

EXHIBIT 15

The San Marcos Association before the Santa Fe County Board of Commissioners
August 11, 2025

Before the Santa Fe County Board of County Commissioners, August 11, 2025

Cases #24-5200 & 24-5202

Rancho Viejo Solar, LLC Conditional Use Permit (CUP) Application

**Applicants: Rancho Viejo Limited Partnership, Rancho Viejo Solar, LLC, AES Clean
Energy Development, LLC**

Excerpt from an email exchange between Olivia Romo, Santa Fe County Communications Coordinator, and Michael Benanav a Reporter for Searchlight New Mexico, on February 15, 2024 at 4:39 PM

This exchange shows that, prior to the current CUP application being submitted, the County fully understood the original intent of the “Commercial Solar Energy Production Facility” in that they recognized that it was “intended to benefit one or more business users, and is typically located on the roof or – or on the ground next – the intended user.” However, they chose to ignore this understanding and applied the definition of these small scale facilities to “a utility solar project,” justifying that on the basis of “semantics.” The San Marcos Association strongly disputes that reworking of the commercial solar definition. Just because the Appendix A definition of a “Commercial Solar Energy Production Facility” appears on the surface to be applicable to the current project does not mean that it is. Applying that definition to utility-scale facilities was not what the writers of the SLDC intended.

Further, “the County realizes that the proposed AES project is a utility-scale facility,” thus recognizing that the project is a “Gas or Electric Power Generating Facility” as listed in SLDC Appendix B and defined by LBCS Structure Code 6400.

On Thursday, February 15, 2024 at 4:39 PM, Olivia Romo, Santa Fe County Communications Coordinator answered the question below (in blue) from Michael Benanav, a Reporter for *Searchlight New Mexico*. Her response is in red.

2. Can you please explain why the Rancho Viejo Solar Project is considered to be a commercial solar project, rather than a utility solar project? Along those lines, I assume you are aware that an AES expert, in sworn testimony, said the project is of utility scale, yes? Also, I would assume that you are aware that even though the project is listed as a 48 MW solar project, the actual amount of storage in the BESS is 277.8 Megawatt hours, yes? And of course the purpose is power generation and storage to feed the grid. Taking those factors into account, what makes this project 'commercial' rather than 'utility'?

The SLDC does not distinguish between “commercial” and “utility” solar projects. For all intents and purposes, however, the definition of a commercial solar project found in the SLDC is consistent with the commonly-accepted definition of a utility solar project. Very generally, a commercial solar project is intended to benefit one or more business users, and is typically located on the roof of – or on the ground next to – the intended user. A utility solar project, on the other hand, is typically a very large array of panels, the power from which is sold to wholesale purchasers, quite often utility companies. The definition of “commercial solar energy production facility” in the SLDC is, “a renewable energy production facility that uses sunlight to generate, and may store, energy for sale or profit.” That definition aligns with the common understanding of what constitutes a utility solar project. So, the County realizes that the proposed AES project is a utility-scale facility, and the application will be handled accordingly. It is really just a matter of semantics that the County’s definition of “commercial” solar is a more accurate description of utility-scale solar operations.

As to the ultimate storage capacity of the BESS, we cannot speak to that issue with any certainty at this time. The applicant is in ongoing discussions with PNM regarding the amount of electricity it will sell to the utility. The end result of that negotiation will dictate the amount of storage AES ultimately identifies in its application. Once identified – and if approved – the approval would apply only to the project as presented and approved. Any proposed change of 5% or more to the storage capacity would force AES to go through the same review process as was applicable to its original application.

Highlighting added by SMA