



## Filing Receipt

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**Control Number - 53385**  
**ItemNumber - 1344**

**AFFIDAVIT**

**STATE OF CALIFORNIA**

**COUNTY OF Marin**

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My name is Kevin Smith. I am the CEO and President, and authorized signatory for Elm Branch Solar 1, LLC ("Elm Branch"). As CEO and President for Elm Branch, I affirm that am the highest-ranking representative, official, or officer with binding authority over Elm Branch. I am competent to testify to all the facts stated in this Affidavit, and I have the authority to make this Affidavit on behalf of Elm Branch.

I swear or affirm that in my capacity as CEO and President of Elm Branch, I have personal knowledge of the facts stated in the Emergency Operations Plan ("EOP") submitted to ERCOT and filed in Project No. 53385, of the facts included in Elm Branch's 2023 Annual EOP Update pleading, and of the facts included in this Affidavit.

Pursuant to 16 Tex. Admin. Code ("TAC") § 25.53(c)(4)(C), I further swear and affirm that: (i) all relevant operating personnel are familiar with and have received training on the applicable contents and execution of the EOP, and such personnel are instructed to follow the applicable portions of the EOP except to the extent deviations are appropriate as a result of specific circumstances during the course of an emergency; (ii) the EOP has been reviewed and approved by the appropriate executives; (iii) drills have been conducted to the extent required by 16 TAC § 25.53(f); (iv) the EOP or an appropriate summary has been distributed to local jurisdictions as needed; (v) that Elm Branch maintains a business continuity plan that addresses returning to normal operations after disruption caused by an incident; and (vi) Elm Branch's emergency management personnel who are designated to interact with local, state, and federal emergency management officials during emergency events have received the latest IS-100, IS-200, IS-700, and IS-800 National Incident Management Systems training.

I further swear of affirm the information, statements and/or representations contained in the EOP are true, complete, and correct to the best of my knowledge and belief.

  
Signature of Affiant

Kevin Smith  
Typed or Printed Name

**ACKNOWLEDGEMENT**

STATE OF CALIFORNIA

COUNTY OF Marin )

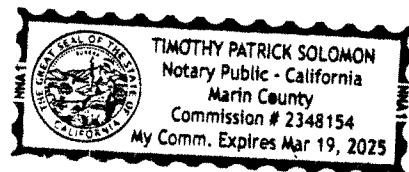
On 3-15, 2023, before me, Timothy Patrick Solomon, a Notary Public, personally appeared Kevin Smith, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal

Signature: Timothy Patrick Solomon

(Seal)



**ATTESTATION**

STATE OF CALIFORNIA

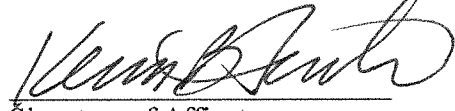
COUNTY OF Marin

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My name is Kevin Smith. I am the CEO and President, and authorized signatory for Elm Branch Solar 1, LLC ("Elm Branch"). As CEO and President for Elm Branch, I affirm that am the highest-ranking representative, official, or officer with binding authority over Elm Branch. I am competent to testify to all the facts stated in this Attestation, and I have the authority to make this Attestation on behalf of Elm Branch.

I swear or affirm that in my capacity as CEO and President of Elm Branch, I have personal knowledge of the facts stated in the Emergency Operations Plan ("EOP") submitted to ERCOT and filed in Project No. 53385, of the facts included in Elm Branch's 2023 Annual EOP Update pleading, and of the facts included in this Attestation.

I further swear and affirm that in the previous calendar year, Elm Branch did not make any change to its EOP that materially affects how Elm Branch would respond to an emergency.



Signature of Affiant

Kevin Smith

Typed or Printed Name

**ACKNOWLEDGEMENT**

STATE OF CALIFORNIA

COUNTY OF Marin

On 3-15, <sup>2023</sup>, before me, Timothy Patrick Solomon, a Notary Public, personally appeared Kevin Smith, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

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Signature: Timothy Patrick Solomon

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