

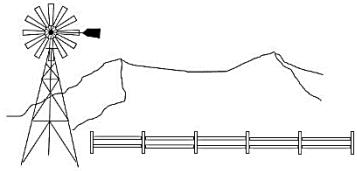
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Comment letter from Save Our Rural Town

Attached please find comments submitted by Save Our Rural Town that 1) demonstrate how the alternatives proposed by the Applicant do not comply with CEQA; 2) identify numerous CEQA-compliant alternatives; 3) disclose deficiencies in the Applicant's Project Objectives; 4) describe concerns pertaining to water resources and access; and 5) explain how the Applicant's "Community Benefits Agreement Plan" does not comply with AB 205 requirements and why it will not withstand judicial review.

Additional submitted attachment is included below.



SAVE OUR RURAL TOWN

January 5, 2026

Lisa Worrall, Project Manager
California Energy Commission
715 P Street, MS-40
Sacramento, CA 95814
Electronic filing of one 18 Page Letter and 1 Attachment.

Subject: Supplemental Comments by Save Our Rural Town (SORT).

Reference: AB-205 Application Submitted for a Proposed Battery Energy Storage Project in Acton, CA.
Docket Number 25-OPT-02.

Dear Ms. Worrall;

Save Our Rural Town (SORT) respectfully submits the following comments to the California Energy Commission (Commission) pursuant to the referenced licensing Application filed in Docket 25-OPT-02 for a proposed Battery Energy Storage System (BESS project or BESS development) in the rural community of Acton. The comments presented herein address deficiencies noted in the revised application submitted on October 15, and in particular, they focus on insufficiencies in the alternatives analysis (which is so narrowly constrained that it is inadequate for the purposes of the California Environmental Quality Act - CEQA) and in discussions pertaining to water resources and socioeconomic/net benefits impacts. Additionally, comments pertaining to emergency access concerns and the “Community Benefit” agreement plan are provided.

THE APPLICANT’S ALTERNATIVES DO NOT COMPLY WITH CEQA.

As SORT explained in prior correspondence, the BESS development will result in significant and unmitigable public safety, wildfire, hazardous material, air quality, transportation, noise, aesthetic (visual resource), waste management, water resource, and land use/zoning impacts. Despite SORT’s factual representations, the Revised Application submitted by the developer asserts that the BESS project will not result in

any potentially significant environmental impacts¹; this implies that the BESS could be approved with a Mitigated Negative Declaration (MND)² and does not require an alternatives analysis or an Environmental Impact Report (EIR). Nonetheless, and in response to Commission directives, the developer expanded the Revised Application to addressed six different BESS Project configurations; however, and as explained below, none of these alternatives suffice for the purposes of CEQA.

The purpose of alternatives analyses under CEQA is to develop a range of reasonable alternatives to the project or to the location of the project “which would feasibly attain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project” [CEQA Guidelines 15126.6]. Thus, alternative project configurations and alternative project locations that do not “avoid or substantially lessen” any the significant effects of a proposed project **are not** “Alternatives” for the purposes of CEQA. SORT has analyzed the six alternatives presented in the Revised Application, and found that **none of them** qualify as “Alternatives” pursuant to CEQA because **none of them** “avoid or substantially lessen” the significant effects that will be created by the BESS project, towit:

Peaceful Valley (Alternative 2):

The Peaceful Valley Alternative shifts the BESS project north; SORT believes it involves Parcel Numbers 3057-006-030, 3057-008-040, 3057-010-011, 3057-010-012, 3057-010-013, 3057-010-014, 3057-010-030, 3057-010-037, 3057-010-040, 3057-010-053, 3057-010-054, and 3057-010-059³. The Peaceful Valley alternative places thousands of deflagration-prone lithium BESS containers on land that is agriculturally zoned, is adjacent to an existing residential neighborhood, is within a Very High Fire Hazard Severity Zone, is in east Acton (where high winds occur in fire weather conditions), and is visible from the 14 freeway and the Angeles Forest highway (both of which are designated Scenic Drives⁴). Therefore, the Peaceful Valley Alternative poses the same significant and unmitigable public safety, wildfire, hazardous material, air quality, transportation, noise, visual resource, waste management, water resource, and land use/zoning impacts as the BESS project. Because the Peaceful Valley Alternative does not “avoid or substantially lessen any of the significant effects” of the BESS project, it **is not** a legitimate CEQA alternative.

¹ See for example page 4-4 of the application dated October, 2025.

² CEQA Guidelines Section 15070.

³ The Applicant asserts that the Peaceful Valley Alternative involves 13 parcels, but SORT could only identify 12 parcels.

⁴ <https://www.arcgis.com/home/item.html?id=50518b2818dc4a2ebqbf1e8a7557f2a3>

Reduced Project (Alternative 3):

The Reduced Project Alternative is identical to the proposed project, but provides a slight (17%) reduction in the size of the BESS yard. Because the Reduced Project Alternative involves the same type of facilities as the BESS project and is in the same location as the BESS project, it will create the same significant and unmitigable public safety, wildfire, hazardous material, air quality, transportation, noise, visual resource, waste management, water resource, and land use/zoning impacts as the BESS project without substantially lessening any of them⁵. And, while the Reduced Project Alternative may result in less frequent deflagration events than the BESS project, it *does not* lessen the significant public safety and wildfire effects that will occur with each BESS deflagration event. Because the Reduced Project Alternative does not “avoid or substantially lessen any of the significant effects of the BESS Project”, it **is not** a legitimate CEQA alternative.

