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June 9, 2025

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VIA DOCKET UNIT E-FILED SYSTEM AND EMAIL

Mr. Drew Bohan
Executive Director
California Energy Commission
715 P Street
Sacramento, CA 95814

RE: Response on Behalf of the Applicant, Compass Energy Storage, LLC, to the City of San Juan Capistrano's Revised Request for Reimbursement Pursuant to Public Resources Code Section 25538 (Docket 24-OPT-02)

Dear Director Bohan:

I write on behalf of Compass Energy Storage, LLC ("Compass") in response to the May 27, 2025, revised letter ("Revised Letter") submitted by the City of San Juan Capistrano ("City"), which requests reimbursement for certain costs associated with the City's review of and comments on Compass' Opt-In Application ("Application") for the Compass Energy Storage Project ("Project").

Pursuant to Title 20, California Code of Regulations ("CCR"), sections 1715 and 1878.1, Compass objects to the City's Revised Letter on the following basis: (1) the City's request for reimbursement is untimely; (2) the City seeks reimbursement for invalid activities; and (3) the City's activities, as outlined in its Revised Letter, exceed the scope of review that the California Energy Commission ("Commission") requested or will request, and/or are ineligible for reimbursement.

Compass respectfully recommends that the Commission deny certain elements of the City's request, and direct the City to withdraw and/or re-submit other elements of its request.

I. BACKGROUND

On April 18, 2024, the Commission notified the City of the Application and requested comments and information pursuant to Public Resources Code ("PRC") section 25545.8 ("Notice"). (See Docket

Record TN 255789.)¹ The Notice describes the Project, references the laws and regulations relevant to opt-in applications, requests that the City provide comments on the information provided in the application to demonstrate that the Project would provide a net positive economic benefit to the City under 20 CCR section 1877(f) and PRC section 25545.9, and points out that the City is entitled to reimbursement for its comments pursuant to PRC section 25538.² (*Id.* at pp. 2-3.)

On May 10, 2024, the City acknowledged receipt of the Notice. (TN 256301.) Thereafter, the City filed two letters objecting to the Commission's jurisdiction over the Project on May 31, 2024 (TN 256627) and June 3, 2024 (TN 256695). On December 23, 2024, the City filed its initial request for reimbursement, requesting reimbursement for certain activities pursuant to PRC Section 25538. (TN 251628.) On January 8, 2025, the Commission filed a Notice of Deficiency regarding the City's initial request for reimbursement, noting the initial request failed to explain and justify the City's proposed budget line-items. (TN 260952.) On March 28, 2025, the City filed a letter reiterating the concerns it expressed in its May 10, 2024 letter, regarding Compass' community benefits plan. (TN 262501.) Thereafter, on May 28, 2025, the City filed its Revised Letter, revising its initial reimbursement request. (TN 263401.)³

As of the date of this letter, Commission staff have deemed the Application complete and begun the 270-day certification process.

II. STANDARD OF REVIEW FOR LOCAL AGENCY REIMBURSEMENT

A. Legal Authority

Compass seeks approval of the Project by the Commission through the opt-in certification process created by Assembly Bill ("AB") 205. (PRC §§ 25545 – 25545.13.) Under the provisions of AB 205, local agencies that would have had approval authority had the project not sought Commission jurisdiction are invited by the Commission to review and comment on particular areas of the opt-in certification application. Commission regulations also implement and add specific requirements to the standards set forth in AB 205.

¹ All further references to the Commission Docket will be to the record number only. The Commission Docket for the Compass Project can be found at:

<https://efiling.energy.ca.gov/Lists/DocketLog.aspx?docketnumber=24-OPT-02>.

² PRC section 25538 is made applicable to AB 205 projects by PRC section 25545.8.

³ The City first docketed its Revised Letter on May 27, 2025 (TN 263363), and then again on May 28, 2025. The May 28 version appears to correct the May 27 version by including Attachments A and B. Thus, Compass will treat the operative Revised Letter as the May 28 version (TN 263401).

In its Notice, the Commission specifically requested input from the City under PRC section 25519(f) and (k). Those sections state in relevant part:

(f) Upon receipt of an application, the commission shall forward the application to local governmental agencies having land use and related jurisdiction in the area of the proposed site and related facility. Those local agencies shall review the application and submit comments on, among other things, the **design of the facility, architectural and aesthetic features of the facility, access to highways, landscaping and grading, public use of lands in the area of the facility, and other appropriate aspects of the design, construction, or operation** of the proposed site and related facility.

