

DOCKETED	
Docket Number:	22-RENEW-01
Project Title:	Reliability Reserve Incentive Programs
TN #:	266434
Document Title:	Resolution SE US Development, LLC
Description:	Resolution for Agreement DBA-25-002 with SE US Development (SB Energy)
Filer:	O'Shea Bennett
Organization:	California Energy Commission
Submitter Role:	Commission Staff
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RESOLUTION NO: 25-1008-15b

STATE OF CALIFORNIA
STATE ENERGY RESOURCES
CONSERVATION AND DEVELOPMENT COMMISSION

RESOLUTION: SE US Development, LLC

WHEREAS, SE US Development, LLC (Recipient) applied for Distributed Electricity Backup Assets (DEBA) funding from the California Energy Commission (CEC) under solicitation GFO-24-301 to support the procurement, installation, and performance of a 75 megawatt (MW) (300 megawatt-hours) four-hour lithium-ion battery energy storage system (BESS project) co-located at the existing solar photovoltaic generating facility at the Athos Renewable Energy Project (Athos Project) in Desert City in the County of Riverside (County); and

WHEREAS, on April 22, 2024, CEC staff proposed that SE US Development, LLC be awarded \$25,000,000 for the BESS project;

WHEREAS, the CEC's potential approval of the DEBA funding for the BESS project is a discretionary decision under the California Environmental Quality Act (CEQA);

WHEREAS, the Athos Project to construct and operate a 500 MW solar photovoltaic generating facility including 500 MW of energy storage was initially approved by the County of Riverside as the Lead Agency in June 2019, along with a Final Environmental Impact Report (2019 Final EIR), a Mitigation Monitoring and Reporting Plan (2019 MMRP), and a Conditional Use Permit (CUP180001), all filed with the State CEQA Clearinghouse (SCH 2018021021);

WHEREAS, in approving the Athos Project, the County of Riverside Board of Supervisors adopted a Statement of Overriding Considerations for direct and cumulative significant and unavoidable impacts to visual and aesthetic resources, and cumulative significant and unavoidable impacts to cultural landscapes and historic districts in eastern Riverside County;

WHEREAS, the project description in the 2019 Final EIR generally anticipated either battery or flywheel storage;

WHEREAS, in January 2025, SE US Development, LLC sought approval from the County for a Substantial Conformance determination with the Athos Project CUP180001, to construct and operate a total BESS capacity of 402.3 MW – inclusive of the 75 MW proposed for the DEBA funding – on three parcels within the Athos Project footprint;

WHEREAS, due to new information about the construction and operation of battery energy storage systems that were not known to the County in 2019, the County prepared a September 2025 Addendum (2025 Addendum) to the 2019 Final EIR, to discuss new information about lithium battery systems generally, as well as project details about the 402.3 MW BESS specifically;

WHEREAS, given the CEC's role as a Responsible Agency in its discretionary review and approval of potential DEBA funding for the BESS project, the County consulted with the CEC on the preparation of the 2025 Addendum and determination on the Substantial Conformance application, and included enforceable conditions of approval requested by CEC staff to comply with Senate Bill 38 (Laird, 2023) and address potentially hazardous conditions, fire risk, and other impacts to workers and public health and safety, among other provisions to comply with current laws, ordinances, rules, and standards (LORS) applicable to the BESS project;

WHEREAS, the County staff approved the Substantial Conformance application with numerous conditions, and on September 17, 2025, filed a Notice of Determination with the State CEQA Clearinghouse (SCH 2018021021);

WHEREAS, the County prepared a "Mitigation Monitoring and Reporting Program, as Adjusted for the Proposed BESS Component" (2025 Updated MMRP) to compile all the 2019 mitigation measures applicable to the BESS project and the enforceable conditions included in the Substantial Conformance determination;

WHEREAS, the CEC staff has conducted a review of the whole record for the Athos Project and BESS project, including but not limited to the 2019 Final EIR, 2019 MMRP, CUP180001, Substantial Conformance determination, 2025 Addendum, and 2025 Updated MMRP, and has prepared a memorandum for the CEC's consideration reflecting the staff's independent review and analysis of the potentially significant impacts of the BESS project;

