

DOCKETED

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CALIFORNIA ENERGY COMMISSION

In the matter of:

Business Meeting)
) Docket No. 25-BUSMTG-01
)

FRIDAY, DECEMBER 19, 2025

10:00 A.M. - 3:00 P.M.

In-person at:

CALIFORNIA NATURAL RESOURCES BUILDING
715 P STREET
FIRST FLOOR AUDITORIUM
SACRAMENTO, CALIFORNIA 95814
(Wheelchair Accessible)

The California Energy Commission (CEC) aims to begin the business meeting promptly at the start time and the end time is an estimate based on the agenda proposed. The meeting may end sooner or later than the time indicated depending on various factors. Commissioners may attend remotely in accordance with Government Code section 11123.2(j).

Pursuant to the California Code of Regulations (CCR), title 20, section 1104(e), any person may make an oral comment on any agenda item. To ensure the orderly conduct of business, such comments will be limited to two minutes or less per person.

Please visit the CEC Business Meeting web page for more information and materials at <https://www.energy.ca.gov/proceedings/business-meetings>.

Reported by:
Martha Nelson

APPEARANCES

COMMISSIONERS

David Hochschild, Chair

Siva Gunda, Vice Chair

J. Andrew McAllister, Commissioner

Noemi Gallardo, Commissioner

Nancy Skinner, Commissioner

STAFF

Drew Bohan, Executive Director

Jennifer Martin-Gallardo, Deputy Executive Director

Sanjay Ranchod, Chief Counsel

Yosef Saeed, Supervisor, Siting, Transmission, and Environmental Protection Division

Jared Babula, Senior Staff Counsel

Kaycee Chang, CEQA Project Management Unit Supervisor, Siting, Transmission, and Environmental Protection Division

PUBLIC ADVISOR'S OFFICE

Ryan Young, Deputy Public Advisor

PRESENTER

Seamus Murphy, San Francisco Bay Ferry

APPEARANCES

HEARING OFFICER

Renee Webster-Hawkins

APPLICANT - ITEM 6

Jeff Harris, Attorney, Climate Edge Law Group

Curt Hildebrand, Senior Vice President, Hydrostar

INTERVENORS

Zeynep Graves, Attorney, Center for Biological Resources

APPLICANT - ITEM 7

Derek Rieman, Repsol Renewables North America

GOVERNMENT AGENCIES AND TRIBES - ITEM 7

Yatch Bamford, Pit River Tribe

Brandy McDaniels, Pit River Tribe, Madesi Band

David Rickert, Executive Officer, Shasta County

Chris Kelstrom, District 5, Shasta County

PUBLIC COMMENT

Katy Morsony, California Community Choice Association

Charles Watson, Mainspring Energy

Katharine Larson, Sacramento Municipal Utility District

Tim Kamermayer, Green Hydrogen Coalition

APPEARANCES

PUBLIC COMMENT (CONT'D)

Elisabeth de Jong, Southern California Public Power Authority

Priscilla Quiroz, California Municipal Utilities Association

Susan Scheider, Large-scale Solar Association

Richard Chapman, Kern Economic Development Corporation

Anthony Myers, Safe Haven Kids League and Community Resources of California, and Safe Haven Kids League of California City

David Howlett

Neal Desai, National Parks Conservation Association

Joel MacKay, Rosamond Municipal Advisory Council

Erick Gamez, Antelope Valley Economic Development and Growth Enterprise

Corey Costelloe, City of Tehachapi

George Hodgkinson, Mojave Chamber of Commerce

Tim Johnson, ARB, Inc.

Shaleesha Ward, Pit River Tribe

Agnes Gonzalez, Pit River Tribe

Gregory Wolfin, Pit River Tribe

James Steadman, Pit River Tribe

Tony Yiamkis, Pit River Tribe

Conner Yiamkis, Pit River Tribe

APPEARANCES

PUBLIC COMMENT (CONT'D)

Awi Gustafson, Pit River Tribe

Michelle Lee, Pit River Tribe

Steve Kerns, District 3, Shasta County Planning
Commissioner

Radley Davis, Hood River Nation

Natalie Forest-Perez, Pit River Tribe

John Gable, Moose Camp Community

Patrick Wallner

Morningstar Gali, International Indian Treaty Council

Sara Fitzsimon, Independent Energy Producers Association

Nancy Rader, California Wind Energy Association

Margaret Osa

Joseph Osa

Winterhawk Granillo, Pit River Tribe

Gill Wright, California Pilots Association

Oliver Forrest, Pit River Tribe

Steve Johnson

Crystal Miller, Alliance for Tribal Clean Energy

Trisha Valesquez, Save California Salmon

Theodore Martinez, Pit River Tribe

Consuela Vargas, Pit River Tribe

APPEARANCES

PUBLIC COMMENT (CONT'D)

Ashley Crystal Rojas, Indigenous Justice

Rachel Hatch

Ryan Baron, Best Best & Krieger LLP

Newmie Wilson, Hammawi Council, Pit River Tribe

Renee Gemmill, Pit River Tribe

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PROCEDINGS

10:03 a.m.

FRIDAY, DECEMBER 19, 2025

(Whereupon an introduction video is played and not transcribed.)

6 CHAIR HOCHSCHILD: Good morning and welcome
7 friends. I'm David Hochschild, Chair of the California
8 Energy Commission. Today is December 19th. I call this
9 meeting to order.

10 Joining me are Commissioner McAllister,
11 Commissioner Skinner, and Commissioner Gallardo. Vice
12 Chair Gunda is in a meeting with the Governor's Office and
13 will join us shortly.

14 Let's begin by standing for the Pledge of
15 Allegiance.

16 (The Pledge of Allegiance is recited in unison.)

17 CHAIR HOCHSCHILD: We will begin with public
18 comment and then move on to agency announcements.

19 MR. YOUNG: Good morning and welcome. This is
20 Ryan Young, the Energy Commission's Deputy Public Advisor.

21 The Commission welcomes public comment at its
22 business meetings. There are going to be multiple
23 opportunities for public comment today. This initial
24 public comment period is for any informational or non-
25 voting items on the agenda. If you'd like to make a

1 comment on a voting item, we're going to ask that you wait
2 for the dedicated public comment period for that item to
3 make your comment.

4 Now for instructions on how to notify us if you'd
5 like to make a comment at this time. If you are in the
6 room, please use the QR code posted in the back or visit
7 the Public Advisor table in the back of the room. If you
8 are on Zoom, you're going to click on the raised hand icon
9 on your screen. And if you're joining by phone, please
10 press star nine to let us know you'd like to make a
11 comment.

12 Now to ensure we can hear from everyone and get
13 through the agenda, comments will be limited to three
14 minutes or less, and you'll be called upon when it's your
15 time to make your comment.

16 We're going to start with people in the room.
17 Seeing no comments for Item 3, we are going to look on the
18 Zoom.

19 Katy Morsony, we're going to unmute your line.
20 Please state and spell your name for the record, and we
21 welcome your public comment.

22 MS. MORSONY: Good morning. This is Katy
23 Morsony. Can you hear me?

24 MR. YOUNG: We can. Thank you.

25 MS. MORSONY: Thank you. Again, my name is Katy

1 Morsony, M-O-R-S-O-N-Y. I am here today on behalf of the
2 California Community Choice Association. Cal-CCA
3 represents 24 member CCAs serving the generation needs of
4 15 million Californians.

5 And I wanted to share today some of Cal-CCA's
6 positions on the 2025 IEPR Forecast that are not on the
7 agenda, but there's going to be a tremendous amount of
8 additional data synthesization over the next month and work
9 on these. And Cal-CCA wants to urge the CEC to consider
10 how each of these forecasts is going to be used and tailor
11 the forecast in the 2025 IEPR based on the use case.

12 Among other purposes, the Planning Forecast will
13 be used to develop near-term RA compliance requirements for
14 each LSE, while the Local Reliability Forecast will provide
15 an additional conservative estimate to inform long-term
16 infrastructure planning. Each forecast should rely on the
17 assumptions that are most consistent with the use of that
18 forecast.

19 Adding loads to the Planning Forecast will
20 increase RA requirements and increase RA cost, which will
21 mean higher energy costs for customers. To protect against
22 unnecessary cost pressures, the Planning Forecast should
23 reflect the best estimate of demand and rely only on more
24 certain data.

25 The CEC is considering incorporating known loads

1 into the Planning Forecast. Cal-CCA opposes this change.
2 There is significant uncertainty in known loads, including
3 the timing of the load. Further, there has been limited
4 opportunity for stakeholders to verify the loads included
5 in the known loads forecast, and Cal-CCA members stand by
6 to help with this verification. Including known loads in
7 the Planning Forecast will run the risk of incurring RA
8 costs for loads that may fail to materialize.

9 Similarly, accuracy is paramount for data center
10 load. Data centers will result in load increases specific
11 to the LSE that will be serving that facility. To the
12 extent that speculative load increases, which lacks
13 sufficient information to allocate the load to a specific
14 LSE, are included in the Planning Forecast, you risk
15 subsidization of the RA requirements resulting from that
16 new data center. Even when the load can be allocated to
17 this specific LSE, if the load never materializes, the LSE
18 would still incur increased RA costs, which would have to
19 be paid for by its existing customers.

20 But the good news is, is that the forecasts are
21 updated annually. Limiting uncertain load growth in the
22 Planning Forecast does not limit the state's ability to
23 consider and plan for more uncertain load in the long term.
24 Meanwhile, customers are protected from unnecessary near-
25 term rate increases resulting from procurement requirements

1 for load that has not yet materialized.

2 Cal-CCA will be filing comments on these and
3 other issues related to the 2025 IEPR later this month, and
4 looks forward to continuing to partner with you, the CEC,
5 in 2026.

6 Thank you so much for your time.

7 MR. YOUNG: Thank you for your comment.

8 That's all of our public comments at this time,
9 Chair. Thanks. Back to you.

10 CHAIR HOCHSCHILD: Okay, we'll turn now to agency
11 announcements.

12 And I just wanted to begin by acknowledging what
13 a challenging year 2025 has been across many, many sectors
14 of our state and many of the issues we're working on. So
15 just my gratitude to all my colleagues and the staff at CEC
16 and all the stakeholders for persevering through many
17 challenges. And I just wanted to wish everyone, as well, a
18 happy holiday.

19 This is our last meeting of 2025. We will be
20 seeking approval of approximately \$3 million in investments
21 today contributing to California's economy.

22 And with that, let me just open it up to see if
23 any of my colleagues have any other agency announcements?

24 If not, we'll turn next to Item 3, Consent
25 Calendar.

1 Any public comment on Item 3?

2 MR. YOUNG: Thank you.

3 The Commission now welcomes public comment on
4 Item 3. Again, to notify us that you'd like to make a
5 comment, please use the QR code in the back or visit the
6 Public Advisor table in the back of the room. If you are
7 on Zoom, please click the raise hand feature on your
8 screen. And if you're joining us by phone, please press
9 star nine.

10 Seeing no comments on this item in the room, I'm
11 going to turn to Zoom.

12 That concludes public comment on this item.

13 CHAIR HOCHSCHILD: Okay, unless there's any
14 Commissioner discussion on Item 3, I'd welcome a motion
15 from Commissioner Gallardo on Item 3.

16 COMMISSIONER GALLARDO: I move to approve Item 3.

17 COMMISSIONER MCALLISTER: Is there a second from
18 Commissioner McAllister?

19 COMMISSIONER MCALLISTER: Second.

20 CHAIR HOCHSCHILD: All in favor say aye.

21 Commissioner Gallardo?

22 COMMISSIONER GALLARDO: Aye.

23 CHAIR HOCHSCHILD: Commissioner McAllister?

24 COMMISSIONER MCALLISTER: Aye.

25 CHAIR HOCHSCHILD: Commissioner Skinner?

1 COMMISSIONER SKINNER: Aye.

2 CHAIR HOCHSCHILD: And I vote aye as well. Vice
3 Chair Gunda is absent. That's this item passes four to
4 zero.

5 We will turn next to Item 4, Information Item -
6 the San Francisco Bay -- San Francisco Bay Area Emergency
7 Transportation -- San Francisco Bay Area Water Emergency
8 Transportation Authority.

9 And I welcome Seamus Murphy and Lauren Gularde to
10 present.

11 MR. MURPHY: Yeah, thank you, Chair Hochschild.
12 Seamus Murphy, Executive Director at San Francisco Bay
13 Ferry. Thanks for the opportunity to talk a little bit
14 about our REEF Program, our Rapid Electric Emission-Free
15 Ferry Program. We're looking to be the first in the
16 country to operate zero-emission ferries. I'll give you a
17 little bit of context around that.

18 Next slide, please.

19 So our agency, first, is we operate the Bay
20 Area's ferry service. We have a board of directors
21 appointed by the governor and the legislature. We're also
22 tasked with operating a ferry service in the case of an
23 emergency. If bridges or our other transit systems are
24 down, we can provide evacuation services, bring in first
25 responders where they need to be.

1 We have a growing ridership. We're the fastest
2 growing transit system in the region before the pandemic.
3 We've been the fastest system to recover in terms of
4 ridership. And our decarbonization program is very much
5 geared towards maintaining that.

6 Next slide, please.

7 Here's how our ridership compares with some of
8 the other services in the Bay Area that had similar
9 ridership demographics prior to the pandemic. We've made a
10 concerted effort to bring our service back. We did
11 reinvent it, operate it at different times to reflect
12 evolving travel patterns. We lowered our fares to make
13 sure that we're aligned with other transit modes operating
14 in the same corridor. And that's really been successful in
15 bringing riders back to the system.

16 Next slide.

17 The REEF Program is our effort to decarbonize our
18 service. It's our effort to comply with CARB requirements
19 so that we can make sure that we're doing our best to
20 really reduce carbon emissions on our service and
21 maintaining our services for the riders that depend on it
22 so that there aren't any compromises in terms of frequency
23 or travel time.

24 Next slide.

25 There are just some of the driving factors behind

1 this, this effort. There are the regulatory factors. We
2 do need to comply with those. I think of all the transit
3 modes, travel modes, maritime is probably the most behind
4 in terms of decarbonizing in the U.S. We're making great
5 progress with electrified rail, buses, even private
6 automobiles, but maritime progress has been very slow
7 compared to the rest of the world. We've seen what's
8 happening in Scandinavian countries, in New Zealand, in
9 Australia and other parts of the world. And we know we can
10 do that here.

11 There's been some challenges associated with the
12 weight of batteries and the very high speeds that our
13 ferries operate at. For a long time, we thought it
14 wouldn't be possible. But the energy density of the
15 batteries, the evolution of this technology has finally
16 progressed to the point where we can operate a ferry at 27
17 knots, maintain the charge for the amount of time that we
18 need to complete our trip, rapidly recharge that vessel in
19 order to maintain frequencies and then continue to operate
20 the service.

21 That evolution is very new. We didn't wait very
22 long before we saw it in Norway just in 2022 with your
23 former peer, Patty Monahan, who was there on a trip with
24 us. We saw a vessel that was designed to achieve those
25 outcomes. We hired the system integrator that was

1 responsible for designing that vessel. And they've been
2 hard at work helping to put together the pieces for our
3 REEF Program.

4 Some other driving factors. We know that ferry
5 service is one of the more polluting transit modes that you
6 can use. Other systems are cleaning -- other modes are
7 cleaning up their services. We're competing for scarce
8 operating funds in our region and around the state. And we
9 don't want to be the most polluting transit option or
10 travel option that people have. We know we need to
11 decarbonize for a number of reasons. And that is certainly
12 one of them.

13 It's also an expansion strategy for us. We have
14 waterfront development around the region that is growing
15 very rapidly on Treasure Island and Mission Bay, the two
16 fastest growing neighborhoods in the San Francisco Bay
17 Area. Those neighborhoods, those developments don't work
18 unless water transit is a part of the congestion-reducing
19 mode split strategy. And so we need to operate those
20 services. Those are less than three nautical miles. And
21 under the CARB requirements, anything less than three
22 nautical miles needs to be zero-emission. So that's where
23 we started our program.

24 Lastly, the environmental justice opportunity
25 here is a real one. All of our terminals are in areas that

1 would certainly qualify as an environmental justice
2 opportunity. And we are looking to clean up our services
3 in those areas for that reason specifically.

4 You can see here in 2050, our long-term plan has
5 us growing from 18 to 35 vessels, to 21 terminals. And
6 hopefully we will serve many millions more riders. Ferry
7 service in San Francisco served 60 million riders at one
8 point before BART and the bridges were built, so there's a
9 lot of room for growth here.

10 Next slide, please.

11 We do have an approved plan from CARB, an
12 alternative compliance plan with CARB. The CARB
13 requirements actually, with the exception of the three
14 nautical mile rule, don't require ferry service or harbor
15 craft to go to zero-emissions. We need to go to Tier 4
16 diesel engines with diesel particulate filters. The
17 ferries that we operate today, which are the cleanest
18 diesel ferries in the country, don't have room in the hull
19 for those diesel particulate filters. That evolution is
20 happening very rapidly as well, but we haven't gotten to
21 the point where we can fit those filters.

22 And so in exchange for continuing to operate
23 those diesel vessels, which are very new, without a diesel
24 particulate filter, we have put together a plan and a
25 strategy for decarbonizing about half of our fleet, and

1 that is the REEF Program.

2 Next slide, please.

3 You can see here that we would need to repower or
4 replace about 90 percent of our fleet if it wasn't for this
5 alternative compliance plan. So it is by far the most
6 economical way to go about this and also the way that
7 pushes the envelope from a technology perspective. And
8 hopefully we'll create some economies of scale for others
9 in the industry to be able to take advantage of this same
10 strategy.

11 Next slide, please.

12 We have a phased program, starting again with
13 our shortest routes. These are new routes in Phase 1,
14 Treasure Island to the ferry building, Mission Bay to the
15 ferry building. These are 9,000 new housing units on
16 Treasure Island. OpenAI is gobbling up just about as much
17 commercial real estate as they can in the Mission Bay area.
18 We have Visa with their new headquarters in that area.
19 There's strong demand for water transit services in Phase
20 1, and our first vessels will serve this first phase.

21 Phase 2 is transbay routes. We operate these
22 routes currently. A little more challenging to implement
23 from a technology standpoint, but because of the energy
24 density of the batteries and the rapid charging evolution,
25 we're able to do that.

1 Phase 3, longer distance routes to Richmond and
2 Harbor Bay and South San Francisco. This is in the
3 neighborhood of 13 nautical miles. It gets a little bit
4 more challenging, but it can be done with existing
5 technology.

6 Phase 4, we don't have the answers yet for Phase
7 4, but I'll conclude with some ideas about how we can
8 tackle that problem.

9 Next slide, please.

10 To have our full build in place, we would need 6
11 large vessels, new and converted, 10 new and converted
12 medium vessels, all battery-electric, 5 new, small vessels,
13 and then 12 new charging floats.

14 Next slide.

15 We've raised enough funding, competed
16 successfully for grants at the regional, state, federal
17 level to complete about one and a half phases of our
18 program. Thank you for your contribution to this. We have
19 CEC funding for our Harbor Bay Terminal. Looking forward
20 to putting that to use soon.

21 Next slide, please.

22 That funding is going to support the construction
23 of three 150-passenger vessels. Those will serve the Phase
24 1 routes. They're under construction right now in
25 Bellingham, Washington at All American Marine. The two

1 400-passenger vessels are also fully funded. We awarded a
2 contract to Nichols Brothers, and those are expected on --
3 the first of those vessels is expected on the timeline in
4 early 2027. We're converting a 400-passenger vessel to
5 battery-electric propulsion, and looking forward to doing
6 that. That contract award is pending. And then charging
7 floats, our board has awarded a contract to JT Marine to
8 construct up to three charging floats, and I'll go into a
9 little bit more detail about what that includes.

10 Next slide, please.

11 Here's where these vessels will operate and where
12 the floats will exist. Two large vessels that are new will
13 operate on our Seaplane route. This is our fastest growing
14 route. It's also one of our newer services. The small
15 vessels, again, to Mission Bay and Treasure Island. The
16 two new floats will be at Seaplane and at downtown San
17 Francisco, and they'll support the 400-passenger vessel.
18 And then that Hydrus repower is the converted diesel vessel
19 that will operate to Harbor Bay, where the CEC funding is
20 helping us complete landside electrification work at that
21 terminal.

22 Next slide, please.

23 This is a little more about the 150-passenger
24 vessel. Construction, again, has just started, first
25 vessel in Q1 of 2027, second vessel about a year later, and

1 then about six months later, we'll get the third. These do
2 not require the universal charging floats to operate.
3 These vessels will operate successfully charging direct
4 from the grid. We don't need a battery energy storage
5 system to mitigate some of the peak power needs for these
6 vessels. They're lighter and operating on shorter routes.

7 Next slide, please.

8 The 400-passenger vessel will need a universal
9 charging float to be able to operate. It will need to
10 charge on both ends. Charging times are expected to be 5
11 to 10 minutes, so no more than are loading and unloading
12 today, and that's largely because we're able to have the
13 battery energy storage on the floats that trickle charges
14 from the grid overnight when electricity is a little bit
15 more affordable and demand is lower, avoid some of those
16 peak needs, and allow this vessel to operate. The first
17 vessel in 2027, and then second in 2028.

18 Next slide.

19 The floats themselves are here. Besides the
20 battery energy storage that exists on the float, it also is
21 an opportunity to move equipment that would otherwise be on
22 the land side in areas where tourists are active, areas
23 where aesthetics are important. This equipment can be not
24 so aesthetically pleasing, and so moving it to the float is
25 a strategy for us to be able to maintain that, in addition

1 for us to be able to operate the vessels.

2 Next slide, please.

3 We'll use a megawatt charging system, four plugs
4 for the large vessels, two plugs for the smaller 150-
5 passenger vessels, and the -- and the next slide, please --
6 the 8- to 12-minute charging time is very important. The
7 two floats that we're procuring allow us to retrofit
8 existing floats, so we move new floats into Seaplane and
9 Gate G at downtown. That allows us to retrofit those
10 floats that are there now and move those to Harbor Bay and
11 to Mission Bay, so we're getting two -- we're getting four
12 for the price of two, if you will.

13 Next slide, please.

14 This is a breakdown of our battery technology.
15 And this is really important because we're using a
16 technology that is specific to the maritime industry,
17 different from what buses are using that are battery-
18 electric, and this maritime-specific battery has some real
19 advantages.

20 One is the rapid charging advantage. Nothing
21 charges faster than LTO batteries. The lifespan of these
22 batteries is very long, and it's been proven out. These
23 batteries have been in operation in Copenhagen for six
24 years now. They had a projected 14-year lifespan when they
25 started operation there on that ferry system, and they just

1 updated the lifespan. They still have 97 percent of their
2 life left after six years. And that's important because
3 one of the biggest criticisms we hear about battery-
4 electric technology is that you need to replace these very
5 expensive batteries frequently, and that's going to
6 mitigate any savings that you get on the maintenance or the
7 operation side. We're not going to see that with LTO
8 batteries because of the very long lifespan.

9 Added benefit of being the safest batteries from
10 a fire safety standpoint. We've had successful fire
11 suppression tests, two of them now, with these specific
12 batteries, and looking forward to putting them into
13 operation.

14 Next slide, please.

15 This is the importance of our battery energy
16 storage system. The red lines are peak power without
17 batteries. Peak power needs at each of these terminals
18 without batteries. The yellow is what we are able to
19 achieve if we have the battery energy storage on these
20 floats. Obviously, a big need to move forward with that
21 approach.