. . .

(k) The commission shall transmit a copy of the application to any governmental agency not specifically mentioned in this act, but which it finds has any information or interest in the proposed site and related facilities, and shall invite the comments and recommendations of each agency. The commission shall request any relevant laws, ordinances, or regulations that an agency has promulgated or administered.

(Emphasis added.)

In the Notice, the Commission also requested that the City comment on information relating to the net positive economic benefit expected from the Project to the local government under 20 CCR section 1877(f). That section identifies the following as pertaining to the net economic benefit of a project: employment growth, housing development, infrastructure and environmental improvements, assistance to public schools and education, assistance to public safety agencies and departments, property taxes and sales and use tax revenues. (PRC § 25545.9.)

To encourage participation of local agencies in the opt-in certification process, AB 205 allows local agencies to seek reimbursement for certain costs incurred in reviewing and commenting upon an application when requested by the Commission. Accordingly, the Notice informed the City of PRC section 25538, which states:

Upon receiving the commission's request for review under subdivision (f) of Section 25519 and Section 25506, the local agency may request a fee from the commission to reimburse the local agency for the actual and added costs of this review by the local agency. The commission shall reimburse the local agency for the added costs that shall be actually incurred by the local agency in complying with the commission's request. . . . The commission shall either request a fee from the person proposing the project or devote a special fund in its budget, for the reimbursement of such costs incurred by local agencies.

Further, 20 CCR sections 1715 and 1878.1 identify types of costs eligible for reimbursement and set forth the procedure a local agency must follow to recover the same. These provisions are discussed in more detail in Sections III – V, below.

B. Requirement to Timely File a Request for Reimbursement

To be eligible for reimbursement, a local agency must have received a request for review of an opt-in application from the Commission. (20 CCR §§ 1715(c)(1), 1878.1(c)(1).) To apply for reimbursement, the local agency must file, “within 21 days of receiving a request for review from the commission, [] an itemized proposed budget with the staff and the applicant estimating the actual and added costs that are likely to be incurred” in responding to such a request. (*Id.* at § 1715(c)(2); see *id.* at § 1878.1(c)(2).)

These requirements are set forth in both the general rules applicable to all application for certification proceedings (Article 1 of Chapter 5) and the rules applicable to all certifications of non-fossil-fueled powerplants, energy storage facilities, and related facilities (Article 4.1 of Chapter 5), with substantively identical language. (20 CCR § 1701(a), (e).)⁴

III. THE CITY’S UNTIMELY REQUEST DID NOT COMPLY WITH THE APPROVAL PROCESS

The City alleges that its request for reimbursement is timely because it “did not receive a request for review” from the Commission. (Revised Letter, p. 3.) Notwithstanding the Notice—and the 21-day response period that it triggered—the City claims that it simply could not have received a request for review under 20 CCR section 1878.1 because that regulation did not take effect until September 23, 2024, approximately five months after the Notice was sent. (Revised Letter, p. 3.)

The City’s allegation of insufficient notice is contrary to applicable law and therefore must be rejected.

The Notice plainly requests the City’s wide-ranging input on the Application, as required by law. First, the Notice quotes PRC section 25519(f), which states that the City “shall review the application and submit comments on, among other things, the design of the facility, architectural and aesthetic features of the facility, access to highways, landscaping and grading, public use of lands in the area of the facility, and other appropriate aspects of the design, construction, or operation of the proposed site and related facility.” (TN 255789, p. 2.)

Second, the Notice quotes PRC section 25519(k), which invites the City to provide comments and recommendations regarding “any relevant laws, ordinances, or regulations that an agency has promulgated or administered.” (*Id.* at p. 2.)

⁴ Relevant here, 20 CCR section 1715(c) took effect on February 1, 1983, and section 1878.1(c) took effect on September 23, 2024.

Third, the Notice quotes 20 CCR section 1877(f), and requests the City's input on applicant-provided "information to demonstrate that the project would provide a net positive economic benefit to the local government that would have had permitting authority in Appendix 1.C Community Benefits Plan (TN 255599)." (*Id.*)

Finally, the Notice advises the City that pursuant to PRC section 25538, it "may request a fee from the commission to reimburse the local agency for the actual and added costs of this review" (*Id.* at p. 3.)

