ISSUES OF HEARING

1. Whether the request of the petitioners to reckon the ten (10) month construction period from the Construction Start Date, as provided in the EPA, instead of the Financial Close Date specified in the Tariff Determination for true up of IDC and ROEDC, is justified?

   In this regard, the petitioners and CPPA-G shall also explain:

   a) the basis under which the Construction Start Date was incorporated in the EPA as the commencement point for determining the RCOD despite the fact that the Tariff Determination prescribed the ten-month construction period from the Financial Close Date;

   b) the construction not commenced within the ninety (90) day period following Financial Close, is a Seller Event of Default under the EPAs; why did CPPA-G not issue the Notice of Intent to Terminate promptly after the Seller failed to start construction within 90 days of Financial Close, and instead issued it only on 17 March 2022.

2. Whether the Tariff Determination be modified to incorporate the sharing mechanism as approved in the LPM decision issued on 28 September 2023?
3. Any other issue (s) as deemed appropriate by the Authority.