

# Nick Fiduccia

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President

Due Diligence Professional Services, Inc.

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## Professional Profile:

Nick Fiduccia has successfully consulted and provided litigation support services in matters related to settlement of claims, including both depositions and court appearances associated with projects involving solar energy, wind energy, battery storage facilities, power, heavy civil, underground utilities, building and other related construction specialties.

Mr. Fiduccia's Expert Witness Services center around Litigation Support.

## Services Provided:

Nick specializes in litigation support, project management consulting, claim development services, risk assessment and estimating for both forensic and projections of cost to support construction claims for the industry sectors as described below:

- Renewable Energy (Wind, Solar (PV and Concentrated), Biomass and BESS Battery Storage)
- Heavy Civil (Earthwork, Roads, Bridges, Highways and Airports)
- Power (Transmission, Distribution and Substation/Switching Yards)
- Underground Utilities (Water, Reclaimed Water, Storm Drainage, Sanitary Sewer/Lift Stations, and Force Main)
- Construction Specialties (Dewatering, Directional Drilling/Jack and Bore, Low Pressure Sewer, Reinforced Earth Wall, Sound Barrier Wall, Telecommunication Infrastructure, Transformer – RCA of failures and TLine Pole Remediation)
- Buildings (Commercial, Institutional, Industrial, and Heavy Civil)

## Professional Experience:

### White Construction, IEA, HB White, IEAC and MasTec

October 2011 to July 2024

#### Director Warranty Services MasTec - January through July 2024 – Hobe Sound Florida

Responsible for day-to-day oversight for the Warranty team, along with the resolution of solar and wind warranty claims across the (3) merged companies, including developing a root cause analysis for all valid claims, and reviewing the Contract(s) to determine the best path forward.

#### Warranty Manager - Vice President - White Construction - 2020 through 2023 – Hobe Sound Florida

Responsible for the strategic planning and coordination to successfully close nine (9) separate construction claims valued at over \$ 70 million dollars and 1,025 warranty claims.

**Overall Integration Manager for IEA and Warranty Manager for HB White - 2018 through 2019 – Hobe Sound Florida**

Managed 3 different acquisitions valued at over \$ 200 million dollars in less than 10 months and the successful closure of 97 Warranty Claims.

**General Manager – Canada Vice President – Solar HB White - 2013 through 2017 – Ontario Canada**

Responsible for thirty-six (36) projects performed in Canada during this period including 560MW of Solar PV, 225 MW of Wind, and TLine construction in Alberta Canada, 20 MW Solar Project in California using Array trackers, plus the successful closure of 429 Warranty Claims.

**Vice President Solar IEA – 2012 – Clinton Indiana and Ontario Canada**

Responsible for the successful completion of 312MW of Solar PV and the conversion of a coal-fired plant to a 70 MW Biomass Power Plant.

**Project Director White Construction – 2011 – Clinton Indiana**

Project responsibility for self-performance of 382 MW of Wind and 20 MW of Solar.

**Operations Manager - Renewables - Bechtel Power Corporation – Frederick, MA**

**July 2010 – October 2011**

Prepared and worked within the Bechtel Power Group to help this division be more competitive in the Renewable Energy Market. Completed research, product selection and constructability reviews for numerous projects in the US and abroad. Led the Renewables Group (Wind and Solar) within Bechtel Power in order to lean out established processes. The last 3 months of employment was as a Consultant.

Key Projects were a time study for a CSP, concentrated solar project at Nichols Farms in Hanford, California utilizing SolFocus technology, numerous offshore wind projects (including inspection of 25 MW Arklow Offshore Wind Farm in Ireland/Norway and the 504 MW Greater Gabbard Offshore Wind Farm in England), composite crew discussions for offshore Wind and the award of 110 megawatt (AC) Catalina Solar Photovoltaic Generating Facility in California using SunPower Trackers

**Senior Vice President and COO - ZephRa Energy – Madison WI**

**February 2010 - July 2010**

Formed ZephRa Energy, which was a start-up renewable energy Wind and Solar company.

