

DOCKETED	
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Via Email

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Request for Reimbursement

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Dear Ryan Waterman, Renee Robin, Justin Amirault, and Paul Garcia:

The California Energy Commission (CEC) staff has reviewed the revised reimbursement request filed by the City of San Juan Capistrano ("City") on May 28, 2025 (TN 263401), as well as the Compass Energy Storage, LLC's ("Applicant") objection to the City's revised reimbursement request, filed on June 9, 2025 (TN 264129). California Code of Regulations, title 20, section 1878.1(e) provides for a dispute process when efforts to resolve matters between an applicant and the local agency reach an impasse. "If there is a dispute over a reimbursement budget under subdivision (c) above . . . , which cannot be directly resolved between the applicant and the local agency . . . , the local agency or applicant shall notify the Executive Director in writing of the dispute" (Cal. Code Regs., tit. 20, §1878.1, subd. (e).)

In advance of taking the matter to the Executive Director, CEC staff believes it would be beneficial for the Applicant and the City to meet and attempt to seek common ground and reach

at least a partial resolution. The Applicant objected 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."

For example, in its June 9, 2025 objection, the Applicant states, "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 particular legal expertise outside the competencies of the City." (TN 264129). Typically, the types of comments submitted to the CEC on an application come from the planning department or permitting department staff and focus on specific local requirements or suggested conditions of certification that the local government would routinely impose on projects under their jurisdiction. (See links below for sample comment letters reflecting the type of information typically provided to the CEC.)

The City and the Applicant may find common ground to resolve this reimbursement matter. After the City and the Applicant have engaged in such discussions, please provide CEC staff with an update of progress reached.

Sample comment letters from local jurisdictions on prior CEC powerplant cases:

- <https://efiling.energy.ca.gov/GetDocument.aspx?tn=243152&DocumentContentId=76834>
- <https://efiling.energy.ca.gov/GetDocument.aspx?tn=245911&DocumentContentId=80088>
- <https://efiling.energy.ca.gov/GetDocument.aspx?tn=68804&DocumentContentId=46742>
- <https://efiling.energy.ca.gov/GetDocument.aspx?tn=211504&DocumentContentId=6960>
- <https://efiling.energy.ca.gov/GetDocument.aspx?tn=251881&DocumentContentId=86879>
- <https://efiling.energy.ca.gov/GetDocument.aspx?tn=251870&DocumentContentId=86863>
- <https://efiling.energy.ca.gov/GetDocument.aspx?tn=251675&DocumentContentId=86576>
- <https://efiling.energy.ca.gov/GetDocument.aspx?tn=56264&DocumentContentId=52408>

Sincerely,

Dian Vorters

Dian M. Vorters
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