

**DOCKETED**

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<b>Project Title:</b>	Corby Battery Energy Storage System Project
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<b>Document Title:</b>	Corby Battery Energy Storage System Project Comments
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California Energy Commission  
Docket Unit, MS-4  
Docket No. 24-OPT-05  
715 P Street  
Sacramento, California 95814  
[docket@energy.ca.gov](mailto:docket@energy.ca.gov)

Re: Corby Battery Energy Storage System Project

Ladies and Gentlemen,

We submit this comment letter on behalf of Solano Irrigation District (“SID”) regarding the Corby-Nexterra battery storage project (“Project”) under consideration at the California Energy Commission. SID supplies water throughout Solano County for both agricultural and municipal purposes, and SID owns and operates an extensive water supply and distribution system.

The proposed Project includes a “gen-tie” transmission line that intersects and crosses SID canals and real property through both Underground Route Option #1 and Underground Route Option #2 described and depicted in the Project’s Notice of Preparation. SID has significant concerns with the proposed Project, particularly the proposed gen-tie transmission line intersecting and crossing SID real property and canals. SID has not consented to or authorized Corby-Nexterra or any other party to install improvements across SID facilities and real property. Indeed, SID has not even authorized Corby-Nexterra to enter SID real property. Yet, the Notice of Preparation inaccurately assumes and asserts that the Project gen-tie line will cross SID facilities and real property.

In order to accurately assess the environmental impacts of the Project in compliance with CEQA, and in order to comply with provisions of Public Resources Code sections 25545-25545.13, the CEC must accurately represent and analyze the location of the Project's gen-tie transmission line. Absent a future agreement between SID and Corby-Nexterra, the transmission line will not be located in the areas depicted in the Notice of Preparation, and the Environmental Impact Report and proposed CEC certification of the Project must disclose and analyze this. SID requests that the Environmental Impact Report expressly disclose that Corby-Nexterra does not have the right to construct and operate transmission facilities across SID real property and canals for the Project, that an agreement from SID will be required before Corby-Nexterra can construct the Project as proposed and before the Project's gen-tie transmission line can enter and cross SID real property interests and facilities, and if Corby-Nexterra and SID do not enter into such a written agreement, then the Project will not be constructed as proposed.

The construction of the Project's transmission lines across SID real property and water conveyance facilities creates operational, environmental, and other complexities that require extensive coordination and planning. To that end, in 2024 Corby-Nexterra and SID worked on a proposed easement and access agreement which would have authorized Corby-Nexterra to install and operate transmission facilities across SID real property and canals for the Project. The negotiations were unsuccessful, and SID staff informed Corby-Nexterra that the Parties were too far apart and that SID was terminating negotiations on the written agreement. Corby-Nexterra has never obtained a written agreement from SID authorizing the facilities needed for the Project. Therefore Corby-Nexterra does not have the right to develop the project as represented in the scoping documents, and it is unreasonable and inaccurate for the California Energy

Commission to be evaluating the project based on transmission lines that Corby-Nexterra lacks the right to construct and which Corby-Nexterra has failed to obtain from SID.

The Environmental Impact Report should also assess the environmental impacts associated with the project, particularly as to drainage impacts and interruptions to SID water deliveries or damage to SID facilities from the Project. It is unclear how drainage discharges will be managed and controlled from the Project. While the Notice of Preparation of an EIR mentions stormwater ponds, it is unclear if discharges will leave the Project site, and if so, where they will go. SID facilities are not available to accept drainage water from the Project, either directly or indirectly, and the EIR should confirm that no drainage water from the Project will enter SID facilities. The Notice of Preparation of an EIR also states that the Project may use up to 30-acre feet of groundwater annually during construction and 2 acre-feet per year for the first five years of operations. Impacts to nearby groundwater wells and to the groundwater aquifer must be analyzed in the EIR, and the quality of the groundwater should be addressed in the EIR. For example, some areas within Solano County have experienced high chromium levels in groundwater, causing wells to be decommissioned. The EIR should analyze any impacts associated with the quality of the groundwater pumped at the Project, and any mitigation measures required to control poor quality water both during and after construction of the Project.

Please do not hesitate to contact our office with any questions or concerns.

Very truly yours,

MINASIAN LAW

By: /s/ Jackson A Minasian  
JACKSON A. MINASIAN