22 Next slide, please.

23 Biggest challenge I think that we have right now
24 is getting the power to the waterfront, specifically in
25 downtown San Francisco where we need 10 megawatts of new

1 power. We're working with our utilities around the region,
2 but specifically at this terminal, to make sure that we can
3 get a new substation built and get the infrastructure to
4 the waterfront and get the power to the substation. It's a
5 real challenge that I know you all are really familiar
6 with. It's a new one for us. We're becoming more familiar
7 with it. About half of our land-side investment in this
8 program is going to this specific project to get the power
9 to the waterfront in downtown.

10 Next slide, please.

11 This is how the projects will be sequenced. Our
12 biggest fear is that we have vessels delivered and then no
13 way to charge them, so we've made sure that we've focused
14 on getting the schedule in place and getting a reliable
15 schedule for the power to be in place to charge these
16 vessels so that when we -- when the 150-passenger vessel
17 arrives in 2027, we're able to charge it. We're very
18 confident about that. The 400-passenger vessel, when it
19 arrives on the same time frame, will be able to be charged
20 at sea plane. And then shortly after it arrives, the
21 charging will be possible downtown San Francisco.

22 Next slide.

23 And then for those Phase 4 routes that we can't
24 accomplish yet, there's some technologies that we're
25 exploring. I think you all might be familiar with the Sea

1 Change hydrogen ferry, first in the world. That's a
2 passenger-only ferry powered 100 percent by hydrogen. We
3 demonstrated this technology for six months last year
4 successfully. We're able to operate this.

5 The biggest drawback that we found is just the
6 supply chain of hydrogen and the cost variability of the
7 technology. We think that that has potential to be
8 addressed. Those challenges are not -- can be overcome.
9 But for right now, hydrogen does have those barriers.

10 Full foiling vessels, that's another opportunity
11 that we're looking into. We may very well end up
12 demonstrating a vessel that uses this technology. The
13 potential is reducing the energy demand by as much as 80
14 percent. And so, obviously, less need to bring more power
15 to the waterfront, less need for as many batteries at the
16 terminals. That's all music to our ears if that technology
17 can be proven out.

18 With that, that concludes my presentation. Happy
19 to answer any questions.

20 CHAIR HOCHSCHILD: Great. Well, thank you so
21 much, Seamus. And congratulations to you and to Lauren,
22 your whole team. This is a milestone project.

23 I just want to share, I didn't know battery-
24 electric ferries were a thing until I was in Norway two
25 years ago or so, three years ago, on a delegation, and got

1 on one of these. So Norway has 82 of these battery-
2 electric ferries, full-size commercial ferries. It takes
3 seven minutes for the passengers to disembark and the next
4 group to get on. And the ferry fully recharges in that
5 time with this automatic fast docking charging arm, and
6 it's quiet and clean.

7 And, you know, I'm just really, really encouraged
8 that we're doing this now here in California. This will be
9 the first fleet of battery-electric ferries in North
10 America; correct? And they're now in construction in
11 Washington State; right?

12 So I just wanted to really congratulate you, and
13 to the Energy Commission team who helped support the work
14 on the chargers. I think this is a major milestone and
15 we're seeing, yet again, as we get to these higher and
16 higher clean energy levels where, you know, over two-thirds
17 of our electricity now are coming from clean sources, that
18 extending that reach of that clean electricity to all these
19 end uses that we weren't even contemplating, you know, a
20 few years ago. The school bus fleets being electric and so
21 on. So this is just a really exciting and compelling
22 project. I want to congratulate you.

23 And let me pass it to Commissioner Skinner next.

24 COMMISSIONER SKINNER: Thank you, Chair, and
25 thank you for the presentation that's updating on this

1 exciting development. We, the CEC, provided funding to a
2 variety of entities, including the San Francisco Ferry
3 Authority, to prepare blueprints. And it was in that
4 blueprint that the authority laid out the plans for moving
5 to electric ferry service and what type of charging
6 infrastructure they would need. So now we're in the
7 process of opening up an ability to potentially fund some
8 of those blueprints. So we'll see how all that goes.

9 But beyond the brilliance of being the first in
10 the nation and the most expansive electric ferry service --
11 oh, put this up, okay, sorry -- first in the nation ferry
12 service, electric, these were diesel powered, as you
13 pointed out and, of course, the air emissions related to
14 diesel use. But in a marine environment, there's also the
15 implications to that diesel use within the marine
16 environment. So we're getting a double whammy in terms of
17 improvement from a pollution point of view when we go
18 electric for marine applications.

19 So it is very, very exciting and really
20 appreciate it.

21 CHAIR HOCHSCHILD: Yeah, Commissioner Gallardo,
22 please.

23 COMMISSIONER GALLARDO: Thank you so much for the
24 presentation. I agree with Commissioner Skinner on the
25 impact to the environment, and also the noise pollution

1 diesel ferries create. I was at Lake Havasu visiting the
2 Chemehuevi Tribe and they run a ferry service. And when we
3 told them about this possibility of an electric ferry, they
4 got really excited and said that would make such a big
5 difference for all of these reasons. So it's really
6 helpful to hear more details about what you're working on.

7 I do have a question. You mentioned that
8 maritime is slower to get to electric in the United States,
9 I believe you said. And do you have any reasons for that?
10 Are you aware of why that would be? And then I heard you
11 say later that these areas are usually disadvantaged
12 communities, and then that made me wonder is it because of
13 the lack of resources in those areas or the
14 underinvestment? So maybe two questions or maybe one.

15 MR. MURPHY: Yeah.

16 COMMISSIONER GALLARDO: Thank you.

17 MR. MURPHY: I think most of it has to do with
18 investment and we just haven't prioritized this type of
19 investment. We didn't have a federal program that focused
20 on zero and low emission ferries until very recently, so
21 that's helped. The cap and trade funding, the greenhouse
22 gas reduction funding in the state has absolutely helped
23 and we've taken advantage of TIRCP opportunities that have
24 really helped make our program work.

25 I think without those investments and those

1 priorities, we just haven't had that incentive in this
2 country. And they have prioritized it in other countries,
3 as the Chair said, especially in Norway, where they had one
4 zero-emission ferry in 2015 and they have over 100 now. So
5 it can happen very fast when it is prioritized and we hope
6 that we can be a part of it happening here.

7 CHAIR HOCHSCHILD: And one other question. I had
8 a meeting with the Swedish government and they took me on,
9 I think it was Candela, the company. So it says electric
10 ferry, but it rides on these foils. So you get up to speed
11 and the whole ferry is above the water. And interestingly,
12 even though in rough water, it's a totally smooth ride
13 because you're above the waves. Is something like that
14 coming to the Bay or anywhere else in the U.S.?

15 MR. MURPHY: We're looking into it. So there
16 are.

17 CHAIR HOCHSCHILD: Okay.

18 MR. MURPHY: So there is a boat builder that
19 builds full foil boats, six-passenger, smaller size,
20 nothing that would work for a mass transit system like
21 ours, but they're gradually getting bigger. There's a
22 company, Candela, obviously, has a 40-passenger that
23 they've been introducing around the world. We have the
24 Jones Act in the United States. So any ferry that we
25 operate needs to be built in the U.S. We can't operate a

1 ferry that's built anywhere outside the U.S. We're
2 encouraging, just like we've encouraged battery
3 manufacturers to come to this country and build batteries
4 here so that we can take advantage of that technology. And
5 we've been -- we successfully have two of them now that
6 have moved from Scandinavia to Washington state to build
7 batteries.

8 We're encouraging these vessel designers and
9 builders to do the same. And we're starting to see that
10 happen. There's a company called Artemis that is
11 affiliated with the America's Cup racing team in Belfast.
12 They have 150-passenger version of that Candela vessel that
13 you saw that will be introduced very soon. It's under
14 construction in Belfast, and hopefully we'll have some
15 under construction here in the near future.

16 CHAIR HOCHSCHILD: Great, look forward to that.

17 Commissioner McAllister?

18 COMMISSIONER MCALLISTER: Just briefly, I want to
19 say thanks, Seamus, Lauren and the whole team at the
20 authority. Thanks for the preview we got earlier this
21 week. And I don't have a lot to add just other than how
22 proud, well two things really, just proud that this is
23 happening in California. And we're really sort of the tip
24 of the spear in making -- and you are leading this
25 conversation and really pushing on market transformation in

1 a number of areas, the boats themselves, particularly
2 excited about a new battery technology that just has
3 amazing characteristics in terms of longevity and cycle
4 life and depth of discharge and weight, you know, and power
5 density. So really appreciate just all you're doing and
6 the vision, the strategic planning and the vision to
7 implement all this and be the first and take that, you
8 know, which is a risk; right? So just really appreciate
9 the leadership and the vision.

10 And I think the Bay Area is exactly the right
11 place to learn the right lessons of how to scale. So
12 really looking forward to keeping in touch on how it's
13 going. Thanks.

14 CHAIR HOCHSCHILD: Great. Thank you so much.
15 Congratulations.

16 We'll turn next to Item 5, Renewable Portfolio
17 Standard Eligibility Guidebook Docket.

18 And I welcome Yosef Saeed to present.

19 MR. SAEED: Good morning, Chair Hochschild and
20 Commissioners. My name is Yosef Saeed. I'm the Supervisor
21 for the Renewables Portfolio Standard in the Siting,
22 Environmental Protection Division. Today, staff are
23 presenting the 10th Edition of the RPS Eligibility
24 Guidebook for consideration of adoption.

25 Next slide, please.

1 The Renewables Portfolio Standard, or RPS, is a
2 state mandate requiring California's electric load-serving
3 entities to procure renewable energy to serve their
4 customers. The amount and procurement targets for each
5 entity are proportional to their retail sales measured in
6 megawatt hours. These targets progressively increase over
7 time with the current requirements set in Senate Bill 100
8 as 60 percent renewable electricity by 2030 and beyond.
9 Beyond 2030, California's goal is to reach 100 percent
10 clean electricity by 2045 with RPS representing 60 percent
11 of that achievement.

12 Next slide, please.

13 As mentioned, today we are seeking approval of a
14 new addition to the RPS Eligibility Guidebook. The
15 guidebook is the document containing definitions and
16 requirements for the eligibility of renewable resources for
17 California's RPS. It also outlines facility certification
18 requirements and annual reporting requirements for both
19 generating facilities and electric load-serving entities.

20 The guidebook was first created in 2004 and is
21 updated periodically to reflect statutory and/or regulatory
22 or market changes. It's currently on the 9th edition. To
23 develop the 10th Edition Guidebook, which is presented
24 today, staff conducted a robust stakeholder process. Staff
25 first published an initial proposed scope of updates in

1 October 2024. A public comment period was held, which
2 received 15 written comments. We then held a public
3 scoping meeting in May 2025 and received 30 written
4 comments. After that, we released the first draft of the
5 10th Edition Guidebook in September and held a public
6 workshop the following month in October. We received 18
7 written comments following that workshop.

8 Now in December, we present a revised draft of
9 the guidebook at the business meeting for consideration.
10 If adopted, it will become the final version of the 10th
11 Edition Guidebook.

12 Next slide, please.

13 I'd now like to highlight some of the key updates
14 being made in this new guidebook edition. The most
15 significant is related to energy storage.

16 With the evolution of the market, the pairing of
17 energy storage with renewable resources in recent years
18 raised questions on how round-trip efficiency losses would
19 be handled for paired storage in terms of REC accounting
20 for the RPS. We've updated the language in this area to
21 provide clear guidance that for paired renewables plus
22 storage, or the storage device is separate from the RPS
23 resource, the round-trip efficiency losses of the storage
24 device will not reduce the amount of RECs the resource is
25 eligible for. This is in alignment with what we have heard

1 from stakeholders and was significantly vetted.

2 We have added a new resource, linear generators,
3 as eligible to participate in RPS. This was added per
4 Assembly Bill 1921, which passed last year, and linear
5 generators will be eligible when using eligible fuels.

6 We are also updating our guidance to align our
7 metering requirements with the current industry and
8 national standards, as well as to allow the use of DC
9 meters for reporting generation for RPS. To the best of
10 our knowledge, this will be the first RPS program in the
11 nation to provide guidance on allowed DC meter use.

12 We are also updating the guidebook to respond to
13 market evolution by describing how existing RPS eligibility
14 requirements apply to facilities located offshore. This
15 language will help ensure the RPS program provides clear
16 regulatory certainty for when an offshore facility, such as
17 offshore wind, applies for the program.

18 Lastly, the guidebook includes updated reporting
19 criteria for load-serving entities, as well as several
20 minor administrative clarifications to improve processes
21 for facility certification and verification of procurement
22 claims.

23 Next slide, please.

24 In terms of benefits to Californians, an updated
25 guidebook will support our goal of 100 percent clean

1 electricity by 2045, ensuring the rules of the RPS program
2 are well understood for both market participants and load-
3 serving entities and reflects the most current state of the
4 market.

5 These updates also support California's grid
6 reliability and resiliency by providing clear guidance for
7 the pairing of renewable resources with energy storage.

8 Lastly, the updated guidebook ensures that our
9 rules reflect California's latest statutory and regulatory
10 requirements.

11 Next slide, please.

12 To conclude, staff today recommend the Commission
13 adopt a determination that the RPS Eligibility Guidebook
14 10th Edition is exempt from CEQA and approve the adoption
15 of the RPS Eligibility Guidebook.

16 With that, I'd like to thank the entire RPS staff
17 for their hard work and dedication to developing this
18 guidebook, as well as Chief Counsel's Office and
19 Commissioner Gallardo and her office for their consistent
20 guidance throughout this process.

21 Thank you for your time and I'm happy to answer
22 any questions.

23 Thank you.

24 CHAIR HOCHSCHILD: Thank you.

25 Let's turn to public comment on Item 5.

1 MR. YOUNG: Thank you, Chair. This is Ryan
2 Young, Deputy Public Advisor.

3 The Commission now welcomes public comment on
4 Item 5. To notify us that you'd like to make a comment and
5 that you're in the room, please use the QR code posted in
6 the back or visit the Public Advisor table in the back of
7 the room. If the Public Advisor table could raise your
8 hand so folks can see you? Thank you very much. If you're
9 on Zoom, please click the raised hand feature on your
10 screen. And if you're joining by phone, please press star
11 nine.

12 We're going to start with folks in the room.
13 Charles Watson, please approach the podium. You're going
14 to be followed by Catherine Larson. Charles, please state
15 and spell your name for the record and we welcome your
16 public comment.

17 MR. WATSON: Good morning. Charles Watson,
18 C-H-A-R-L-E-S W-A-T-S-O-N, on behalf of Mainspring Energy.
19 Mainspring is a California-based manufacturer of linear
20 generators which deliver local power that is fuel flexible
21 and dispatchable.

22 We strongly support the goals of the RPS and of
23 today's proposal, including the updates pursuant to AB
24 1921. We appreciate the CEC advancing technology parity
25 within the RPS Program by explicitly recognizing linear

1 generators using renewable fuels as an eligible technology.
2 This update establishes a level playing field for both
3 linear generators and fuel cells by applying the same
4 eligibility and compliance requirements across
5 technologies.

6 For these reasons, we urge approval and thank
7 staff for all their work. Thank you.

8 MR. YOUNG: Mrs. Larson, please approach the
9 podium. State and spell your name for the record and we
10 welcome your public comment.

11 MS. LARSON: Good morning, Chair Hochschild and
12 Commissioners. My name is Katharine Larson, that's
13 K-A-T-H-A-R-I-N-E L-A-R-S-O-N, and I'm with SMUD.

14 SMUD would like to thank CEC staff for their
15 efforts on revising this edition of the RPS Guidebook.
16 There are a number of helpful clarifications and revisions
17 in this update before you today, things like revising
18 pseudo-tie reporting, clarifying battery storage loss
19 accounting, and also clarifying the biomethane procurement
20 requirements that together will improve RPS implementation,
21 promote consistency, and just generally provide much
22 better, clearer guidance to stakeholders.

23 We also want to thank staff for the very clear,
24 structured public process they conducted as part of this
25 update. It was really helpful for our own planning

1 processes to know up front what steps were coming and when,
2 so we really appreciated that attention.

3 We look forward to more regular future updates of
4 the guidebook and we would support adoption of this item
5 today.

6 Thank you.

7 MR. YOUNG: Thank you.

8 Tim Kamermayer, please approach the podium.
9 State and spell your name for the record and we welcome
10 your comment.

11 MR. KAMERMAYER: Thank you. Good morning. Tim
12 Kammermayer, T-I-M for Tim, and last one's a doozy,
13 Kamermayer, K-A-M-E-R-M-A-Y-E-R. Good morning, Chair
14 Hochschild and Commissioners. My name is Tim Kamermayer,
15 I've noted. I'm the Director of Policy and Regulatory
16 Affairs for the Green Hydrogen Coalition, a 501(C) (3)
17 nonprofit dedicated to the thoughtful advancement of
18 renewable hydrogen.

19 Members, I want to start by saying thank you so
20 much for the work you've done with the guidebook. This has
21 been an incredibly helpful and, I would say, comprehensive
22 experience. I want to say, again, thank you to the staff,
23 as well, for not only taking the comments of the Green
24 Hydrogen Coalition, but specifically incorporating linear
25 generators. Their fuel switching technologies and their

1 ability to use zero-emission resources makes them a
2 tremendous pathway and they use green hydrogen. So of
3 course, my organization is a big fan.

4 With that, Members, the second thing I want to
5 note with that is as you heard from the presentation in
6 Item 3, hydrogen as a zero-emission fuel is possible, but
7 supply is challenging. At the GHC, we say electrify
8 everything, and what can't be electrified, let's use some
9 green hydrogen and renewable energy pathways.

10 To that end, we would note that because the
11 supply is an issue, there are ways that the guidebook can
12 be improved, such as allowing renewable hydrogen as an RPS-
13 eligible fuel in turbines as a way to really scale that
14 deployment and development. That is something that we have
15 shared with the staff and during the Commission, and we
16 understand that the Commission said that they really would
17 prefer to have legislative guidance. With that, I want to
18 say thank you for working on that issue and providing that
19 kind of feedback on what needs to be taken care of.

20 Members, I just want to state that renewable
21 hydrogen, while it has had a very tough year with the
22 federal headwinds, has the opportunity to not only create a
23 decarbonized economy for us, but also to take care of the
24 hard-to-abate hubs, hard-to-abate areas -- I like to call
25 them the hard-to-abate hubs -- but we need to find a way to

1 tackle these areas. To do that, we have to think of
2 thoughtful, smart ways to scale hydrogen production, as
3 supply is the issue that everyone says.

4 With 45V coming down the window, and we know that
5 there is a two-year decrease in time when the resources
6 have to be shovel-ready, same with wind and solar, which
7 are also now dealing with time constraints, this is the
8 perfect opportunity for the Commission to think of ways to
9 deploy renewable hydrogen in 2026 that sends a market
10 signal to developers and producers that we still want this
11 in our state. And if you look at the CARB Scoping Plan, it
12 is pretty clear we do.

13 So thank you, members, for this opportunity. We
14 look forward to working with you in the new year on your
15 new revisions and this process for trying to create
16 additional changes to the guidebook as they come about.

17 Thank you.

18 MR. YOUNG: Thank you.

19 I am now going to turn to Zoom. I am first going
20 to welcome Elisabeth de Jong, and then Priscilla Quiroz.

21 Elisabeth, I'm opening your line. Please unmute
22 on your end, spell your name, state any affiliation, and we
23 welcome your public comment.

24 MS. DE JONG: Hello. Thank you. Good morning.
25 My name is Elisabeth de Jong, that's spelled

1 E-L-I-S-A-B-E-T-H D-E space J-O-N-G. I apologize for not
2 being able to join you and give these comments in-person
3 today. I am here on behalf of the Southern California
4 Public Power Authority, known as SCPPA, a joint powers
5 authority with 12 local publicly owned electric utility
6 members. We appreciate the CEC's time and effort that has
7 gone into updating the RPS Guidebook, especially the
8 coordination and communication with the POU community.

9 Some SCPPA members are moving forward with
10 hydrogen projects and are leaders in doing so, which is
11 needed to meet SB 100 goals. We want to ensure that the
12 state regulations don't stifle progress and that clean
13 hydrogen-based generation should not be disadvantaged
14 compared to other resources. We understand that this was
15 not something the CEC was able to address in this RPS
16 Guidebook update, but we hope to work with you so that the
17 CEC can address this quickly in a future update to the
18 guidebook to support the market that our members are
19 investing in. And for that reason, we are grateful that
20 you've announced an interest in completing additional
21 updates sooner rather than later.

22 That is all I have. So thank you for your time
23 and for the ongoing and future conversations that we will
24 have. I wish you all the happy holidays.

25 MR. YOUNG: Thank you so much.

1 Priscilla Quiroz, I am opening your line. Please
2 spell your name and state an affiliation and we welcome
3 your public comment. Make sure to unmute on your end.
4 Thank you.

5 MS. QUIROZ: Hello. Good morning. Priscilla
6 Quiroz, that's spelled P-R-I-S-C-I-L-L-A, and last name is
7 Q-U-I-R-O-Z. So good morning. My name is Priscilla
8 Quiroz. I'm here on behalf of the California Municipal
9 Utilities Association, CMUA, representing 85 publicly-owned
10 electric, gas, water, and wastewater utilities statewide.
11 We're proud today to support the updates that were made to
12 the RPS Guidebook.

13 We really appreciate the California Energy
14 Commission's collaboration and their consideration of
15 several of our recommendations outlined in our comment
16 letter. We especially appreciate Commissioner Gallardo's
17 comments during the October workshop, noting that the
18 Commission's goal is to update the guidebook more
19 frequently. We strongly support this approach and look
20 forward to continue to collaborate with the CEC as the
21 guidebook evolves.

22 So for these reasons, CMUA respectfully urges the
23 Commission to adopt the 10th Edition RPS Guidebook.

24 Thank you so much.

25 MR. YOUNG: Thank you.

1 I'd next like to welcome Susan Schneider. Susan,
2 I'm going to unmute your line. Please unmute on your end,
3 state and spell your name for the record, and we welcome
4 your public comment.

5 MS. SCHNEIDER: Thank you. My name is Susan
6 Schneider, S-U-S-A-N S-C-H-N-E-I-D-E-R, and I'm
7 representing the Large Scale Solar Association today, or
8 LSA. LSA's many members are responsible for developing a
9 large portion of the solar capacity in California, and
10 particularly in the California ISO, or the CAISO, balancing
11 authority area.

12 I want to thank the CEC staff for their hard work
13 revising the RPS Guidebook, and we were actively involved
14 in the revision process. Markets evolved significantly
15 since the 2017 update, and the revisions in this version
16 were urgently needed to accommodate today's new project
17 structures.

18 Our interest here is focused primarily on mixed-
19 fuel resources, mainly solar and energy storage combined in
20 a single project. These projects are highly cost-effective
21 since the complementary solar and storage profiles allow
22 them to share interconnection capacity at the point of
23 interconnection instead of having to build the maximum
24 interconnection capacity for each separately.

25 The new guidebook recognizes that in this

1 structure, the solar and storage capacity effectively
2 function as separate projects when needed separately.
3 Thus, the guidebook clarifies that though some of the solar
4 energy may physically flow into the storage before hitting
5 the electrical grid, round-trip losses, the losses occurred
6 through cycling the solar energy into the storage before it
7 hits the grid, need not be subtracted from the solar
8 production for REC reporting purposes. In other words, the
9 solar capacity gets full REC credit for all of its energy
10 generated.