On May 10, 2024, the City filed a letter response, acknowledging the Notice, generically stating its intent to seek reimbursement under PRC section 25538, and requesting Commission clarification as to whether 20 CCR section 1715 applies and the scope of activities eligible for reimbursement. (TN 256301, p. 2.)

For more than four decades, 20 CCR section 1715 has implemented the Commission's public agency reimbursement requirement pursuant to PRC section 25538. When the Commission began considering and responding to local agency reimbursement requests pursuant to PRC section 25538 under the AB 205 opt-in program, it did so under 20 CCR section 1715. (See, e.g., Fountain Wind Project, Docket Number 23-OPT-01, TN 253385, Response to County of Shasta Revised Request for Reimbursement (November 29, 2023).) In fact, approximately six months *before* the City sent its May 10 letter, the Commission responded to the County of Shasta's request for reimbursement, citing PRC section 25538 and stating, "California Code of Regulations, title 20, section 1715 implements Public Resources Code section 25538 and sets the process that CEC staff shall follow with respect to requests for reimbursement from local agencies." (*Id.* at p. 2.)

Accordingly, there is no dispute that the Notice sought the City's wide-ranging input on the Application on the topics described in PRC section 25519(f) and (k), and net positive economic benefit (20 CCR section 1877). Nor is there any dispute that the City failed to comply with the 21-day time limit to submit a proposed budget and to follow the approval process described in 20 CCR section 1715(c). The City's decision to incur costs wholly outside the approved reimbursement process cannot be blamed on inadequate notice.

Therefore, Compass objects to the City's request for reimbursement for City staff time already incurred as set forth in Section II.A of the Revised Letter (Staff and City Attorney Costs incurred to date, \$72,094.83) because the City never provided a budget in response to the Notice and made no attempt to comply with the approval process set forth under 20 CCR section 1715(c)(2).

IV. THE CITY SEEKS REIMBURSEMENT FOR INVALID ACTIVITIES

In its Notice, the Commission requested comments from the City regarding: (1) the design of the facility, architectural and aesthetic features of the facility, access to highways, landscaping and grading, public use of lands in the area of the facility, and other appropriate aspects of the design, construction, or operation of the proposed site and related facility (PRC § 25519(f)); and (2) the applicant's demonstration of an overall net positive economic benefit to the City (20 CCR § 1877(f)).

Since Commission staff sent the Notice, the City has submitted four letters to the docket, none of which provide any of the requested feedback. On May 10, 2024, the City acknowledged receipt of the Commission's Notice, providing very broad, conclusory statements of the City's opposition to the Project and the Commission's jurisdiction over it, and reserving the City's ability to provide additional comments in the future. (TN 256301.) On May 31, 2024, the City docketed a more thorough version of its reservation of rights argument. (TN 256627.) On June 3, 2024, the City docketed a more thorough version of its opposition to the Commission's jurisdiction under AB 205. (TN 256695.) Finally, on March 28, 2025, the City docketed its continued grievances regarding Compass' community benefits plan, expanding on its May 10, 2024 letter.

In its Revised Letter, the City now seeks reimbursement for costs incurred to date, including the City's initial review of the Application, comment filing by the City, and meetings with Commission staff. This review is said to include time and costs incurred by City administrative staff and the City Attorney and outside counsel. (Revised Letter, pp. 3-4, Attachment A: City Budget Summary.) As noted above, however, none of the four comments submitted by the City are responsive to the Commission's request for information under PRC section 25519(f) or (k), nor 20 CCR section 1877(f).

Therefore, Compass objects to the City's request for reimbursement for costs associated with producing these four letters because they are unresponsive to any request from the Commission. (PRC § 25538; 20 CCR § 1878.1(b)(1).)

V. THE CITY'S REQUESTS EXCEED THE SCOPE OF REVIEW THE COMMISSION HAS REQUESTED, OR WILL REQUEST, ARE INELIGIBLE FOR REIMBURSEMENT, OR ARE INCOMPLETE

Allowable reimbursement costs are described in the Commission's regulations, which set forth the type of costs that are and are not eligible for reimbursement:

(a) Costs eligible for reimbursement.

(1) Local agencies shall be reimbursed for costs incurred in accordance with actual services performed by the local agency, provided that the local agency follows the procedures set forth in this section. These costs include:

(A) permit fees, including traffic impact fees, drainage fees, park-in-lieu fees, sewer fees, public facilities fees and the like, but not processing fees, that the local agency would normally receive for an application for a facility as defined in [PRC] section 25545(b) in the absence of commission jurisdiction, and

(B) the added costs of services performed directly in response to commission requests for review that are not normally covered by the permit fee and for which a fee is normally charged. This does not include expenses incurred prior to a commission request for review or expenses incurred for review beyond the scope of the commission request.

