

Waiver Number: 2026-15

Issued: June 22, 2026

Expires: June 30, 2030

Department of Energy
Build America, Buy America Act
Partial Project-Specific Waiver
for UL-listed LFP Lithium-ion batteries

Waiver Summary: The United States Department of Energy (DOE), through its Office of Clean Energy Demonstrations (OCED), is issuing a partial project-specific waiver of the manufactured products domestic preference requirements of section 70914 of the Build America, Buy America Act (BABA) as applied to one federal financial assistance award for the Wisconsin Office of Sustainability and Clean Energy (WI OSCE). This limited partial project-specific waiver applies to the domestic content standard of BABA and will allow WI OSCE to purchase a lithium iron phosphate (LFP) Lithium-ion battery systems for crucial microgrid systems designed to enhance the resilience of Bayfield County community and the surrounding area that is not fully BABA compliant.

Duration of the waiver: The effective date of this waiver is from the date of issue through the end of the award's period of performance, June 30, 2030.

Applicability: The waiver applies to eligible expenditures incurred by the recipient on or after the effective date of the final waiver for the period that the waiver is active.

Recipient: State of Wisconsin (UEI: EQL7FFLJRC99)

Total estimated project cost related to infrastructure: \$8,201,198

Waiver Type: Partial waiver applicable to the domestic content standard of BABA manufactured product requirements for the product listed below.

Waiver Level: Project-specific waiver for one award, DE-CD0000067.

Funding Mechanics: Funding for the infrastructure project is made available under the project titled "Resilience and Prosperity in Rural Northern Wisconsin" (CFDA No. 81.255) through authority granted by Public Law 117-58 (Bipartisan Infrastructure Law) and the Energy Policy Act of 2005. There are twenty-nine project sites for the project's proposed equipment installation which include Washburn Town Hall & Garage Microgrid; Grand View New Garage Microgrid; Grand View WWTP Microgrid; Kelly Town Hall & Garage Microgrid; Drummond Town Hall Microgrid; Drummond Fire Hall Microgrid; Drummond Town Garage Microgrid; Mason Fire Microgrid; Mason Ambulance Microgrid; Port Wing Town Hall Microgrid; Port Wing Fire Hall Microgrid; Port Wing Town Garage Microgrid; Port Wing Well #1 Microgrid; Bayfield County Forestry Garage Microgrid; Clover Town Hall & Garage Microgrid; Grand View Town Hall/Fire Hall/Garage Microgrid; Mason Town Hall & Garage Microgrid; Port Wing WWTP Microgrid; Mason WWTP Microgrid; Bayfield County Cable Garage Microgrid; Bayfield County Iron River Garage Microgrid; Bayfield County Mason Garage Microgrid; Bayfield County Port Wing Garage Microgrid; Bayfield Russell Garage Microgrid; Bayfield County Grand View Garage Microgrid; Bayfield County Courthouse / Jail Microgrid Expansion; Red Cliff Health Clinic; Red Cliff Transportation Center, in Bayfield County, WI. The period of performance for this award is from January 1, 2025, to June 30, 2030.

Description of Covered Items: This waiver will cover the Tier 1, UL-listed Renon Power 16 kWh Lithium Iron Home Battery System. These battery energy storage systems (BESS) are designed for

interconnection with local utility grids in both single- and three-phase configurations and include integrated controllers for managing stored energy.

Country of origin: U.S.; however, some components are made outside the U.S.

WI OSCE will oversee the installation of these battery systems as part of comprehensive microgrid projects designed to enhance the energy resilience of the local community of Bayfield County and demonstrate the effective application of this technology.

Market Research and Justification: The recipient is requesting a Partial Waiver. This justification is supported by a diligent market research effort conducted between May 2025 and July 2025 to identify domestically manufactured products. The project developer engaged with multiple leading battery and microgrid controller manufacturers and distributors, including EcoDirect Inc., ShopSolar, and US Solar Supplier. Each entity confirmed that their current LFP Lithium-ion battery products do not fully meet BABA compliance standards. The manufacturers were uncertain when they would achieve such compliance. Based on this market research, the request confirms that no fully BABA-compliant LFP Lithium-ion batteries are available on the market, as their components depend on non-domestic technology, raw materials, sourcing, and manufacturing capabilities.

The Office of Clean Energy Demonstrations (OCED), on behalf of DOE, performed due diligence activities between December 2025 and January 2026 to confirm and augment the market research submitted by WI OSCE. This process involved an independent review of the domestic battery energy storage system (BESS) market and verification of the recipient's cost estimates. DOE personnel consulted internal market analysis reports and contacted a selection of battery system integrators and manufacturers to inquire about the availability of BABA-compliant LFP Lithium-ion battery systems. This independent research corroborated WI OSCE's findings, confirming that no manufacturers could currently certify their LFP-based battery systems as fully BABA-compliant due to reliance on foreign-sourced cells and subcomponents. Additionally, DOE reviewed the indicative quotes and overall project budget provided by WI OSCE. The estimated cost of the non-compliant batteries, approximately \$1.87 million, was found to be reasonable and consistent with current market pricing for systems of the specified size and technical requirements. The outcome of this due diligence supports the recipient's request for a partial waiver.

Impact Absent the waiver: Absent this partial waiver, the recipient's project to install critical microgrid systems at various locations within Bayfield County would likely not continue. The LFP Lithium-ion batteries are the central enabling technology for these systems, and the documented nonavailability of fully BABA-compliant versions means the project cannot proceed with procurement. It is unlikely the county could cover the cost of the equipment without this federal funding. Alternatively, each site with a low voltage battery would need to be re-designed around a microinverter-based solar and storage approach. This would reduce functionality, such as not integrating with standby generators or advanced economic dispatch, resulting in the stakeholder potentially refusing to allow the project to continue.

For the 16 kWh battery waiver, WI OSCE asked three suppliers for BABA-compliant batteries in approximately 10-100 kWh, compatible with requirements of the projects.

- **Significant Project Delays and Inefficiency:** Requiring the project to wait indefinitely for a BABA-compliant product to emerge on the market is not feasible and would cause significant project delays. The administrative burden of repeatedly searching the market and preparing future waiver requests would divert the recipient's limited resources away from project execution and

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the other public services they provide. These delays would postpone the delivery of critical infrastructure, leaving the facilities and their communities vulnerable for an extended period and diminishing the intended impact of the federal investment.

In summary, the nonavailability of fully BABA compliant batteries creates an insurmountable obstacle to project execution. Denying this waiver would directly impede the delivery of essential energy infrastructure, thereby leaving the rural communities this project is intended to serve without essential power backup during the cold, snowy northern Wisconsin winters.

Assessment of Cost Advantage of a Foreign-Sourced Product: Under OMB M–24–02, agencies are expected to assess “whether a significant portion of any cost advantage of a foreign-sourced product is the result of the use of dumped steel, iron, or manufactured products or the use of injuriously subsidized steel, iron, or manufactured products’ as appropriate before granting a nonavailability waiver. DOE’s analysis has concluded that this assessment is not applicable to this waiver as this waiver is not based on the cost of foreign-sourced products.

Solicitation for Comments: DOE is seeking public comments for all interested parties, including industry members and current manufacturers of the covered products listed above regarding the potential availability of project-compliant products from domestic manufacturers. The proposed waiver is available for public comment for fifteen (15) calendar days. **Comments are due no later than July 7, 2026**, and must be submitted by email to the DOE Contracting Officer at **Matthew.Villaruel@hq.doe.gov**. Please put “BABA WAV 2026-15 - WI OSCE” in the subject line of the email.