

June 7, 2026

The Incorporated County of Los Alamos, New Mexico
 Attn: Utilities Manager
 1000 Central Ave., Suite 130
 Los Alamos, NM 87544
 Phone: 505-662-8148
 Email: DPU@lacnm.us

Re: Foxtail Flats Solar, LLC and Foxtail Flats Storage, LLC – Q2 Quarterly Construction Status Report

To whom it may concern:

Per Section 2.5(a) of the Power Purchase Agreement between Foxtail Flats Solar, LLC and the Incorporated County of Los Alamos, New Mexico, dated March 5, 2024, and the corresponding Energy Storage Agreement between Foxtail Flats Storage, LLC and the Incorporated County of Los Alamos, New Mexico, dated March 5, 2024, below is the quarterly construction progress report for the Foxtail Flats PV and BESS project for Q2 2026.

Real Estate

- The Project is located in San Juan County, New Mexico, on land leased under the Solar Energy Facility Business Lease Agreement with the Ute Mountain Ute Tribe, dated February 27, 2024 and amended on November 13, 2024.
- Site access roads are in progress and the site is currently active with construction underway across various civil activities

Permitting

Please see the permit status table below:

Permit Type	Permit	Status	Additional Notes
Federal	Spill Prevention, Control, and Countermeasure Plan (SPCC)	Approved	
Federal	NOI for NPDES Storm Water Discharge (Construction General Permit)	Approved	
Federal	U.S. Bureau of Indian Affairs Finding of No Significant Impact (FONSI), National Environmental Policy Act (NEPA)	Approved	
Federal	Approved Jurisdictional Determination / No Permit Required	Complete	
State	General Construction CID Building Permits	In Progress	This is only required for portions of the HV and T-line work since the other portions of the project are on tribal land

PPA / ESA and Interconnection

- The Power Purchase Agreement (PPA) between Foxtail Flats Solar, LLC and the Incorporated County of Los Alamos, New Mexico was executed on March 5, 2024.
- The Energy Storage Agreement (ESA) between Foxtail Flats Storage, LLC and the Incorporated County of Los Alamos, New Mexico was executed on March 5, 2024.
- The Los Alamos Department of Public Utilities (DPU) issued a letter on April 21, 2026 that acknowledged an Excused Delay and adjusted the Guaranteed Commercial Operation Date to August 20, 2027. The Outside Commercial Operation Date has subsequently shifted to April 8, 2028. This letter also confirmed acceptance of the Letter of Credit which was delivered by DESRI.
- DESRI continues to coordinate with PNM on the interconnection side to ensure the PNM upgrades will be completed on time to ensure a timely energization for the Project.

Financing

- Financial close and full notice to proceed (FNTP) has been achieved for the project as of April 27, 2026. Construction is underway in accordance with the project schedule.

Engineering, Procurement, and Construction

Engineering

- IFC (Issued for Construction) drawing sets have been issued for the PV civil, electrical, and structural scopes.
- IFC drawing sets have been issued for the BESS civil, electrical, and structural scopes.
- IFC drawing sets are expected to be issued for the San Juan Solar Substation Expansion and the Foxtail Flats and Four Mile Mesa Substation by the end of June 2026.

Procurement

- All major equipment procurements are underway. Key deliveries as of June 4, 2026:
 - Road aggregate: 30% delivered
 - Piles: 10% delivered
 - MV cable: 40% delivered
 - Inverter skids, BESS containers, torque tubes, modules, fiber, PCS, LBDs, sectionalizing cabinets, and combiners: deliveries pending / scheduled

Construction Update – As of June 4, 2026

- Construction activities are ongoing across the Foxtail Flats Solar portion of the project, and the Solv PV team is working on the civil construction for the BESS pad
- To date, the following has been completed for Foxtail Flats Solar:
 - Clearing, grubbing, and mowing have been fully completed
 - The PV laydown yard has been installed
 - SWPPP BMP installation is at 13%
 - Road subgrade for road installation is at 48%
 - Grading is at 48%
 - Pile survey is at 25%
 - Pile install is at 2%

Milestones

Per the PPA (Section 1.14), “Commercial Operation” for the PV project means:

- The Project has been connected to the Interconnecting Utility's electrical system at the Site, notification of final interconnection authorization has been obtained from the Interconnecting Utility, and the Project has commenced regular, daily operation supplying Energy to Buyer, in each case with no less than ninety-five percent (95%) of the expected nameplate capacity of 170 MW (AC). Seller may declare Commercial Operation with respect to phases of the Project of less than the full nameplate capacity in accordance with Section 2.5(d) of the PPA.

Per the ESA (Section 1.22), “Commercial Operation” for the BESS project means:

- The Project has been constructed, commissioned, and tested with no less than ninety-five percent (95%) of the Expected Installed Power Capacity and Expected Installed Energy Capacity, connected to the Interconnecting Utility's electrical system at the Site, notification of final interconnection authorization has been obtained from the Interconnecting Utility, and the Project can commence operation providing Energy Storage Services to Buyer.

Project Milestone Schedule (per PPA Appendix D / ESA Appendix D):

Milestone	Original Target Date	Status
Main Power Transformer PO Executed	June 30, 2024	Complete
PV Panel and Racking POs Executed	January 15, 2025	Complete
Site Mobilization	February 1, 2025	Complete
Phase 1 Mechanical Completion (50% of PV Project)	January 15, 2026	In Progress
Substation Mechanical Completion	February 1, 2026	In Progress
Interconnection Upgrades Complete	February 1, 2026	In Progress
Phase 1 COD (50% of PV Project)	March 1, 2026	In Progress
Phase 2 Mechanical Completion (remaining 50% of PV)	August 15, 2026	In Progress
Phase 2 COD (remaining 50% of PV Project)	October 1, 2026	In Progress
BESS Phase 1 COD (50%)	March 1, 2026	In Progress
BESS Phase 2 COD (remaining 50%)	October 1, 2026	In Progress
Guaranteed Commercial Operation Date (PV)	December 31, 2026	In Progress
Guaranteed Commercial Operation Date (BESS)	December 31, 2026	In Progress
Outside Commercial Operation Date (both)	May 1, 2027	In Progress

Project Delays

- At this time there are no delays for the Foxtail Flats Solar and BESS Project

Photos







Please do not hesitate to contact Kevin Proudfoot at 630-209-3826 with any questions.

Sincerely,

Foxtail Flats Solar, LLC and Foxtail Flats Storage, LLC
c/o DESRI