOE of US\$0.085 for the initial 15-Year Term and an LCOE of ~US\$0.025 for the subsequent 10-Year Term; pending the PUC’s proposed review outlined in 24.g.

We trust that the aforementioned points will be given due consideration and addressed in a timely manner. We look forward to resolving these matters amicably and proceeding with the agreed-upon course of action.

Thank you for your attention to this matter. We anticipate a prompt response.

Sincerely,

Michael H. M. Bowen
Chairman
Blair Athol Power Company Limited

Digitally signed by
Michael H. M. Bowen
Date: 2023.06.12
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