11 However, the new guidebook is less clear about
12 the treatment of round-trip losses when the solar and
13 storage capacity have the same CAISO meter, so they are
14 scheduled and settled together. Storage in this
15 arrangement seems to be identified in the guidebook as an
16 enhancement or addition, even when the storage was planned
17 and built together with the solar capacity, and the
18 guidebook may require subtraction of round-trip losses if
19 the combined capacity shares a meter, quote, "for CEC or
20 WREGIS reporting purposes." The CAISO meter is not
21 mentioned specifically, though it is usually used for those
22 reporting purposes.

23 That raises questions about whether an owner
24 could meter the solar capacity separately for CEC or WREGIS
25 reporting purposes to avoid subtraction of round-trip

1 losses, but still use a combined meter for CAISO scheduling
2 and settlement. The two different capacity types would
3 largely operate the same as if they had separate CAISO
4 meters, and so that makes sense.

5 So our main ask here is that the guidebook
6 clarify that subtraction of round-trip losses could be
7 avoided through separate metering of the solar capacity for
8 CEC or WREGIS purposes while allowing a combined meter for
9 CAISO scheduling and settlement. If that's not possible,
10 then we ask that the separate document that's intended to
11 include different project configurations for guidance to
12 project developers provide some clarity on this point.

13 That concludes my comments. I'll be happy to
14 answer any questions that any of you might have on this.

15 MR. YOUNG: Thank you.

16 Phone number ending in 555, I'm opening your
17 line. Please press star six to unmute on your end, state
18 and spell your name, any affiliation, and we welcome your
19 public comment. And then please press star six to mute
20 when you're done. That's phone number ending in 555.
21 Please unmute on your end, and we welcome your public
22 comment.

23 Chair, I think that concludes public comment for
24 now. Thank you.

25 CHAIR HOCHSCHILD: Okay. Thank you.

1 We'll turn next to Commissioner discussion on
2 Item 5, starting with Commissioner Gallardo.

3 COMMISSIONER GALLARDO: Buenos dias. Good
4 morning, everyone. Sorry I didn't say that at the top
5 earlier.

6 I also want to confess I'm not feeling 100
7 percent today, so you might see me wiping, and I might have
8 to step out a little bit, but this is a very important
9 meeting. We have important matters to vote on, and so I
10 did not want to miss it.

11 I want to thank all the folks who were able to
12 join us to make public comment. It's really helpful to
13 hear, you know, whatever stance you're taking, but it is
14 helpful to hear from the public. So to Mainspring, SMUD,
15 Green Hydrogen Coalition, SCPPA, CMUA, LSA, we really
16 appreciate you joining, whether that was in the room or by
17 Zoom.

18 I also want to give a thank you to Yosef for his
19 presentation today, and for all your leadership, Yosef.
20 And to the -- I just want to acknowledge all the hard work
21 and long hours that you and the entire RPS Team, as well as
22 Josie and the Regulatory and Advisory Unit have put into
23 this 10th Edition of the RPS Eligibility Guidebook.

24 I also want to uplift our Deputy Director Sean
25 Simon and Shannon O'Rourke for overseeing this group.

1 And also a thank you to Vice Chair Gunda for
2 serving as my Associate Commissioner. He and his team,
3 including his advisor Raja, have been wonderful to work
4 with and really helpful with the additional insight that
5 they have provided.

6 So RPS is extremely important. It gives clear
7 and rational guidance to the market. And it's one of the
8 key mechanisms to help us know that we are on our way to
9 achieving our goal of 60 percent renewables by 2030, which
10 will then also help us get to our 100 percent clean energy
11 future, which is our mission here at the Energy Commission.

12 The 9th edition was published in 2017, as Yosef
13 was saying, and while we have made small updates over the
14 years, we have been very excited and eager to get this new
15 edition, as other commenters also noted. And I know it was
16 a very heavy lift to scope out the topics and then to
17 develop the updates, which included collecting feedback
18 from stakeholders and the public, conducting independent
19 research, and developing new language as well. And you all
20 did a tremendous job incorporating the legislative mandates
21 and especially taking into account the new technologies and
22 clarifying several existing provisions, which we heard were
23 also really appreciated by the public.

24 So with that, congratulations to the entire team
25 on this achievement.

1 And for my fellow Commissioners, as well as
2 others who may not be aware, this guidebook is just the
3 beginning. It was eight years since the last edition, but
4 the STEP Division here at the Energy Commission is planning
5 to update this guidebook on a more frequent basis and a
6 regular cadence, so we all know when it will be happening.
7 And it's also important to note that while we couldn't
8 address everything that was of interest to stakeholders in
9 this particular update, there will be plenty of
10 opportunities to address those additional topics in the
11 near future.

12 With that, I encourage approval of this item.

13 CHAIR HOCHSCHILD: Thank you.

14 Commissioner McAllister, do you want to make a
15 comment?

16 COMMISSIONER MCALLISTER: Yes, thanks. I want to
17 acknowledge the leadership of Commissioner Gallardo on
18 this. I know it's been a lot of consultation. I mean, the
19 rejiggering kind of the cadence and the schedule, I think,
20 was a lot of the, really, challenge.

21 And I also want to acknowledge staff, Yosef and
22 the rest of the staff. Really appreciate you and Shannon
23 and the whole team. There's been a lot of iteration, and
24 that's the process that we optimally use for important
25 things like this.

1 I also want to acknowledge the Chief Counsel's
2 Office and just the kind of iteration around legislative
3 interpretation.

4 So as a lead on hydrogen sort of across the
5 Commission, it's sort of, you know, all of our offices
6 really have some finger in the hydrogen pot, but trying to
7 kind of orchestrate a sort of, you know, balanced approach
8 and a sort of egalitarian approach and not picking
9 technologies, I have been asking questions about just the
10 other uses of green hydrogen, you know, as a qualified
11 resource for generation. You know, DWP has built a
12 partially hydrogen-fueled combined cycle project up in
13 Delta, Utah to replace Intermountain Power, which is a
14 combustion project; right?

15 And in terms of technology neutrality, it
16 Does -- you know, I think staff is full aware of this, I'm
17 not telling anyone anything they don't know already, but I
18 think part of the gap here is on hydrogen as 100 percent,
19 you know, clean resource through a combustion pathway to
20 get into the electric grid. It seems like that would be a
21 balanced approach. And I have come to understand that the
22 legislative need there is real and that staff does need
23 some specific direction to expand that.

24 And so I wanted to just kind of bring that up as,
25 you know, part of the driver of doing another update at

1 some point. And I'm not saying, you know, that that's a
2 higher priority resource. You know, combustion has issues,
3 and, you know, we have stakeholders who are very diverse
4 opinions on that. But I do think the process can
5 accommodate those discussions when the time comes. And so
6 wherever we land will be a good place if we give the right
7 process, which I know we will.

8 So I'm really excited about this update and
9 super -- very, very 100 percent supportive. And I want to
10 just again commend all the thoughtfulness at staff and all
11 the stakeholders who commented today and who participated
12 along the way. That's how we get the good outcomes. And
13 that's how we generate the clarity and get the relief, get
14 the sort of relief in the three-dimensional sense of
15 understanding all of the issues that come to play in a
16 complex endeavor like this. So I really appreciate the
17 role of the RPS in helping us meet our carbon-free goals,
18 and I know it will really continue to be a big market
19 driver.

20 So thanks, Commissioner Gallardo, for your
21 leadership again.

22 CHAIR HOCHSCHILD: Did you want to make a
23 comment? Yeah. Please.

24 COMMISSIONER SKINNER: I echo the appreciation
25 for Commissioner Gallardo for this update and for staff's

1 good work on it. Eight years since the last one. Clearly
2 since the RPS was first adopted and the various legislative
3 actions that have updated it, revised it, technologies have
4 changed. Fuels, some fuels, have become more available,
5 some fuels have not perhaps met their promise, but getting
6 it right and getting the details in the update is so
7 important because of our statewide commitment to meeting
8 that RPS. And we don't want to have, we want to make sure
9 that our rules are such that we facilitate these advances
10 and we also support the ability to meet those goals.

11 So I wanted to particularly highlight the work on
12 the linear generators because that was something that
13 probably, at least in the RPS legislation that I worked on,
14 we hadn't even anticipated. So appreciate that update to
15 the guidelines and of course the other work you did, and
16 thank you all for it.

17 CHAIR HOCHSCHILD: Great. With that I'd welcome
18 a motion from Commissioner Gallardo on Item 5.

19 COMMISSIONER GALLARDO: I move to approve Item 5.

20 CHAIR HOCHSCHILD: Is there a second from
21 Commissioner McAllister?

22 COMMISSIONER MCALLISTER: Second.

23 CHAIR HOCHSCHILD: All in favor say aye.

24 Commissioner Gallardo?

25 COMMISSIONER GALLARDO: Aye.

1 CHAIR HOCHSCHILD: Commissioner McAllister?

2 COMMISSIONER MCALLISTER: Aye.

3 CHAIR HOCHSCHILD: Commissioner Skinner?

4 COMMISSIONER SKINNER: Aye.

5 CHAIR HOCHSCHILD: And I vote aye as well. That

6 item passes four to zero.

7 We'll turn next to Item 6, Willow Rock Energy

8 Storage Application for Certification.

9 and I'll welcome our Hearing Officer Renee

10 Webster-Hawkins to present from the dais and preside over

11 this public hearing.

12 HEARING OFFICER WEBSTER-HAWKINS: Thank you,

13 Chair.

14 First I think I'd like to recognize Executive

15 Director Bohan who has some comments at the outset of this

16 item.

17 MR. BOHAN: Thank you. Appreciate that. Thank

18 you, Commissioners.

19 Items 6 and 7, as you know, are projects where

20 developers are seeking approval or certification from the

21 CEC for projects. And before handing the mic back to

22 Hearing Officer Webster-Hawkins to discuss the Committee's

23 proposal, I wanted to briefly compare this item, the Willow

24 Rock item, with the next one on the agenda which is

25 Fountain Wind.

1 All the projects like this that come to us are
2 unique, every one of them. They have different
3 technologies. They're located in different environments
4 throughout California. They impact different communities
5 in different ways. And they also have different benefits.

6 Willow Rock, for example, is an innovative energy
7 storage project located in a rural open space area of Kern
8 County, and this was brought under our AFC process, our
9 Application for Certification process, which we've been
10 using for five decades and have really got a good sense of
11 how to implement that.

12 The next project, the Fountain Wind Project by
13 way of contrast is a wind energy project, as the name
14 implies, that is located in a heavily forested area of
15 Shasta County, so very different physical environments. It
16 was filed under what we call the Opt-In process, and this
17 was a process that was created by the legislature in a bill
18 that was signed by the governor that gives the Energy
19 Commission jurisdiction over projects like wind and solar
20 PV that we didn't have jurisdiction over before that.

21 Every project that comes for before us we
22 evaluate on its own merits. And I am so proud of our
23 staff. We have professionals in engineering and biology
24 and cultural issues, a broad sweep of expertise. In
25 addition, we hire consultants and we work closely with them

1 on areas where we need some boosting of our strength
2 because there are some very specific areas in the
3 California Environmental Quality Act that we're obliged to
4 evaluate, so we work with them as well. And with every
5 project our staff is diligent, they're rigorous and they're
6 unbiased, and that's all you can ask for in a public
7 servant.

8 Our job as staff is to evaluate all of the
9 significant impacts of each project from air quality to
10 noise to visual to biology and then balance those against
11 the benefits of the project. When we identify impacts, and
12 we always do, every project, we endeavor to mitigate or
13 reduce those impacts to what we call a less than
14 significant level. And we do that with many, many impacts
15 and those never get discussed in meetings like this. And
16 we collaborate with the community and with the developers
17 to do that. In the end though, in some cases there are
18 still some significant impacts that we can't mitigate, we
19 call them significant unmitigable impacts, and then our job
20 is to balance.

21 So for Willow Rock, we identified one significant
22 unmitigable impact and that was for visual. You've got a
23 project located in a rural area and it's a large
24 infrastructure project, steel in the ground, and it's
25 disruptive to the aspects of that part of California. But

1 staff found that the visual impact, while significant, was
2 one that could be overridden by this Commission. And
3 indeed, as you'll hear from Hearing Officer Webster-
4 Hawkins, that's exactly what the Committee has proposed to
5 do. And I want to let you know that we agree with the
6 Committee's view that this is a significant impact but that
7 the benefits of the project outweigh the impact, and
8 therefore this project should be approved.

9 With that, I'll hand it over to Hearing Officer
10 Webster-Hawkins to present the Committee's findings and
11 recommendations. I'll be back to talk about the Fountain
12 Wind Project.

13 Thank you.

14 HEARING OFFICER WEBSTER-HAWKINS: Thank you,
15 Director Bohan and Chair Hochschild.

16 The time is 11:06 on December 19th, 2025. This
17 is the California Energy Commission's public hearing for
18 the Willow Rock Energy Storage Center Docket No. 21-AFC-02
19 and we are on the record.

20 I'm Renee Webster-Hawkins, the Hearing Officer
21 for the Committee that the Energy Commission assigned to
22 oversee this proceeding, and I hereby open up the public
23 hearing on the Presiding Member's Proposed Decision, or
24 PMPD, for this Application for Certification or AFC
25 pursuant to CEC Regulations section 1747(a).

1 The hearing was noticed in the docket for this
2 proceeding on November 12th, 2025, and the primary purpose
3 of today's hearing is for the Commission to consider the
4 PMPD, the final oral and written statements of the parties,
5 the final comments and recommendations from interested
6 agencies and members of the public, the errata posted in
7 the docket on December 16th, 2025, all as reflected in the
8 Proposed Final Decision posted that same day, and any
9 further corrections that may be identified today. If the
10 Commission finds it appropriate, it may take action on the
11 Proposed Decision before the adjournment of the hearing.

12 Today's public hearing is being conducted both
13 in-person and remotely via Zoom with the assigned
14 Committee, the full Commission, representatives of the
15 Applicant and CEC staff appearing in-person here at the
16 California Natural Resources Building. The representative
17 of Intervenor Center for Biological Diversity is appearing
18 remotely. We may have agency representatives and
19 interested members of the public appearing in-person or
20 remotely.

21 The hearing is being transcribed by a certified
22 court reporter and the court transcription will be
23 available in both the business meeting and AFC docket
24 following the event.

25 The event is also being recorded via Zoom and the

1 unofficial Zoom recording will be available on the CEC
2 website following this hearing.

3 Next slide, please.

4 The notice for this event provided a schedule for
5 this public hearing. We will begin with a brief
6 presentation in which I will provide a summary of the
7 Willow Rock Application for Certification and key events
8 during this AFC proceeding. I will also outline a few of
9 the rules applicable to an AFC proceeding. Next, we will
10 ask the CEC staff, Intervenor Center for Biological
11 Diversity and the Applicant to provide final closing
12 statements. After that, we will take comment from any
13 representatives from tribal organizations and local and
14 state agencies and members of the public.

15 Then we will turn to Committee and Commissioner
16 remarks, followed by deliberation. If necessary, the
17 Commission may adjourn to closed session. Following that,
18 upon a motion, the Commission may make a decision on this
19 AFC, and then the hearing will be adjourned.

20 What I'd like to do right now is to ask our
21 Public Advisor, Mr. Ryan Young, to describe how everyone
22 here in the room and on Zoom can sign up for public comment
23 period later in this hearing.

24 Mr. Young?

25 MR. YOUNG: Good morning and thank you for

1 joining us today. Thank you, Hearing Officer.

2 I wanted to mention at the beginning of this
3 public hearing a few instructions for later, which I will
4 repeat at that time as well.

5 The public comment period is going to be an
6 opportunity for attendees to give comments regarding these
7 proceedings. We ask that everyone in-person visit the
8 Public Advisor's table in the back of the room and use the
9 QR code to sign up. If you represent a governmental
10 entity, local, state, federal, legislature, or California
11 Native American tribe, please indicate that and we will
12 prioritize your comments. If you'd like to make comments
13 on behalf of the California Native American tribe or
14 government entity, your comment will be taken first and
15 without a timer. Otherwise, comments are limited to three
16 minutes and one speaker per organization.

17 For those online, you're going to use the raise-
18 hand feature that looks like an open palm and for those
19 joining by phone, you're going to press star nine to raise
20 your hand and star six to mute and unmute.

21 I'll provide a reminder about these instructions
22 during the public comment period, but for now, back to you,
23 Hearing Officer.

24 HEARING OFFICER WEBSTER-HAWKINS: Thank you, Mr.
25 Public Advisor.

1 Next slide, please. Thank you.

2 So my remarks today are to summarize key
3 procedural and substantive aspects of this proceeding. I
4 would refer all interested persons to the docket of the
5 proceeding for all details.

6 The Application for Certification began on
7 December 1st, 2021, when the Applicant Gem A-CAES LLC, or
8 Hydrostor, filed its initial application for the 520
9 megawatt advanced compressed air energy storage facility.
10 The proceeding was suspended after the Applicant determined
11 that the original site for the project lacked suitable
12 geological characteristics for the facility design.

13 The Applicant began filing documents for a
14 supplemental AFC on March 1st, 2024, which reconfigured and
15 relocated the proposed project. The supplemental AFC was
16 deemed complete on July 16th, 2024, which initiated the
17 discovery phase of the proceeding.

18 The enhanced photo on this screen depicts the
19 proposed project to be located on an 88.6-acre portion of
20 an approximately 112-acre parcel north of Dawn Road between
21 State Route 14 and Sierra Highway within unincorporated
22 Kern County, approximately four miles north of Rosamond,
23 California.

24 Willow Rock would be a nominal 520 megawatt
25 gross, or 500 megawatt net, and 4,160 megawatt hour gross,

1 or 4,000 megawatt hour net, compressed air energy storage
2 facility using Hydrostor's A-CAES technology. Key features
3 of the system include a 577 acre-foot hydrostatically
4 compensated surface reservoir with liner and technology and
5 related accessories, eight electric motor driven air
6 compressors configured in four trains, four air powered
7 turbine generators with 100-foot tall air vent stacks,
8 thermal storage systems including six 100-foot tall hot
9 water spherical storage tanks, and the 21.5-acre
10 interlocking shaped floating cover over the reservoir.
11 Also a 900,000 cubic yard underground compressed air
12 storage cavern, and all associated operational and safety
13 equipment and piping. Excavated rock from the cavern may
14 be stored on site in an architectural berm or may be
15 trucked off site to a rock processing facility.

16 Energy stored at Willow Rock would be delivered
17 to the Southern California Edison Whirlwind Substation
18 located southwest of the site at the intersection of 170th
19 Street West and Rosamond Boulevard via a new approximately
20 19-mile 230 kilovolt gen-tie line. The application
21 describes a preferred route for the gen-tie line with up to
22 eight options depending on feasibility of certain segments.
23 All options have been analyzed in the record.

24 The Willow Rock Energy Storage Center is planned
25 to operate on a 24-hour basis, 365 days a year, with an

1 approximately 50 year lifespan.

2 Next slide, please.

3 The full Energy Commission, or CEC, holds the
4 decision-making authority for this proceeding. Over the
5 last four years the Willow Rock AFC proceedings have been
6 managed by a Committee of two of our five Commissioners,
7 including Presiding Member Commissioner Andrew McAllister
8 and Associate Member Commissioner Noemi Gallardo.

9 Next slide, please.

10 I'd like to briefly describe the statutory and
11 regulatory authority for this proceeding as Director Drew
12 Bohan mentioned especially since it is distinct from
13 statutory authority applicable to Opt-In projects that the
14 CEC also may permit.

15 This slide highlights the original statutory
16 framework for the CEC's power plant proceedings as provided
17 in the Warren-Alquist Act.

18 The CEC is the exclusive permitting authority for
19 all thermal power plants 50 megawatts or greater. This
20 authority is often called the in-lieu permitting authority
21 since this exclusive jurisdiction is in place of and
22 supersedes all other state regional or local permits
23 certificates or other entitlements that might apply to the
24 portions of the project.

25 Additionally, AFCs are adjudicative proceedings

1 under the California Administrative Procedures Act. As
2 such, the state's rules applicable to administrative
3 hearings are generally applicable to AFC proceedings,
4 including discovery, procedures, and evidentiary standards.

5 In evaluating an AFC the Warren-Alquist Act
6 requires the Commission to make specific findings and
7 conclusions on the project's design, siting and operations.
8 These findings and conclusions must be based on substantial
9 evidence in the record of the proceeding. The findings and
10 conclusions must cover the CEC's responsibilities as a lead
11 agency under CEQA to ensure the protection of environmental
12 quality, the assurance of public health and safety, the
13 engineering design and reliability of the facility and
14 transmission lines up to the first point of interconnection
15 with the grid, the public benefits of the project and the
16 conformity with local, regional, state and federal laws,
17 ordinances, standards or regulations, what we call LORS.
18 Lastly it must include enforceable Conditions of
19 Certification to ensure conformance with LORS and protect
20 environmental quality.

21 The CEC's regulations include rules for carrying
22 out AFC proceedings, including all of these requirements.
23 It also includes the framework for the CEC staff assessment
24 of the environmental and engineering aspects of the
25 project, and the procedures for conducting the discovery

1 and evidentiary proceedings, including the numerous
2 requirements and opportunities for tribal, agency, and
3 public engagement and coordination in the CEC's
4 consideration of the proposed project.

5 The CEC's regulatory process for AFCs has been
6 determined to be a certified regulatory program under CEQA
7 and, as such, these projects are exempt from many
8 procedural requirements required under CEQA. That said,
9 the analyses carried out by the CEC staff and the
10 Commission each cover all topics required by CEQA according
11 to the same substantial evidence standard. The Conditions
12 of Certification in a final decision are equivalent to
13 mitigation measures under CEQA and they include a
14 compliance monitoring program to ensure reporting and
15 enforcement of all required conditions.

16 Next slide, please.

17 As an adjudicative proceeding under the
18 Administrative Procedures Act, I do want to highlight key
19 rules or features that make AFCs distinct from other
20 permitting or regulatory programs at the CEC including Opt-
21 In projects.

22 First, as with other judicial proceedings, the
23 key participants are legally regarded as parties. As such,
24 the CEC staff and Applicant are each parties to the case
25 with specific rights and obligations associated with their

1 participation.

2 Additionally interested persons or entities may
3 petition to be intervenors in the proceeding. In the
4 Willow Rock AFC the Committee granted petitions to
5 intervene from the California Unions for Reliable Energy,
6 or CURE, and the Center for Biological Diversity.

7 Additionally, as with other judicial proceedings,
8 the APA requires decisions to be made based on evidence in
9 the record. Evidence introduced by one party must be
10 available for cross-examination and rebuttal by the other
11 parties. This requirement goes hand in hand with the ex
12 parte rule which prohibits any interested person from
13 having off-the-record communications with any of the
14 decision makers while the proceeding is pending. Within
15 the CEC, the Hearing Officer and each of Commissioners,
16 including the Committee members and all of their advisors,
17 are on the decision making side of the ex parte wall and do
18 not communicate with the siting transmission and
19 environmental protection staff or their attorneys about the
20 AFC for the entire time the AFC is under consideration.