Led the discussions with Bechtel to form a strategic alliance with Bechtel Power. Developed a business plan and sales strategy that led to Bechtel acquiring the firm.

**Vice President Construction Services Renewable Energy - RMT- Madison WI**

**September 2006 - February 2010**

I was recruited to take this firm from a construction management role to a self-perform model.

During my tenure, the Wind and Solar business grew over 400% and profitability increased by 14%, by shifting from a contract management model to a majority self-perform model in less than 2 years.

Key Project was a 400MW Wind Farm, consisting of (222) WTG's (182) Vestas V82 1.65MW & (40) Clipper Liberty 2.5MW units for BP/Dominion Power.

**Operations Manager - Danella National - Fort Lauderdale FL**

May 2004 - September 2006

Direct oversight for the transition from communication work to underground utilities.

Highlights: Successfully grew the underground utility business while supporting the Power group within the company which successfully performed concrete duct bank work in Miami, Broward, and Dade County locations.

Key Projects were Sanitary Sewer Rehabilitation for the City of Fort Lauderdale, FL, and an annual contract for repairs and new duct bank construction with FPL for Broward, Palm Beach, and Dade County.

**Division/General Manager - Astaldi - Davie FL**

February 2001 - May 2004

Recruited by this previous employer to start a utility and road construction group for this international firm (26th Largest Contractor according to ENR).

Highlights: Successfully estimated and completed 30 different underground utility construction projects for Municipal, County and State owners, I-95 Expressway Expansion, which included 2 bridges, drainage, and road construction; all of which were self-performed.

Key Projects were a Fort Lauderdale Florida Water and Sewer rebuild project completed for the City of Fort Lauderdale and 3 major section rebuilds of the I-95 Expressway for the State of Florida DOT in Palm Beach County.

**Vice President Construction Southeast US - Felix Group - Fort Lauderdale and Vero Beach, FL**

March 1997 - February 2001

Managed the transition of this Florida division of the family-owned business through an acquisition by LincNet, a national firm.

Highlights: Constructed a new asphalt plant and started a Power group within the company which successfully performed concrete duct bank work in Miami and other Dade County locations. Estimated, negotiated, and managed 4 distinct phases of work which included 508 miles of water and low-pressure sewer mains in existing neighborhoods. Completed US I Roadway Expansion project for the State of Florida DOT in St. Lucie County, which included 2 bridges, drainage, and road construction and Concourse A Apron Improvements Dade County Airport; all work was self-performed.

Key Projects were a Florida, North Carolina, Georgia, Tennessee, and New Jersey fiber optic build completed for Level 3 and the City of Port St, Lucie Florida water and low-pressure sewer, which was the largest low-pressure system ever installed in the US.

**Vice President of Operations - S.I. Nicholas – Pompano Beach FL**

January 1992 - March 1997

Responsible for the day-to-day operations for an Engineering and Building Contractor.

Highlights: Estimated, negotiated, and managed multiple underground utility and building projects, including FIU Performing Arts building, Sunrise Civic Center, Lincoln Road Mall, Sunrise Middle School, Sawgrass Middle School, and Miami Beach improvements to existing underground utilities.

Key Projects were a landfill closure in Florida with a methane recovery system, design-build performing arts center for Florida International University, Lincoln Road/North Shore improvements in Miami Beach and an 870-acre South County Regional Park with multiple heavy timber buildings in Boca Raton.

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## **Licensing:**

Class A General Contractor – State of Florida  
Certified Underground Utility and Excavation Contractor – State of Florida  
Solar Contractor - State of Nevada – (Not Active)  
Class A General Engineering Contractor - State of Nevada - (Not Active)  
Underground Utility Contractor – State of Georgia (Not Active)  
Underground Utility Contractor - State of Tennessee (Not Active)

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## **Representative Experience in Litigation, Arbitration, Mediation and Settlement:**

As an expert in matters concerning excavation and underground utility trenching, a professional opinion was provided to Counsel in St. Petersburg, Florida for a trench collapse involving the death of (2) workers. This claim is currently on-going.