Crown Valley (Alternative 4):

The Crown Valley Alternative shifts the BESS project northwest onto Parcels 3217-026-051, 3217-026-052, 3217-026-025, 3217-026-026, and 3217-026-027. The Crown Valley alternative places thousands of deflagration-prone lithium BESS containers on land that is agriculturally zoned, is adjacent to an existing residential neighborhood, is within a Very High Fire Hazard Severity Zone, and is in north Acton (where high winds occur in fire weather conditions). It is not known whether the Crown Valley BESS location is visible from the 14 freeway (a designated Scenic Drive); however, the location is a beautiful rural valley (Figure 1) that will be forever marred by an enormous, industrial, utility-scale generation facility and a transmission substation. Therefore, the Crown Valley Alternative poses the same significant and unmitigable public safety, wildfire, hazardous material, air quality, transportation, noise, visual resource, waste management, water resource, and land use/zoning impacts as the BESS project. Because the Crown Valley Alternative does not “avoid or substantially lessen any of the significant effects” of the BESS project, it **is not** a legitimate CEQA alternative.

Tierra Subida (Alternative 5):

The Tierra Subida Alternative shifts the BESS project outside of Acton onto Parcels 3054-020-020, 3054-020-021, 3054-020-022, 3054-020-023, 3054-020-029, 3054-

⁵ The Applicant claims that the “Reduced Project Alternative” is located in a High Fire Hazard Severity Zone. This is incorrect. As indicated in adopted CalFire Maps, the “Reduced Project Alternative” is located in a Very High Fire Hazard Severity Zone. <https://osfm.fire.ca.gov/what-we-do/community-wildfire-preparedness-and-mitigation/fire-hazard-severity-zones>.

Figure 1. Photograph of the Site Proposed for the Crown Valley Alternative.



View from the vicinity of the intersection of Sand Creek Drive and 28th Street in Acton.

020-030, 3054-020-031, 3054-020-032, 3054-020-033, 3054-020-034, 3054-020-035, 3054-020-036, and 3054-020-901. The Tierra Subida alternative places thousands of deflagration-prone lithium BESS containers on land that is agriculturally zoned, is adjacent to an existing residential neighborhood, is within a Very High Fire Hazard Severity Zone, is adjacent to the 14 freeway (a designated Scenic Drive) and is in the northeast foothills of the Sierra Pelona Mountains (where high winds occur in fire weather conditions). Therefore, the Tierra Subida Alternative poses the same significant and unmitigable public safety, wildfire, hazardous material, air quality, transportation, noise, visual resource, waste management, water resource, and land use/zoning impacts as the BESS project. Because the Tierra Subida Alternative does not “avoid or substantially lessen any of the significant effects” of the BESS project, it **is not** a legitimate CEQA alternative.

Pearblossom (Alternative 6):

The Pearblossom Alternative shifts the BESS project out of Acton and onto Parcels 3052-027-027 and 3052-027-028. The Pearblossom alternative places thousands of deflagration-prone lithium BESS containers on land that is zoned for rural mixed uses, is adjacent to an existing residential neighborhood, is within a High Fire Hazard Severity Zone and adjacent to a Very High Fire Hazard Severity Zone, and is slightly north of the northern foothills of the San Gabriel Mountains (where high winds occur in fire weather conditions). It is not clear whether the Pearblossom location is visible from Barrel Springs Road (a designated Scenic Drive), but the transmission substation is will

be seen from Cheeseboro Road (a designated Scenic Drive). In any event, the Pearblossom Alternative locates an enormous, industrial, utility-scale generation facility and a massive new transmission substation in a beautiful high desert landscape (Figure 2). Therefore, the Pearblossom Alternative poses the same significant and unmitigable public safety, wildfire, hazardous material, air quality, transportation, noise, visual resource, waste management, water resource, and land use/zoning impacts as the proposed BESS development. Because the Pearblossom Alternative does not “avoid or substantially lessen any of the significant effects” of the BESS project, it **is not** a legitimate CEQA alternative.

Figure 2. Photograph of the Site Proposed for the Pearblossom Alternative.



View of Pearblossom Alternative location taken from 47th Street looking northwest.

Barrel Springs (Alternative 7):

The Barrel Springs Alternative shifts the BESS project outside of Acton onto a single parcel in Palmdale (3048-008-003). The Barrel Springs alternative places thousands of deflagration-prone lithium BESS containers on land that is zoned for residential uses, is adjacent to an existing residential neighborhood, is within a Very High Fire Hazard Severity Zone, is adjacent to Barrel Springs Road (a designated Scenic Drive) and is in the northern foothills of the San Gabriel Mountains east of the Soledad Pass (where high winds occur in fire weather conditions). Therefore, the Barrel Springs Alternative poses the same significant and unmitigable public safety, wildfire, hazardous material, air quality, transportation, noise, visual resource, waste management, water resource, and land use/zoning impacts as the proposed BESS development. Because the Barrel Springs Alternative does not “avoid or substantially lessen any of the significant effects” of the BESS project, it **is not** a legitimate CEQA alternative.

THE DEVELOPER’S PROJECT OBJECTIVES ARE TOO CONSTRAINED TO PROVIDE A RANGE OF REASONABLE PROJECT ALTERNATIVES.

As SORT explained in previous correspondence, the Project Objectives established by the Developer do not comply with CEQA because they are so constrained that the only alternative which is capable of achieving most of them is the proposed BESS project⁶; therefore, the developer’s Project Objectives preclude the consideration of “a range of reasonable alternatives” as required by CEQA⁷. Even the inadequate location alternatives presented in the revised Application are rejected because they are neither “near the Vincent Substation” nor “near existing roadways and infrastructure”⁸. Equally important, *there is no justification or evidentiary support for Project Objectives that require proximity to transmission substations and infrastructure*; in fact, many remote BESS and renewable generation facilities have been successfully interconnected to the CAISO transmission grid despite the fact that they are located miles from substations and infrastructure. For example, the Sanborn project (which is the largest BESS constructed to date) is nowhere near “existing infrastructure” (whatever that means) and it is 11 miles from the Windhub transmission substation to which it connects. Equally important, the “System Impact Study” and the “Facilities Study” prepared by CAISO and SCE for the BESS project were both predicated on the assumption that the BESS project was located *more than 24 miles from the Vincent substation*⁹. Accordingly, the Applicant’s proposed Project Objectives that require adjacency to substations and infrastructure must be rejected because they are neither justifiable nor supported by substantial record evidence.

