

**CALIFORNIA ALTERNATIVE ENERGY AND
ADVANCED TRANSPORTATION FINANCING AUTHORITY**

Request to Approve Project for a Sales and Use Tax Exclusion¹

**Oberon Fuels, Inc.
Application No. 24-SM006**

Tuesday, July 16, 2024

Prepared By: *Joel Schwartz, Technical Consultant, Blue Sky Consulting Group*

SUMMARY

Applicant – Oberon Fuels, Inc.

Location – Imperial, Imperial County

Industry – Renewable Hydrogen

Project – Expansion of a Renewable Hydrogen Production Facility (Alternative Source)

Value of Qualified Property	Estimated Sales and Use Tax Exclusion (“STE”) Amount ²
\$5,728,000	\$483,443

Estimated Net Benefit ³	Dollar Value	Points Earned
Estimated Fiscal Benefits	\$824,769	1,706
Estimated Environmental Benefits	\$47,641	99
Additional Benefits	N/A	155
Total	\$872,410	1,960
Estimated Quantifiable Net Benefit	\$388,697	

Competitive Criteria Score – 165

Staff Recommendation – Approval

¹ All capitalized terms not defined in this document are defined in the STE Program’s statutes and regulations.

² This amount is calculated based on the average statewide sales tax rate of 8.44%.

³ Applications that earn a Total Score of at least 1,000 points and an Environmental Benefits Score of over 20 points may be recommended for approval. (California Code of Regulations Title 4, Division 13, Section 10033(c)(6).)

THE APPLICANT

Oberon Fuels, Inc. (the “Applicant”) is a Delaware Corporation that formed in 2010. It is headquartered in San Diego and produces renewable dimethyl ether (DME).

On November 13, 2012, the CAEATFA Board granted the Applicant an STE award for the purchase of up to \$13,500,000 in Qualified Property for an estimated STE value of \$1,093,500 for biogas capture and renewable DME production. As of May 2014, the Applicant has reported \$ 4,510,779.81 in Qualified Property purchases (33% of the total Qualified Property amount approved) and completed this project.

The major shareholders (10.0% or greater) of the Applicant are:

Rebecca Boudreaux (11.6%)
Suburban Propane L.P. (38.44%)
Senterfitt Holdings (38.44%)

The corporate officers of the Applicant are:

Rebecca Boudreaux, CEO
Elliot Anise-Hicks, CTO
Ann Anthony, CFO
Derick Winkel, COO

THE PROJECT

The Applicant is requesting a sales and use tax exclusion (“STE”) award to expand an existing plant located in Imperial to include the production of renewable hydrogen (the “Project”). The Applicant states DME can be made from upgrading biomethane from various organic waste streams. According to the Applicant, it will install a reformer to produce 1,000 kg of hydrogen per day from renewable DME, which is itself produced from renewable waste methanol from the pulp and paper industry.

The Applicant shares that it currently produces renewable DME that is blended into propane fuel for use in forklifts. The Applicant is expanding DME production so that the DME-to-hydrogen process will be based on new renewable DME production. According to the Applicant, an advantage of DME is that it can be transported using existing infrastructure for transporting propane, which has similar properties to DME. The DME can then be converted to renewable hydrogen at the hydrogen fueling station, eliminating the need for specialized hydrogen transportation infrastructure.

