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MEMORANDUM

TO: Diverse Power Board of Directors

CC: Wayne Livingston; Ray McKenzie, Esq.; Randy Shepard

FROM: Richard G. Tisinger, Sr., Moderator

DATE: June 19, 2023

RE: **Public Utility Regulatory Policies Act (PURPA) Report**

This Report is submitted pursuant to Rule 9(c) of Diverse Power's Rules for Conducting Proceedings Required by the Public Utility Regulatory Policies Act of 1978 (as amended by the Infrastructure Investment and Jobs Act of 2021) (the "PURPA Manual"). The PURPA Manual was adopted by Diverse Power's Board to establish the procedures applicable to the Board's consideration of the PURPA standards, including the conduct of the public hearing held on June 6, 2023.

On June 6, 2023, I presided as the Moderator of the PURPA hearing held at Diverse Power's headquarters in LaGrange, Georgia. At just prior to 8:00 a.m., Diverse Power's staff opened its auditorium and reception area for registration of persons desiring to participate in the PURPA public hearing, convened for the purpose of collecting information to be used in the consideration by Diverse Power's Board of Directors of the two "standards" set forth in 16 U.S.C.A. § 2625(d)(20) & (21). Diverse Power's representatives were present, including Randy Shepard, its PURPA Compliance Officer. Diverse Power was represented at the hearing by Attorney Ray McKenzie.

At 9:00 a.m., the Hearing was formally convened. Mr. Shepard was called as a witness, sworn in, and presented proof of notice of the Hearing. His testimony clearly indicated that extensive and comprehensive efforts were made by Diverse Power to provide notice of the PURPA proceedings by multiple means, and that notice was provided in compliance with the Act and the PURPA Manual. Mr. Shepard also identified copies of the various forms of notice that were provided to Diverse Power's members. He identified copies of each method of notice to the public, which were then designated as numbered exhibits, which I entered into the Hearing record. (Exhibit 1, Website Posting; Exhibit 2, Lobby Posting; and Exhibit 3, Newsletter mailed 1st Class Mailing to all members.) Mr. Shepard also testified that no one (other than Diverse Power) had intervened in the Hearing to participate as a formal party of record in accordance

with Rule 4 of the PURPA Manual. Mr. Shepard testified that as Diverse Power's PURPA Officer, he was familiar with the PURPA Manual, that a copy had been posted on Diverse Power's PURPA website, and he identified a copy of the PURPA Manual, which was marked as Exhibit 4 and admitted into evidence. Mr. Shepard also testified that to the best of his knowledge, Diverse Power had complied with all Rules set forth in the PURPA Manual.

I then called for formal parties desiring to enter testimony into the record of the Hearing. Mr. Alan Shedd was called to the witness stand, and he was sworn in. Mr. Shedd, Director of Emerging Technologies for Oglethorpe Power Corporation, testified that he worked with Diverse Power's staff to develop Diverse Power's testimony with regard to the two relevant PURPA standards:

1. Demand-Response Practices, 16 U.S.C. § 2621(d)(20); and
2. Electric Vehicle Charging Programs, 16 U.S.C. § 2621(d)(21).

Mr. Shedd's testimony was identified by Mr. Shedd and admitted into the record without objection as Exhibit 5.

I asked if anyone present had any additional testimony or other evidence to enter into the record of the Hearing. There being none, the Hearing was concluded at approximately 9:23 a.m. The proceeding was taken down by certified court reporter, Misti Gilbert.

This concludes the Moderator's report.

Respectfully submitted, this 19th day of June, 2023.



RICHARD G. TISINGER, SR.

Moderator