FEASIBLE ALTERNATIVES EXIST THAT WILL SUBSTANTIALLY LESSEN MANY SIGNIFICANT EFFECTS OF THE BESS PROJECT.

A number of feasible project alternatives are capable of achieving all CEQA-compliant project objectives while substantially lessening significant effects of the BESS Project. Such alternatives fall into two categories: System Alternatives and Location Alternatives.

System Alternatives

System Alternatives include alternatives to the Lithium-based battery chemistry that is proposed for the BESS project and which requires flammable electrolyte, is prone to spontaneous deflagration, and releases substantial quantities of toxic air pollutants

⁶ SORT Letter to the Commission dated August 18, 2025. At 66-67.

⁷ CEQA Guidelines Section 15126.6.

⁸ Pages 4-24, 4-33 to 34, 4-36, 4-39, and 4-42 of the Applicant’s response titled “Data Request 2_Part 1”.

⁹ Pages 99 and 119 of the Large Generator Interconnection Agreement for the Angeleno Project.

when deflagration occurs. Non-lithium battery System Alternatives include Iron Flow, Vanadium Redox, Aqueous Zinc, etc. While these System Alternatives successfully achieve all CEQA-compliant project objectives established for the BESS, they also substantially lessen the significant effects of the BESS project. For example, the deflagration propensities of non-lithium System Alternatives are substantially lower than the proposed BESS; therefore, all these System Alternatives substantially lessen the public safety and wildfire effects of the BESS project. Non-lithium BESS can be constructed inside aesthetically pleasing structures and surrounded by landscaping. And, when coupled with an indoor substation that utilizes non-SF6 Gas Insulated Switchgear, all System Alternatives will substantially lessen visual resource impacts. Some System Alternatives can even be stacked and may therefore reduce the BESS project footprint. Finally, by carefully configuring these System Alternatives and the proposed 500 kV substation, noise impacts can also be reduced. Simply put, System Alternatives are entirely feasible, they achieve all permissible Project Objectives and they substantially lessen many of the significant effects of the BESS project. Accordingly, System Alternatives are all “Environmentally Preferred” compared to the BESS project.

The Application peremptorily rejects “Flow Battery Technology” as a possible project alternative because it has “lower energy and power densities requiring more space and additional equipment” and the developer alleges that it is “not a proven technology at the scale of the Project”¹⁰. These claims are specious:

- There are no Project Objectives pertaining to energy and power densities; therefore, System Alternatives cannot be rejected on the basis of energy and power densities.
- Some System Alternatives can be stacked and thus may result in a smaller footprint than lithium battery systems.
- Utility “Flow Battery” systems are operational¹¹, so the technology is “proven”.
- The proposed BESS is twice as large as any BESS ever developed¹², so no battery technology is “at the scale of the Project” *including lithium battery technologies*.

There is no legitimate basis for rejecting System Alternatives, particularly since they substantially lessen the significant environmental effects of the BESS project.

¹⁰ Page 4-18 of the Revised Application submitted into the Docket as “Data Request 2_Part 4”.

¹¹ For example, ESS has long duration iron flow storage systems operating in Florida and Arizona.

¹² Currently, Sanborn is the largest constructed BESS, but it is half the size of the proposed BESS Project.

Location Alternatives

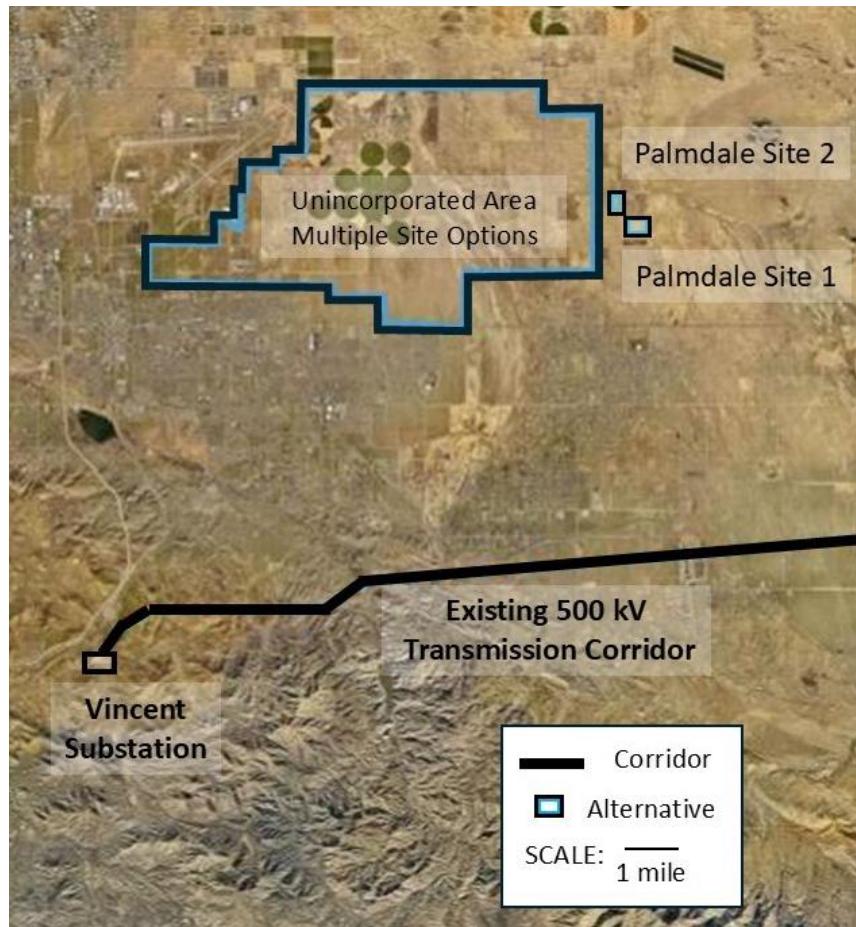
There are a number of alternative locations where the BESS Project could be feasibly constructed which will avoid or substantially lessen its significant environmental effects:

Alternative Location 1: The first alternative location that should be considered by the Commission is the location where the Applicant originally intended to construct the BESS Project¹³. SORT is not certain of the precise location of Alternative Location 1, but it is known that the BESS was intended to be in the middle of a 1,000+ MW solar farm which would necessarily require at least 6,000 acres and thus not be located near residences. Accordingly, “Alternative Location 1” is certain to substantially lessen the significant public safety and noise impacts posed by the proposed BESS project.

