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*Comment Received From: Derek Johnson*  
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## **Response to Applicant's Data Response #4**

*Additional submitted attachment is included below.*

October 8, 2025

California Energy Commission  
715 P Street  
Sacramento, CA 95814

**Re:** Docket No. 24-OPT-05 – Corby Battery Energy Storage System Project

**Subject:** Rebuttal to Applicant's Data Response Set #4

Dear Commissioners,

I am writing as a Vacaville resident and concerned citizen of Solano County to express my strong objections to the Applicant's reasoning in *Data Response Set #4* for the Corby Battery Energy Storage System Project. The Applicant's responses reveal a troubling pattern: they have made binding business commitments and land purchases before securing any approvals, and now seek to use those speculative decisions as justification for dismissing reasonable alternatives.

### **Pre-Permitting Contracts**

The Applicant repeatedly cites its **Energy Storage Agreements (ESAs)** with PG&E, Marin Clean Energy, and CleanPowerSF as the reason it cannot consider alternative sites or technology approaches. These contracts were signed **before** the project was brought before Solano County or the CEC. By locking themselves into obligations prematurely, the Applicant has created artificial urgency and is now pressuring this Commission to approve the project exactly as proposed.

This is backwards. The permitting process exists to evaluate whether a project is appropriate for its location and consistent with state and local policy. Private contracts should not dictate the outcome of public review.

### **Purchase of Prime Agricultural Land**

The Applicant purchased **prime agricultural land** for this project — land that is not, nor has ever been, zoned for industrial energy storage. Solano County has long prioritized the protection of farmland, and CEQA requires agencies to consider alternatives that avoid unnecessary conversion of agricultural land.

By choosing farmland over industrially zoned property, the Applicant has disregarded local land use planning and placed the burden of their business decision on the community. This is not a

matter of feasibility; it is a matter of convenience and revenue for the Applicant at the expense of Solano County's agricultural heritage and the citizens who value it and earn a living from it.

### **Lack of Compromise on Siting or Technology**

Perhaps most concerning is the Applicant's refusal to compromise. In its responses, the Applicant dismisses industrially zoned alternatives such as Lambie Industrial Park and Montezuma Wind Energy Center, citing longer transmission lines and other challenges. Yet transmission corridors of this length are not uncommon in California energy projects, and the Applicant has not even attempted to negotiate site control or explore mitigation measures.

Similarly, when asked to evaluate alternative battery technologies, the Applicant summarily rejects them as "infeasible" without considering approaches that could balance reliability with safety and land use concerns. The Applicant's position is essentially that only one site and one technology — the one they already purchased and contracted for — is acceptable. This is not a genuine alternatives analysis; it is an attempt to end any meaningful review.

### **Inconvenience and Impacts to Residents**

The proposed site is located near rural homes and working farms, not to mention a major hospital trauma center, other businesses, I-80, and a senior citizen community. Residents and businesses will bear the risks of fire, toxic emissions, noise, and visual impacts from a massive industrial facility that does not belong in an agricultural setting. In the event of a major event, a significant east-west transportation artery could be closed. The Applicant's unwillingness to compromise on siting or technology means that these burdens fall squarely on those living and working in Solano County, while the Applicant, its shareholders, and its contracted partners — none of whom likely live in the area — reap the benefits over the next two decades or more.

### **Conclusion**

The Applicant's rejection of alternatives is not based on true infeasibility, but on turning a quick profit on their speculative land acquisition and their premature contracts with as little inconvenience as possible. Their poor business decisions (or conversely, their arrogance or sheer laziness) should not be allowed to dictate the outcome of the CEC's review. If the Applicant prevails without rolling up its sleeves and doing real alternative analysis, then this will not only embolden other developers to follow the Applicant's lead, but also reduce the CEC to nothing more than a rubber stamp on future projects.

I respectfully urge the Commission to:

- Deem the Applicant's application as incomplete;
- Reject the Applicant's argument to use pre-permitting contracts as justification for dismissing alternatives;
- Require a full and fair analysis of industrially zoned sites;

- Require innovative consideration of alternative technologies; and
- Protect Solano County's farmland, residents, and local businesses from the unnecessary siting of industrial energy storage on agricultural land.

Thank you for your careful consideration.

Respectfully submitted,

Derek Johnson

Concerned Resident of Vacaville and Citizen of Solano County