21 Since the CEC decision makers must refrain from
22 communication with parties and interested persons in AFCs
23 to comport with this ex parte rule, the CEC staff conducts
24 robust noticing and engagement with the public,
25 consultation with tribal representatives, and coordination

1 with state local and region regional agencies.

2 Next slide, please.

3 For those of you that have been following this
4 proceeding, this slide should feel familiar. It is a
5 graphic representation of the key elements of the AFC
6 process.

7 I would like to highlight that the process
8 includes two formal public comment periods, the first on
9 the CEC staff's environmental and engineering assessment,
10 and the second on the presiding member's Proposed Decision.
11 Additionally, there has been opportunity for public comment
12 at every site visit, hearing, workshop and status
13 conference. And the good news to the parties is that the
14 red arrow depicting the current status is now at the 11
15 o'clock position and is intended to support a Commission
16 vote on the Proposed Decision.

17 Next slide.

18 This slide lists all of the topics addressed in
19 the PMPD as required by the Warren-Alquist Act and the
20 certified regulatory program. It includes all of the
21 environmental topics required under CEQA, plus the
22 additional technical areas related to power plant design,
23 safety, reliability, efficiency, and the public benefits
24 required under the Warren-Alquist Act.

25 Next slide, please.

1 Of note, the PMPD addresses key topics and expert
2 testimony covered at the evidentiary hearing on August
3 21st, 2025.

4 Regarding biological resources in dispute, the
5 PMPD recommends that impacts to key wildlife species and
6 vegetation communities be mitigated at a three-to-one ratio
7 and that all temporary impacts be treated as permanent due
8 to the risk and length of time associated with revegetation
9 efforts in the arid desert environment. The Applicant will
10 be able to satisfy the requirement through a combination of
11 mitigation land or credits, and the total obligation will
12 be adjusted based on actual impacts or avoidance.
13 Additionally the PMPD addresses the Center for Biological
14 Diversity's evidence regarding appropriate surveys and
15 mitigation for Western Joshua trees and woodlands.

16 The Committee benefited from expert comments from
17 the Department of Water Resources' Division of Safety of
18 Dams, who will be reviewing and approving the design,
19 construction, and safe operation of the reservoir
20 embankment for the life of the project. The Conditions of
21 Certification and Compliance Monitoring Plan proposes an
22 MOU between the CEC and DWR to describe the relationship
23 between the CEC's compliance project manager and the
24 Division of Safety of Dams to ensure that the Applicant
25 meets the requirements of the California Water Code and the

1 state's Dam Safety Program.

2 Additionally, the Committee and Kern County were
3 equally focused on ensuring that worker and public safety
4 is prioritized for this project. Among other things the
5 PMPD includes Kern County's request for adequate resources
6 to support emergency response and rescue, especially in the
7 event of accidents related to the construction and
8 operation of the purpose built cavern. Conditions of
9 Certification also address worker protection given the
10 prevalence of Valley fever in the project area.

11 The Committee also benefited from expert
12 testimony on the geological characteristics and integrity
13 of the new project site given the blasting required for the
14 construction and the cyclical pressures associated with
15 daily charging and discharging for 50 years. The staff
16 assessment and Committee's Proposed Decision identifies an
17 unavoidable significant impact to visual resources at three
18 key observation points.

19 The Applicant is committed to utilizing
20 specialized exterior coatings to reduce the visual impacts
21 from project features including the stacks, spheres, tanks,
22 and poles. However, there is no feasible mitigation to
23 reduce all of the visual impacts to less than significant,
24 nor are there any feasible alternatives to the which would
25 meet the project objectives and avoid these significant

1 impacts. Nonetheless, the PMPD makes findings regarding
2 the specific energy, economic, technological, and other
3 benefits of the Willow Rock Energy Storage Center that
4 outweigh the significant impacts to visual resources. The
5 Proposed Decision describes the specific reasons and
6 substantial evidence in the record that support a Statement
7 of Overriding Considerations.

8 The Committee notes that there was no agency or
9 public opposition to the project at the evidentiary
10 hearing. The PMPD itemizes those agency and public
11 comments which praised the potential energy, environmental,
12 and economic benefits of the project.

13 On December 16th, 2025, the Hearing Office
14 published errata to the PMPD based on its own review of the
15 PMPD and the recommended corrections provided by the
16 parties in their closing written statements, for the
17 benefit of the Commission, the parties and the public, that
18 same day the Hearing Office published a Proposed Final
19 Decision, which is a clean camera ready integration of the
20 PMPD and the errata.

21 This morning, the Hearing Office docketed a
22 helpful communication from CFC staff identifying two
23 additional scrivener errors which had been listed in the
24 errata but not integrated into the Proposed Final Decision
25 on pages A135 and A137, and I recommend that those be

1 incorporated into the final decision. Each of the changes
2 to the PMPD are either non-substantive, typographical, or
3 scrivener's errors or similar corrections, and none
4 constitute revisions which would require circulation of the
5 PMPD.

6 Next slide, please.

7 So that concludes the Hearing Officer's
8 presentation.

9 Next the Committee has invited each of the
10 parties to make a brief closing statement of approximately
11 five minutes apiece. This will be the time for the parties
12 to deliver their prepared remarks. Later during the
13 Commission's deliberations there may be questions directed
14 to one or more of the parties.

15 So to the parties, after you conclude your
16 closing statements, please stand nearby to be able to
17 respond as appropriate. When representatives for each
18 party approaches the podium please remember to state and
19 spell your name and provide your organizational title for
20 the record.

21 We will start with CEC staff.

22 MR. BABULA: Hello. My name is Jared Babula,
23 representing staff, Senior Attorney, that's J-A-R-E-D
24 B-A-B-U-L-A. And I just want to touch on two points.

25 First, in regards to the Proposed Final Decision,

1 staff has no further comments and appreciates the
2 Committee's inclusion of staff's comments on the PMPD and
3 the scrivener's errors that was pointed out. At this
4 point, staff feels the Proposed Decision is ready to be
5 adopted as is.

6 Second, I want to reflect that reaching a
7 business meeting where a project is considered represents
8 an important milestone and also reflects a transition
9 point. If the project is certified, it then enters the
10 compliance phase with construction and operations. To
11 facilitate a smooth construction phase, Conditions of
12 Certification Water 5 and 6, and as the Hearing Officer
13 noted in her presentation, reference an MOU between the CEC
14 and the Division of Dam Safety [sic], or DSOD, to detail
15 each agency's role during construction and operation, and
16 especially DSOD's role as the delegate chief building
17 official. And this relates to the operation and
18 construction of the embankment.

19 So I just want to provide a status of where we
20 are for the Commission on the MOU. and this will be
21 important because the MOU will help ensure clarity for the
22 project owner and avoid unnecessary delays in design review
23 and construction inspections.

24 So currently, the MOU draft language was
25 developed by the Legal Office and staff and has been

1 provided to DSOD staff for their review. Once language is
2 generally acceptable, we intend to share the draft -- or
3 share the draft with the project owner for a comment in
4 advance of finalizing. The goal here is to use the tools
5 available consistent with the CEC decision to ensure a
6 timely and seamless construction phase.

7 So with that, I would like to thank my Co-
8 Counsels Erika Giorgi and Mariah Ponce as well as the step
9 team of Eric Veerkamp, Erik Knight, Kaycee Chang and Dian
10 Vorters, and especially all the technical staff and experts
11 who have contributed greatly to this proceeding.

12 I also want to thank the Committee for their hard
13 work in shepherding this process, and the Applicant's team
14 and their Legal Counsel, Jeff Harris and Samantha Neumyer,
15 for their responsiveness to address questions and issues.

16 And with that staff rests.

17 HEARING OFFICER WEBSTER-HAWKINS: Thank you, Mr.
18 Babula.

19 Next we will hear from the Intervenor Center for
20 Biological Diversity. Ms. Zeynep Graves is appearing
21 remotely.

22 Can I ask the Public Advisor to open up her line?

23 MR. YOUNG: Ms. Graves line is open.

24 MS. GRAVES: Good afternoon, Chair Hochschild,
25 members of the Commission, and Hearing Officer Webster-

1 Hawkins. My name is Zeynep Graves, Z-E-Y-N-E-P
2 G-R-A-V-E-S, and I'm here on behalf of the Intervenor
3 Center for Biological Diversity.

4 On behalf of the Center, I want to thank the
5 Hearing Officer, Presiding Member, and the Committee for
6 all the time, care and attention they have devoted to the
7 Willow Rock Energy Storage Center Project. We also extend
8 our appreciation to CEC staff and the Applicant for their
9 work throughout this process and for substantive engagement
10 with the issues raised in the record.

11 The Center intervened in this matter because this
12 novel energy storage proposal has the potential to support
13 California's transition to a clean energy grid, although it
14 will also have significant environmental impacts. This
15 proceeding reflects the value of a careful evidence-based
16 review, particularly in a desert landscape where biological
17 resources are highly vulnerable.

18 As the Center has emphasized throughout this
19 process, avoidance is always the most effective and
20 reliable way to protect fragile desert resources and the
21 species that depend on them including western Joshua trees.
22 Once disturbed these ecosystems recover slowly, if at all,
23 and that reality underscores the importance of getting the
24 analysis and the safeguards right before impacts occur.

25 We appreciate that the Proposed Final Decision

1 and the Conditions of Certification recognize the full
2 scope of the project's biological impacts and place clear
3 limits on when and how those impacts may be authorized.
4 The record reflects careful consideration of biological
5 evidence, regulatory requirements, and the long-term
6 consequences of development in the desert ecosystem.

7 The requirement that avoidance, minimization, and
8 mitigation obligations be fully demonstrated before impacts
9 to many sensitive environmental resources may proceed is
10 really critical to ensuring compliance with the California
11 Environmental Quality Act, the California Endangered
12 Species Act, and the Western Joshua Tree Conservation Act.
13 If the project is approved the Center intends to continue
14 to engage with the project to ensure the Conditions of
15 Certification are met.

16 This process also shows the tremendous value of
17 the public participation in the decision-making process
18 which ensures that the Commission is fully apprised of
19 both the potential benefits and impacts of proposals
20 brought before it. The Commission must weigh many factors
21 in its review, including both the importance of clean
22 energy development and the need to safeguard California's
23 fragile desert resources. Again, in the Center appreciates
24 the collaborative work that has occurred over the course of
25 this proceeding.

1 And with that, we'll rest. Thank you.

2 HEARING OFFICER WEBSTER-HAWKINS: Thank you Ms.
3 Graves.

4 For the Commission's awareness, the Intervenor
5 CURE reached an agreement with the Applicant prior to the
6 evidentiary hearing and has respectfully declined its
7 opportunity for a closing statement today.

8 So last, we will hear from the Applicant who has
9 asked for expanded time for its closing statement while
10 respecting the Committee's desire for brevity.

11 MR. HARRIS: I'm Jeff Harris on behalf of the
12 Applicant, J-E-F-F H-A-R-R-I-S.

13 Are you having trouble hearing me a little bit?
14 How's that? Maybe better? I'm glad I'm not as tall as
15 Jared. There's the microphone.

16 Thank you for the opportunity to be here. I'm
17 glad I carefully worded my email to you since it got read
18 back to me.

19 We would like the opportunity to have Mr.
20 Hildebrand say a few words, but I also want to accomplish
21 your primary objective to deal with any deliberative
22 process here. So we have a few minutes for Mr. Hildebrand.
23 Would you like that now or would you like that right before
24 public hearing?

25 HEARING OFFICER WEBSTER-HAWKINS: Mr.

1 Hildebrand's comments would be welcome during public
2 comment. We'll prioritize them to come first.

3 MR. HARRIS: Okay. Great. I think that's a good
4 compromise. Perfect.

5 I appreciate the opportunity to be here today.
6 We are at the 11th hour on your little dial, thank God.
7 It's been a while to get here. We appreciate the
8 opportunity. I'll deal with the formal stuff first. We
9 don't have any further comments. We appreciate very much
10 working with Mr. Babula and all the folks from the Chief
11 Counsel's Office to deal with the last details here. We
12 agree with the filing that was made today, so we're in full
13 support of your of your Proposed Decision and the errata.
14 We believe they're accurate.

15 I guess the one thing I would add substantively
16 is that we believe that you've done an excellent job with
17 this Proposed Decision. And most importantly, from our
18 perspective, all of your conclusions here are supported by
19 substantial evidence in the record. And I just really want
20 to thank the parties and the staff in particular, and the
21 other parties, the intervenors, for really making this a
22 robust record, substantial evidence. Every issue was put
23 out there. There was nobody hiding a ball. Every ball was
24 placed out there, picked up, put down, buried, re-unburied,
25 and looked at again. So the record here is fantastic for

1 this decision, so we support that.

2 In terms of some of your overall conclusions,
3 Commissioner McAllister, I want to assure you that I was
4 listening to your entire presentation today and I picked up
5 on the phrase of diversity of views. There may be some
6 diversity of views in terms of visual impacts and
7 biological resource issues, but the important thing is that
8 that record supports your conclusions and is consistent
9 with the requirements of the law. So again, thank you for
10 giving us a full forum to make those cases to you and have
11 the opportunity to make this.

12 I don't have anything further substantively other
13 than to thank the folks that have been involved here. Had
14 some good, really good support from our partners down in
15 Kern County and some important federal partners as well,
16 who are not here today, but want to acknowledge those
17 accomplishments as well.

18 So I will close with that bit of remarks, unless
19 you have any questions for me, and then I'll let Mr.
20 Hildebrand sort of talk on behalf of the company later. So
21 thank you for this opportunity.

22 HEARING OFFICER WEBSTER-HAWKINS: Thank you, Mr.
23 Harris.

24 Next slide, please.

25 So that brings us to our agency and public

1 comment period.

2 Mr. Public Advisor, back to you.

3 MR. YOUNG: Thank you, Hearing Officer.

4 The CEC now welcomes public comment on this item.

5 All comments will become part of the public record. Again,
6 this public comment period is an opportunity for attendees
7 to give comments regarding this proceeding. If you'd like
8 to make comments on behalf of a California Native American
9 tribe or governmental entity, your comment will be taken
10 first and without a timer. Otherwise, comments are limited
11 to three minutes and one speaker per organization. We'll
12 show a timer on the screen and alert you when your time is
13 up. And again, all comments become part of the public
14 record.

15 We're going to start with commenters joining us
16 in-person and then transition to our online and phone
17 attendees. Again, if you're joining us in-person and wish
18 to make comments, please visit the Public Advisors table at
19 the back of the room. And I'm not seeing any Native
20 American tribes or governmental entities, so we're going to
21 transition to Mr. Hildebrand.

22 Mr. Hildebrand, be welcomed.

23 MR. HILDEBRAND: Good morning, Mr. Chairman,
24 Commissioners. My name is Curt Hildebrand, C-U-R-T,
25 Hildebrand, H-I-L-D-E-B-R-A-N-D, Senior Vice President with

1 Hydrastor. And on behalf of our community and industry
2 partners and everybody at Hydrastor, it is our distinct
3 pleasure to be here today.

4 The Willow Rock Energy Storage Center represents
5 a number of important firsts, not only for Hydrastor, but
6 for the state of California and for our nation. For
7 Hydrastor, Willow Rock represents our company's flagship
8 advanced compressed air energy storage project globally.
9 At 500 megawatts and eight hours of energy storage
10 capacity, this is one of the largest energy storage
11 projects being advanced globally, and it will be our first
12 utility-scale greenfield project as well.

13 When we deploy our patented emissions-free
14 technology, we will be generating up to 4,000 megawatt
15 hours per day of energy storage. And this will play a
16 crucial role as California's grid and load expands with the
17 advancement of artificial intelligence and data centers.

18 As our flagship project, we've sought to
19 establish strong relationships and build support within our
20 host communities in Kern County. Over the course of the
21 project's development, we have attended over 400 local
22 meetings and made over 50 presentations to local community
23 groups. Our team has been active in keeping all
24 stakeholders informed on the project during its
25 development, and we are proud to have earned the unanimous

1 support of the Kern County Board of Supervisors alongside
2 numerous other local community and non-profit organizations
3 throughout Kern County.

4 I'd also like to thank the highly professional
5 team at Kern County for their assistance through and
6 guidance throughout this development process. Planning
7 Directors Lorelei Oviatt and Craig Murphy made enormous
8 contributions in helping Hydrostor position this project
9 for success. We very much appreciate the assistance
10 provided by Kern County, the Kern Board of Supervisors, our
11 project's District 2 Supervisor Chris Parlier, and the
12 entire staff at Kern County.

13 For the State of California, Willow Rock also
14 represents many important firsts. The project would be the
15 first long-duration A-CAES project reviewed and approved by
16 the California Energy Commission. The extensive AFC review
17 process conducted by the CEC would serve as a future
18 roadmap for what we expect will be additional A-CAES
19 projects in California and beyond. Additionally, the
20 project would once again showcase California's global
21 leadership role in promoting and implementing new
22 technologies to help support a clean, more reliable, more
23 affordable energy supply for California consumers.

24 Willow Rock would also serve to diversify the
25 technologies that California's growing energy storage

1 portfolio requires to meet our RPS goals. Not only A-CAES
2 technology -- only A-CAES technology provides critical
3 electrical attributes that are typically not found in
4 traditional lithium-ion storage solutions. We create
5 spinning reserve, flexible votive support, frequency
6 response, and additional electrical attributes that play a
7 critical role in operating a reliable grid.

8 Other local and statewide benefits for the
9 project include construction and operations will be
10 constructed -- will be conducted by a highly skilled union
11 labor force with over 2 million worker hours of
12 construction required to complete the project.

13 The project will support important additions to
14 Kern County's emergency response capabilities, including a
15 new state-of-the-art urban rescue vehicle.

16 Willow Rock will employ an average workforce of
17 approximately 250 union construction workers over its five-
18 year construction cycle.

19 The project will generate over half a billion
20 dollars in direct and indirect economic benefits in Kern
21 County during its operational lifespan.

22 Willow Rock will not be exempt from paying
23 property taxes, like solar PV, and accordingly will provide
24 significant financial benefits to Kern County.

25 From a national perspective, again, Willow Rock

1 represents a number of important firsts for our industry.
2 The project remains on track to receive a \$1.76 billion
3 loan guarantee from the U.S. Department of Energy loan
4 program office. The DOE loan guarantee remains one of the
5 largest such federal commitments to California under the
6 Inflation Reduction Act.

7 The project is also set to benefit from
8 significant federal tax credits that were specifically
9 established to promote new technologies and projects like
10 Willow Rock and A-CAES. Importantly, these financial
11 incentives will accrue directly to the benefit of
12 California rate payers.

13 I would be remiss if I did not acknowledge that
14 the deployment of any new technology at scale, many lessons
15 will be learned in that process. Willow Rock was no
16 exception to this rule and everyone involved in this AFC
17 process, myself included, learned a lot throughout these
18 proceedings.

19 As our Committee members are aware, we faced
20 numerous challenges during the development of this project.
21 However, CEC staff remain committed to working closely with
22 us to understand and evaluate our project impacts.

23 We want to thank our Committee members,
24 Commissioner McAllister, Commissioner Gallardo, our project
25 managers, Kaycee Chang, Eric Veerkamp, our Hearing Officer,

1 Renee Webster-Hawkins, and all CEC staff for their
2 contributions in the review of this project. On behalf of
3 everyone at Hydrostor, we greatly appreciate the hard work
4 and dedication CEC and staff committed to this project.

5 I'd also like to recognize the team that made
6 this project happen, our Willow Rock Development Team. The
7 dedication and passion this group demonstrated on a daily
8 basis was truly an inspiration to watch. My personal
9 thanks go out to our fearless permitting lead, Laurel Lees,
10 who quarterbacked our team to the goal line here today. I
11 also want to acknowledge the and thank our world-class
12 development team for their contributions.

13 In closing, I'd like to reiterate that Hydrostor
14 and our team is fully committed to making our flagship
15 project, the Willow Rock Energy Storage Center, a long-term
16 success for all stakeholders in this proceeding. We look
17 forward to continuing to work closely with the CEC, Kern
18 County, and all our stakeholders to achieve this goal.

19 Thank you and happy to answer any questions you
20 may have.

21 HEARING OFFICER WEBSTER-HAWKINS: Thank you, Mr.
22 Hildebrand.

23 MR. YOUNG: Thank you for your comments.

24 I would now like to welcome Richard Chapman to
25 the podium, followed by Anthony Myers.

1 Richard, please approach the podium. State and
2 spell your name for the record, and we welcome your public
3 comment.

4 MR. CHAPMAN: Good morning. I think it's still
5 morning. My name is Richard Chapman, R-I-C-H-A-R-D
6 C-H-A-P-M-A-N, and I'm the President of the Kern Economic
7 Development Corporation. And I'm here today to speak in
8 support of the Willow Rock Energy Storage Center Project.

9 Our mission, Kern EDC's mission, is to cultivate
10 and promote Kern County's boundless opportunities for
11 business. We have approximately 200 members, public
12 sector, private sector, business education, and government
13 working in concert to advance employment opportunities and
14 growth for our region.

15 We're proud to represent the energy capital of
16 the West and also the renewable capital of the U.S.
17 Currently, we have 22,000 megawatts that are permitted in
18 solar and wind and 15,000 megawatt hours of storage
19 projects. We're very proud to represent the energy
20 evolution that is occurring in the U.S., and this project
21 will add to the portfolio, that diverse portfolio, that
22 dynamic portfolio that really creates upward mobility
23 opportunities for our residents and citizens.

24 Our unemployment level is about 3 percent higher
25 than the state, about 8.6 percent. The economy is facing

1 many changes in terms of the oil and gas industry. We're
2 looking at transferability of skill sets. We are the
3 number four STEM region in the country, and so the
4 Hydrostor Project, it really is perfect.

5 Our litmus test is at EDC, is basically three
6 legs of the stool, and you've heard about this today. For
7 us, is there capital investment? I think it's about \$1.5
8 billion wage income, of course, family wage income, right,
9 in terms of benefits, which this project does. And then
10 also public revenue. As Mr. Hildebrand mentioned, there is
11 significant property taxes that will pay for roads,
12 education, et cetera, in our community.

13 We are very supportive of this project because it
14 really continues to move the needle for, as was mentioned
15 earlier today, RPS. This is happening in Kern County. And
16 again, we have significant legs of the stool that are
17 providing opportunities for our residents, the state, and
18 the community.

19 I also will add multiplier. There's significant
20 talk about jobs on site, construction jobs, as well as
21 full-time, but the multiplier effect is critical. The
22 induced and indirect impact, be it restaurants where wages
23 are spent, suppliers, that is even two to three times
24 higher than what we can measure on the site.

25 So in conclusion, thank you for your time and

1 consideration of this critical economic development
2 project, not just for the Kern County, but also the state
3 and the U.S.

4 Thank you.

5 MR. YOUNG: Thank you for your comments.

6 I'd now like to welcome Anthony Myers. Mr.
7 Myers, please approach the podium. State and spell your
8 name for the record and be welcome.

9 And then we'll next hear from David Howlett.

10 MR. MYERS: Good morning. My name is Anthony
11 Myers, A-N-T-H-O-N-Y, last name M-Y-E-R-S, and I am a Co-
12 Founder of Safe Haven Kids League and Community Resources
13 of California. We're also Safe Haven Kids League of
14 California City. And we're a non-profit organization that
15 helps families in need. One of our key things is to truly
16 be a full-force resource to help families in all needs that
17 they may need to help them in their everyday struggles in
18 life.