Alternative Location 2: The second alternative location that should be considered is a 26 square mile area in unincorporated East Antelope Valley that is designated for industrial purposes and where no residential uses are permitted. The area is depicted in Figure 3 and labeled as “Unincorporated Area”; it includes large tracts of vacant and irrigated lands that are adjacent to industrial uses and outside of mapped Significant Ecological Areas. These tracts are more than a mile from any residence, and since at least 1973, these lands have been designated as “Public and Semi Public lands” by the County General Plan. According to both the 1980 and the 2015 County General Plans, these tracts of land are “intended to be used for major utilities, transportation facilities, waste facilities, etc.” The tracts are owned by the City of Los Angeles and they lie adjacent to aerospace facilities and an airstrip owned by the US Government (known as Air Force Plant 42). Locating the BESS within one of these tracts of land would substantially lessen the significant noise, visual resource, and public safety impacts of the BESS Project; it would also substantially lessen all significant impacts stemming from land use conflicts. Because nearly all of these tracts lie outside of high and very high fire hazard severity zones, Alternative Location 2 substantially reduces the significant wildfire impacts posed by the BESS Project. Furthermore, a transmission interconnection can be easily accomplished because Alternative Location 2 is just 6 miles north of an existing 500 kV transmission corridor that terminates at the Vincent substation. The corridor has multiple single circuit 500 kV lines and, on the north side, a 220 kV line. By expanding the corridor or (better yet) upgrading the 220 kV line to a

¹³ The location was considered in the System Facilities Study and System Impact Study that CAISO and SCE prepared in accordance with the CAISO Tariff. According to the “Large Generator Interconnection Agreement”, it is 24.4 miles from the Vincent Substation [at 99 and 119].

Figure 3. Map of Feasible Location Alternatives.



double circuit configuration that serves both the 500 kV BESS and the existing 220 kV connection, the BESS can be connected to the Vincent substation's 500 kV bus. A photograph of this existing 500 kV corridor is provided in Figure 4.

This alternative is consistent with statutory Garamendi Principles¹⁴, and the 220 kV upgrade alternative would not require significant expansion of an existing transmission corridor. There is also an extensive network of roads in the vicinity of Alternative Location 2; therefore, the connection between Alternative Location 2 and the 500 kV transmission corridor can be developed largely via local agency franchise agreements.

¹⁴ Garamendi Principles, SB 2431, Stats. 1988, Ch. 1457. The Statute states in pertinent part that the Legislature "finds and declares that the construction of new high-voltage transmission lines within new rights-of-way may impose financial hardships and adverse environmental impacts on the state and its residents, so that it is in the interests of the state, through existing licensing processes, to accomplish all of the following: 1. Encourage the use of existing rights-of-way by upgrading existing transmission facilities where technically and economically justifiable. 2. When construction of new transmission lines is required, encourage expansion of existing rights-of-way, when technically and economically feasible."

Figure 4. Existing Transmission Corridor that terminates at the Vincent Substation.



SORT estimates that a 500 kV transmission interconnection between the Vincent substation and the Alternative Location 2 would be approximately 13 miles long and could be constructed for under \$50 million¹⁵. This cost is marginal when compared to the \$1.75+ billion in capital costs that the Applicant expects to incur¹⁶; accordingly, this alternative is economically “feasible” as that term is contemplated in CEQA¹⁷.

Moreover, recent revisions to transmission line permitting processes implemented by the California Public Utilities Commission now allow SCE to sidestep traditional “Certificate of Public Convenience and Necessity” requirements and construct the 500 kV transmission connection with just a Permit to Construct¹⁸.

¹⁵ A \$2.3 million per mile construction cost for the 500 kV line is reasonable because the lands where the new 6 mile segment is located is rural, flat, and unencumbered and because the transmission line could be constructed using franchise agreements and then connect to an existing transmission corridor.

¹⁶ Page 3.10-19 of Application.