As an expert in matters concerning excavation and underground utility safety, a professional opinion was provided to Counsel in Tampa, Florida for the responsibilities of Client under the Florida Underground Facility Damage Prevention and Safety Act for the Contract signed with Owner. This damage claim was successfully settled in March 2025, prior to the date of the scheduled Court appearance.

As an expert retained by Counsel for the Owner, a professional opinion was provided on the generation data and Landowner Royalty Payment Calculations were reviewed. An offer was submitted by Counsel to the Owner in February 2025, which was based on supporting data that was assembled by DDPSI and is pending further review by all parties. This case is currently still open.

As an expert retained by the Owner, we performed an audit of a BESS facility under construction in California in September 2024. The purpose of this audit was to ensure that work on this project had been completed to industry standard and in accordance with the approved design and permit requirements. We were commissioned to provide an independent and objective view of progress and the current state of completion at this site, including any visible defects or deficiencies.

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As an expert retained by the Owner, a professional opinion was provided for a commercial solar system, related to Contract implementation in Ft. Pierce, Florida. This case was successfully settled in August of 2024, prior to the date of the scheduled Court appearance.

IEA Construction vs RWE/Allianz – El Algodon Flood Damage Claim- Nick provided litigation support and developed the claim forensic cost used to submit the claim. Mediation was successfully concluded at JAMS NY Office (December 5-6, 2022).

IEA Construction vs Panther Creek Wind Farm III, LLC/RWE Renewables Americas - Panther Creek III Flood and Tornado Damage Claim – Nick developed the claim forensic cost used to settle this claim on March 14, 2022, after all questions concerning the claim raised by the Insurer were satisfied by Nick.

White Construction vs Timber Road III/Paulding III Wind Project Warranty Claim- Settlement was reached with the Owner and White Construction (WCI) on April 13, 2021. Nick provided risk assessment and estimating used to develop a settlement with the Owner. WCI remediated the T-Line poles as the Subcontractor who completed the T-Line work maintained that the T-Line design was deficient.

White Construction vs Interstate Power & Light and their insurer Associated Electric & Gas Insurance Services Limited, Bermuda (AEGIS) – Nick developed the claim forensic cost used to settle this claim after all questions concerning the claim raised by the Insurer were satisfied by Nick. Golden Plains Flood Damage Settlement was reached with the Owner's insurer on February 19, 2021.

IEA Construction vs RWE Clean Energy - Raymond Flood and Tornado Damage Nick developed the claim forensic cost used to settle this claim on March 14, 2022, after all questions concerning the claim raised by the Insurer were satisfied by Nick. Settlement was reached with the Owner on December 2, 2020.

IEA Constructors vs RWE Clean Energy – West Raymond Flood and Tornado Damage. Nick developed the claim forensic cost used to settle this claim on March 14, 2022, after all questions concerning the claim raised by the Insurer were satisfied by Nick. Settlement was reached with the Owner's insurer on December 2, 2020.

White Construction vs Interstate Power and Light and their insurer Associated Electric & Gas Insurance Services Limited, Bermuda (AEGIS) – Nick developed the claim forensic cost used to settle this claim after all questions concerning the claim raised by the Insurer were satisfied by Nick. Whispering Willow North Wind Farm Flood Damage Settlement under their Builders' All Risk policy was reached on October 15, 2020.

IEA Construction vs Las Majadas Wind Farm, LLC c/o EDF-RE US Development, LLC - Nick developed the claim forensic cost used to settle this claim after all questions concerning the claim raised by the Insurer were satisfied by Nick. Las Majadas Flood/Force Majeure (Hurricane/Windstorm) Flood Claim Settlement was reached with the Owner's insurer on August 8, 2020.

HB White Canada/Virginia Transformer vs Kingston Solar/Canadian Solar Solutions Inc. and Kingston Solar LP - Sol-Luce Kingston Solar PV – Nick provided litigation support and developed the claim forensic cost used to submit the warranty claim. Main Transformer Failure Claim Settlement was reached on August 5, 2020.