19 And I'm basically here because of this amazing
20 company. We've been in partnership for -- they've been a
21 sponsor of us for the last two years. And I just really
22 want to say that this -- I have been to a lot of these and
23 this is amazing, you know, to be at this last one and to
24 see a lot of you that I've seen before. And I truly thank
25 you for your service in what you do. Thank you.

1 Can we give them a hand? Thank you.

2 We're a non-profit and we connected a couple of
3 years ago. We're a small non-profit. And I remember it
4 was Thanksgiving time and the year before that we were only
5 able to give 50 hams and turkeys to families. And I have
6 to start there because that's where our relationship
7 starts. And I'm on a time so I'm going to speed here. And
8 I need to say that since we partnered with this amazing
9 company, with this family, they're family, with this
10 amazing -- and they put us into their family, took us into
11 their family. It tripled and doubled every year. I want
12 to talk about what just happened last November because I
13 have to move on.

14 Last November, right, of '25, we did our annual
15 ham and turkey giveaway. There was so many people. We, in
16 the past -- we've done it as a drive up this time. And
17 with the blessing of Hydrostor in every event, and we do 12
18 events a year, plus have a full community resource, plus
19 have a total resource outreach team in our community of
20 East Kern County, we were able to serve 402 families with
21 Thanksgiving dinner with a full food box with the ham or
22 turkey. The line was miles long with cars. And Hydrostor
23 was right there at the front making sure that every family
24 got a Thanksgiving meal. And of course in these times that
25 we're in right now, it was important for us to be there.

1 And we had a total of 425 individuals.

2 And of course we had to -- you know, we didn't
3 have it for them. No. Did they stop there? No. They
4 didn't stop there. They said, you know what, we're going
5 to get their names. They went out the next day,
6 Thanksgiving Eve, and made sure that we had hams and
7 turkeys to finish feeding those families.

8 This is the company that we have. We're in East
9 Kern. We're deep down in East Kern County. Some of our
10 residents feel like they were forgot about. And, but you
11 know what, we're a full resource that's offering just so
12 much. We started off very small. I mean, with Hydrostor,
13 and we have grown to the fact is, is that we're going to be
14 carbon copying everything that we're doing in our
15 neighboring city in Boron coming up in '25 to offer
16 resources to them, to help families there. They're
17 growing, we're growing.

18 If I'm not mistaken, I go down the 14 Freeway
19 every single -- well, once a week with my wife and we pass
20 by and my wife looks over to me like, well, where's the
21 building? They haven't even broke ground yet. And we're
22 already at the magnitude that we are with this organization
23 serving and helping so many families.

24 MR. YOUNG: Thank you so much for your comments,
25 sir.

1 COMMISSIONER MCALLISTER: Oh, I think that's
2 the -- just wrap up quickly. That would be fine.

3 MR. MYERS: Okay.

4 COMMISSIONER MCALLISTER: Yeah.

5 MR. MYERS: And I just want to say that I truly,
6 truly thank, I truly, truly thank this amazing company.
7 And I thank you all for your service. And our Christmas
8 event is tomorrow if you want to come out to East Kern.

9 CHAIR HOCHSCHILD: Well, sir, just before we
10 break, you know, you thanked us with a round of applause.
11 You're feeding hungry families. Let's give you a round of
12 applause. Thank you for what you do.

13 (APPLAUSE)

14 MR. MYERS: Thank you.

15 CHAIR HOCHSCHILD: Thank you, my friend.

16 MR. YOUNG: Thank you.

17 I'd next like to welcome David Howlett. Please
18 state and spell your name for the record. And we welcome
19 your public comment.

20 MR. HOWLETT: Hi. My name is David Howlett,
21 D-A-V-I-D H-O-W-L-E-T-T, and I am a Kern County resident.

22 I'd like to thank you for stacking me behind Anthony.

23 And, you know, I'm here in support of the Willow
24 Rock Hydrostor Project. And, you know, I've been in
25 construction my whole career. I've lived in Kern County my

1 whole life. This project's important. I mean, a billion
2 and a half bucks, that's kind of a big deal.

3 Talk about the construction job creation
4 happening there, hundreds of jobs for years, that's a big
5 deal. Two million man hours. I hadn't heard that number
6 before, but that's pretty impressive, and coming from a
7 construction. I mean, I was in the oil and gas industry.
8 It's kind of getting a little bit depressed in Kern County.
9 And a lot of these jobs are going to transition nicely for
10 that workforce to move right into Mojave.

11 I spend a lot -- I live not far from Mojave. I
12 spend a fair amount of time there. And over the years,
13 it's really suffered. I don't know if you're familiar with
14 the area, they've rerouted the highway around. So 58
15 doesn't go through. In the past, it used to go right
16 through the City of Mojave. And it now goes around the
17 City of Mojave. And they've cut all that traffic out of
18 there.

19 And with this project going right down through
20 there now, it will end up out on 14, I'm sure we'll see a
21 good economic boom for the City of Mojave. And just
22 Richard talked a little bit about it, but the fact that,
23 you know, the McDonald's is going to be busy and all of the
24 agents, all the businesses in that town are going to have
25 a, you know, a big come up from this happening. So we're

1 super excited about that, just the financial impact on East
2 Kern as a whole.

3 Obviously, when you hear Anthony talk, and he's
4 so passionate about what's going on there, and what a great
5 community partner Hydrostar has been to all of us, so I've
6 been to a lot of their meetings where they're talking about
7 what they're going to do for us, or do for -- what they're
8 going to build and we see how it's going to impact the
9 community and we see what they're already bringing. And
10 hell, they're not even there breaking ground yet.

11 So we're super excited for them to come. We're
12 glad that they're part of the community. They're glad that
13 they're coming in there. And we just look forward to it.
14 Super excited.

15 So thank you for everything you guys have done.
16 Look forward to this thing going forward.

17 MR. YOUNG: Thank you very much.

18 I'd next like to welcome Neal Desai. Neal,
19 please approach the stage and spell your name for the
20 record. And we welcome your public comment.

21 MR. DESAI: Hi. Oh, still morning. Okay. Neal
22 Desai, N-E-A-L D-E-S-A-I. Good afternoon, everyone,
23 almost. My comments will be there. Neal Desai, Senior
24 Pacific Region Director with the National Parks
25 Conservation Association. I'm here on behalf of the

1 Association and our 30,000 members in California to express
2 our strong support for this project.

3 Our mission is to protect and enhance our
4 National Park system for present and future generations.
5 And as part of that work, we have engaged actively on
6 renewable energy policies, such as the DRECP, and shaping
7 long-duration energy storage legislation, like SB 149, AB
8 1373, AB 205, so that we can diversify and deploy long-
9 duration energy storage projects and protect ratepayers and
10 the environment in the process.

11 And Willow Rock fits precisely within
12 California's procurement needs. It supports deployment of
13 the necessary energy, long-duration energy storage
14 resources. Hydrostor's work through your process
15 demonstrates that it is an environmentally and economically
16 responsible long-duration energy storage project. And
17 that's why we respectfully request your approval of this
18 project today.

19 I also want to talk about what this process and
20 this project means because it's critically important to
21 build public confidence that California can do this the
22 right way. And that's really important in this climate.
23 There are far too many people who do not support renewable
24 energy development because they are really upset with poor
25 decision-making that harms our public lands and wildlife

1 places that we love, right, Californians love.

2 I mean, look no further than the Soda Mountain
3 Solar Project that's right next to the Mojave National
4 Preserve. It's through your AB 205 Opt-In process. It's
5 opposed by the Park Service. It was blocked by the county
6 nine years ago. It would subvert \$35 million in taxpayer-
7 funded wildlife crossing. And they think you're going to
8 approve it, so they brought it into the Opt-In process;
9 right? That's the type of thing that sets us back.

10 In contrast, we have Willow Rock in Hydrostor,
11 okay? That moves us forward. The Applicant made smart
12 decisions right from the beginning, the type of engagement
13 that they had with our organization, with a lot in the
14 community. I think you heard from some of them already.
15 They work to do what is right for the environment. They're
16 contributing to the diversification that's so important,
17 the diversification of our long-duration energy storage
18 portfolio. We need to do that. And so I'm very
19 appreciative of Hydrostor.

20 I'm also very appreciative of your staff. I
21 mean, that clock, getting to that 11th hour, like it's
22 great to be here. And so I want to, again, respectfully
23 request your approval.

24 Thank you.

25 MR. YOUNG: Thank you for your comment.

1 Hearing Officer, I'm now going to transition to
2 Zoom.

3 Chris Parlier, I'm going to unmute your line.
4 Please unmute on your end. State and spell your name for
5 the public record, and we welcome your public comment.

6 Chris Parlier, you're going to want to unmute on your end.
7 Okay. I will return to Chris in just a moment.

8 I'm going to recognize Joel MacKay. Joel, please
9 state and spell your name for the record, and we welcome
10 your comment.

11 MR. MACKAY: Joel MacKay. Can you hear me?

12 MR. YOUNG: We can. Thank you.

13 MR. MACKAY: Yes. J-O-E-L M-A-C-K-A-Y. I
14 represent the Rosamond Municipal Advisory Council in
15 Rosamond, and I'm here to support this project.

16 From day one, once we found out about this
17 project, Hydrostor has been a community partner. Like
18 you've heard, they support the community. They've been
19 transparent, come to our meetings. The economic benefits
20 to local economy, our county economy, them supporting
21 public safety is second to none.

22 I urge you to support this project. It's
23 supported within the community. I can't say enough good
24 things about Hydrostor, very well respected in our
25 community, and I urge you to support this project.

1 MR. YOUNG: Thank you for your comment.

2 Erick Gamez, we're going to unmute your line.

3 Please unmute on your end. State and spell your name for
4 the record, and we welcome your public comment.

5 MR. GAMEZ: Hello, everybody. My name is Erick
6 Gamez, E-R-I-C-K G-A-M-E-Z, and I'm here on behalf of the
7 Antelope Valley Economic Development and Growth Enterprise
8 to express our strong support of Hydrostor's Willow Rock
9 Energy Storage Center.

10 So AV EDGE is dedicated to advancing responsible
11 economic development and high-quality job opportunities all
12 across our 3,000-square-mile region, which also includes
13 East Kern. So from that perspective, Willow Rock is
14 exactly the type of project we work to support, as it
15 stands out as a meaningful and strategic investment in our
16 local economy and represents a significant source of
17 employment for our communities.

18 AV EDGE works closely with employers, workforce
19 partners, and local jurisdictions, so we see the need for
20 long-term employment opportunities that can provide
21 stability for families. Willow Rock's 50-year project life
22 offers exactly that kind of certainty and standing power,
23 the broader -- I mean, sorry about that -- too, for East
24 Kern.

25 To date, the project has earned wide and growing

1 support from business leaders, economic development groups,
2 community organizations, and local residents because it
3 aligns with the Antelope Valley's long-term economic
4 development goals and reflects the kind of lasting
5 investment our communities need. For East Kern and the
6 Antelope Valley, Willow Rock is an economic development
7 asset that strengthens our ability to attract future
8 investment.

9 So on behalf of AV EDGE, we strongly urge the
10 Commission to approve Hydrostor's Willow Rock Energy
11 Storage Center today because we believe that this project
12 is essential to securing a sustainable economic future for
13 our region.

14 Thank you very much.

15 MR. YOUNG: Thank you.

16 I'm next going to turn to Corey Costelloe.
17 Corey, we're going to unmute your line. Please unmute on
18 your end, state and spell your name for the record, and we
19 welcome your public comment.

20 MR. COSTELLOE: Yes, good afternoon. Thank you
21 so much. Corey Costello, C-O-R-E-Y C-O-S-T-E-L-L-O-E. I
22 am the Assistant City Manager for the City of Tehachapi.
23 We're an incorporated city in Kern County, about 25 minutes
24 from the Hydrostor Willow Rock Energy Project. The
25 Tehachapi City Council has been very supportive of this

1 project and my speaking in support here today. This is a
2 transformative energy project, the first of its kind, and
3 we're honored that it's in East Kern.

4 Tehachapi's no stranger to transformative
5 projects. In the late 1970s, a company called Zond started
6 putting these funny-looking turbines on our hillsides with
7 nothing more than a pickup truck and some guide wires. It
8 was considered new and transformative at the time. And
9 over 50 years later, the Tehachapi Pass is the most
10 productive wind energy pass in the world, and cities from
11 all over California have enjoyed purchasing renewable
12 energy from these now much more advanced turbines.

13 Tehachapi has wind. The surrounding communities
14 of Mojave, California City, and Rosamond have solar
15 installations, and all these renewable generation tools are
16 in need of additional battery storage. This Willow Rock
17 project is perfectly located to benefit all of those
18 generative tools and to economically impact all the
19 communities listed above.

20 East Kern County communities work collaboratively
21 regularly on these projects, and we are in support of this
22 project, both from the infrastructure it will bring and for
23 the direct and indirect jobs it will create in our region.
24 Kern County fuels, defends, feeds, and powers the state.
25 This project is critical to ensuring we continue to power

1 this state with this transformative idea, nothing new to
2 East Kern. Innovation rising is our motto in the East Kern
3 Economic Alliance, and this project is just that.

4 So the City of Tehachapi is supportive of this
5 project, and we urge the Commission for their approval as
6 well.

7 Thank you very much.

8 CHAIR HOCHSCHILD: Just before we proceed, I just
9 wanted to share for folks in the room, we have four more
10 public comments on this item, then we'll proceed to a vote.
11 And then what I'd like to do is just recess for 10 minutes.
12 Folks can use the bathroom, take a little break, and then
13 we'll take up Fountain Wind.

14 So let's -- we have four more, right, Ryan? So
15 let's proceed with that. Thanks.

16 MR. YOUNG: Thank you.

17 I'm going to return to Chris Parlier. Chris, I'm
18 going to unmute your line. Please be sure to unmute on
19 your end. State and spell your name for the record, and we
20 welcome your comment, Chris.

21 Okay, it looks like we still don't have Chris, so
22 I'm going to move to George Hodgkinson. George, please
23 unmute on your end. State and spell your name for the
24 record, and we welcome your comment.

25 MR. HODGKINSON: Do you hear me?

1 MR. YOUNG: Yes, we can. Thank you.

2 MR. HODGKINSON: Okay, my name is George
3 Hodgkinson, G-E-O-R-G-E, last name H-O-D-G-K-I-N-S-O-N.
4 I'm President of the Mojave Chamber of Commerce, and also
5 just spent 18 years on the Mojave Unified School District
6 Board of Trustees. I'm a lifelong member of Mojave, living
7 here in Mojave since 1954. I, too, support this project
8 for a number of reasons, of course, financial support and
9 input on the jobs that will be created for tech and
10 education.

11 And one of the things I found kind of
12 interesting. Back in 1970, when I got out of college, I
13 worked for three oil companies on and off, Chevron, Citgo,
14 and Phillips 66, pumping gas. And at the time, this desert
15 was wide open and it didn't -- you wouldn't think anything
16 about needing more energy or changing energy at \$0.339 a
17 gallon of gas. But I learned while I was going to college,
18 I majored in astrophysics, and the amount of energy that I
19 saw in the desert with wind energy and solar energy, quite
20 impressed about that, but there was not a windmill or solar
21 collector in the area. Since then, the last 50 years, a
22 lot of things have changed.

23 I can't tell you how much I support this. I do
24 have solar on my house and I have for a number of years.
25 And I wanted to thank the CEC for their work in this matter

1 and also the support and the community activities that have
2 been involved with Hydrostor and with that group, and I'm
3 looking forward to the future of this project coming into
4 play. I'm looking forward to the number of jobs that were
5 created and the economic input that we will see.

6 One comment Anthony made earlier, we did lose
7 quite a bit of business, hospitality business, in our small
8 town of Mojave. We lost about 40 percent when it was
9 bypassed, and I'm sure this will help with that in the
10 construction mode and the increased jobs in the area.

11 So with that, again, thank you very much.

12 MR. YOUNG: Thank you all.

13 For our last public comment, we're going to hear
14 from Tim Johnson. Tim, I'm unmuting your line. Please
15 unmute on your end. State and spell your name for the
16 record. We welcome to comment.

17 MR. JOHNSON: Thank you. Just confirming you can
18 hear me?

19 MR. YOUNG: Yes, we can hear you. Thank you.

20 MR. JOHNSON: Thank you. Tim Johnson, T-I-M
21 J-O-H-N-S-O-N. I'm Vice President of ARB, Inc. We are a
22 California union construction company, actually started in
23 Bakersfield back in the '40s. We employ around 1,200 union
24 craft and supervision. Still maintain an office down in
25 Bakersfield.

1 So I want to thank the CEC Commission and staff.
2 I want to speak in support of the project. You know,
3 hearing all the support, I think, you know, having lived in
4 this industry for 30 years, the confluence of all of the
5 positive comments, you know, sometimes things just make
6 sense. And I think that's where this project lies.

7 We've installed around six gigawatts of
8 California generation since around 2000. We're actually
9 installing a gigawatt of solar and BESS just north of
10 Mojave. Currently, we've been able to do that safely and
11 responsibly. We've mitigated the biological impacts on the
12 8,000-acre site, so real familiar with the area. We've
13 done a lot of work in the high desert area, including
14 Boron, so real familiar with it. And it can all be done
15 very safely and responsibly.

16 This project is going to provide substantial
17 union construction jobs, you've heard some of the numbers,
18 at a time when we're seeing, honestly, we're seeing a lot
19 of pull to other states for our talent, you know, craft
20 talent, people that know how to do trades work. There's a
21 lot of investment going in Arizona and Nevada and other
22 places. And a lot of folks are looking at that and looking
23 at that as an option. So this is a nice way to hang on to
24 them and keep the skill set here. So as a union
25 constructor, we support this project.

1 You know, just as a California citizen, the
2 technology is responsible storage solution. It's really
3 going to do a good job taking advantage of the substantial
4 solar energy collection and other renewable energy that is
5 generated and save it for the evening hours or longer. I
6 think it was Curt that mentioned earlier, I think a lot of
7 us heard about the problems they had in Spain and Portugal,
8 because of the, just the reactivity of the grid. This
9 will also, you know, help mitigate some of that by
10 providing a little, I don't know what the word is, but you
11 know, some sort of inertia, basically, in the nature of the
12 project versus just pure solar, bass and wind.

13 So we hope the CEC will vote in favor of the
14 project, and we are, and I think it's an exciting thing. I
15 suspect George and other locals in the area will benefit
16 substantially. And there will probably be a number of
17 hotel rooms taken advantage of and mobile homes rented out
18 and all kinds of things, so that's a good thing for the
19 community.

20 Thank you for your time.

21 MR. YOUNG: Thank you for your comments today.

22 Hearing Officer, that concludes public comment,
23 Back to you.

24 HEARING OFFICER WEBSTER-HAWKINS: Thank you, Mr.
25 Public Advisor.

1 Next slide, please.

2 So now is the time for Commissioners remarks and
3 deliberations. And I would like to turn it over to the
4 Presiding Member of the Committee, Commissioner McAllister,
5 to open up the discussion.

6 COMMISSIONER MCALLISTER: Great. Thank you,
7 Hearing Officer Webster-Hawkins. First, just thanks to you
8 for orchestrating what I think we've heard is a long and
9 complicated process. Was just noting that the last time we
10 considered approval through an AFC process was around eight
11 years ago, a little bit more than eight years ago, so it's
12 been a long time, and that was the Stanton Energy Center.
13 So I've been really happy to see the muscle memory still
14 there with staff. And the process is not one for the faint
15 hearted. So I think we all can agree on that. So I wanted
16 to thank Renee and the Hearing Office just for a job
17 incredibly well done.

18 Also, the Public Advisor, Ryan, you've done a
19 stellar job, both here in Sacramento and also out in
20 hearings and other events we've had in support of this
21 project during the process down in Kern County,
22 particularly Mojave.

23 I want to thank, also, my partner on the
24 Committee, Commissioner Gallardo, just really have been --
25 I think the whole process has benefited from your

1 experience and wisdom in the siting arena, so thank you.

2 Also wanted to thank my Advisor Maggie Dang,
3 who's here in the audience someplace, and has been really
4 critical to help sort of keep all the cylinders tuned up
5 and firing in my office.

6 Want to thank, also, staff. And I think
7 Executive Director Bohan made clear that the AFC process
8 has staff as a party. And Hearing Officer also made that
9 point. Staff is a party, so this is a much more formal
10 process than sort of some of our typical processes and
11 rulemakings, regulatory and the Commission. And so that
12 formality means that the process is even more important to
13 make sure that we're hearing everybody listening to
14 everyone in the right format and the right process so we
15 don't get crosswise and create conflicts and that sort of
16 thing, so the record really can be developed in a
17 responsible and grounded way.

18 And staff, Mr. Babula and the counsel on this
19 project, the whole team has been fabulous. And the staff,
20 all the subject matter experts who've worked on different
21 parts of the PMPD and just been in this project for the
22 last couple years, their dedication and completeness and
23 expertise has shown through, I think, in the final product.
24 And, you know, the more beautiful the final product works,
25 that kind of means the harder, you know, the harder folks

1 work to make it that way. And I think that's the case
2 here.

3 I want to thank the Applicant. I think it's
4 pretty rare that we have a project of this significance and
5 hear essentially no significant opposition. And I think
6 that is a real testament, Mr. Hildebrand, Mr. Harris and
7 the whole team, of really leaning into the community and
8 figuring out how to be helpful and how to be a good citizen
9 and how to invest in a place that you know you're going to
10 be for a while, assuming, you know, if we approve this. So
11 your vision and your sort of dedication to that end point,
12 I think, comes through loud and clear, so thanks for that.

13 And the intervenors. We heard from CBE. I want
14 to really thank the participation from Communities for
15 Better Environment and CURE. And again, the input that we
16 intake, that we hear during the process, it impacts the
17 outcome in a positive way, so -- and the fact that you'll
18 be also paying attention during implementation, during the
19 build-out and operation, is also really great to hear.

20 I want to also thank the state entities or the
21 public entities, most notably the County of Kern. Many of
22 you know I grew up in Nashville, Tennessee. A slight
23 aside. But I've always had an appreciation for the
24 Bakersfield sound. And the sincerity and the sort of
25 organic conversations that happen, the groundedness of the

1 communities and the county, and the responsiveness to the
2 citizens and the residents across the board that live in
3 Kern County, I think is super clear. The County of Kern is
4 really listening, trying to do the right thing. And I
5 think it's a real example of how to be responsive and
6 responsible to folks who live in the jurisdiction. So I
7 want to just really appreciate Lorelei Oviatt and the whole
8 team. We've heard some of the names and I won't repeat
9 them. But I think Kern really, really is trying to be part
10 of the solution in a way that really is balanced and sort
11 of all of the above, but also I think very considerate of
12 the environment and the people in their part of the world.

13 And then finally, I want to thank the Department
14 of Water Resources and the Division of Safety of Dams for
15 what they have done, participated in the process up to now,
16 but also the collaboration that they will have with the
17 Applicant if and when construction begins on the dam
18 aspect. So obviously we'll be over -- the Commission would
19 be overseeing that, but I think the conversation there has
20 been really helpful and hopefully set the stage for a
21 smooth path forward.

22 A few notable -- well, I also want to thank the
23 commenters, Mr. Chapman, Mr. Myers, always just a pleasure.
24 This feels like sort of a version two of some of the
25 hearings we've had down in Kern County. Everybody's kind

1 of come up. It's just, you know, the group is sort of a
2 movable feast a little bit. But just the positivity and
3 the tight relationships, I think, are important and will be
4 important in the community.