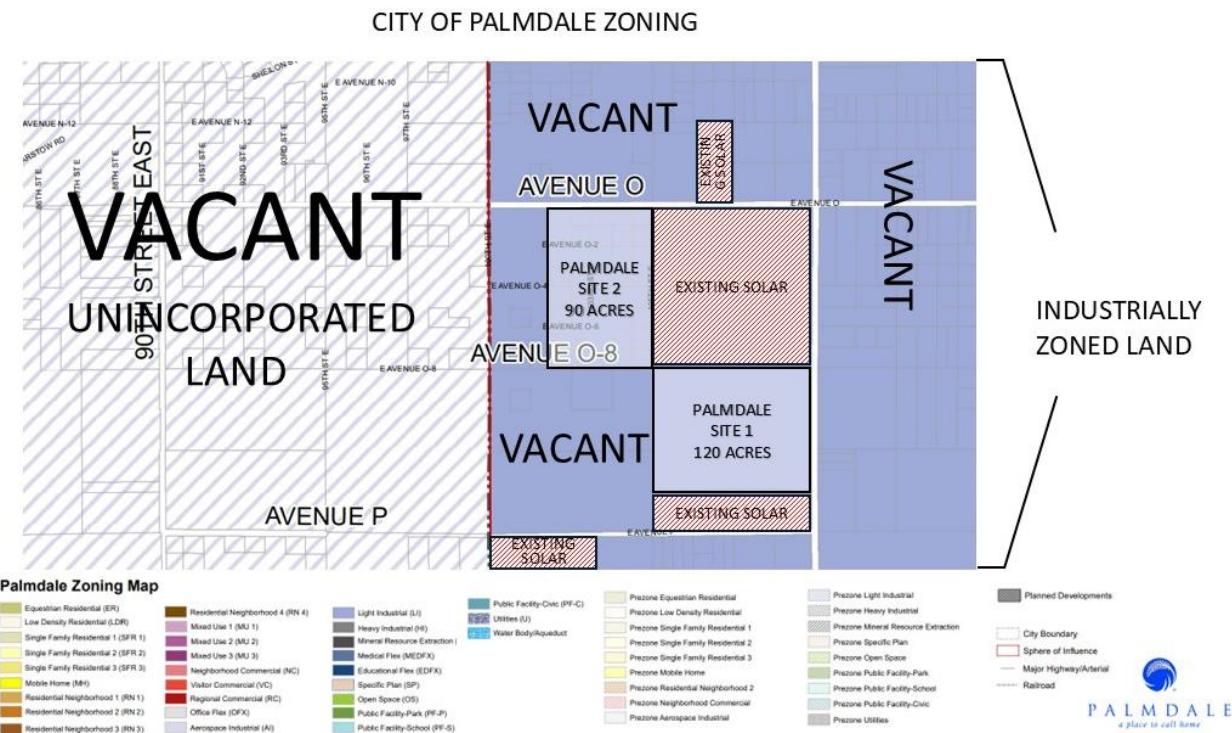
¹⁷ The Courts have long held that a project alternative is economically feasible under CEQA even if it costs more than the proposed project. “The fact that an alternative may be more expensive or less profitable is not sufficient to show that the alternative is financially infeasible. What is required is evidence that the additional costs or lost profitability are sufficiently severe as to render it impractical to proceed with the project” [*Citizens of Goleta Valley v. Board of Supervisors*, (1988) 197 Cal.App.3d].

¹⁸ The CPUC recently amended General Order 131 to authorize a new transmission line with just a Permit to Construct if the line interconnects a new generation facility (i.e., a BESS) to an existing electrical transmission facility (i.e. the Vincent Substation) because it is considered to be just an “extension” and not a new transmission line [GO 131-E.I.F.2.a].

Alternative Locations 3 and 4:

Other alternative locations in East Antelope Valley are in the City of Palmdale adjacent to the unincorporated “Public and Semi Public Lands” described above. These locations (depicted in Figure 3 as “Palmdale Site 1” and “Palmdale Site 2”) are north of the existing transmission corridor described above; thus, interconnection to the Vincent substation can be accomplished largely with corridor modifications and franchise agreements. The sites are sufficiently large to accommodate a 30 acre BESS yard and 23 acre substation and are outside of any mapped Significant Ecological Areas. While portions of these sites have small drainage courses, there is sufficient space available to avoid these areas. These properties are thousands of feet from any residential structures reported on County property tax rolls and they are not in “High” or “Very High” Fire Hazard Severity Zones. As indicated in Figure 5, these parcels are zoned for industrial use and are adjacent to extensive utility scale solar facilities. Some of these parcels may be owned by the City of Los Angeles; others are privately held. Given the zoning on these sites, their separation from residential areas, and their CalFire designation, these Alternative Locations will substantially lessen the significant environmental effects posed by the BESS Project.

Figure 5: Details on Zoning and Land Uses for Alternative Locations 3 and 4.



Other Alternative Locations:

There are many other sites where the BESS can be located far from homes and outside of “High” and “Very High” Fire Hazard Severity Zones. For instance, the west side of the Antelope Valley has large tracts of vacant land that are close to existing 500 kV transmission corridors which terminate at the Vincent substation and are still great distances from residential neighborhoods. These areas are also near existing roadways where connections to the existing 500 kV transmission corridors can be achieved largely via local agency franchise agreements. Accordingly, alternative locations in the west Antelope Valley are similar in many ways to the alternatives discussed above. The area is largely zoned for agricultural purposes, so the BESS would still conflict with underlying land use designations; however, siting the BESS project in these areas will substantially lessen public safety, wildfire, noise, and visual resource impacts.

WATER RESOURCE CONCERNS

To satisfy the requirement imposed by Section 14(C)(v) of Appendix B “Information Requirements for an Application for Certification or Small Power Plant Exemption”, the Applicant submitted a “Construction Water Memo” on October 23, 2025. However, the “Construction Water Memo” does not satisfy the requirements imposed by Section 14(C)(v) of Appendix B¹⁹ because it only addresses water resources that will be utilized during construction and it ignores the substantial quantities of water that will be required to safely operate the project. In particular, the “Construction Water Memo” fails to account for the hundreds of thousands of gallons of water that will be needed to control each BESS deflagration event that will occur. And, given the massive size of the BESS project (involving 2,000+ BESS containers stretching more than a mile), deflagration events will occur often. As SORT explained in previous correspondence²⁰, the existing domestic water well that will supply water for BESS project operations may be suitable for sanitary purposes, but it is entirely incapable of serving BESS Project fire protection needs because it lacks sufficient capacity to continually pressurize all the fire hydrants required throughout the BESS yard²¹. Accordingly, the Application is still incomplete and it will remain incomplete until this significant deficiency is addressed.

¹⁹ These requirements are: For all water supplies intended for industrial uses to be provided from public or private water purveyors, a letter of intent or will-serve letter indicating that the purveyor is willing to serve the project, has adequate supplies available for the life of the project, and any conditions or restrictions under which water will be provided. In the event that a will-serve letter or letter of intent cannot be provided, identify the most likely water purveyor and discuss the necessary assurances from the water purveyor to serve the project.