(b) Costs ineligible for reimbursement. A local agency may not be reimbursed under this section for the following types of costs, even if actually incurred:

(1) expenses incurred by a local agency for the presentation or defense of positions not reasonably related to the matters which the agency is requested to review or not within the area of the agency's expertise; this includes attorneys' fees and costs associated with advocating for or against commission approval of the facility.

[¶] . . . [¶].

(20 CCR § 1878.1(a), (b); see *id.* at § 1715(a), (b).)

For the reasons explained, below, the proposed activities and budget items identified in the Revised Letter either exceed the scope of the eligible costs identified, above, fall within the defined scope of ineligible costs, or lack context and on that basis are incomplete. In addition, the City has not provided any support for any of the claimed fees and expenses, such as invoices or billing records. Compass cannot, therefore, properly evaluate the inflated reimbursement budget of nearly \$3 million.

Accordingly, Compass recommends that Commission staff direct the City to review its revised request, determine the appropriate and accurate costs of reviewing the Project, and justify each line item amount, including an explanation for how each line item is reasonably related to the matters that the City is or will be requested to review.

A. City Comments on Compass' Docket Submittals and their Sufficiency under the Requirements of AB 205 are Not Reimbursable

In Section II.A of its Revised Letter, the City indicates it incurred costs for "Initial review of the Application," "Identify[ing] areas of review and comment under AB 205," and "Review[ing] and comment[ing] on Applicant docket submittals related to AB 205 Application requirements," including Commission deficiency notices and data requests and the Applicant's responses. (Revised Letter, p. 4.)

As indicated in Sections III and IV, above, the Commission did not request comments on the adequacy of the Application materials under AB 205, nor has the City cited a statute or regulation justifying its commentary on this issue. In fact, AB 205 clearly identifies the topics appropriate for City review, which were those requested by the Commission in its Notice. There is no need for an "initial review" or "identify[ing] areas of review and comment under AB 205" to determine what topics may be of interest to the City. The Legislature has already done that work for the City. (See e.g., PRC § 25519(f).)

In addition, it is not clear to Compass why the City required the significant use of outside counsel for commenting on the design, architecture, or aesthetic features of the Project, access to highways, landscaping and grading, and public use of lands in the area as these issues do not call for a particular legal expertise outside the competencies of the City. Nor is review of development applications for design, architectural, aesthetic, or traffic features by counsel services for which a fee is normally charged.

Moreover, the Commission made clear in its January 8, 2025 Notice of Deficiency to the City that Commission "staff does not expect the city to develop exhaustive analysis on the application or to procure expertise to review an application. Local jurisdictions generally focus their comments on topical areas of local concern and identify local laws that the jurisdiction wants to highlight for staff such as noise ordinances, local methods of calculating vehicle miles traveled, or local architectural standards." (TN 260952, p. 2.) The excessive use of outside consultants, and the costs incurred to repeat the analysis that the Commission itself is charged with performing, are not reimbursable expenses.

Further, the Commission has previously indicated that while local agencies that may seek reimbursement under PRC section 25538 are "free to comment on a filing made by any person in the proceeding, [they] would not be eligible for reimbursement for reviewing documents filed by the public, other agencies, or [Commission] staff." (Fountain Wind Project, Docket Number 23-OPT-01, TN 253385, p. 3.) The City's review of "Commission staff docket submittals" and "third party docket submittals" are therefore not reimbursable. (Revised Letter, p. 4.)

Accordingly, Compass further objects to this portion of the request for reimbursement because it is not an eligible cost.

B. City Comments on Compass' Community Benefits Agreement Plans are Not Reimbursable

In Sections II.A and II.C of its Revised Letter, the City indicates it incurred and will incur costs for commenting on the Project location, general health and safety and welfare of the public, the community benefits agreement plan, and information specific to community organizations. (Revised Letter, pp. 4, 6.) The City states that review and comment on these issues is contemplated by PRC sections 25519(f) and 25545.10, and 20 CCR section 1878.1; however, none of these provisions authorize such comments.

The plain language of PRC section 25519(f) does not address community benefit agreements or the health, safety, and welfare of the public or surrounding community. Instead, it seeks comments about the physical design, construction, and operation of the proposed site and facility.