5 Mr. Howlett, Mr. Desai, Mr. MacKay, Mr. Gamez,
6 and Mr. Costelloe, Mr. Hodgkinson, Mr. Johnson, really
7 appreciate all of your points and your just willingness to
8 step up and comment on this proceeding.

9 So I think this project, to me, has kind of
10 evolved in the way I feel about it. I think some folks
11 have commented along these lines, but California, we're
12 doing big things and we're leading in a lot of important
13 ways. And diversity among our storage fleet is important.

14 Having some rotating mass on the system is
15 important, that inertia that I think Mr. Johnson commented
16 on. We've got a lot of inverterbased resources out there,
17 including in that area and, you know, particularly solar,
18 but also some wind. Much of the wind is now, you know,
19 variable speed with inverterbased resource, inverterbased
20 conversion. And incorporation of that flexible -- of those
21 flexible renewable resources, you know, nearby to the
22 supply and, you know, in the region and having it not just
23 be lithium ion batteries, but lots of other technologies, I
24 think, is really important.

25 Also, I want to point out that the Committee and

1 the staff and everyone involved have really taken the
2 urgency of moving, getting moving forward seriously. The
3 keeping open that window for tax credits and the loan
4 guarantees has been important for this project if it's
5 going to happen. And so without, you know, prejudging, we
6 really wanted to not be a barrier to that in case the
7 project does go forward. And so I feel like today we're
8 coming through with that commitment.

9 And I want to just thank, again, my partner on
10 this, Commissioner Gallardo, for really leaning into it and
11 trying to keep it moving forward and meeting the deadlines
12 that we set so that we could get this to the Commission for
13 a vote before the end of the year.

14 A couple of just, I think, other notable aspects
15 of this project. There are a couple of things that are
16 hanging that will be sort of decided or, you know, the
17 exact path forward will be determined down the road a
18 little bit. One is just the ongoing work with the Division
19 of Safety of Dams, which I mentioned.

20 The other is the berm or no-berm option. And I
21 just wanted to mention that. We felt that that depends on
22 sort of future developments on the ground. And so we're
23 comfortable deferring whether the berm happens or not and
24 did not think it was critical for the decision. And so
25 while it is a lot of material that will be moving around

1 the state or not or staying on site, that decision is sort
2 of TBD, but not critical for the approval, but, you know,
3 important to hash out and really define precisely, you
4 know, once the project is being developed.

5 Let's see. Finally, just on the technical
6 pieces, I just want to point out, you know, this is really
7 innovative. You know, Mr. Hildebrand talked about that.
8 It's an innovative application, but of off-the-shelf
9 technologies.

10 And I think, you know, the drilling, the
11 excavation, you know, the compressors, we have a lot of
12 compressors, and then the expanders coming back out, those
13 are -- you know, these are known, known pieces of
14 equipment. The thermal storage, even. But, you know,
15 having thermal storage, taking heat from compressors and
16 then using it to keep the whole thing from freezing when
17 the compressed air comes back up, that's interesting. You
18 know, it's a thermal, an application of thermal at this
19 scale is something we haven't seen before. So, you know,
20 just commend the sort of inherent risk that Hydrostor is
21 taking on, but also, you know, the prudence with it with
22 which it's developed the technical plan and the designs.

23 So let's see. I guess with that, I do have a
24 question. I just want to kind of get on the record,
25 could -- and probably from Mr. Hildebrand, but if you have

1 a technical person, but could you sort of -- so this is
2 a -- you know, it's taking energy from the grid and then
3 it's pushing energy back into the grid and taking advantage
4 of this temporal arbitrage. And I wanted to just get you
5 to provide a little more detail on how that's going to work
6 in terms of, you know, using otherwise curtailable,
7 perhaps, renewables and then providing peak resources, the
8 ramping resources.

9 MR. HILDEBRAND: I want to make sure I understand
10 your question clearly, Commissioner. Are you asking to
11 describe an average day in the plant life?

12 COMMISSIONER MCALLISTER: Yeah, just sort of how
13 that, how not necessarily like contracts and who you're
14 going to -- who your offtaker is or anything, but just sort
15 of how that daily arbitrage is going to work.

16 MR. HILDEBRAND: Yeah, typically we'll end up
17 contracting our capacity to load-serving entity customers
18 that will have certain dispatch rights for the facility.

19 But to help illustrate the -- an average day in
20 the life of the project, what we envision, we're going to
21 take off-peak power during, typically, night hours. So for
22 a 24-hour period, starting at midnight, demand is low.
23 There's wind blowing across the straight -- across the
24 state. There are -- there's an excess of power on the
25 grid. We will utilize that off-peak power, run our

1 compressors, compress our air, inject it down into the
2 cavern over the next 13 hours until one o'clock p.m. So
3 for those first 13 hours of the day, typically those are
4 off-peak hours. And this is again, for illustrative
5 purposes, markets change on a minute by minute basis.

6 Nonetheless, by one o'clock we'll have injected
7 our full air volume down into the caverns. Over that 13
8 hours, the water in the caverns will slowly come up to the
9 surface displaced by that compressed air. And by 1:00
10 p.m., we'll have a fully charged 4,000 megawatt hour
11 battery, if you will.

12 When we get the signal to reverse that operation
13 and generate, go from the charge mode to the generation
14 mode, we can do that very quickly. We can do it in stages.
15 We can do it all at once. We can ramp up, ramp down,
16 provide all these ancillary services. And for the next
17 eight hours, say from two o'clock to nine o'clock or two
18 o'clock to ten o'clock p.m., we'll generate 500 megawatts
19 and send that onto the grid. Those are on peak hours.
20 Those are very valuable megawatts to have on the grid
21 during those hours. And we'll be able to provide those
22 with all the electrical attributes of rotating equipment.

23 Once the air has been exhausted, our batteries
24 uncharged, that's about midnight, and we'll turn it around
25 and do it all over again the next day.

1 COMMISSIONER MCALLISTER: I appreciate that
2 explanation and really kind of just for the benefit of the
3 record today to everybody here and folks who might not be
4 as familiar.

5 But I'll wrap up my comments by just saying, you
6 know, this, I think this decision is -- the Proposed
7 Decision, PMPD, is quite an example of completeness and
8 sort of application of our AFC process. Hundreds, dozens,
9 if not hundreds, of people involved in that through the
10 course of a couple years with a break in between for the
11 Applicant to resolve some technical issues, find it an
12 appropriate site. But, you know, I would recommend folks
13 to, you know, put it on their bedside table and pour
14 through it at some point if you're so inclined.

15 And just really am happy to be here today
16 bringing this to a vote at the Commission. So thanks to
17 all my colleagues for talking through the item today.

18 Back to you, Hearing Officer, or back to you,
19 Chair.

20 HEARING OFFICER WEBSTER-HAWKINS: Thank you. I
21 also --

22 CHAIR HOCHSCHILD: Yeah.

23 HEARING OFFICER WEBSTER-HAWKINS: -- I wanted to
24 provide the Associate Member, Commissioner Gallardo, an
25 opportunity to make remarks.

1 COMMISSIONER GALLARDO: Totally fine. Thank you.
2 I don't have any questions. I do have some remarks.

3 I want to start with gratitude for the
4 participation of the representatives, residents, and local
5 leaders from Kern County today and throughout the entire
6 proceeding. It's very valuable to hear your perspectives
7 and expertise about the area where you live, work, and
8 play, and also how you feel about the impact of having this
9 Applicant Hydrostor as a neighbor.

10 And next, thanks to Commissioner McAllister for
11 his leadership and diligence in this proceeding. It was
12 also fun to do the site visits, the multiple site visits to
13 the proposed site and to learn more about your perspective
14 during those engagements.

15 And I also want to thank your advisor, Maggie
16 Deng, and my advisor, Jimmy Qaqundah, who formed a great
17 team in supporting both of us.

18 And I'll also echo the praise of Hearing Officer
19 Webster-Hawkins for keeping us organized, informed, and for
20 coordinating so many moving parts. It's not easy to herd
21 multiple Commissioners and their advisors, but you did it
22 with such elegance, so thank you for that. And I also
23 appreciate all the work of the Policy Office, the Chief
24 Counsel's Office.

25 And I want to express my gratitude to all the

1 parties, too, who worked so hard to get us to this point,
2 including the Applicant. And in large part, that was due
3 to how everyone interacted at our hearings, in many cases
4 collaborating closely to resolve issues, even when parties
5 did not agree on things and didn't result in full
6 agreement. But that collaboration was key to getting us
7 moving so fast.

8 And I also appreciated everyone's grace in
9 handling the tragic passing during the process of two
10 people we care about, Daryl Harrison from the Applicant
11 team shortly before the evidentiary hearings started, and
12 also former CEC Chair Bob Wiesenmiller.

13 So with that, I will support approving this item.
14 Thank you.

15 HEARING OFFICER WEBSTER-HAWKINS: Thank you,
16 Commissioner.

17 To you, Chair.

18 CHAIR HOCHSCHILD: No further comments from me.
19 So do you want to call for the vote?

20 HEARING OFFICER WEBSTER-HAWKINS: Does
21 Commissioner Skinner have any comments?

22 CHAIR HOCHSCHILD: Did you have further comments,
23 Commissioner Skinner? Okay.

24 HEARING OFFICER WEBSTER-HAWKINS: All right. So
25 with that, what I'm hearing is a collective concurrence of

1 the Commission. And at this time, I would ask for a motion
2 to adopt the Presiding Member's Proposed Decision, together
3 with the errata published in the docket, which include all
4 findings of fact and conclusions of law required by the
5 Warren-Alquist Act, including the Statement of Overriding
6 Consideration for significant impacts to visual resources,
7 and to certify the Willow Rock Energy Storage Center
8 21AFC02.

9 Presiding Member McAllister, do we have a motion?

10 COMMISSIONER MCALLISTER: So moved.

11 HEARING OFFICER WEBSTER-HAWKINS: Associate
12 Member Gallardo, do we have a second?

13 COMMISSIONER GALLARDO: I second.

14 HEARING OFFICER WEBSTER-HAWKINS: I will call for
15 a roll call vote.

16 Commissioner McAllister?

17 COMMISSIONER MCALLISTER: Aye.

18 HEARING OFFICER WEBSTER-HAWKINS: Commissioner
19 Gallardo?

20 COMMISSIONER GALLARDO: Aye.

21 HEARING OFFICER WEBSTER-HAWKINS: Commissioner
22 Skinner?

23 COMMISSIONER SKINNER: Aye.

24 HEARING OFFICER WEBSTER-HAWKINS: Chair
25 Hochschild?

1 CHAIR HOCHSCHILD: Aye.

2 HEARING OFFICER WEBSTER-HAWKINS: And Vice Chair
3 Gunda is not present at the moment.

4 The vote is four to zero. The final decision is
5 adopted. And this public hearing for the Willow Rock
6 Energy Storage Center AFC Docket 21-AFC02 is now adjourned
7 at 12:29.

8 CHAIR HOCHSCHILD: Thank you so much, Hearing
9 Officer Webster-Hawkins. Really appreciate that.

10 And thank you all for hanging in there. What I'd
11 like to do, it's 12:30 now, let's take a 10-minute recess.
12 The restrooms, for those of you who haven't been here
13 before, just go out to the wall and make a right. And
14 we'll come back and reconvene at 12:40.

15 (Off the record at 12:49 p.m.)

16 (On the record at 12:42 p.m.)

17 CHAIR HOCHSCHILD: All right, at this time, we'll
18 move on to Item 7, Opt-In Certification Fountain Wind
19 Project.

20 And I'd like to invite Drew Bohan to make some
21 opening remarks before inviting Kaycee Chang to present on
22 the project.

23 MR. BOHAN: All right, Commissioners, thank you
24 again. Good to see you this afternoon. I wanted to just
25 provide a high-level overview of this matter. You just

1 concluded one siting matter. This is a second one. And
2 then I'm going to hand it off to Kaycee Chang, our stellar,
3 there she is, our stellar project manager who will walk
4 through each of the specific issues that we examined that
5 led to our recommendation.

6 Just like with Willow Rock, staff carefully
7 evaluated each of the unique features of this project. We
8 identified a number of benefits. The project provides grid
9 reliability, it provides jobs, and it provides other
10 economic impacts through the tax base and other
11 contributions that the company would make.

12 We also examined the significant impacts, as
13 we're obligated to do by statute. And for the Fountain
14 Wind Project, we identified 47 significant unmitigable
15 impacts. Staff, again, as I mentioned earlier, tries to
16 reduce all impacts we find to a less than significant
17 level. We were able to do so for some of them; 47 of them,
18 despite our efforts coordinating with stakeholders and the
19 developer, we were not able to reduce below 47 of those.

20 And again, Kaycee is going to get into details,
21 but I wanted to just share generally these impacts were
22 associated with fire. This is a project located in a
23 densely forested area in Shasta County, so the fire risk is
24 big. The project impacts several wildlife species. And it
25 has significant impacts on tribal resources. These are

1 three different categories that we evaluate in CEQA.
2 There's about 20-plus categories we're required by law to
3 look at. These were three. There were three others, a
4 total of six categories, where we found significant
5 unmitigable impacts. This is the largest number of impacts
6 in our history.

7 And what's important to note is there is no
8 magical number of impacts above which a project couldn't be
9 approved. I've gone through and looked at all of the
10 projects we've approved throughout our history, and there
11 have been ones where we've had numerous impacts, as many as
12 5, 10, even a bit more. We've never had one, though, with
13 six different categories that were triggered, and a total
14 of such a large number of impacts.

15 So our job under the statute as staff is to
16 balance those positive attributes, those benefits against
17 those significant impacts and call balls and strikes. Our
18 job as public servants is to do our best to weigh and come
19 up with a recommendation, and that's what we're here before
20 you today. And in our judgment, the impacts of the project
21 significantly outweigh the benefits, and for that reason,
22 we are recommending that the project be denied.

23 And I just want to take a step back and share
24 with the Commission that this is not a decision that staff
25 arrived at lightly. We've spent a lot of time looking

1 around every corner, turning over every rock as we examined
2 this. And this comes at a time when we really need all
3 megawatts, and we believe that strongly.

4 As you know, we have some of the boldest
5 greenhouse gas and renewable energy goals in the world.
6 Just since 2019, California has added over 30,000 megawatts
7 of new clean energy resources. About 17,000 of those are
8 storage. Again, every megawatt matters.

9 Some of the commenters that -- we've read the
10 comments in the docket, and in the press, and some of the
11 private conversations we've had, have said, hey, California
12 really benefits from wind energy. And I just want to make
13 it clear that the staff of the California Energy Commission
14 agree 100 percent. This is absolutely true.

15 Wind power has been doing work for humans for
16 1,500 years. Ancient windmills weren't used for
17 electricity, but ChatGPT assures me that the ancient
18 windmills were able to produce less than a kilowatt of
19 power. The big ones today produce 20,000, 25,000
20 kilowatts. So we've really come a long way, and this is a
21 resource we absolutely want to tap here and have tapped
22 here in California.

23 It's important for a number of reasons. One, it
24 supports our clean energy goals. It provides diversity to
25 our portfolio. It generates power when the sun's down and

1 we're getting no electricity generated from the sun. And
2 it's one of the most inexpensive forms of electricity we
3 have anywhere in the world.

4 I also want to note that the federal
5 administration is openly hostile to wind energy. The CEC
6 is not, by way of contrast. In fact, we've invested over
7 \$80 million in wind energy, in research, in siting at
8 ports, and all those sorts of things. And we published the
9 California's first Offshore Wind Energy Strategic Plan, a
10 multi-hundred-page document that looked into all the issues
11 associated with offshore wind.

12 And I just want to be clear. The findings and
13 the recommendation of staff today have no bearing on any
14 other projects. They are unique to this project. Our
15 recommendation is in no way a repudiation of wind or of the
16 value of wind. It sets no precedent. And I would just
17 note the impacts from wind projects vary widely, depending
18 on the exact location and configuration of each project.
19 And again, as projects come forward to us, we'll evaluate
20 each one on its own merits. The law directs us to study
21 the project, each project, to balance the benefits and the
22 harms, and make an unbiased judgment, and that's what we
23 did.

24 In closing, I just want to thank everyone
25 involved in this project, from our team to you and the

1 support from the Commissioners. And I want to call out the
2 developer Repsol and just say, I had several conversations
3 with them over the period of time we've been working on
4 this and they play by the rules. They were polite and
5 respectful throughout the process. And I completely
6 understand why they would be disappointed by staff's
7 recommendation. And I wish them the best.

8 And finally, in closing, before handing it over
9 to Kaycee to go into a little bit more detail about this
10 project and the way we arrived at our findings, I just
11 wanted to show a new creation of the Energy Commission that
12 went live, I believe this morning or maybe yesterday. And
13 it's up on the screen, as you can see. This is a
14 dashboard. This was the brainchild of Commissioner
15 Gallardo. And what it does is it provides anyone in the
16 world who wants to take a look at what's going on in
17 California and Opt-In, and gives you a sense of where we
18 are.

19 So if you look in the upper left, it's focused
20 right now on the Fountain Wind Project, because that's what
21 we're talking about. And if you look at that map in the
22 middle, Fountain Wind's the blue project at the top of the
23 screen. You can see the legend shows that that's a wind
24 project. There's others dotted throughout the state. I
25 expect this California map to need to be a lot larger after

1 a while, because it's going to be filled -- or the circle's
2 a lot smaller, because it's going to be probably filled
3 with projects.

4 But as you see to the left, we have one project
5 that's been approved. That's the Darden project. And
6 there are eight that are currently under review. All in,
7 that's 2,800 megawatts of generation capacity amongst these
8 nine projects, and just shy of 4,800 megawatts of storage
9 capacity.

10 So if you want to get a macro sense, you can take
11 a quick look at this screen. And if you look in the middle
12 at the bottom, that's each individual project, project by
13 project. And if you click onto one of those - and I'm
14 going to ask Kimberly to do so, and this will be the last
15 screen that I'm going to show, this just shows another
16 project, the Soda Mountain project. This one isn't
17 complete yet, but as you can see, each of those little
18 arrows is a stage in the process. The greens indicate that
19 those have been completed. And you can see at a click of a
20 mouse exactly where we are in the process. We still have
21 some more to go, but we're making progress.

22 Final point before handing it over to Kaycee,
23 among those four projects that are still in the works, one
24 of them we will be publishing our staff assessment this
25 month. We will be meeting our 150-day deadline to do so as

1 required by statute. The next one up will be the Soda
2 Mountain project, which is the one shown here, and it was
3 mentioned earlier by one of the commenters. We expect to
4 have a staff assessment in January for that one, also
5 meeting the 150-day deadline. And the third one is called
6 Corby, this is just east of Vacaville in Solano County, and
7 we expect in March to finalize that staff assessment. And
8 as you know, these are hundreds of pages. These take a
9 tremendous amount of work, so we're very pleased to be
10 moving these along, as I believe the legislators and the
11 governor contemplated when they passed AB 205 in 2022.

12 With that, I'll hand it over to Kaycee. Thank
13 you.

14 MS. CHANG: Okay. Good afternoon, Chair and
15 Commissioners. Thank you, Drew. My name is Kaycee Chang,
16 and I supervise the Project Management Unit in the Siting,
17 Transmission, and Environmental Protection, or STEP,
18 Division. Today, I'm presenting staff's recommendation to
19 deny the Fountain Wind Project Opt-In Application for
20 Certification to construct and operate the facility.

21 Next slide, please.

22 The CEC is authorized to certify eligible clean
23 energy facilities through the optional Opt-In Certification
24 Program created by Assembly Bill 205 in 2022. These
25 eligible facilities include, among others, geothermal power

1 plants, terrestrial wind or solar photovoltaic power plants
2 of 50 megawatts or more, energy storage facilities of 200
3 megawatt hours or more, and electric transmission lines
4 from these facilities to a point of junction with any
5 interconnected electrical transmission system.

6 The CEC is the lead agency under the California
7 Environmental Quality Act, or CEQA, and is required to
8 prepare the appropriate environmental document for any
9 facility that elects to opt into the CEC's jurisdiction.
10 With limited exceptions, the issuance of a certificate by
11 the CEC for an eligible facility is in lieu of any permit,
12 certificate, or similar document required by any state,
13 local, or regional agency, or federal agency to the extent
14 permitted by federal law, and supersedes any applicable
15 statute, ordinance, or regulation of any state, local, or
16 regional agency, or federal agency to the extent permitted
17 by federal law.

18 The Opt-In process provides for early tribal
19 consultation, robust public input, and rigorous
20 environmental review.

21 Next slide, please.

22 The CEC is leading the state to a 100 percent
23 clean energy future for all. The CEC is committed to
24 facilitating the development of appropriately cited and
25 designed clean energy projects, including wind energy. The

1 CEC must evaluate each project on its own merits and
2 evaluate in each instance whether a project's benefits as a
3 whole outweigh its adverse environmental impacts, given the
4 totality of the circumstances.

5 When determining whether to approve or deny a
6 project, decision-making agencies are required by CEQA to
7 balance, as applicable, the economic, legal, social,
8 technological, or other benefits, including region-wide or
9 statewide environmental benefits, of the proposed project
10 against any unavoidable environmental risks. A key example
11 of other benefits considered in this analysis is electric
12 system reliability.

13 Staff's recommendation to deny the Fountain Wind
14 Project is based on the totality of the potential impacts
15 based on the specific project weighed against the potential
16 benefits of the proposed project. Staff's findings set
17 forth in the staff assessment are unique to this project
18 and do not set precedent for future wind or other energy
19 projects.

20 Next slide, please.

21 Fountain Wind is a proposed wind energy
22 generation facility on approximately 2,855 acres of private
23 leased working forest land in unincorporated Shasta County.
24 The site is in a heavily forested area in proximity to
25 national forest lands. The proposed project site is

1 located approximately one mile west of the existing Hatchet
2 Ridge Wind facility, six miles west of Burney, and
3 immediately south of State Route 299, as shown on the
4 figure in the slide.

5 The project would have a total nameplate
6 generating capacity of 205 megawatts with up to 48 wind
7 turbine generators approximately 610 feet tall. The
8 proposed project would also include an overhead and
9 underground electrical collector system, an on-site
10 substation to receive electricity from the turbines, and an
11 on-site switching station to connect the project to the
12 existing regional grid operated by Pacific Gas & Electric
13 Company, or PG&E, and associated infrastructure and
14 facilities.

15 Next slide, please.

16 The Applicant filed the Fountain Wind Project
17 application on January 11th, 2025 -- 2023. CEC staff
18 reviewed the data submitted and completed a series of
19 requests for information before deeming the application
20 complete in October 2023. CEC staff then held a public
21 informational and scoping meeting in Shasta County in
22 November 2023.

23 In the days following the public meeting, the CEC
24 staff learned that the Applicant's water source for
25 construction and operations was not viable. Over the

1 course of several months, CEC staff and the Applicant
2 exchanged information requests and responses regarding the
3 changes in water source. This caused an adjustment to the
4 CEC's 270-day review schedule due to the unviable water
5 source.

6 The CEC staff assessment was filed on March 25th,
7 2025, opening the 60-day public comment period, which
8 closed on May 29th, 2025. A public meeting to present the
9 staff assessment and receive public comment was held in
10 Shasta County on May 20th, 2025. The Response to Comments
11 document and Executive Director's recommendation was filed
12 on November 19th, 2025.

