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December 12, 2025

Lewe Sessions
Assistant Inspector General for Investigations
Office of the Inspector General
U.S. Department of Energy
1000 Independence Ave., SW
Washington, DC 20585

Caryl Brzymialkiewicz
Deputy Inspector General Performing the Duties of the Inspector General
Office of Inspector General
U.S. Department of the Interior
1849 C St., NW – Mail Stop 4428
Washington, DC 20240

Dear Mr. Sessions and Ms. Brzymialkiewicz:

I write today to urge your immediate investigation into potential conflicts of interest, misleading claims and mismanagement at both the Department of Energy (DOE) and the Department of Interior (DOI) under the last Administration that may soon result in a nearly \$1 billion taxpayer loss on federal land. Parties to these previous actions may now be working with both departments under the new administration to conceal past misconduct without proper oversight. This demands your immediate attention and investigation. **These actions further appear to implicate the Administrative Procedure Act (arbitrary and capricious agency action), federal ethics statutes, and federal false-statement prohibitions.**

At issue are Contract Termination Agreements (“CTAs”) made between the Department of Energy, Pacific Gas & Electric Company’s (“PG&E”), Southern California Edison (“SCE”), NRG and Google in January 2025 – just hours before President Trump took office – to shut down the Ivanpah solar power plant in California at a significant loss to American taxpayers. **The timing of these agreements—during a presidential transition—raises heightened concerns regarding rushed decision-making, lack of transparency, and improper political insulation.**

Notably, Ivanpah sits on federal land overseen by DOI’s Bureau of Land Management (BLM), which is ultimately responsible for the site’s potential remediation – and, as such, provided remediation cost estimates as part of the CTA. **This places DOI directly within the chain of financial causation for the federal losses now projected.**

While the Biden administration was busy handing out last-minute checks under its “Green New Deal” during the presidential transition, it should have set off alarm bells that an outgoing pro-

solar administration would close a solar plant operating at 85% capacity and delivering electricity to 120,000 homes. But that's what occurred at the eleventh hour of the transition. **This action is inconsistent with core federal energy-security and grid-reliability policy.**

On its face, the facts show a glaring conflict of interest and a bad deal for taxpayers that may reflect a corrupt business arrangement and not a good-faith policy decision aimed at benefiting the public. The Trump administration should not blindly follow a corrupt and fiscally irresponsible path set forth by the Biden administration. **Continuation of the CTA framework after discovery of these conflicts may itself compound federal exposure.**

The original DOE loan for the Ivanpah project was \$1.6 billion. Roughly \$730–780 million remains outstanding— meaning Ivanpah repaid more than half before the Biden DOE instituted the Cooperation Agreement halting payments. Shutdown would cut off repayment and increase federal taxpayer losses. **This converts a partially performing federal loan into a near-total loss event.**

Meanwhile, we now know that the Biden BLM provided a low-ball estimate on remediation costs for Ivanpah's closure. The Biden BLM estimated remediation costs to be roughly \$14 million. The Trump BLM has looked at this closure and estimates remediation costs of \$150 million. **This ten-fold escalation alone represents a catastrophic understatement of federal land restoration liability.**

Put together, a rushed closure agreement made at the eleventh hour of a terminating presidency stands to leave the taxpayers on the hook for nearly \$1 billion. The big question: Why?

Here are some data points to consider:

- The decision to enter into the CTAs came from the DOE under the Biden Administration – an unusual decision taken by a pro-solar energy administration – while David Crane served as Under Secretary of Energy. Crane, however, previously served as the CEO of NRG, the primary beneficiary of the closure agreements. **This creates an appearance of regulatory capture and potential self-dealing.**
- Ivanpah generated 729,566 MWh in 2024, operating at 85% capacity and providing electricity to 120,000 California homes. It generated approximately \$120 million per year in revenue and approximately \$53 million per year in EBITDA. With the California grid under stress and DOE still owed \$730-780 million, the DOE's push to close Ivanpah hurt both California and U.S. taxpayers and raises further questions about the motivation.
- NRG and Google (which also holds an equity interest in Ivanpah Master Holdings), received the full benefit of accelerated depreciation for a \$2.2 billion investment structured around a 25-year commitment yet sought to exit after roughly 12 years, leaving rate-payers and other equity interest holders without the full benefit of the Project's economic life. **This represents a privatization of tax benefits and a socialization of losses.**
- PG&E filed the Ivanpah termination request on the same day DOE announced a \$15 billion loan guarantee to the utility, raising serious concerns about incentives and

conflicts of interest. (See <https://www.pge.com/en/newsroom/currents/energy-savings/pg-e-federal-loan-guarantee-approved.html>.)

- DOE personnel involved in shutdown discussions joined FTI Consulting, a firm that performed advisory work related to shutdown planning. This raises legitimate conflict-of-interest concerns, as the parties with the ability to control the Project's operation and performance, and to prognosticate the Project's future performance, have a direct financial interest in ensuring the project is shut down. **These facts may trigger post-employment federal ethics restrictions and procurement-integrity violations.**
- CMB Ivanpah Asset Holdings, Inc. ("CMB"), which is a significant creditor of Ivanpah Master Holdings, LLC, parent of Solar Partners II, LLC, and Solar Partners VIII, LLC, the owners of Ivanpah Unit I and Ivanpah Unit III, respectively, was never consulted during the agreement process and was barred from participating until this matter became public. The closure agreements harm the interests of approximately 180 investors through CMB, many of whom are California residents, whose investments helped fund Ivanpah's construction, and whose investments would be lost with no chance of recovery under the existing agreement. **This exclusion constitutes material interference with secured creditor rights and denies due-process participation in a federal restructuring.**

As you may know, the California Public Utilities Commission last week rejected the CTAs and blocked the closure of Ivanpah. News reports quote the Trump DOE as saying the administration is looking into alternative arrangements for the site, but CMB – a significant creditor – has never been contacted. **The CPUC's unanimous rejection constitutes an independent regulatory repudiation of the CTA framework. Any attempt to repurpose the site without satisfying secured creditor rights may constitute conversion of collateral and impermissible private use of federal land.**

There are key questions to be addressed:

- Is NRG negotiating in secret with the Trump administration to preserve a corrupt deal cut with the Biden administration at the expense of U.S. taxpayers?
- Is DOE still using FTI as a consultant on the project and are former Biden-era DOE personnel involved in the consulting?
- Has anyone notified Secretary Burgum that DOE's decision to double down on the Biden closure plan will cost BLM a fortune?
- Will DOE continue to negotiate with NRG in the absence of CMB, a significant creditor to Ivanpah?

- Will DOE consider more fiscally responsible alternatives to costing taxpayers nearly \$1 billion?

I sincerely thank you for your immediate attention to this matter. **Given the scale of financial exposure, the appearance of conflict, and the material misrepresentation of remediation risk, I respectfully request that your offices initiate a formal investigation without delay.**

Sincerely,



Patrick F. Hogan
Manger of the General Partner
CMB Infrastructure Investment Group 7, LP