

The Committee on Energy and Commerce  
Internal Memorandum



September 21, 2011

TO: Members, Subcommittee on Oversight and Investigation

FROM: Subcommittee on Oversight and Investigations Staff

RE: Hearing on “From DOE Loan Guarantee to Bankruptcy to FBI Raid: What Solyndra's Executives Knew”

On Friday, September 23, 2011, at 9:00 a.m. in room 2123 of the Rayburn House Office Building, the Subcommittee on Oversight and Investigations will hold a hearing entitled “From DOE Loan Guarantee to Bankruptcy to FBI Raid: What Solyndra's Executives Knew.” The purpose of the hearing was to examine Solyndra’s representations about its financial status to the Department of Energy and to this Committee, including statements made in a July 13, 2011, letter to Chairman Cliff Stearns and Ranking Member Diana DeGette. Counsel for the witnesses informed the Committee on Tuesday, September 20, however, that the witnesses will decline to answer any questions posed to them by Members of the Committee based on their rights under the Fifth Amendment to the United States Constitution.

**I. WITNESSES**

The Committee has invited two witnesses to testify at the hearing:

Brian Harrison  
President and Chief Executive Officer  
Solyndra, Inc.

W.G. Stover, Jr.  
Sr. Vice President & Chief Financial Officer  
Solyndra, Inc.

**II. DISCUSSION**

The Committee initiated an investigation of the DOE loan guarantee to Solyndra, Inc., on February 17, 2011, with a letter to DOE Secretary Steven Chu requesting documents and certain information. A discussion of the Committee’s investigation, and the review of the Solyndra loan guarantee, is included in the Majority Staff Memorandum dated September 12, 2011.

During the course of the Committee’s investigation, Solyndra submitted two documents to Committee staff that detailed the company’s financial status: (1) a three page outline entitled

“Exceeding Expectations: Solyndra Today,” provided to the Committee on June 23, 2011, and (2) a July 13, 2011, letter addressed to Chairman Stearns and Ranking Member DeGette. A copy of those documents is attached to this memorandum (Attachments A & B).

Following Solyndra’s announcement that it intended to file for bankruptcy, and a Federal Bureau of Investigation (FBI) raid of the company’s headquarters, Committee staff sent invitations to Solyndra Chief Executive Officer Brian Harrison and Chief Financial Officer William G. Stover, Jr. on Thursday, September 8, inviting them to testify at a September 14, 2011, hearing.

On Saturday, September 10, 2011, counsel for Solyndra, Inc. informed Committee staff that Solyndra CEO Harrison could not appear at the September 14 hearing because he was involved in negotiations to sell the company. Counsel for Solyndra told Committee staff that Mr. Harrison would appear voluntarily any time after September 19, and would answer the Committee’s questions (*see* Attachment C). Counsel for Solyndra also informed Committee staff that CFO Stover would appear voluntarily, but could not represent whether he would be able to answer the Committee’s questions.

On Friday, September 16, 2011, the Committee sent invitations to Harrison and Stover, inviting them to testify at the September 23 hearing before the Subcommittee on Oversight and Investigations. On Wednesday, September 20, both Harrison’s and Stover’s individual counsels sent letters informing the Committee that, while both intended to appear voluntarily, they would decline to answer any questions based on their rights under the Fifth Amendment to the United States Constitution.

### **III. CONTACTS**

If you have any questions about this hearing, please contact Karen Christian or Todd Harrison at (202) 225-2927.