13 Next slide, please.

14 The CEC has received over 700 comments from the
15 public on the proposed project, including over 550 in
16 opposition, over 170 in support, and 7 who did not state a
17 stance. Many comments were related to the fire risk
18 concerns and the high fire hazard zone designation and the
19 area's steep terrain, dense vegetation, and high tree
20 mortality as conditions that could increase ignition
21 potential and fire spread.

22 Potential impacts to biological resources were
23 also a common theme, referencing risk to bird species due
24 to turbine blade collisions and loss of habitats and
25 biodiversity.

1 Other comment themes included forestry and visual
2 impacts, the Community Benefits Agreement, and many
3 comments focused on cultural and tribal land concerns, such
4 as impacts to sacred sites and ceremonial areas.

5 All comments were considered when preparing the
6 staff assessment and response to comments.

7 Next slide, please.

8 The proposed project could provide potential
9 benefits, including generating up to 205 megawatts of wind
10 energy. The project would contribute to statewide
11 renewable energy and carbon-free energy goals under Senate
12 Bill, or SB, 100 and would potentially displace greenhouse
13 gas emissions. The project could provide some grid
14 reliability benefits.

15 While the California Independent System Operator
16 determined that the Fountain Wind Project is not situated
17 in a local reliability area, which is a transmission
18 constrained area without enough local generation and
19 therefore is not needed to support local reliability, they
20 did award them full capacity deliverability status.
21 Fountain Wind could be contracted for the Resource Adequacy
22 Program by electricity providers, like PG&E, which helps
23 ensure the reliability of the electric system in
24 California, potentially contributing 35 to 100 megawatts
25 during peak demand.

1 The project could provide economic benefits to
2 Shasta County through direct and indirect construction
3 output, temporary and permanent employment to workers, and
4 property tax revenue, as well as financial benefits to the
5 community through Community Benefits Agreements.

6 Next slide, please.

7 Identified project impacts include nearly 50
8 impacts to biological resources, visual resources, cultural
9 and tribal cultural resources, wildfire, land use, and
10 forestry resources, which is the most CEC staff have seen
11 for a project proposed to the CEC.

12 The proposed project may result in the mortality
13 of monarch butterflies and threatened or endangered species
14 such as Greater sandhill crane and California spotted owl
15 that are present or have the potential to occur at the
16 Fountain Wind Project site through turbine collisions and
17 may enhance wildfire spread impacting off-site habitat.

18 The proposed wind turbines would be visually
19 intrusive and cannot be camouflaged or screened given their
20 size, color, and motion in comparison to the existing
21 landscape.

22 Important tribal cultural landscapes coalesce in
23 the drainages of Hatchet and Montgomery Creeks. Modern
24 tribal members retain their lengthy and intimate connection
25 to this place for cultural identity. In addition, at least

1 20 discrete cultural tribal cultural resources are in the
2 proposed project site or within its viewshed.

3 The layout of the 48 turbines each up to 610 feet
4 tall scattered throughout the project site represent aerial
5 hazards and reduces zones within the project site that
6 aircraft can fly to deploy fire retardant.

7 The Fountain Wind Project site and surrounding
8 area are entirely located within an area designated by the
9 California Department of Forestry and Fire Protection as a
10 very high fire hazard severity zone.

11 Under CEQA, the project would have a significant
12 impact to land use and planning because it would have
13 significant environmental effects that established zoning
14 laws were intended to avoid or mitigate. CEC staff
15 evaluated the conformity of the project with local zoning
16 and land use laws, which was a required component of the
17 staff assessment at the time of its publication under the
18 public resources code.

19 Staff's evaluation found that the construction
20 and operation of the proposed Fountain Wind Project would
21 not conform with the Shasta County Municipal Code. A large
22 wind energy system is specifically prohibited in all zone
23 districts due to Shasta County's concerns regarding impacts
24 to aesthetics, potential increased fire danger, impediments
25 to firefighting efforts, damage to wildlife, damage to

1 natural resources, and damage to cultural and resources.

2 Prior to the enactment of SB 254 this past
3 legislative session, a non-compliance with local zoning and
4 land use laws would have required a finding of public
5 convenience and necessity that could not be achievable
6 through other prudent and feasible means. While an
7 affirmative finding of public convenience and necessity is
8 no longer required for project approval, CEC staff must
9 evaluate conflicts with local laws and ordinances under
10 CEQA. In this case, the public safety, general welfare,
11 and environmental purpose of Shasta County's Code sections
12 and Shasta County General Plan's scenic highways element
13 supports a finding that the project's conflict will result
14 in a significant unmitigable impact to land use and
15 planning.

16 The project is zoned as a timber harvest
17 district, limiting the project site for timber harvesting
18 and related activities. The project would result in the
19 permanent conversion of 518 acres of forest land to non-
20 forest use. Forests within the proposed project site have
21 high to intermediate timber productivity potential.

22 Next slide, please.

23 The proposed contribution of the Fountain Wind
24 Project's 205 megawatts towards the SB 100 goals and grid
25 reliability, plus the economic benefits to the community,

1 such as jobs, do not outweigh the numerous significant
2 unavoidable impacts to the environment in the areas of
3 biological resources, visual resources, cultural and tribal
4 cultural resources, wildfire, forestry resources, and land
5 use, the financial cost to Shasta County and the potential
6 loss of some natural working lands to sequester carbon.

7 Next slide, please.

8 Having carefully evaluated the Fountain Wind
9 Project's proposed benefits and the environmental impacts
10 that could result from it, CEC staff recommends based on
11 the entire record, the CEC adopt the proposed order to deny
12 the Fountain Wind Project's Opt-In Application for
13 Certification to construct and operate the facility. The
14 staff recommendation to deny the Fountain Wind Project is
15 based entirely on the facts unique to the proposed project
16 and is not applicable to other wind, solar, or any other
17 energy project.

18 Next slide, please.

19 On December 5th, 2025, the County of Shasta filed
20 a request for dispute resolution regarding invoice
21 reimbursements. The request seeks formal dispute
22 resolution pursuant to California Code of Regulations Title
23 20 section 1878.1 concerning reimbursement of the County's
24 eligible costs incurred for services performed in reviewing
25 the application for the Fountain Wind Project. Under

1 Public Resources Code section 25538, local agencies may
2 request reimbursement for actual costs for reviewing the
3 application, and the CEC is authorized to request the fee
4 from the project Applicant.

5 California Code of Regulations Title 20, Section
6 1878.1 provides that the CEC's Executive Director shall
7 resolve the dispute by filing a written decision based on
8 good cause as demonstrated by any information provided by
9 the Applicant and local agency on the merits of
10 reimbursement. The request for dispute resolution process
11 is independent of the CEC's consideration to approve or
12 deny a project, and the County's request is currently being
13 processed.

14 Staff recommends that the CEC maintain
15 jurisdiction over the Fountain Wind Project until the
16 Executive Director resolves the dispute by filing a written
17 decision consistent with California Code of Regulations
18 Title 20 section 1878.1.

19 I would like to close by acknowledging and
20 thanking the entire STEP technical and management team,
21 Project Assistant Marishka Hawes (phonetic), and the Chief
22 Counsel's Office, including Assistant Chief Counsel Matthew
23 Pinkerton, Staff Attorneys Jared Babula and Mariah Ponce,
24 for their hard work on the environmental document and
25 throughout the Opt-In proceeding.

1 Thank you to Derek Rieman, the Applicant's
2 representative, and their team.

3 I would also like to thank staff with the
4 California Department of Fish and Wildlife and Central
5 Valley Regional Water Quality Control Board for their
6 cooperation and responsiveness.

7 Thank you, Chair and Commissioners. Staff is
8 available to answer any questions you may have.

9 We do have the Applicant here today who would
10 like to make brief remarks. We also have government
11 representatives that we would like to provide time to, to
12 share remarks.

13 First, I'd like to invite Derek Rieman, the
14 Applicant representative, to the podium.

15 CHAIR HOCHSCHILD: Thank you, Kaycee.

16 MR. RIEMAN: Good afternoon, Chairman Hochschild,
17 Commissioners, staff, and stakeholders. My name is Derek
18 Rieman, D-E-R-E-K R-I-E-M-A-N, and I'm Chief Development
19 Officer at Repsol Renewables North America.

20 I want to begin by expressing our appreciation to
21 the Commission and staff's engagement throughout this
22 process. We recognize the effort that went into the staff
23 assessment and challenges of being the first renewable
24 energy project through the AB 205 process. It's been a
25 learning experience for us all, and we value the

1 opportunity to work through these complexities throughout
2 this process together.

3 Fountain Wind is a 200-megawatt onshore wind
4 project located in Shasta County that has been in
5 development for over a decade. It represents a significant
6 investment of capital, expertise and time for Repsol and
7 the project team. We believe the project offers important
8 and unique benefits to the state's energy mix.

9 Onshore wind is among the most affordable sources
10 of electricity with no marginal operational cost. It
11 provides critical resource diversity to the grid,
12 complementing solar and battery storage resources and
13 delivering power when the solar output declines. This
14 diversity is essential for achieving the state's renewable
15 energy goals.

16 Furthermore, this project reflects Repsol's
17 global mission to provide responsible, affordable, and
18 secure energy to meet the rapidly growing demand from
19 society. In the past five years, we have added more than
20 2,800 megawatts of operational and construction energy,
21 renewable energy capacity across the United States from
22 five projects. These investments demonstrate the strength
23 of our commitment and capability to develop renewable
24 energy capacity in the country in an environmentally and
25 safe manner.

1 The United States is a core growth region for us,
2 and we have invested more than \$24 billion in the U.S. over
3 the past 20 years, and we plan to invest another \$6 billion
4 more over the next five years across all energy sectors.

5 In closing, we respectfully ask the Commission to
6 consider the broader benefits Fountain Wind provides: 200
7 megawatts of affordable, reliable, and diverse renewable
8 energy with ready access to transmission, alongside our
9 commitment to address concerns raised by implementing
10 proven mitigation measures. We appreciate the Commission's
11 and staff's diligence and the lessons learned through this
12 process, and we look forward to continuing to engage
13 constructively with all stakeholders to make our shared
14 renewable energy goals a possibility.

15 Thank you kindly for your time and appreciate
16 your consideration.

17 MS. CHANG: Thank you, Derek Rieman.

18 Next, I would like to invite government
19 representatives, starting with the Pit River Tribe in
20 Shasta County.

21 First up, I'd like to welcome Chairman Bamford
22 with the Pit River Tribe, followed by Brandy McDaniels with
23 the Pit River Tribe.

24 Thank you all for your time today. Greetings,
25 Chair Hochschild, Vice Chair Gerda [sic], and distinguished

1 Commissioners. My name is Yatch Bamford and I am the
2 Chairman and Spokesperson for the Pit River Nation.

3 Today, we come before you traveling a long
4 distance from our traditional homelands, but it is one of
5 the highest degree of importance that we be here before you
6 today. As the citizens of the Pit River Nation, we have
7 had to spend years of our lives vetting and eventually
8 opposing the Fountain Wind Project due to the known and
9 well-documented numerous significant and unavoidable
10 impacts to our homelands, environment, culture, heritage,
11 amongst many other important factors that impact the
12 citizens of the Pit River Nation directly, as well as our
13 wider community, region, and more.

14 Therefore, we are overwhelmingly pleased that the
15 Executive Director of the California Energy Commission has
16 come to the same conclusion as the Pit River Nation, our
17 surrounding communities, the County of Shasta, and many
18 others that have reviewed the facts related to the proposed
19 project. Per the Executive Director's issued formal
20 recommendation, the California Energy Commission should
21 deny the Fountain Wind LLC's application. Denying
22 certification of Fountain Wind Project represents more than
23 a regulatory outcome. It represents a moment where our
24 voices were truly heard, our knowledge was truly valued,
25 consultation was acknowledged, and our sacred

1 responsibility to protect our ancestral homelands was truly
2 respected.

3 We thank the Executive Director Bohan and the
4 entire CEC staff for their thorough and principled
5 analysis. Your recommendation to deny this project was
6 grounded in rigorous environmental review and have
7 reflected a deep understanding that some impacts simply
8 cannot be mitigated. We are grateful that you recognize
9 the significant and unavoidable environmental consequences
10 that this project would have created.

11 We especially appreciate the Commissioners'
12 respectful consideration of tribal ecological knowledge.
13 We know that our cultural information often comes with
14 barriers, cultural differences that may not be fully
15 understood, and we are charged with a task handed down by
16 our ancestors to keep and protect sacred sites, burial
17 grounds, culturally-significant resources, and many more.
18 These details must remain protected, yet even with these
19 necessary constraints, your staff took the time to
20 understand the depth and legitimacy of our concerns. You
21 did not dismiss our knowledge and history. You trusted our
22 expertise about our homelands that we have cared for since
23 time immemorial.

24 The project site lies within the ancestral
25 territory of the Madesi, Itsatawi, and Atsugewi Bands of

1 the Pit River Nation. These lands are sacred to us, places
2 of ceremony, healing, and refuge. The waters that flow in
3 our homelands sustain life and culture. The view sheds of
4 Yoyatski, Snow Mountain, and Yetechana (phonetic), Mount
5 Lassen, connect us to our spiritual foundations. Your
6 decision protects these irreplaceable resources for our
7 people and future generations.

8 We also recognize the difficult position that the
9 project proponents attempted to place you in after Pit
10 River and our wide community and regional support made
11 clear our opposition. And working through established
12 processes in Shasta County, this project has already been
13 vetted and denied twice, yet Fountain Wind did not honor or
14 respect or follow through with the very process that they
15 started in Shasta County and that the Pit River Nation
16 participated in, in good faith. They turned their back on
17 us and the process, seeking to use the AB 205 Opt-In
18 pathway to circumvent this well-documented opposition.

19 We are grateful that your staff did not allow
20 this process to be exploited as a tool to override
21 legitimate tribal sovereignty and local concern. AB 205
22 was designed to facilitate appropriate-sited clean energy
23 projects, not to provide a backdoor for projects that
24 communities have already rightfully rejected through
25 existing processes after years of careful and thorough

1 vetting.

2 We support California's clean energy transition.
3 We understand more than anyone the urgency of addressing
4 climate change. And we also know that it is possible to
5 pursue these goals without sacrificing communities, without
6 overriding tribal sovereignty, and without accepting
7 unreasonable environmental and wildfire risk. A denial
8 would affirm that the voices of tribal nations and local
9 communities matter, that consultation is not merely a
10 procedure but meaningful. It would demonstrate that
11 California can achieve its energy future while honoring the
12 rights, knowledge, and concerns of Indigenous Peoples.

13 In spirit of partnership and mutual respect, we
14 thank the California Energy Commission and ask you to stand
15 with the Pit River Nation in protecting our ancestral
16 homelands, the true history of California, and for setting
17 a precedent that clean energy development must be both
18 environmentally sound and culturally responsible.

19 Thank you all.

20 MS. MCDANIELS: (Speaking Native American
21 language.) Aren't we? (Speaking Native American
22 language.) Greetings. My name is Brandy McDaniels. I'm a
23 citizen of the Pit River Nation, and I come from the Madesi
24 Band, which is one of the 11 autonomous bands of the Pit
25 River Nation that have lived along the Pit River since time

1 immemorial.

2 I'm also a mom who was up late last night at a
3 school function and fundraising for eighth graders so they
4 can have something for their graduation, so I'm running on
5 very little sleep getting here this morning. I'm also a
6 grandmother, and the elected Madesi Band cultural
7 representative elder as designated by my Madesi Band.
8 Thank you. And the Fountain Wind Project would directly
9 impact my Madesi Band homelands, in addition to the other
10 -- other 10 bands of the Pit River as well.

11 So today is my son's birthday, so it would be a
12 super awesome birthday gift for you to accept your staff
13 recommendations and deny the Fountain Wind Project that has
14 been threatening his homeland since 2019, almost seven
15 years now. The time and energy that it has taken to oppose
16 and receive denial of this project, which has been denied
17 twice already, has taken half of my youngest daughter's
18 life. That is time that I will never get back.

19 Many of my people would like to be here today,
20 but it is a work day and a school day. This meeting
21 location is far from our homelands and our people still
22 remain to be amongst the poorest of the poor and living in
23 Third World conditions, so it's a complete hardship to be
24 here. Some of our people still live without running water
25 and electricity, living in remote areas without ability to

1 even connect via Zoom today or get cell phone reception. I
2 go to places where even satellite radio doesn't work,
3 right, so I still do CDs.

4 So I feel very thankful that I was able to make
5 it here today so their voices do not go unheard as these
6 are really rough times economically. Also with our people
7 making preparations for winter solstice and a holiday upon
8 us, we must make hard choices of where our limited
9 resources go. But in short, we urge you to support your
10 Executive Director's recommendation to deny the Fountain
11 Wind Project.

12 We have spent considerable time and great amounts
13 of our limited resources to protect our homelands against
14 this project. Pit River Nation, our local community, the
15 County of Shasta, and our wide range of supporters of
16 different religions and backgrounds, different political
17 affiliations, have thoroughly vetted this project.

18 So this is not a political issue because we've
19 all come to the same conclusion over and over, time and
20 time again: the project does not belong here. It is clear
21 that Fountain Wind Project needs to be denied. We have
22 already been drug through a process where the same project
23 has been denied twice, but here we are again with AB 205
24 that is giving this irresponsible project another bite at
25 the apple, which is really a slap in our face after we

1 followed the process that Fountain Wind started and when
2 they didn't get the result they wanted, they turned their
3 back on us and the established outline process. So here we
4 are again. And they had avenues. They could have taken in
5 that process, but no, they just decided, meh, you know,
6 whatever.

7 Okay, so here we are again, leaving our tribal
8 community in limbo in an area where we are actively
9 building up our community and constructing homes right now
10 and moving people into those homes. This is actually very
11 traumatizing to us. We are people who are dealing with
12 historical trauma due to past injustices and horrendous
13 genocidal acts taken against us, where some of these acts
14 of horror and terror were actually sanctioned by the State
15 of California in the past. This cycle of trauma needs to
16 stop.

17 Our current governor has an initiative called
18 Truth in Healing. And I always say that Truth in Healing
19 cannot begin if we're constantly fighting to protect our
20 sacred lands, and this is where we get our food, our water,
21 our medicine. This is where we heal, right, and it's
22 constantly under attack and these are very special places.

23 So time and time again, Fountain Wind has shown
24 who they are. They have lied to us and our community.
25 They have misrepresented our position. They have used our

1 considerable -- their considerable resources to do things
2 such as buy pop-up ads -- you open up your device or your
3 computer, these pop-up ads would come up -- and mailouts
4 saying that the Pit River Tribe, the Pit River Nation
5 somehow supported or was involved with Fountain Wind,
6 complete lie. We are not and have never been involved or
7 supporters of the Fountain Wind Projects but they did that.

8 At one point, our community gave testimony to
9 nearly midnight at Shasta College in opposition to this
10 project, nearly midnight, diverse backgrounds. That is how
11 important that denying this project is to our very diverse
12 community.

13 Our tribal cultural landscapes and the resources
14 they provide to the state of California as a whole is well
15 documented but we continue to face false narratives from
16 the wind industry, including from the Executive Director of
17 the California Wind Association who has been able to get
18 media to publish her false narratives and made up facts.
19 Some of this media is from sources that some may normally
20 find as a credible source.

21 So that's frightening that these journalists are
22 not vetting these facts and sources. Some of the
23 statements made by the Executive Director of the California
24 Wind Energy Association includes this is not exactly
25 pristine habitat. Of course, I would completely challenge

1 these kind of statements. We literally drink water from
2 our springs in this area free of filtration. I don't know
3 how many other people can say that. And I know people that
4 they didn't even know that's where water actually comes
5 from. This just verifies that the California Wind Energy
6 Association and their leadership know nothing about our
7 homelands.

8 In a guest column, the same Executive Director
9 said -- stated that Fountain Wind was approved by Shasta
10 Planning. Again, false. It's been denied twice. She goes
11 on to say in another article that this is a low-impact
12 site, again demonstrating a disrespectful lack of knowledge
13 or just willful ignorance about our homelands.

14 I think it is important to note that we cannot
15 develop every piece of land and expect to survive on this
16 planet. California needs food, water, medicine, and
17 biodiversity and our homelands provide -- that our
18 homelands provide in order to thrive.

19 California being the fourth largest economy in
20 the world also needs to stop allowing these projects to
21 target socioeconomically suppressed communities who don't
22 have the resources to fight these bad projects. We have
23 already carried and continue to carry the heavy burden to
24 provide energy that we don't even benefit from in several
25 ways, including hydroelectric by the damming of the Pit

1 River which keeps our traditional salmon runs from coming
2 home to spawn with no fish passage. And, you know, the
3 official symbol of the Pit River Nation is the three
4 salmon.

5 We have given nearly seven years of our lives to
6 defend these homelands. Your staff has reviewed the
7 extensive testimony and record and it's big. There is so
8 much more about the importance and history of this sacred
9 area that is part of the true history of not just
10 California but these United States of America. It is
11 difficult to put in words the sacredness of this area. It
12 is really hard. But everyone that has reviewed the facts
13 knows that there are no Statements of Overriding
14 Considerations that would ever make sense for the Fountain
15 Project to happen.

16 So with that I thank you so much for your time
17 and hearing us here today. And all I want for Christmas is
18 for the CEC to accept your staff recommendations and deny
19 the Fountain Wind Project once again.

20 (Speaking Native American language.) And that,
21 in our language, is our way of expressing thanks. Thank
22 you so much.

23 CHAIR HOCHSCHILD: Thank you.

24 MS. CHANG: Thank you, Chairman Bamford and Randy
25 McDaniels.

1 Next up is Shasta County, County Executive
2 Officer David or Dave Rickert, followed Shasta County Board
3 of Supervisor Chairman Kevin Crye.

4 MR. RICKERT: Good morning David Rickert,
5 D-A-V-I-D R-I-C-K-E-R-T. And I'd like to say good morning
6 to you Commissioners, staff and members of the public, and,
7 most importantly, our partners of the Pit River Nation. I
8 am Dave Rickert, the County Executive Officer, speaking
9 today on the many organizations that have worked diligently
10 over the past nine years evaluating the Fountain Wind
11 Project. Thank you for the opportunity to address this
12 critical issue.

13 After reviewing thousands of pages of documents
14 this project has been rigorously vetted, thoroughly
15 analyzed and consistently rejected by appointed officials,
16 elected representatives in the broader community at every
17 major decision point.

18 The Community Benefits Agreement offered by the
19 project proponents is inadequate. They do not come close
20 to offsetting the irreversible harm this project would
21 inflict on our natural environment, nor the profound
22 cultural damage it would cause to the ancestral lands of
23 the tribal partners.

24 The question before you today is the same as that
25 faced by the Shasta County Planning Commission and the

1 Board of Supervisors: Is this project in its scale and
2 scope appropriate for the heavily forested lands of Eastern
3 Shasta County? The answer is clear, it is not. It has
4 never been.

5 We urge you to join your staff and reject this
6 project and let us bring closure to an issue that has been
7 exhaustively investigated, firmly opposed by the people and
8 institutions of Shasta County.

9 I thank you for your time.

10 MR. KELSTROM: Hello. I'm actually Chris
11 Kelstrom. I'm a Shasta County Supervisor, District 5.
12 Kevin wasn't able to make it here today so I'm filling in
13 for him, and I thank you for the opportunity to speak to
14 this issue, an issue which is not new to our community and
15 residents of Shasta County. We've been fighting this since
16 2016.

