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OFFICE OF PUBLIC ACCOUNTABILITY  
PROCUREMENT APPEALS

DATE: 10-16-17  
TIME: 3:45  AM  PM BY: JM  
FILE NO OPA-PA: 17-008

5 Attorneys for Appellants:  
6 SHANGHAI ELECTRIC POWER JAPAN CO., LTD. and  
7 TERRA ENERGY, INC.

8 **BEFORE THE PUBLIC AUDITOR**  
9 **PROCUREMENT APPEALS**  
10 **TERRITORY OF GUAM**

10 IN THE APPEAL OF  
11 SHANGHAI ELECTRIC POWER  
12 JAPAN CO., LTD. and TERRA  
13 ENERGY, INC.,  
14 Appellants.

Appeal No. OPA-PA-17-008

**STATEMENT OF STIPULATED FACTS  
BY SHANGHAI ELECTRIC POWER  
JAPAN CO., LTD. and TERRA ENERGY,  
INC.**

15 The Appellants Shanghai Electric Power Japan Co., Ltd. and Terra Energy, Inc.  
16 ("SEPJ") believe that the following facts are uncontested and should be stipulated to by  
17 all parties:

- 18 1. GPA's requirements for a microgrid are informational only for future  
19 development of microgrids. SEPJ Exhibit "1".
- 20 2. GPA agreed to award a microgrid to Hanwha based upon Hanwha's  
21 Fixed Annual Payment Contract option. SEPJ Exhibit "2".
- 22 3. GPA intended to acquire a total of 60 MW of renewable capacity in this  
23 procurement. SEPJ Exhibit "12".
- 24 4. GPA strongly recommended underground transmission lines for  
25 interconnection between the renewable generation and the GPA power  
26 system. SEPJ Exhibits "16" and "17".

**ORIGINAL**

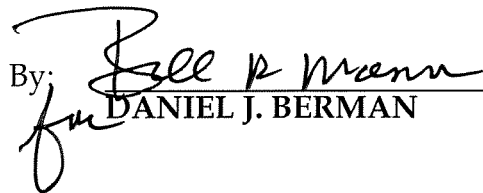
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5. After the four Hanwha and KEPCO bids, GPA ranked the SEPJ Site 2 bid fifth, a SolarCity (PSS) bid sixth, and the SEPJ Site 1 bid seventh. SEPJ Exhibit "19".
6. GPA refused to grant SolarCity an exemption to allow it to use GPA's existing transmission line from the Dandan transfer station to the Talofoto substation, and as a result the SolarCity bid ranked sixth was not compliant with the IFB. SEPJ Exhibit "20".
7. GPA advised bidders that the starting price for bids did not have to be below GPA's current LEAC rate. SEPJ Exhibit "22".
8. GPA did not adopt its LEAC rate until 1999. SEPJ Exhibit "23".

DATED this 16<sup>th</sup> day of October, 2017.

Respectfully submitted,

**BERMAN O'CONNOR & MANN**  
Attorneys for Appellants  
SHANGHAI ELECTRIC POWER JAPAN CO.,  
LTD. and TERRA ENERGY, INC.

By:   
DANIEL J. BERMAN