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Technical and Regulatory Impasse of the Oso Creek Location

Additional submitted attachment is included below.

In the Matter of: Compass Energy Storage Project Docket No. 24-OPT-02

Michael McGrady

December 22, 2025

SUPPLEMENTAL PUBLIC COMMENT: NOTICE OF FUNDAMENTAL SITE INFEASIBILITY AND REQUEST FOR APPLICATION REJECTION

Pursuant to the California Energy Commission's (CEC) Rules of Practice and Procedure, I am filing this supplemental comment in response to the Applicant's (ENGIE) request on December 22, 2025, to pause proceedings for the purpose of identifying an alternative project location.

While a "pause" has been requested, the existing record and established grid-connection regulations demonstrate that the current application for the Saddleback Church site is no longer technically or legally viable.

I. The Safety-Control Deadlock

The Commission's data requests and the resulting geotechnical record (e.g., TN# 264698) have established that the current site is geologically unstable without massive slope stabilization along Oso Creek.

As documented in this proceeding, the mandatory stabilization footprint required to ensure public safety extends onto off-site third-party parcels. Because these essential safety features must be constructed on land not owned or controlled by the Applicant, the project has reached a terminal engineering impasse. The CEC cannot legally permit a project that lacks a viable, contiguous safety and stabilization plan.

II. Technical Default under CAISO Appendix KK

The project's inability to control the necessary stabilization land triggers a disqualifying conflict with the **CAISO Resource Interconnection Standards (Appendix KK)**:

- **Site Exclusivity:** CAISO requires a demonstration of 90% Site Control to maintain a position in the Cluster 15 queue.
- **Regulatory Impasse:** Because the "safety footprint" mandated by the CEC includes land for which the Applicant lacks legal control or easements, the Applicant cannot satisfy the mandatory Site Control requirements for the power grid.

Consequently, the project is trapped in a regulatory "Technical Checkmate": the state's safety requirements are the very factors that now disqualify the project from the power grid queue.

III. Professional Acknowledgement

As this chapter of the proceeding concludes, I wish to formally acknowledge the professionalism and diligence of the ENGIE North America staff and their technical consultants throughout this multi-year process.

The exhaustive exchange of data and the vigor of the Applicant's advocacy have been essential to the public record. While our positions have been fiercely debated, it is the thoroughness of that very debate—and the Applicant's own extensive technical submittals—that has ultimately demonstrated the insurmountable geotechnical and regulatory constraints of the Oso Creek site.

I appreciate the Applicant's recent recognition of these technical realities.

IV. Conclusion and Request for Action

A "pause" to find a new site is a de facto admission that the church site is unbuildable. Allowing a failed application to remain in limbo creates unnecessary uncertainty for the public and the grid operator.

I urge the Commission to formally **Reject the Application** for the Saddleback Church site as fundamentally infeasible. Any future move to a new location must be treated as a new, independent application with a fresh environmental and community review.