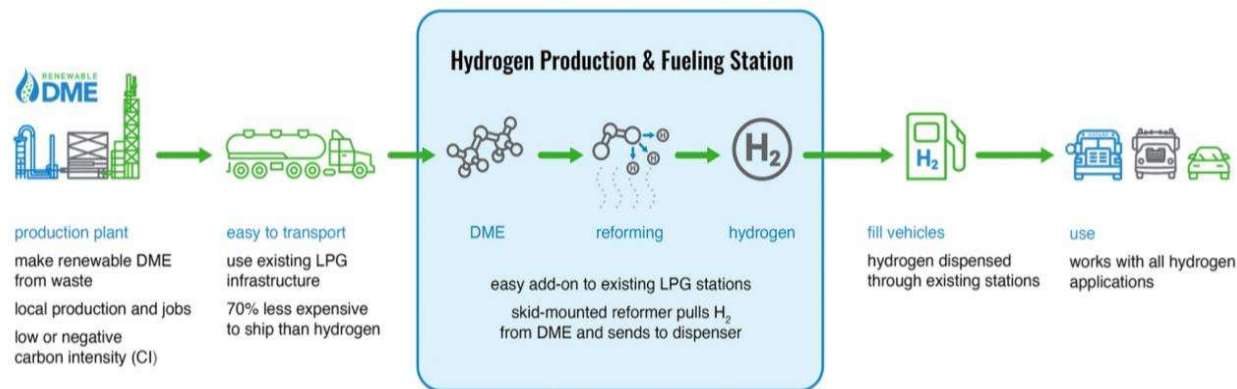


Figure 1: Conversion of DME to Renewable Hydrogen

ANTICIPATED COSTS OF QUALIFIED PROPERTY

The anticipated Qualified Property purchases are listed below:

Steam Reforming Reactor	\$5,138,000
Building to House Electrical Controls for Reformer	\$590,000
Total	\$5,728,000

Note: The Qualified Property purchases reported in the Application and shown here in staff’s report are estimated costs. In accordance with the Regulatory Agreement, a finalized Project equipment list will be prepared detailing the value of the Project equipment actually acquired, and the estimated tax benefit realized pursuant to Revenue and Tax Code Section 6010.8. Variance from the costs shown in the Application and in this report may occur prior to the closing due to increased costs of certain components of the Project over original estimates, and other reasons. In addition, those costs may vary after closing due to increased costs, as well as common design and equipment modifications during construction, differences in equipment due to future changes in statute or regulation, or for other reasons.

TIMELINE

The Applicant has provided the following projected timeline for Project operation:

- Permitting: June 2023 – March 2024
- Site construction start date: March 2024
- Site construction end date: May 2024
- Equipment installation: January 2025
- Begin operations: January 2025

STATUS OF PERMITS/OTHER REQUIRED APPROVALS

The Applicant states the grading, air, and building permits have been approved.

COMPETITIVE CRITERIA SCORE

The Applicant received 165 Competitive Criteria points as follows:

1. **Environmental Benefits (100 of 100 points)**. The Application has a Project that produces an Alternative Source product, and, therefore, 100 points are awarded.
2. **Unemployment (50 of 50 points)**. The Applicant's Project is located in Imperial County, which has an average annual unemployment rate of 16.9%.⁴ When compared to the statewide average annual unemployment rate of 4.6%, the Project location earned the Applicant 50 points.
3. **Job Creation (0 of 75 points)**. The Applicant anticipates the Project will support a total of one production-related jobs at its Facility. CAEATFA estimates that approximately 0.13 of these jobs will be attributable to a marginal increase in jobs created due to the STE. Based on the amount of STE per estimated number of jobs created, the Applicant earned zero points.
4. **California Headquarters (15 of 15 points)**. The Applicant has a California Corporate Headquarters, and, therefore, 15 points are awarded.
5. **Natural Disaster Relief (0 of 50 points)**. The Project is not to rebuild or relocate the Applicant's Facility due to a fire, flood, storm, or earthquake identified in a state of emergency proclaimed by the Governor within two years of the time of application, and, therefore, zero points are awarded.
6. **Eligibility for Manufacturing and Research and Development Equipment Exemption (0 of 50 points)**. The Applicant is eligible to use one or more of the exemptions established pursuant to Section 6377.1 of the Revenue and Taxation Code, and, therefore, zero points are awarded.
7. **Emerging Strategic Industry (0 of 75 points)**. Project's industry is not in an Emerging Strategic Industry, and, therefore, zero points are awarded.