WHEREAS, the BESS project will provide significant technological and energy benefits by capturing and storing up to 402.3 MW of off-peak and other renewable electricity at the existing solar photovoltaic generating facility that may otherwise be curtailed, for delivery to the regional and statewide transmission system during peak demand hours, and to alleviate congestion at the Athos Project;

WHEREAS, the BESS project will provide significant technological and energy benefits by adding capacity to the State's existing bulk grid power generators and make up to 75 MW of the incremental capacity available to the host California Balancing Authority during extreme events for a period of at least 5 years after the commercial online date of Phase 1 of the BESS project;

WHEREAS, the BESS project will provide regional economic benefits by providing approximately 50 construction jobs;

WHEREAS, the CEC staff recommends that the 2025 Updated MMRP and other specific terms and conditions be included in the proposed agreement DBA-25-002 to ensure that

the BESS project complies with all mitigation measures, conditions, and LORS.

WHEREAS, prior to acting on agreement DBA-25-002 for funding for 75 MW of battery energy storage at the Athos Project, the CEC desires to make certain findings as a Responsible Agency pursuant to the CEQA Guidelines at California Code of Regulations, title 14, sections 15091, 15093 and 15096.

THEREFORE, BE IT RESOLVED,

1. The CEC has independently reviewed the Lead Agency's information contained in the 2019 Final EIR, 2019 MMRP, and the findings and Statement of Overriding Considerations adopted by the County Board of Supervisors relevant to the Athos Project and CUP180001, as well as the Substantial Conformance determination, 2025 Addendum and 2025 Updated MMRP relevant to the 402.3 MW BESS project, as prepared by the County staff, and has reviewed the CEC staff memorandum identified above.
2. The County has already adopted and approved, and will enforce, the mitigation measures and conditions applicable to the BESS project, including the 75 MW component proposed for the DEBA funding.
3. The CEC finds that these documents are adequate for its use as the decision-making body for its consideration of DBA-25-002.
4. Approval of DBA-25-002 is within the scope of the project and activities evaluated in the County's documents.

FURTHER BE IT RESOLVED, that the CEC has balanced the economic, technological, and energy benefits of the BESS project and finds, on the basis of the entire record before it, that with the County's implementation and enforcement of all mitigation measures and conditions in the 2025 Updated MMRP, and with the compliance by SE US Development, LLC, with all terms and conditions in agreement DBA-25-002:

1. Changes or alterations to the project are within the responsibility and jurisdiction of the County of Riverside, and the County's record establishes that it incorporated and required changes and alterations to the project to lessen the direct and cumulative impacts of the Athos Project on visual resources, and to lessen the cumulative impacts on cultural resources in eastern Riverside County; and
2. The technological, energy, and economic benefits of the BESS project will outweigh the direct and cumulative significant and unavoidable impacts to visual and aesthetic resources, and cumulative significant and unavoidable impacts to cultural landscapes and historic districts in eastern Riverside County; and
3. Therefore, these unmitigated adverse impacts approved by the County are acceptable; and
4. For all other environmental resources required to be considered under CEQA by a Responsible Agency, there is no substantial evidence that the activities funded by DBA-25-002 will have a significant effect on the environment; and

FURTHER BE IT RESOLVED, that CEC finds that this conclusion reflects its independent judgement and analysis as a Responsible Agency under CEQA; and

FURTHER BE IT RESOLVED, that the CEC approves DBA-25-002 with the SE US Development, LLC, for \$25,000,000; and

FURTHER BE IT RESOLVED, that Executive Director or their designee shall execute the same on behalf of the CEC.

CERTIFICATION

The undersigned Secretariat to the Commission does hereby certify that the foregoing is a full, true, and correct copy of an order duly and regularly adopted at a meeting of the California Energy Commission held on October 8, 2025.

AYE: Hochschild, McAllister, Gallardo

NAY: NONE

ABSENT: Gunda, Skinner

ABSTAIN: NONE

Dated: October 9, 2025

SIGNED BY:

Kim Todd
Secretariat