

# Nick Fiduccia

**Expert Witness & Construction Consultant**

**President | Due Diligence Professional Services, Inc. (DDPSI)**

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## PROFESSIONAL PROFILE

Nick Fiduccia is a construction Expert Witness and Subject Matter Expert (SME) providing construction litigation support and related consulting services for matters involving construction claims, forensic cost and damages analysis, schedule delay and change-order entitlement, root-cause analysis, and construction defect and incident causation. His practice focuses on disputes involving renewable energy projects (solar, wind, and BESS - Battery Energy Storage Systems), underground utilities, heavy civil construction, power infrastructure, flood and force-majeure events, and high-voltage electrical incidents.

Mr. Fiduccia brings over 30 years of executive-level construction experience, during which he has supported construction litigation, claims resolution, warranty disputes, insurance claims, root-cause investigations, and forensic cost assemblies across utility-scale renewable energy, power transmission and distribution, heavy civil, and underground utility projects throughout the United States and Canada.

Selected projects where Mr. Fiduccia has served as the principal expert and consultant on multiple construction disputes and consulting engagements over the last year, include supporting the resolution of nine (9) construction claims, three (3) site audits, one (1) high voltage injury and one (1) utility-scale BESS ROM estimate. These engagements include residential solar under-performance, utility scale solar (PV) construction defects, wind

royalty variance, flood / force majeure claims, underground utility strikes, high-voltage electrical injury, and BESS delay forensic cost & schedule analysis (CPM / time impact / windows), entitlement & quantum, commissioning & QA/QC documentation, mediation and deposition prep, and change-order analysis, for both plaintiff-side and defense-side clients. Nicholas Fiduccia has consistently delivered clear, defensible, attorney-ready work product.

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## **DDPSI — FIRM CAPABILITIES**

**Due Diligence Professional Services, Inc. (DDPSI)** provides:

- Expert witness & litigation support (reports, depo, trial preparation)
  - Forensic cost analysis / damages (quantum) and claim development
  - Delay analysis (CPM, time-impact, windows) and CO entitlement
  - Root-cause / causation for construction defects & incidents (PV, BESS, wind, UG utilities)
  - Owner/developer audits & risk assessments (commissioning, QA/QC, NCRs, punch list, recovery plans)
  - ROM / conceptual estimating for renewable energy projects
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## **AREAS OF EXPERTISE**

**Renewable Energy (Solar, Wind, and Battery Energy Storage Systems)**

- **Solar PV expert witness** (residential & commercial); string wiring, commissioning, IV-curve/IR, NEC labeling, disputes, interconnection
- **Wind power:** royalty/revenue variance; SCADA/metering reconciliation; availability/curtailment impacts

## Updated Curriculum Vitae of Nick Fiduccia (Revised April 28, 2026)

- **BESS expert witness**; commissioning readiness, EMS/PCS/Inverter documentation; schedule/CO entitlement
- Substations / High Voltage transmission lines / distribution; outage interfaces

### Heavy Civil & Underground

- **Underground utility strikes** ( Trenching / HDD / directional drilling); 811, locate accuracy, potholing, drill path, bore logs.
- **Trench excavation** safety; competent person, shoring/benching/sloping, excavation methodology, OSHA requirements, protective systems; sequencing.
- **Flood / force-majeure** causation and quantum; Builder's Risk / All-Risk claims; weather impact mapping

### Claims, Scheduling & Cost

- **Forensic schedule analysis (CPM / time-impact / windows)**; fragnets; 3-week look-ahead integrity
- **Change-order (CO) entitlement**; notice, RFI/submittal log ties, recovery plans
- **Forensic cost (quantum)**; labor/equipment/material, rework, inefficiency (measured mile), overhead

### Safety & High-Voltage

- **High-voltage injury causation** (downed lines / approach boundaries / switching orders)
  - Evidence preservation, incident sequencing, LOTO practices, NFPA 70E work-practice context (as applicable)
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## RECENT REPRESENTATIVE MATTERS (SELECTED)