PROJECT EVALUATION

PROJECT BENEFITS

The Project received a Total Score of 1,960 points, which exceeds the required 1,000-point threshold, and a total Environmental Benefits Score of 99 points, which exceeds the 20-point threshold.

⁴ Unemployment rates are based on data available in December 2023.

- A. **Fiscal Benefits (1,706 points).** The net present value of the total fiscal benefits over the lifetime of the Qualified Property is derived from the Applicant's sales and use taxes, personal income taxes paid by the firm's employees, firm taxes on profits, property taxes, and other indirect fiscal benefits of the Applicant. The total fiscal benefits amount to \$824,769, resulting in a Fiscal Benefits score of 1,706.
- B. **Environmental Benefits (99 points).** The Project is anticipated to result in \$47,641 of total pollution benefits over the life of the Project, resulting in an Environmental Benefits Score of 99 points. These benefits derive from producing renewable hydrogen, which displaces the need for use of fossil fuels.
- C. **Additional Benefits (155 points).** Applicants may earn additional points for their Total Score. The Applicant received 155 additional points.
1. **Production Jobs (0 of 75 points).** The Applicant anticipates the Project will support a total of one production-related jobs at its Facility. CAEATFA estimates that approximately 0.13 of these jobs will be attributable to a marginal increase in jobs created due to the STE. Based on the amount of STE per estimated number of jobs created, the Applicant earned zero points.
 2. **Construction Jobs (30 of 75 points).** The Applicant anticipates the Project will support a total of eight construction jobs at its Facility. CAEATFA estimates that approximately 0.96 of these jobs will be attributable to a marginal increase in jobs created due to the STE. Based on the amount of STE per estimated number of jobs created, the Applicant earned 30 points.
 3. **Unemployment (50 of 50 points).** The Applicant's Project is located in Imperial County, which has an average annual unemployment rate of 16.9%. When compared to the statewide average annual unemployment rate of 4.6%, the Project location earned the Applicant 50 points.
 4. **Research and Development Facilities (25 of 25 points).** The Applicant has verified that it has a facility located in California that performs research and development functions related to converting DME to hydrogen.
 5. **Industry Cluster (25 of 25 points).** The industry associated with this Application has been identified by the Governor's Office of Business and Economic Development as an industry cluster of the region of the Project's location.
 6. **Benefits and Fringe Benefits (25 of 25 points).** The Applicant states it provides medical, health, dental and vision benefits, retirement contributions and paid leave to its employees, earning the Applicant 25 points.

LEGAL QUESTIONNAIRE

Staff reviewed the Applicant's responses to the questions contained in the Legal Status portion of the Application. The responses did not disclose any information that raises questions concerning the financial viability or legal integrity of this Applicant.

CAEATFA FEES

In accordance with STE Program regulations,⁵ the Applicant has paid CAEATFA an Application Fee of \$2,864 and will pay CAEATFA an Administrative Fee of up to \$22,912.

RECOMMENDATION

Staff recommends the approval of Resolution No. 24-SM006-01 for Oberon Fuels, Inc.'s purchase of qualifying tangible personal property in an amount not to exceed \$5,728,000, anticipated to result in an approximate STE value of \$483,443.

⁵ California Code of Regulations Title 4, Division 13, Section 10036

**RESOLUTION APPROVING AND AUTHORIZING EXECUTION OF A
REGULATORY AGREEMENT WITH OBERON FUELS, INC.**

July 16, 2024

WHEREAS, the California Alternative Energy and Advanced Transportation Financing Authority (the “Authority”) has received the Application of **Oberon Fuels, Inc.** (the “Applicant”) for financial assistance under the Sales and Use Tax Exclusion Program, as established in Public Resources Code Section 26011.8; and

WHEREAS, the Applicant qualifies as a Participating Party under Public Resources Code Section 26011.8 and Revenue and Taxation Code Section 6010.8; and