IEA Construction vs Clearway Energy/ NRG Energy, Inc. - Nick developed the forensic cost used to settle this claim after all questions concerning the claim raised by the Insurer were satisfied by Nick. Patriot Wind Farm Damage Claim Settlement was reached on November 12, 2019.

IEA Construction vs Sammons - Midway Wind Farm Flood Damage Claim. Nick provided litigation support and developed the claim forensic cost used to submit the claim, plus Nick satisfied and responded to all questions concerning the claim raised by the Insurer, which led to a Settlement meeting at IEA offices in Indianapolis, Indiana on April 10-11, 2019.

Astaldi Construction Corp vs City of Fort Lauderdale, Nutting Engineers, Inc, Nutting Engineers of Florida, Inc., R.C.T. Engineering Inc., Camp Dresser & McKee, Inc., CH2M Hill, Inc. – Nick provided expert witness testimony to support the litigation and claim costs submitted for Case No. 05-016138 (19) Fort Lauderdale Florida, which was successfully concluded on December 2, 2009.

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## References:

Chris Hanson | Founder HST LLC | Cell 812.249.2308 | [chris@chrishhanson.us](mailto:chris@chrishhanson.us)

Shahid Pasha | Vice President, Energy & Resources CIMA | Cell: 416.839.2924 | [Shahid.Pasha@cima.ca](mailto:Shahid.Pasha@cima.ca) |

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## Select Testimonials

Jeff Davis - Senior VP of Quality Control, PMP at IEA/MasTec - 6/5/2024

- I have worked with Nick for the last 20 years. Throughout this time, I have found Nick to have a strong working knowledge of renewable energy. Nick has a unique gift to develop innovative solutions to complex challenges. Nick has developed a strong aptitude for problem-solving and critical thinking. His dedication and skill set are a combination of technical expertise, analytical prowess, and creativity. Nick repeatedly demonstrates his ability to apply his knowledge set to real-world challenges and consistently achieves results.

Al Downes, PE, SMIEEE - Vice President, Engineering at IEA/MasTec - 6/3/2024

- I have worked with Nick Fiduccia for over 16 years. During that time, I have known him to be an outstanding EPC executive, successfully managing the execution of billions of dollars of utility-scale wind and solar renewable energy projects in the US and Canada. One of his greatest strengths has been his demonstrated ability to successfully negotiate contracts, claims, and dispute resolutions and achieve very favorable outcomes.

Haile Henry - Renewable EPC Manager for Southern Power – 6/4/2024

- I have known Nick for over 15 years and have always been impressed with his ability to grow departments from the ground up, managing diverse talent and skillsets, and combine these to produce repeatable success for companies. His willingness to navigate fair and equitable agreements on complex contractual matters is a unique strength. His vast experience in handling change orders, union and non-union disputes, warranty claims, and overall dispute resolutions across the renewable and commercial construction industry continues to be a valuable asset in the current environment of multimillion dollar projects.

Cory Collins – Program Manager BXWT Canada - 12/12/2015.

- Nick is a highly successful energetic individual who is consistently driven to achieve success. His ability to target, strategize, negotiate, and execute his objectives truly creates a positive team environment that contributes to his success. As a leader, he is an approachable, understanding individual who is always willing to listen and share his experiences and offer advice.

Nikki Cummings - CEO | Growth Advisor | Business Strategist & Mentor – 6/1/2012

- I had the pleasure of working as a subcontractor to Nick on multiple wind projects throughout the US, over a period of a few years. Our organization reported to Nick through a few layers of management; however, he was always accessible. Nick ensured project success through timelines, budgets, accuracy, safety, and communication. He was fair, honest, and easy to work with. As a subcontractor, we are not always treated as a part of the Contractor's Team, however, Nick and RMT have always made us a part of their team and believe that project success is based on the success of every person and organization on the project. I look forward to working with Nick on projects in the future.