- **Solar PV Under-performance and Construction Defects — NC & SC**  
Contract & commissioning review; production variance model; responsibility mapping. **One matter settled pre-trial**: one active in mediation.
- **Wind Royalty Variance — TX**  
Reconciled **SCADA/metering** and payment math; identified availability/curtailment drivers; still active.
- **BESS Construction Audit & Delay/CO Review — CA**  
(3) Independent site audits; including commissioning readiness; **CO entitlement** review; deficiencies & recovery plan(s) documented.
- **Utility-Scale BESS ROM Estimate — GA**  
Conceptual ROM with scope assumptions, risk, contingency.
- **Flood / Builder's Risk Claim — GA**  
Event-based impact mapping and review of schedule; causation & quantum; active.
- **Underground HDD Utility Strikes — FL**  
HDD causation and responsibility under Florida Statute Chapter 556 Underground Facility Damage Prevention and Safety Act and 811 missed locates; **one matter settled pre-court**; one active.
- **Underground Utility Strike — FL**  
Trench cable damage and the responsibility under Florida Statute Chapter 556 Underground Facility Damage Prevention and Safety Act and 811 locates on private property; **matter settled pre-court**.
- **Underground Utility Strike — AZ**  
Trench cable damage and the responsibility under Arizona Statute and 811 requirements; active.
- **Trench-Cave-in — FL**  
Excavation methodology, protective systems, sequencing review; active.

- **High-Voltage Injury — FL**

Incident reconstruction; work controls, switching/clearance, approach boundary analysis, ANSI/NESC (National Electrical Safety Code), NFPA 70E and OSHA Standards; pending.

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## **LITIGATION / ARBITRATION / MEDIATION EXPERIENCE (SELECTED PRIOR WORK)**

Provided forensic cost models, schedule/entitlement analysis, and litigation support used in successful mediations and settlements:

- IEA Construction v. RWE/Allianz — El Algodon Flood (JAMS NY mediation)
  - IEA Construction v. Panther Creek III (RWE Renewables Americas) Flood & Tornado
  - White Construction v. Timber Road III / Paulding III — Warranty / 138 kV T-Line Poles
  - Whispering Willow North Wind (AEGIS) — Builder’s All-Risk Flood Claim
  - IEA Construction v. Las Majadas Wind (EDF-RE) — Flood / Force-Majeure
  - HB White Canada / Virginia Transformer v. Kingston Solar / Canadian Solar — Transformer Failure
  - IEA Construction v. Clearway / NRG — Patriot Wind Damage
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## **PROFESSIONAL EXPERIENCE (CONDENSED)**

### **MasTec — Director, Warranty Services (2023–2024)**

Led warranty/claim resolution across ~**6.5 GW** solar & wind; **root-cause** and corrective-action programs.

### **White Construction — Warranty Manager / Vice President (2020–2023)**

Resolved **9 construction claims (> \$70M)** and **1,025 warranty** items; **138 kV** live-line pole remediation (Paulding Co., OH).

**IEA / HB White — Integration & Warranty (2018–2019)**

Managed >**\$200M** in acquisitions; **97 warranty** closures.

**HB White (Canada) — GM / Vice President, Solar (2013–2017)**

Portfolio: **560 MW PV, 225 MW wind**; transmission/substation experience; owner engagement.

**Earlier Roles:** Bechtel Power (Renewables Ops), RMT (VP Construction Services), ZephRa Energy (SVP/COO), Danella National (Ops), Astaldi (Div/GM), Felix Group (VP), S.I. Nicholas (VP Ops).

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## LICENSING TRAINING & CERTIFICATIONS

### Licensing

#### In-Active Licenses

- Class A General Contractor — State of Florida
- Certified Underground Utility & Excavation Contractor — State of Florida

#### Selected Previously Held / Not Currently Active Licenses

- Solar Contractor — State of Nevada
- Class A General Engineering Contractor — State of Nevada

#### Training & Certifications

- OSHA 30-Hour Construction Safety Training — completed [date unknown]
  - Confined Space Safety — OSHA-compliant training and field experience
  - Trenching & Excavation Competent Person — OSHA-compliant training and field experience; documented training issued February 8, 2003
  - Manual on Uniform Traffic Control Devices for Streets and Highways MUTCD – training and field designation
  - Master Estimator – issued January 12, 2004
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## JURISDICTIONS & AVAILABILITY

- **Nationwide:** available to provide expert witness, support matters, and construction litigation support services in all 50 U.S. states, with rapid response for document review, remote consultation, deposition support, and on-site inspections, as required.
    - **Response:** within **24 hours** (attorney inquiries)
    - **Site/Incident Inspection:** typically, **within 72 hours**
    - **Engagement Modes:** Early case assessment, mediation & settlement support, or trial preparation.
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