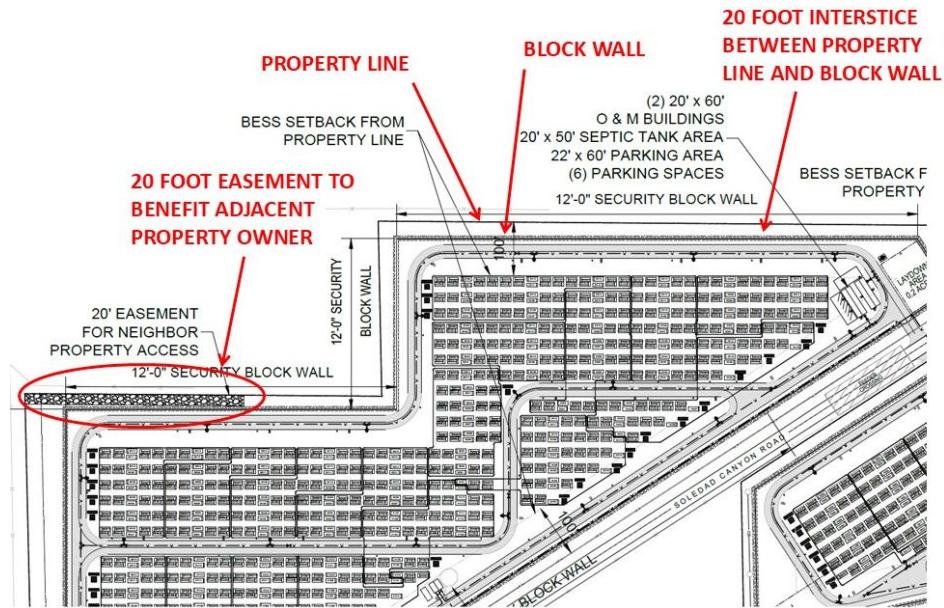
²⁰ SORT Letter to the Commission dated August 18, 2025. At 59-60.

²¹ SORT believes the County Fire Department will require a network of fire hydrants in the BESS yard.

ACCESS CONCERNS

The revised Application does not appear to address concerns raised by SORT pertaining to emergency access²² and the fact that the BESS Project eliminates secondary access to adjacent residences. Recently, SORT learned that the primary access for adjacent residences is prone to erosion and is thus substandard; therefore, the BESS Project will eliminate the only reliable access route for Acton residents. This significantly adverse impact cannot be ignored, particularly since it can be easily mitigated. Specifically, the revised Site Plan²³ indicates that, along the northern wall surrounding the western the BESS yard, there is a 20 foot wide interstice between the property line and the block wall (see Figure 6). SORT presumes this interstitial area is intended for landscaping, but it could be configured and slightly widened to accommodate both landscaping and an access road that can be used by emergency vehicles and surrounding residents. The Applicant would provide an easement granting public access rights along, across, and over this access road. As Figure 6 shows, the developer proposes such an easement along the north wall to benefit one resident²⁴; this easement should be extended to benefit other residents and, for trail purposes, it should surround the entire development (which will mitigate the trail impacts that SORT previously identified²⁵).

Figure 6. Excerpt of Revised BESS Project Site Plan (Annotated in Red).



²² SORT Letter to the Commission dated August 18, 2025 at 48.

²³ This Revised Site Plan is found in Attachment 28 in the response titled “Data Request 2_Part 5” located here: <https://efiling.energy.ca.gov/GetDocument.aspx?tn=266608&DocumentContentId=103665>

²⁴ The revised site plan indicates a 20 foot easement will be granted “for neighbor property access”.

²⁵ SORT Letter to the Commission dated August 18, 2025 at 35 and 49-52.

DEFICIENCIES IN THE SOCIOECONOMIC ANALYSIS.

The Applicant has revised Section 3.10 of the Application pertaining to Socioeconomic Impacts²⁶; however, none of the deficiencies noted in our comments submitted in August, 2025 were addressed. For example, the Applicant persists in misrepresenting enrollment levels at the local school district. To be clear, the Acton-Agua Dulce Unified School District **does not** have 3,329 students enrolled in kindergarten through Grade 5, it **does not** have 1,694 students enrolled in Grades 6 through 8, and it **does not** have 7,852 students enrolled in Grades 9 through 12. These *facts* are enumerated in a letter prepared by the Superintendent of the AADUSD that is provided in Attachment 1; it explains that the total enrollment in the AADUSD is approximately 1,100 students. SORT respectfully recommends that the Commission direct the Applicant to revise the Socioeconomic Analysis and correct this and other deficiencies we previously identified.

DEFICIENCIES IN THE NET BENEFITS ANALYSIS.

SORT understands that the Commission has approved the Applicant’s “Net Benefits” analysis despite the fact that it is rife with errors. For example, and as SORT explained in a previous comment letter, the AADUSD **will never** receive the \$54.6 million in revenues over the life of the BESS project that is claimed by the Applicant’s “Net Benefits Analysis” for all the reasons set forth in our previous correspondence²⁷ all of which are incorporated herein by reference. SORT respectfully recommends that the Commission direct the Applicant to revise the Net Benefits Analysis to correct this and other errors we previously identified.

DEFICIENCIES IN THE COMMUNITY BENEFITS AGREEMENT PLAN.

SORT understands that the Commission is satisfied by the Applicant’s “Community Benefits” agreement plan prepared for the BESS project. Nonetheless, the plan does not comply with AB 205 because it does not involve or benefit organizations based in the Community of Acton where the BESS Project is located.

While AB205 provides few specifics regarding “Community Benefit” agreements, it does compel developers to enter into contracts with, or that benefit, “community-based” organizations which “represent community interests”²⁸. Because AB205 does not define “community”, and because the legislative record sheds no light on what lawmakers

²⁶ See Attachment 18 found in the response titled “Data Request 2_Part 4”.