- Nick is a very sharp individual with keen business focus and unique insights. He knows how to solve problems, and how to make projects profitable. Nick is a tireless worker and leads by example. Most importantly, he is a people person and a team player. He connects well with construction professionals, engineers, and senior/executive management.

In summary, Nick is a true professional. He enjoys what he does, he does it exceptionally well and helps others to reach their full potential. Mr. Fiduccia has my highest recommendation.

Jereme Kent - Chief Executive Officer One Energy – 9/7/2011

- I have heard Nick called by many names in the 4 years we have worked together: “Quarterback”, “The Guy”, “The Secret Weapon”, but I think the correct name for him is “The Rainmaker”.

I have seen Nick build projects, build teams, build divisions, and build companies. He is an authentic leader who understands the field, understands politics, and thrives in the room. Nick does more work in a week than most can do in a month. Nick has been responsible for more wind turbine projects than people will ever be able to know. He is one of the very few rainmakers in the US wind industry.

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## Certifications:

OSHA 30 Hour Certified  
Confined Space - Certified  
MUTCD - Certified  
CLI Estimating – Certified

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## Education:

Attended St Joseph College, Rensselaer, Indiana

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## Association Memberships:

ACP - American Clean Power  
SEIA - Solar Energy Industries Association

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## Professional Affiliations:

Power Generation – since April 2023  
American Clean Power Association (ACP) Merged with AWEA in September 2020  
Offshore Wind Power – since June 2018  
Solar PV Investments – since August 2017  
EnergyNet: Latin America & Caribbean – since December 2016  
Industrial Construction Professionals Group – since May 2016

Corporate Management – since April 2016  
Renewable Energy – Industry Risk Management – since April 2016  
Solar Thermal Energy Systems – since March 2016  
Society of Construction Professionals International – since October 2015  
Solar Energy (PV) Network – since October 2015  
Solar Energy – since October 2015  
Artificial Intelligence Exchange: AI Conversations and Collaborations – since July 2015  
Solar Energy Professionals & Consultants – since July 2015  
Wind Turbine and Wind Farm O&M - Operations & Maintenance – since November 2014  
The Renewable Energy Professionals Network – since August 2014  
The Professional Estimators Group - since October 2013  
Wind Energy – since February 2013  
Linking Construction- since July 2012  
Construction Professionals Forum - since July 2012  
Construction Management – since July 2012  
Wind Turbine Erection and Wind Farm Construction – since June 2012  
The Renewable Energy and Precious Metals Network – since February 2012  
Wind Energy Professionals – since January 2012  
Wind Power Industry Professionals (WPIP) – since January 2012  
Solar Energy Professionals - PV & Thermal – since December 2011  
American Wind Energy Association (AWEA) – since October 2011 – then Merged with ACP  
Renewable Energy Experts – since April 2010

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## **Workshops, Seminars, Meetings, and Training Attended:**

RE+ Conference September 9–12, 2024, at the Anaheim Convention Center & Campus in Anaheim, CA.  
Anatomy of a Consent Judgment -August 17, 2022  
D&O Claims Covid-19 - July 21, 2022  
Duty to Settle - July 12, 2022  
American Solar Energy Society ASES Albuquerque, New Mexico June 21-24, 2022  
Bad Faith Year in Review 2021 - April 27, 2022  
Builders Risk & Construction Symposium - October 21, 2021  
Time-Limited Policy Limits Demands - September 15, 2021  
An Insured's Right to Independent Counsel and Control the Defense - September 15, 2021  
Significant D&O Cases - July 28, 2021  
ACP CLEANPOWER Virtual Summit - June 7 – 10, 2021  
Builders Risk Power Hour - May 18, 2021  
Ethical Considerations in Engineering Investigations of Insurance Claims - January 21, 2021  
AWEA Windpower Conference – New Orleans Louisiana – May 23 - 26, 2016  
American Solar Energy Society ASES San Francisco, California June 6-10, 2014  
AWEA Offshore Windpower Conference – Atlantic City New Jersey – October 8, 2010  
AWEA Windpower Conference – Chicago Illinois – May 4 – 7, 2009

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