Additionally, PRC section 25545.10 addresses the findings the Commission must make in regard to the applicant's community benefit agreement(s); however this section does not invite comment from the local agency on such agreements, nor did the Commission request such commentary in its Notice.

Thus, 20 CCR section 1878.1 does not allow the City to recover costs incurred in reviewing public health and safety issues, or community benefit agreement(s) or plans, because such comments are not within the scope of any Commission request for review. (20 CCR § 1878.1(a)(1)(B).)

Accordingly, Compass further objects to this portion of the request for reimbursement because it is not an eligible cost.

C. City Comments on the Project's Consistency with the City's General Plan and Potential to Create a Nuisance are Not Reimbursable, and Even if They Were, This Portion of the Request is Incomplete

In Section II.B of its Revised Letter, the City plans to incur costs to determine whether the Project is consistent with the objectives, policies, general land uses, and programs specified in the City's general plan and whether the Project would pose a nuisance to surrounding property owners. The City claims these costs are reimbursable pursuant to PRC sections 25519(f) and 25545.9, and 20 CCR section 1878.1. (Revised Letter, p. 5.)

As indicated above, the plain language of PRC section 25519(f) does not address consistency with a local agency's general plan or the potential for a project to impose the tort of nuisance, but instead addresses the physical design and construction of a site and its facility(ies).

Further, while 20 CCR section 1877(f) invites comment from a local agency on the applicant's demonstration of net positive economic benefit under PRC section 25545.9, the City has not explained

how the economic benefits of the Project are reasonably related to the Project's consistency with a local general plan and/or its potential for creating a nuisance. Nor did the Commission request such comments in its Notice.

Moreover, these alleged costs are not identified in the line item description in Section II.B.1 of the City's Revised Letter and, therefore, fail to provide the specificity required by 20 CCR section 1878.1(c)(2). Without additional detail, it is impossible to determine whether these costs include anticipated litigation costs or other legal work to defend a claim by the City of general plan inconsistency or nuisance, which are not allowed costs for reimbursement. (20 CCR § 1878.1(b)(1).)

Accordingly, Compass further objects to this portion of the request for reimbursement because it is not an eligible cost, and even if it was, the request is incomplete.

D. City Comments on the Project's Demand for Public Services are Not Reimbursable, and Even if They Were, This Portion of the Request is Incomplete

In Section II.B of its Revised Letter, the City indicates it will incur costs for determining whether the Project will create a demand on local emergency response services and whether such services are consistent with the City's tax and spending constraints, relying on PRC sections 25519(f) and 25545.9 and 20 CCR section 1878.1. (Revised Letter, p. 5.)

Compass objects to this request because these comments would go beyond the scope of addressing the Application's showing of net positive economic benefit, as requested by the Notice. (20 CCR § 25545.9(e), (f).) While the City was invited to comment on these specific areas of economic benefit, the City's Revised Letter does not provide sufficient detail to determine whether its comments remained within the narrow scope of these areas.

Compass also objects to the extent these comments are used to defend a position not reasonably related to the matters the City was requested to review, including any attorneys' fees and costs associated with advocating against Commission approval of the Project. (20 CCR § 1878.1(b)(1).)

Moreover, these alleged costs are not identified in the line item description in Section II.B.1 of the City's Revised Letter and, therefore, fail to provide the specificity required by 20 CCR section 1878.1(c)(2).

Accordingly, Compass further objects to this portion of the request for reimbursement because it is not an eligible cost, and even if it was, the request is incomplete.

E. City Comments on the Project's Public Convenience and Necessity and a Proposed Override by the Commission are Not Reimbursable

In Section II.D of its Revised Letter, the City indicates it will incur costs commenting on the range of California Environmental Quality Act ("CEQA") actions, alternatives, mitigation measures, and significant effects to be analyzed in the environmental impact report and any staff assessments, including wildfire impacts, storm water and biological impacts, tribal cultural resource impacts, location, land use designation, alternatives to the Project site and facility, whether the Project is required for the public convenience and necessity, and whether the Commission may override the City's land use authority. (Revised Letter, pp. 6-7.) The City relies on PRC sections 25519(f), 25525, 25527, and 25454.7.2, and 20 CCR section 1878.1 to justify its claim for reimbursement.⁵

Under AB 205 and CEQA, local agencies are invited to comment on the lead agency's environmental impact report. (PRC § 25545.7.2; see also 14 CCR §§ 15083, 15087.) While these provisions authorize the City to comment on the Project's environmental review under CEQA, Compass objects to the City's additional reliance on PRC sections 25519(f), 25525, and 25527.