²⁷ SORT letter to the Commission dated August 18, 2025 at 26.

²⁸ AB 205 requires the Applicant to enter into legally binding agreements “with, or that benefit, a coalition of one or more *community-based organizations*” that “*represent community interests*, where there is mutual benefit to the parties to the agreement” (emphasis added).

intended when they restricted such agreements to benefit only “community-based” organizations that “represent community interests ²⁹”, the rules of statutory construction must be applied to ensure proper implementation of AB205.

First, words must be given their plain and ordinary meaning. The Merriam-Webster Dictionary defines the term “Community” to mean “a unified body of individuals such as people with common interests living in a particular area and, broadly, the area itself” and it clarifies that communities exist “*within* a larger society”. Consistent with this definition, Acton is clearly a “community” and it exists within the larger “society” of Los Angeles County.

Second, interpretations must give harmonious effect to the statute as a whole, and interpretations that leads to absurd results must be avoided. Therefore, the AB 205 requirement that a developer provide benefits to one or more community based organizations which represent community interests must be harmonized with the AB 205 directive to the Commission to approve a project that substantially benefits the developer if the project meets all applicable requirements at the location within the community where it is proposed. In other words, AB 205 can only be interpreted to mean that the organization which benefits from the developer agreements mandated by AB 205 must represent the interests of the community that is burdened by the adverse impacts of the AB 205-approved project; any other interpretation would lead to absurd outcomes³⁰. Accordingly, SORT recommends that the Commission apply the following two pronged test to assess whether a “Community Benefit” agreement plan complies with AB 205: 1) Are the agreements it enumerates with, or do they benefit, organizations that are based in the community where the project is located? and 2) Do these organizations represent the interests of the community where the project is located?

Application of this two pronged test to the BESS Project “Community Benefits” agreement plan demonstrates that the plan does not comply with AB 205 because it does not involve or benefit Acton-based organizations and because the organizations that it does benefit do not represent Acton Community interests. The plan does not

²⁹ SORT requested a copy of the legislative record for Assembly Bill 205 from the California State Archives; SORT was informed that the State Archives have no records pertaining to Assembly Bill 205.

³⁰ It would be absurd to construe AB 205 to mean that the very community which bears all the adverse impacts of AB 205-approved projects should be entirely omitted from the benefit plan. It would be equally absurd to construe AB205 to mean that an organization should benefit from an AB 205-approved project even though it does not represent the interests of the community that is burdened by the project. These absurd scenarios imply that the legislature did not care *which* community received benefits as long as *some* community did; such interpretations render the “community benefit plan” provisions of AB 205 pointless and meaningless, and thus invalid under the rules of Statutory Construction.

even mention the Community of Acton, and is instead called the “*Antelope Valley and Los Angeles County Community Benefits Agreement Plan*”³¹. Notably, neither Los Angeles County nor the Antelope Valley **are** “communities”; to the contrary, they are geographic regions that exceed 1,000 square miles in area and encompass hundreds of communities (both incorporated and unincorporated). Moreover, the Application demonstrates that the developer has never even engaged any “community based” organizations because it states that only “county based” organizations were engaged to develop the plan³² and that these “county based” organizations represent a multiplicity of communities³³. Furthermore, the BESS Project “Community Benefits” agreement plan does not identify any Acton-based organizations and it certainly does not explain how it benefits any Acton-based organizations.

Instead, the plan asserts that the developer will only be investing in programs that align with Los Angeles County and Antelope Valley priorities, not Acton priorities³⁴. For instance, the plan explicitly states that developer investments will 1) “deliver training and job readiness” across the Antelope Valley and, more broadly, across Los Angeles County³⁵; 2) provide backup generation for “hospitals and emergency response infrastructure” (Acton has no hospital and our emergency response infrastructure already has backup generation)³⁶; 3) support open space conservation across Los Angeles County and the high desert³⁷; and 4) expand energy education and workforce training throughout Los Angeles County³⁸. And, while the BESS Project “Community Benefits” agreement plan states that the developer will coordinate with “Township and Los Angeles County representatives”, it clarifies these efforts will respond to pressing needs in the “region”³⁹, *not the “community”*. Because the investments commitments made by the BESS Project “Community Benefits” agreement plan do not benefit Acton-based organizations that represent Acton Community interests, the plan *does not* satisfy the community benefit requirements imposed by AB 205. Accordingly, *the BESS Project “Community Benefits” agreement plan **will not** withstand judicial review.*

³¹ Appendix 1B of the Application at page 1.

³² Section 1.6.7 of the Application explicitly states “The Applicant has been meeting with multiple *County-based* community organizations and will be meeting with additional *County-based* organizations to better understand their immediate and long-term needs” (emphasis added).

³³ Section 1.6.7 of the Application explains that “county based” organizations represent and support the broader interests of multiple communities.

³⁴ Appendix 1B of the Application at page 1.

³⁵ Id at 2.

³⁶ Id at 3.

³⁷ Idem.

³⁸ Idem.

³⁹ Idem.

The BESS Project “Community Benefits” agreement plan describes one contractual agreement in detail, and it exemplifies how the plan controverts AB 205 requirements by failing to involve or benefit any Acton-based organizations representing Acton interests. Specifically, the plan explains that the Applicant signed a contract with the “Los Angeles/Orange County Building & Construction Trades Council” (“LA/OCBCTC”) which is an organization representing labor union interests in Los Angeles County and Orange County⁴⁰; SORT has confirmed that LA/OCBCTC is not an Acton-based organization, it has no presence in Acton, it has no members in Acton, and it does not represent any Acton Community interests⁴¹. The plan further explains that the designated beneficiary of this contract is a subset organization called “Women in Non-Traditional Employment Roles” or “WINTER⁴²; however, “WINTER” is not an Acton-based organization, it has no presence in Acton, it has no members in Acton, and it does not represent Acton Community interests. Accordingly, neither the contract with LA/OCBCTC nor the designated beneficiary arrangement with “WINTER” suffice for AB 205 purposes.

