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BHE Renewables, LLC.
4124 NW Urbandale Drive
Urbandale, IA 50322

October 24, 2025

Ms. Barbara Borkowski
California Energy Commission Docket Unit
715 P Street, MS-4
Sacramento, CA 95814

RE: BHE Renewables, LLC. Comments on Proposed Amendments to Regulations Related to the Definition of Appurtenant & Related Facilities

Docket Number 25-RULE-01

Dear Ms. Borkowski:

BHE Renewables, LLC. thanks the California Energy Commission (CEC) Staff for their efforts to clarify the definitions of Appurtenant and Related Facilities. Existing jurisdictional definitions and CEC jurisdictional geothermal projects are consistent in delineating jurisdiction of geothermal resource pipelines at the geothermal power plant perimeter/fence line. Furthermore, using the fence line as the jurisdictional boundary results in a practical delineation for management of power plant operations and maintenance. BHE Renewables, LLC submits the following comments on Staff's proposed changes to these definitions with regards to the impacts on permitting geothermal resource pipelines, previous licenses issued to geothermal projects, and the potential compliance issues relating to local or state jurisdiction.

Current Definition of Appurtenant Facility and Related Facility

State law¹ regarding the definition of an Appurtenant Facility and a Related Facility in reference to geothermal well fields and pipelines exclude these features from the CEC's jurisdiction. Public Resources Code (PRC) section 25120, as related to geothermal power plants, states the following.

"Thermal powerplant" means any stationary or floating electrical generating facility using any source of thermal energy, with a generating capacity of 50 megawatts or more, and any facilities appurtenant thereto. Exploratory, development, and production wells, resource transmission lines, and other related facilities used in connection with a geothermal exploratory project or a geothermal field development project are not appurtenant facilities for the purposes of this division.

"Thermal powerplant" does not include any wind, hydroelectric, or solar photovoltaic electrical generating facility.

¹ Public Resource Code (PRC) as related to geothermal power plants, Division 15, Chapter 2, Section 25120

Likewise, Title 20 of the California Code of Regulations, Section 1201(q) states the following.

(q) “Related facility” means a thermal powerplant, electric transmission line, or any equipment, structure, or accessory dedicated to and essential to the operation of the thermal powerplant or electric transmission line. These facilities include, but are not limited to, transmission and fuel lines up to the first point of interconnection, water intake and discharge structures and equipment, access roads, storage sites, switchyards, and waste disposal sites. Exploratory, development, and production wells, resource conveyance lines, and other related equipment used in conjunction with a geothermal exploratory project or geothermal field development project, and, absent unusual and compelling circumstances, the thermal host of a cogeneration facility, are not related facilities.

These two definitions use similar terms for the pipelines that connect a geothermal power plant to the geothermal resource wells: resource transmission lines and resource conveyance lines. Regardless of which term is used in the exclusionary language, the geothermal fluid pipelines (either production or injection) are intended to be excluded from the CEC’s jurisdiction.

During the workshop for 25-RULE-01, Staff indicated that they wanted to harmonize the treatment of offsite linears (water, electrical generation tie lines, natural gas pipelines, etc.) with the geothermal well field and supporting pipelines. Although this alignment makes Staff’s review of applications more consistent, it ignores existing State Law and the written intent of the Legislature in passing the Warren-Alquist Act and is not a compelling reason to abandon the precedents of past siting cases.

Previously Licensed Geothermal Projects

Based on BHE Renewables’ review of the previously licensed Black Rock 1, 2, 3 Geothermal Power Project (02-AFC-02C)², the CEC was clear in its jurisdiction in the Final Decision³ when it stated the following:

To mitigate potential impacts to insignificance on matters not subject to our jurisdiction, the Commission recommends that, for wellhead, well pad, and pipeline permitting, Imperial County incorporate Conditions BIO-1, 2, 3, 4, 8, 9, 11, 13, 14, 15, 16, 18, 19 & 20.

This language demonstrates a clear understanding of jurisdictional boundaries solidified under decades of precedence, and is repeated numerous times throughout the Commission Decision on this case.

² <https://efiling.energy.ca.gov/Lists/DocketLog.aspx?docketnumber=02-AFC-02>

³ TN 30637 - <https://efiling.energy.ca.gov/GetDocument.aspx?tn=30637&DocumentContentId=55629>



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Compliance Related Concerns

Geothermal production brine (geothermal fluid going from the well field to the power plant) and injection brine (geothermal fluid going from the power plant to the well field) resources will often be combined prior to entering and leaving the power plant site respectively to manage costs and processes. Using Staff's proposed language poses a potential compliance issue on defining a functional boundary where a pipeline extending from the power plant to the first point of interconnection would be subject to CEC jurisdiction and the remaining pipelines and wells/well pads would be under the local agency jurisdiction. Functionally geothermal resource pipelines are operated and maintained as singular systems, and a jurisdictional boundary in the middle of a pipeline or at an arbitrary pipeline intersection could result in jurisdictional issues during operations and maintenance activities. Additionally, resource pipelines are custom configurations based on resource and plant locations, impact avoidance, geographic features, and process optimization, which would result in unique, inconsistent jurisdictional delineations among geothermal power plants with CEC oversight.

The existing jurisdictional definitions make the power plant perimeter/fence line a practical and consistent separation in jurisdiction. Furthermore, using the perimeter/fence line as the jurisdictional boundary is consistent with existing CEC jurisdictional geothermal projects and results in a functional delineation for management of power plant operations and maintenance.

BHE Renewables, LLC appreciates the CEC's consideration on this matter and looks forward to continued collaboration with CEC Staff on this issue.

Sincerely,

A handwritten signature in blue ink, appearing to read "J Trujillo".

Jon Trujillo
General Manager, Geothermal Development