Section 25519(f) is part of the opt-in certification process, not CEQA environmental review. As indicated above, its plain language does not contemplate the particular environmental issues that are evaluated under CEQA, such as environmental impacts, mitigation measures, and alternatives.

Similarly, PRC section 25525 outlines the findings the Commission must make regarding the Project's conformance with standards, ordinances, laws, and public convenience and necessity. It is not part of the Commission's CEQA review, nor does this provision invite local agency comment on such conformance or the potential to override any nonconformance.

Further, PRC section 25527 outlines the findings the Commission must make regarding siting of the facility in particularly enumerated areas of the state. This provision is not part of the Commission's CEQA review, nor does it invite local agency comment. Compass further objects to costs incurred under this section to the extent the City did or will do anything other than determine that this section does not apply to the Project.

Accordingly, the Commission should require the City to revise and resubmit its request, limited to only those actions taken to evaluate the Commission's environmental impact report under CEQA, as defined with an itemized budget. (20 CCR § 1878.1(d)(1).)

⁵ The City cited PRC section 25454.7.2, but this section has been renumbered to 25545.7.2.

F. The Request for Reimbursement Regarding Permit Fees is Incomplete

Finally, in Section II.E of its Revised Letter, the City indicates it is entitled to recover development impact/permit fees. (Revised Letter, pp. 8-9.) The City does not provide any explanation for the origin of these fees, however, including but not limited to: (a) the legal authority that allows the City to recover such fees, (b) how such fees were calculated, and (c) whether such fees are constitutionally sound. Under 20 CCR section 1878.1(c)(2), the City is required to justify this line item amount and explain how it reasonably relates to permit fees. Because the City has failed to do so, this request is incomplete.

Accordingly, Compass objects to this portion of the request for reimbursement because it is not clear from the City's Revised Letter that this is an eligible cost.

VI. CONCLUSION

For the Commission's convenience, the deficiencies identified in the City's revised reimbursement request and Compass' recommended response are summarized in Table 1, below.

TABLE 1. DEFICIENCIES IN CITY REVISED REIMBURSEMENT REQUEST

Revised Letter Section	Category	Amount	Deficiency	Response
II.A	Costs incurred by City of San Juan Capistrano staff and Counsel			
	a) City staff time to date	\$13,878.03	No compliance with budget and cost approval process	Deny
	b) City staff time anticipated	\$15,860.60	Ineligible for reimbursement; lacks specificity	Deny or resubmit
	c) Attorney time to date	\$58,216.80	No compliance with budget and cost approval process	Deny

Revised Letter Section	Category	Amount	Deficiency	Response
	d) Attorney time anticipated	\$129,880.00	Ineligible for reimbursement; lacks specificity	Deny or resubmit
II.B	Net positive economic benefit			
	a) Net economic impact analysis	\$114,000	Proposal includes non-reimbursable elements beyond assessing net economic benefit	Deny or resubmit
	b) City CFO and Andrew Chang Economics study	N/A	No budget claimed	Deny or resubmit
II.C	Community Benefits Plan assessment	N/A	No budget claimed	Deny or resubmit
II.D	Review & Comment on Draft and Final EIR; Design, Construction, and Operation of Project; Public Convenience and Necessity			
	1. Environmental impact review	\$160,000	N/A	Allowable
	2. Wildfire assessment	\$83,800	Proposal includes non-reimbursable elements beyond assessing EIR	Deny or resubmit
	3. Design, construction and operation of the Project; public convenience and necessity	\$50,000	Proposal includes non-reimbursable elements beyond assessing EIR	Deny or resubmit

Revised Letter Section	Category	Amount	Deficiency	Response
	4. Storm water impacts assessment	\$39,385	Proposal includes non-reimbursable elements beyond assessing EIR	Deny or resubmit
II.E	Development Impact Fees	\$2,275,555.59 (grading fee TBD)	Lacks specificity	Deny or resubmit

Compass objects to the City's request for reimbursement and respectfully recommends that the Commission direct the City to either withdraw or re-submit its request.

Sincerely,



Ryan Waterman

cc: Ms. Renée Robin, Engie North America
Mr. Justin Amirault, Engie North America
Mr. Eric Knight, California Energy Commission
Ms. Renee Longman, California Energy Commission
Ms. Elizabeth Huber, California Energy Commission