The fatal flaw in the BESS Project “Community Benefits” agreement plan stems from the Applicant’s failure to acknowledge that the BESS Project lies squarely within the Community of Acton; in fact, the Application falsely claims that the BESS project lies far outside of Acton⁴³. Such mendacities allows the Applicant to pretend that the BESS Project is not located within any particular community and, by extension, that the BESS Project “Community Benefits” agreement plan need not benefit any particular community and can instead accrue general benefits across all communities in Los Angeles County. The Commission cannot similarly pretend. The BESS Project **is** located in a specific community (Acton); therefore, benefits conferred by the BESS Project “Community Benefits” agreement plan **must** accrue to Acton-based organizations that represent Acton community interests. Because the BESS Project “Community Benefits” agreement plan fails to benefit Acton-based organizations representing Acton community interests; it does not comply with AB 205 requirements.

⁴⁰ LA/OCBCTC is headquartered at 1626 Beverly Blvd in Los Angeles [<https://laocbuildingtrades.org/>].

⁴¹ On July 21, 2025, the Director of SORT spoke with a principal at LA/OCBCTC and confirmed that LA/OCBCTC has no members in Acton and that the members who will benefit from the agreement live outside of Acton (specifically, they live in Palmdale, Lancaster, and Santa Clarita). The LA/OCBCTC representative also explained that Acton should not benefit from the BESS Project “Community Benefits” agreement plan because Acton is not a city, and that Acton could perhaps benefit indirectly from the agreement because it will benefit Los Angeles County “at large”. SORT’s Director asked how the Acton community benefits from temporary jobs taken by workers living outside of Acton; there was no response.

⁴² Appendix 1B of the Application at page 1.

⁴³ The Application states the BESS Project is “three (3) miles northeast” of Acton. Page 2-1.

In pointing out these flaws, SORT is not arguing that the contracts and financial commitments set forth in the BESS Project “Community Benefits” agreement plan are inappropriate or unacceptable; to the contrary, SORT does not object to them. SORT’s purpose is to demonstrate why the BESS Project “Community Benefits” agreement plan does not comply with AB 205 requirements and, by extension, why it will not withstand judicial review.

To correct these fatal deficiencies, SORT recommends the Applicant acknowledge that the BESS Project is located in the Community of Acton, and then initiate authentic community engagement with Acton organizations and residents as recommended by the Acton Town Council⁴⁴. These meetings will enable the Applicant to collaboratively develop a BESS Project “Community Benefits” agreement plan that complies with AB 205 by delivering benefits to authentic Acton-based organizations which represent authentic Acton community interests. Another option is for the Applicant to work with authentic Acton organizations that represent authentic Acton interests to establish a Community Foundation consistent with recent revisions to AB 205⁴⁵.

CONCLUSION

For the reasons set forth above, SORT respectfully requests that the Commission direct the developer to amend the BESS project Application to address the deficiencies noted herein. We also request that the abovementioned concerns be factored into the Commission’s consideration of the BESS Project. SORT is happy to discuss any of the concerns presented above and in our prior correspondence with Commission staff; SORT can be reached at SORTActon@gmail.com.

Respectfully Submitted;

/S/ Jacqueline Ayer
Jacqueline Ayer, Director
Save Our Rural Town

⁴⁴ In a letter to the Commission dated September 3, 2025, the Acton Town Council observes that an individual claiming to be part of an organization called “Better World Group” had emailed select Acton residents to request “one on one” meetings to discuss how the BESS project can “align with” organization priorities. The Acton Town Council pointed out that “One on one’ meetings in backrooms with select individuals is not how authentic community engagement is done and it is certainly not how ‘Community Benefit’ Plans should be developed. To the contrary, such methods introduce furtiveness, create divisiveness, and engender distrust. A better path would be to convene a community meeting and invite community based organizations to discuss the issue openly to ensure all organizations hear the same message and have the same opportunity to provide initial input on the Benefit Plan” (page 2).

⁴⁵ SB 254 expands “Community Based Organizations” to include “Community Foundations”.

ATTACHMENT 1

LETTER FROM THE AADUSD SUPERINTENDENT OF SCHOOLS.



Acton-Aqua Dulce Unified School District

32248 Crown Valley Road | Acton, California 93510

(661) 269-0750 | Fax (661) 269-0849

Empowering Today's Learners to Thrive in Tomorrow's World

October 30, 2025

California Energy Commission
1516 Ninth Street
Sacramento, CA 95814

Subject: Correction of Inaccurate Student Enrollment Data Submitted for the BESS Prairie Song Reliability Project

Dear Commissioners,

On behalf of Acton Agua Dulce Unified School District, I am writing to bring to your attention an inaccuracy in the student enrollment data submitted to the California Energy Commission associated with the BESS Prairie Song Reliability Project. The report currently lists our district's enrollment as 12,875 students, which is incorrect.

Our actual district enrollment is 1,120 students. The figure of 12,875 appears to include the combined enrollment of several independent charter schools for which our district serves as the Local Educational Agency (LEA). While these charter schools are authorized under our oversight, they are independently operated entities with separate governance, administration, and facilities, also outside of our district boundaries. Their student enrollment should not be attributed to our district's direct operational population.

We respectfully request that this error be corrected in the Commission's records to reflect our verified district enrollment of 1,120 students.

Our district is committed to transparency and data accuracy. We are happy to provide any documentation or verification necessary to support this correction. Please contact my assistant, Mrs. McCauley at 661 269-0750 or ymccauley@aadusd.k12.ca.us should additional information be required.

Thank you for your prompt attention to this matter.

Sincerely,

A handwritten signature in blue ink that reads "Sahakian".

Dr. Eric Sahakian
Superintendent
Acton-Aqua Dulce Unified School District

cc:

Board President, Mr. Lester Mascon