

DOCKETED	
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Description:	Position of South Orange County Community College District Regarding Grant Agreement
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Mr. Drew Bohan
Executive Director
California Energy Commission
715 P Street, Sacramento CA 95814

Re: Position of South Orange County Community College District Regarding Grant Agreement

Dear Director Bohan:

The South Orange County Community College District ("District") understands that at various proceedings in front of the California Energy Commission ("CEC"), Compass Energy (the "Applicant") or its consultant has represented that the District has entered into a community benefits agreement with the Applicant. The District wishes to set the record straight as to its involvement with the Applicant and the Project.

Applicant Assertions

The District has become aware that the Applicant has represented that the District has entered into a community benefits agreement with the Applicant. For example, on May 29, 2025, Ms. Renee Robin's asserted that the Applicant had an "executed Community Benefits Agreement with the South Orange Community College District to fund scholarships for workforce development." (Transcript of Informational and Environmental scoping Meeting Proceedings on May 29, p. 38.) Also on that day, the CEC received a presentation that stated local benefits of the Project included: "Community benefits agreements, including \$750,000 grant for scholarships and workforce development " with the District. (Compass Energy Storage Project Application, Informational and Environmental Scoping Meeting, May 29, 2025, p. 30.)

Furthermore, the Applicant's social media posts have stated that the District "recently passed a 7-0 vote to enter into a Community Benefits Agreement." (<https://compassenergystorage.com/community-engagement/>.)

District's Response

Put plainly, these assertions are not true—it is misleading for the Applicant to indicate that it has entered into a Community Benefits Agreement with the District. On April 28, 2025, the Board of Trustees for the District approved a **Grant Agreement** where the Applicant agreed to fund scholarships **if, and only if** several conditions were met. By its own terms, the Grant Agreement is not effective until the CEC certifies the project, delivered a Notice to Proceed, and all litigation concludes and becomes unappealable. As a matter of law, the Applicant is required to "obtain legally binding and enforceable agreement(s) with, or

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that benefit, a coalition of one or more community based organizations **prior to project certification.**" (emphasis added) (20 CCR § 1877(g).) Since the Grant Agreement does not take effect until after project certification, the Grant Agreement cannot be used to satisfy the requirements of Section 25545.10 of the Public Resources Code.

When District staff were initially presented with a draft of a community benefits agreement from the Applicant, staff specifically and intentionally revised the document to be a pure grant agreement—with the Applicant's funding to "be treated as a grant for all purposes." And it was for this reason alone that the Board approved the Grant Agreement. Indeed, this was specifically raised at a remote Scoping Meeting for the proposed project by Sarah Mehta and Carl David. (Transcript of Informational and Environmental Scoping Meeting Proceedings on June 3, 2025, pp. 41-42, 245-246).

District Neutrality

The CEC should note that despite the Grant Agreement, the District is taking no official position to support or oppose the Project or as to whether the CEC should approve or deny the Project. In fact, the District has not taken any action to encumber any funds or approve any purchases in reliance on the Grant Funds.

Furthermore, the District takes no position as to whether the Grant Agreement, or the Project itself, constitutes an overall net positive economic benefit to the City of San Juan Capistrano, the County of Orange, or the District under Public Resources Code Section 25545.10.

The District appreciates the opportunity to set the record straight.

Regards,

Julianna M. Asperin Barnes, Ed. D.
Chancellor
South Orange County Community College District