WHEREAS, the Applicant’s qualifying tangible personal property meets the requirements of a Project under Public Resources Code Section 26011.8 and Revenue and Taxation Code Section 6010.8 (the “Project”); and

WHEREAS, after the Authority approves an Application, the Authority enters into a Regulatory Agreement, as described in Authority Regulations Section 10035(a), with the Applicant for the Project; and

WHEREAS, the Applicant has stated the Project has an estimated cost not to exceed \$5,728,000 over a period of three (3) years; and

WHEREAS, the Applicant asserts that this form of financial assistance will enable it to avail itself of the benefits of an exclusion from sales and use taxes relative to the Project pursuant to Revenue and Taxation Code Section 6010.8; and

WHEREAS, the approval of the terms of the Regulatory Agreement and authority for the Executive Director or Chair of the Authority to execute the necessary documents to effectuate the Regulatory Agreement is now sought;

NOW, THEREFORE, BE IT RESOLVED by the California Alternative Energy and Advanced Transportation Financing Authority, as follows:

Section 1. The Regulatory Agreement includes a Project within the meaning of Public Resources Code Section 26003(a)(8)(B).

Section 2. The Regulatory Agreement constitutes financial assistance within the meaning of Public Resources Code Section 26003(a)(6).

Section 3. The Applicant is a participating party within the meaning of Public Resources Code Section 26003(a)(7).

Section 4. The Executive Director or Chair of the Authority (the “Authorized Signatories”) are hereby authorized for and on behalf of the Authority to approve any changes to the Project as the Authorized Signatories deem appropriate, provided that the amount of the

qualifying tangible personal property to be purchased for the Project may not be increased above the amount approved by the Authority.

Section 5. The proposed form of the Regulatory Agreement between the Applicant and the Authority, as filed with the Authority prior to this public meeting, is hereby approved. For, on behalf and in the name of the Authority, the Authorized Signatories are hereby authorized and directed to execute, acknowledge, and deliver to the Applicant the Regulatory Agreement in substantially the form filed with or approved by the Authority.

The Regulatory Agreement may contain insertions, deletions or changes as the Authorized Signatories executing the Regulatory Agreement may require or approve, including particular information inserted in substantial conformance with the staff summary and in the Application to the Authority. The approval of the Regulatory Agreement will be conclusively evidenced by the execution and delivery of the final Regulatory Agreement.

The Authority understands and agrees that, pursuant to the terms of the Regulatory Agreement, the obligations of the Applicant, under some circumstances, may be carried out or assumed by a successor or assignee entity, or by an affiliate of the Applicant.

Section 6. Each of the Authorized Signatories, acting alone, is hereby authorized and directed to do any and all ministerial acts, including, without limitation, the execution and delivery of any and all documents and certificates they may deem necessary or advisable to consummate the Regulatory Agreement and otherwise effectuate the purposes of this Resolution.

Section 7. The Applicant shall ensure that all of the qualifying tangible personal property acquired as part of the Project that is listed in the semi-annual reports provided to the Authority pursuant to the Regulatory Agreement will be installed, maintained and operated in compliance with all applicable local, state and federal laws.

Section 8. The Regulatory Agreement shall only apply to qualifying tangible personal property acquired as part of the Project that the Applicant certifies will be installed, maintained, and operated at facilities physically located within the State of California.

Section 9. Neither the adoption by the Authority of this Resolution for the Applicant nor the Regulatory Agreement may be referred to in any application before any governmental agency as evidence of the feasibility, practicality or suitability of the Project and may not be referred to in any application for any required permission or authority to acquire, construct or operate the Project.

Section 10. This Resolution is effective immediately and will remain in full force and effect unless the Regulatory Agreement is not executed within thirty (30) days of the date of this Resolution. The Executive Director may extend the thirty (30) days if necessary.