17 So there are many constituents and opponents to
18 the Fountain Wind Project who have previously voiced their
19 concerns at every opportunity. I am here representing
20 those people, including those who cannot be here or those
21 who feel like they have already lost this fight. I rise in
22 opposition to this project yet again because of the people
23 of Shasta County have spoken consistently against it.

24 As the Energy Commission already knows from the
25 over 2,000 pages filed in the project's docket, the

1 Fountain Wind Project has been in process with Shasta
2 County for nine years. This was thoroughly reviewed at the
3 local level, rejected by our Planning Commission, then
4 appealed to the Board of Supervisors where it was rejected
5 again in 2021. Not only was the project denied moving
6 forward but the hazards raised during the assessment of the
7 project resulted in passage of a local ordinance
8 prohibiting large wind energy systems in the unincorporated
9 areas of Shasta County.

10 The Board of Supervisors, residents, our tribal
11 partners, and the entirety of Shasta County stand with CEC
12 staff and your Executive Director in opposition to this
13 project. As the incoming Chairman of the Board of
14 Supervisors representing the people of Shasta County, I ask
15 each Commissioner to stand with your staff's
16 recommendation, the people of Shasta County, and the local
17 tribes to reject this project.

18 Thank you.

19 MS. CHANG: Thank you Shasta County, County
20 Executive Officer and Chris.

21 Chair, this concludes the staff presentation. We
22 are available for any questions.

23 CHAIR HOCHSCHILD: Thank you so much Kaycee, and
24 thanks to all the stakeholders who took the time to come
25 here and speak.

1 And with that, we'll go to public comment.

2 MR. YOUNG: Thank you, Chair.

3 This is Ryan Young, Deputy Public Advisor. The
4 Commission now welcomes public comment on Item 7. Please
5 notify us that you wish to make a comment on this item. If
6 you are in the room, please use the QR code posted in the
7 back or visit the public advisor table in the back of the
8 room. If you're on Zoom, please click the raised hand icon
9 on your screen and if you're joining by phone, please press
10 star nine to raise your hand. Public comments for this
11 item will be limited to three minutes per less or less per
12 speaker and one speaker per entity.

13 We're going to start with people in the room and
14 I'd like to start with Shaleesha Ward, please approach the
15 podium, followed by Agnes Gonzalez.

16 Shaleesha, please state and spell your name for
17 the record and we welcome your public comment.

18 MS. WARD: Hello, my name is Shalesha Ward,
19 S-H-A-L-E-E-S-H-A. Hello, CEC Commissioners. I am part of
20 the Madesi Band. I'm the Madesi Cultural Rep for the Pit
21 River Tribe. Thank you for your time today.

22 So with this project -- oh, sorry, I'm losing my
23 words -- I recommend that you adopt your Executive
24 Director's recommendation and your staff's to deny the
25 Fountain Wind Project.

1 I grew up in this, in my homelands, and this
2 mountain is sacred to my people. My people were taken from
3 their homelands down to Round Valley and so these mountains
4 helped us guide our -- helped our people when they came
5 home, and so they're very sacred. They're water sacred to
6 us.

7 And there's four creeks that come off of this
8 mountain and I grew up on one of these creeks. I grew up
9 where this project is named after, the Fountain Wind -- the
10 Fountain Fire. I watched the destruction that it did to my
11 homelands. I grew up, I was five when the Fountain Fire
12 happened, and to be 38 now and to see the trees that are
13 growing back and the plants that my people use, to see them
14 come back is a beautiful thing. And to finally see things
15 that never -- I grew up where it was just burnt. And now
16 that I'm this old, to see the plants that my people use to
17 thrive and to -- that we use for our baskets, for our
18 medicine, to see those things come back in our homelands is
19 a beautiful thing.

20 To see a project go into this site, like the
21 viewshed that you've heard about so far in this project,
22 those things are non-replaceable. I watched the
23 destruction. I worked on the project for the Hatchet
24 Ridge. The destruction of the mountain tops is
25 irreplaceable. Those things are a part of our creation

1 stories. And the damage that's done after a project of
2 this size, if they were to -- say they were to abandon the
3 site, those places aren't going to be just left as they
4 are.

5 I recommend that you accept your staff's
6 recommendation and thank you for your time today.

7 MR. YOUNG: Thank you for your comments.

8 We're going to welcome Agnes Gonzalez, followed
9 by Gregory Wolfin.

10 Agnes, please approach the podium. State and
11 spell your name for the record and we welcome your public
12 comment.

13 MS. GONZALEZ: Agnes Gonzalez, A-G-N-E-S
14 Gonzalez, G-O-N-Z-A-L-E-Z. (Speaking Native American
15 language.) Greetings. And I thank you for allowing me to
16 speak today, the opportunity for the tribe to be here. So
17 as I stated, my name is Agnes. I'm a Madesi Band member of
18 the Pit River Tribe.

19 The proposed project lies in my band's ancestral
20 area, as well as, you know, other bands. Your Executive
21 Director has already recommended denial based on
22 significant and unavoidable impacts. This project would
23 cause irreparable harm to our tribal cultural landscape,
24 sacred sites, traditional practices, and the lands that
25 define our identity. These are living cultural resources

1 that cannot be mitigated or replaced.

2 In addition to cultural harm, this project
3 presents serious environmental and public safety risks,
4 including wildfire concerns and long-term damage to forest
5 and wildlife areas. The harms could clearly outweigh any
6 claimed benefits. The decision is not about opposing clean
7 energy. It is about protecting irreplaceable lands, people
8 and cultural survival. Some locations are simply too
9 sacred and too vulnerable to sacrifice.

10 On behalf of the Madesi Band of the Pit River
11 Tribe, I ask you to support the Executive Director's
12 recommendation and deny the Fountain Wind application. And
13 I know it's been stated, you know, already that, you know,
14 the area is in a heavily forested area, you know. And
15 based on the entire record, which someone else had spoke
16 on, you know, the project impacts are not outweighed by
17 benefits. So as, you know, Brandy McDaniels stated, you
18 know, it would be a wonderful Christmas present.

19 Thank you for the opportunity to speak today.

20 MR. YOUNG: Thank you.

21 We're next to hear from Gregory Wolfin, followed
22 by James Steadman.

23 Gregory, please approach the podium. State and
24 spell your name for the record and we welcome your comment.

25 MR. WOLFIN: Greetings. My name is Gregory

1 Wolfen. G-R-E-G-O-R to the -Y, Feather Wolfin,
2 W-O-L-F-I-N. So my name is Gregory Wolfin, Pit River
3 Tribal member, citizen of the Ilmawi Band.

4 So first and foremost, I respectfully request the
5 Commission to deny the Fountain Wind Project. You guys
6 probably saw that coming. So I'm here to support the
7 affected bands of the project, APE, which would be the
8 Madesi, Ilsatawi, Atsugewi. So there's portions of the
9 project that would impact my band, the Hammawi Band, with
10 existing -- or to try to tie into existing electrical
11 infrastructure. And so we see that as an issue within my
12 band.

13 So also, I have ties to these areas with family
14 narratives, too, who utilize these areas as living,
15 breathing altars, something that was conveyed earlier in a
16 prior testimony. So these practices, they were performed
17 prior to the Treaty of Guadalupe Hidalgo of 1848 and go far
18 beyond that as well before the formation of the United
19 States. And so these places have been utilized as places
20 of homage. And it was reiterated that these are sacred
21 areas identified by our members, our ancestors, and further
22 carried on by or through us. So these places do indeed
23 need to be protected and preserved for the past, preserving
24 the past, the present, and into the future.

25 So there are no beneficial public values to the

1 exploitation and development of lands, especially in areas
2 that are vulnerable due to being rural and out of sight,
3 out of mind. As mentioned by Brandy, that there's a lot of
4 people that would like to be here but can't, as well as
5 some of the meetings that were hosted in Redding.

6 So in June of 2019, Governor Newsom did issue a
7 formal apology to Native Americans on behalf of the state's
8 history of handling Indigenous Peoples' history of
9 violence, neglect, and genocide, thus establishing the
10 Truth in Healing Council to try to document and as well as
11 convey some of those messages where Indigenous Peoples
12 having these traumatic experiences. And so we took that
13 serious, and I know that a lot of California tribes took
14 that serious.

15 And so for Pit River, for example, almost 90
16 percent of citizens were lost through this process of
17 genocide. So what you see here is the remnants of those
18 people who survived utilizing these places for refugees and
19 to be safe. So these places host deep-rooted connection
20 generated over tens of thousands of years, a concept known
21 as time immemorial, developing something as ITEC,
22 Indigenous Traditional Ecological Knowledge, which is
23 interfacing, learning, subsistence dependence on what the
24 land is able to provide, trial and error over long periods
25 of time.

1 So we are stakeholders to the project. We're
2 five miles east of properties that we do manage. And so
3 what the concern is, is impacting and impeding historical
4 migratory corridors.

5 MR. YOUNG: Please wrap up your comment, sir.

6 MR. WOLFIN: Okay. So what I want to reiterate
7 is that the Pit River Tribe did not create a climate
8 crisis. We are in a little pocket of paradise in
9 Northeastern California where we continue to engage and
10 prosper.

11 And so one solution to this would be building
12 windmills out at El Dorado Hills or the Granite Bay area.
13 I think that that would suffice as well, but I respectfully
14 request the Commission to approve the Executive Director
15 and staff's assessment that the CEC deny the project.

16 Thank you.

17 MR. YOUNG: Thank you, sir.

18 We're going to hear from James Steadman, followed
19 Tony Yiamkis.

20 James, please approach the podium, state and
21 spell your name for the record, and we welcome your
22 comment.

23 MR. STEADMAN: Hello, Commission. My name is
24 James Steadman, J-A-M-E-S, Steadman, S-T-E-A-D-M-A-N. I'm
25 a Pit River Tribal member. I come here today to speak in

1 solidarity with my people from the Pit River Nation and to
2 express my opposition to the Fountain Wind Project.

3 I got to say, I feel like it's a shame that we
4 have to come and do this again, seeing as it's been voted
5 down more than once, to my knowledge. But here we are.
6 And so I'm compelled to paint a picture for you to what
7 this would do to my people culturally, as I've been elected
8 by my people to represent them in a cultural manner.

9 The destruction to our sacred place, these
10 mountaintops, and to us as a people culturally would be
11 great. Since time immemorial, we've gone to these mountain
12 peaks and we've fasted and prayed. And through these
13 sacred rites and through these ceremonies, great chiefs and
14 powerful healers have been forged by the Great Spirit
15 himself and by the spirits who live in these mountains.
16 And so I urge you to vote against this Fountain Wind
17 Project.

18 My people, we're recovering people, we're
19 healing. We're healing from genocide that was funded by
20 the State of California and by the federal government. And
21 we're healing from those things still. And I hear comments
22 sometimes, you know, it's been 200 years, you people are
23 still haven't gotten over this. Well, you know, it took
24 thousands of years for us to evolve to what we once were
25 pre-contact. And these mountaintops give us hope that one

1 day we may return to what we once were culturally and as a
2 people.

3 And so once again, I want to reiterate and I want
4 to say that these words that I speak today, they come from
5 my heart. And so I ask you from my heart to vote no on
6 this Fountain Ridge, on this project, as the very well-
7 being and cultural significance of my people depends on
8 your decision today.

9 And so I thank you for hearing me today.

10 MR. YOUNG: Thank you.

11 Tony Yiamkis is going to be followed by Connor
12 Yamkus.

13 Tony, please state and spell your name for the
14 record and we welcome you.

15 MR. T. YIAMKIS: Tony Wilson Yamkus. The last
16 name spelled Y-I-A-M-K-I-S. And I'm here to ask the CEC to
17 deny the Fountain Wind Project.

18 I'm just going to read a quick excerpt from this
19 book, *United States and the California Indian Catastrophe*,
20 by Benjamin Madley, 2016.

21 "Spring of 1846, Captain Fremont led a group of 60-
22 plus well-armed soldiers from Monterey to explore
23 Northern California. On the way, a group of settlers
24 near upper Sacramento River contacted him and spread a
25 rumor that there was up to 1,000-plus Wintu warriors

1 that were going to attack the settlers."

2 So I'll fast forward here. I have a minute and a
3 half.

4 "According to Breckenridge, order was given when they
5 attacked to ask no quarter and to give none. The
6 massacre began with long-range small arms rifle.

7 Dustin described as soon as we got within rifle shot,
8 they began to fall fast.

9 "Using their Hawkins rifles with a range of 200 yards,
10 Fremont's men could kill from well beyond the reach of
11 Wintu bows and arrows. Overwhelmingly superior range
12 meant that, as in the many California battles and
13 massacres that would follow, arrows thrown against us
14 were harmless on account of the distance.

15 "Still, the attacker's rifle barrels (indiscernible)
16 probably soon clogged with burn powder, and after
17 several shots, Fremont's men charged on their horses,
18 an example of what would become the second phase of
19 many California massacres.

20 "Martin recalled a well-executed military assault.

21 'Our advance guard of 36 first came inside of them and
22 immediately charged and Puerto Valle (phonetic)
23 killing 24. Then they rushed in with their sabers.
24 Soon the rest of the party coming up, they charged in
25 among them.' Once engaged in close quarter killing,

1 the attackers began using their sabers and perhaps
2 pistols and butcher knives, which was the third phase
3 in progression of massacre tactics that would later
4 become common.

5 “Breckenridge bitterly criticized the assault but
6 blamed the five rumored volunteers from the trading
7 posts. The settlers charged into the village, taking
8 the warriors by surprise, and commenced the scene of
9 slaughter which is unequaled in the West. The bucks,
10 squaws, and papooses were shot down like sheep, and
11 those men never stopped as long as they could find one
12 alive.”

13 So today, you know, a mega project like Fountain
14 Wind, they're not killing our people, but they're killing
15 our culture and (indiscernible) our ancestral landscape.
16 In addition, it's perpetuating the mental health stress for
17 our tribal and local community.

18 MR. YOUNG: Thank you.

19 We're next going to hear from Connor Yiamkis, and
20 then Awi Gustafson.

21 Connor, please approach the podium. State and
22 spell your name for the record, and we welcome your public
23 comment.

24 MR. C. YIAMKIS: My name is Connor Yamkis,
25 C-O-N-N-O-R Y-I-A-M-K-I-S. (Speaking Native American

1 language.) How are you all? I'm Connor. I'm a member of
2 the Ilmawi Band of Pit River Nation.

3 I'm asking you today to please deny the Fountain
4 Wind Project for several reasons. It would lead to further
5 destruction of Pit River lands, ancestors, graves, and
6 sacred sites. This project would deny us access to these
7 sacred sites. The power produced by the windmills would
8 not go to the local community but be sent to other regions.
9 It would create very few permanent jobs for the region.

10 The massive windmills would dot the mountains and
11 would need to be dug deep underground for the foundations,
12 causing further environmental destruction, death of
13 endangered birds, as well as ruining the views for all the
14 local homes nearby.

15 This region also has a high fire risk, and having
16 these windmills would make it more difficult for
17 firefighters to put out fires if needed. The previous
18 windmills on Hatchet Mountains have caused permanent loss
19 of habitat and environmental damage, and we don't want the
20 same for other mountains.

21 And as you heard earlier, Fountain Wind has lied
22 about consulting with the Pit River Tribe. These are a few
23 among many of the reasons to not build these windmills.
24 And please don't support another instance of a corporation
25 trying to profit off the exploitation of indigenous

1 communities and lands.

2 Thank you.

3 MR. YOUNG: Thank you. We have Awi Gustafson,
4 followed by Michelle Lee.

5 Awi, please state and spell your name for the
6 record. We welcome your comment.

7 MR. GUSTAFSON: Good afternoon. My name is Awi
8 Gustafson, A-W-I G-U-S-T-A-F-S-O-N. So my name is Awi.
9 I'm the cultural representative for the Itsatawi Band of
10 the Pit River Nation.

11 As my colleagues have made it clear, the Pit
12 River Tribe stands strong in their opposition in the
13 Fountain Wind Project and has been for years. Having
14 fought back at every level and board and with meetings
15 lasting until midnight, we have put in the work to provide
16 data and valid arguments against the project.

17 I want to point out about how the approval of the
18 Fountain Wind Project would not be in the name of progress,
19 clean energy, or sustainability. It would do the opposite.

20 We are nothing without the land, and you cannot
21 sustain land you have already destroyed. We are the ones
22 sustaining the land, we are the ones protecting it, and we
23 are doing what needs to be done for the safety of our
24 future. Desecration of sacred lands for energy is
25 continued discrimination to those who have inhabited the

1 land since time immemorial, and no matter the
2 justification, it's clear Fountain Wind will not benefit
3 the community or land.

4 After generations of genocide and negligence, we
5 are still here to fight for our community. I can speak as
6 the representative of my band who already has a wind farm
7 on our land base. I cannot safely gather natural and
8 cultural resources in my ancestral territory because it is
9 now poisoned. A sacred and culturally significant mountain
10 ridge has already been destroyed for my band, the Itsatawi
11 people, our neighbors, the Madesi Band, and the Pit River
12 Nation as a whole.

13 I am limited in providing cultural teachings,
14 resources, and religious knowledge that I am elected to do
15 by my band members because of that existing wind farm on
16 that mountain ridge. It has caused more harm than good,
17 and Fountain Wind would be right down the hill from the
18 existing farm. I face the effects of that wind farm nearly
19 every day, and yet that farm is minuscule compared to the
20 proposed Fountain Wind.

21 We ask for the recommendation to deny the project
22 be honored. We ask for you to respect the land. And
23 please understand when I say this, this energy is not
24 clean. It comes with a cost, and that cost is us.

25 Thank you for your time.

1 MR. YOUNG: Thank you.

2 Michelle Lee, followed by Steve Kerns.

3 Michelle, please state and seal your name for the
4 record, and we welcome you.

5 MS. LEE: Michelle Lee, M-I-C-H-E-L-L-E L-E-E.

6 And thank you, everyone, Commissioners, Chair, for the
7 opportunity to speak today.

8 As everyone has said, it's been a long journey
9 for the tribe. I'm also, I'm a member of the tribe. I'm a
10 member of the Hammawi Band of the Pit River Tribe, and I'm
11 also legal counsel, and so we've been through a lot
12 together over the period of time dealing with Fountain
13 Wind.

14 And I don't want to repeat what's already been
15 said because it's been said so well, but the one thing that
16 stands out that hasn't been said is just about the water.
17 And one of the comments that Brandon McDaniels referred to
18 earlier in some journalism was that it was waterless, it's
19 a waterless site. And when I read that, it was astonishing
20 to me because it's our -- the Pit River Tribal Territory is
21 where the state's water that most of it comes from because
22 it's literally springing from the earth in that region.

23 We have a vast, a world-class fishery, despite
24 the dams and the harming of the salmon runs. We do have
25 this trout fishery. Fishermen all around the world come to

1 our area. It's the home of Burney Falls State Park, and
2 anyone who traverses the road on 299 from Redding to go to
3 Burney Falls would be impacted by this, what we would
4 consider a real atrocity of visual damage to the pristine
5 area.

6 And it's not just that the important tribal
7 cultural resources, and obviously the historical trauma
8 that's been imposed on the tribe but for the future and
9 looking at not just the tribe, although we definitely are
10 trying to protect our territory and our homelands so that
11 we can thrive, but the rest of the state and the world
12 comes there. And is that the message that we're really
13 wanting to send to everyone, that we're willing to
14 sacrifice our most pristine places for an out-of-country
15 corporation for a relatively small amount of power? It
16 just really doesn't make a lot of sense to do that.

17 So I'm pleased that the tribe's testimony
18 through, I think, effective AB 52 consultation did generate
19 substantial evidence and that that was taken into
20 consideration. It doesn't always happen and in this case
21 it has. And so we are very proud of the tribe's ability to
22 participate in that process and also grateful for your
23 staff in creating that capacity, that space for that
24 meaningful consultation to occur, and for the tribe's
25 knowledge of the area to be heard and understood and

1 generating this recommendation.

2 So we, of course, support this recommendation and
3 thank you for the opportunity.

4 MR. YOUNG: Thank you.

5 Steve Kerns, followed by Radley Davis.

6 Steve, please state and spell your name for the
7 record and be welcomed.

8 MR. KERNS: Good afternoon, Commissioners. My
9 name is Steve Kearns, K-E-R-N-S, and I'm a Shasta County
10 Planning Commissioner, and I'm the Commissioner for
11 District 3 where the project, if it's approved, would be
12 built.

13 You've been involved with this, your staff's been
14 involved with this about two-plus years. We've been
15 involved with this for seven years. It goes way back. I
16 find it really significant that what we found on the
17 Planning Commission, that this was a project that should
18 not be approved, and we voted five-zip to not to approve
19 that. Our Board of Supervisors also thought that way. And
20 your staff also thought that way.

21 There are a number of significant issues. I
22 won't go over them. But I think it's really interesting
23 and important that we recognize our Pit River Tribe people
24 that are here today. Their very presence speaks to all of
25 us of how important this area is to their culture.

1 You know, it's storming up home hard. It's hard
2 wind and storm. And they have driven three to four hours
3 to be here in your presence to testify, and that very
4 presence testifies to how important these lands are to this
5 tribe.

6 And I try to -- when we first got involved with
7 this, I went to a friend of mine that's a member of the
8 tribe, and I said, help me understand why these areas are
9 so important, and he explained over three hours why that
10 is. And it dawned on me that we Anglos also have lands
11 that are very important to us. Consider Gettysburg, Little
12 Round Top at Gettysburg, or Bunker Hill, or Arlington
13 Cemetery. Those places are sacred and only, if you will,
14 to our culture. And we understand we would not allow a
15 windmill farm to be built on any of those places that are
16 really super significant to our culture. And that's the
17 same for the Pit River tribe. That's how important that
18 place is to this tribe.

19 So we on the Planning Commission and in Shasta
20 County, our Board of Supervisors, take that very, very
21 seriously. Our job is to protect our citizens, to protect
22 their culture, to protect their welfare and their well-
23 being.

24 And that brings me to my other point really
25 quickly is the fire issue we've heard so much about. We

1 live in a fire ecosystem up there. We've had catastrophic
2 fires, and we need every tool available to be able to fight
3 those fires. And we've had pilots testify before our
4 Commission, before the Board of Supervisors, and before
5 your staff that if you build these windmills, you create a
6 no fly zone, and we cannot fight fire in those areas. It's
7 been proposed that putting in a few fuel breaks will help
8 reduce that. That's absolute nonsense. The fires in
9 Shasta County jumped the Sacramento River. They jumped
10 Interstate 5. You know, putting in a few fuel breaks is
11 not going to help.

12 For these and all the other reasons your staff
13 shared with you, we urge you to deny this project.

14 Thank you.

15 MR. YOUNG: Thank you.

16 Radley Davis, followed by John Gable.

17 Radley, please state and spell your name for the
18 record, and we welcome your public comment.

19 MR. DAVIS: (Indiscernible.) Radley Davis,
20 R-A-D-L-E-Y D-A-V-I-S. Commissioners, I'm a resident of
21 Shasta County and a citizen of the Pit River Nation. I'm
22 here to oppose the proposed Fountain Wind LLC's application
23 to construct and operate a wind energy facility that is
24 within the tribe's ancestral territories.

25 Before your staff and Executive Director issued

1 formal recommendations that you deny the Fountain Wind
2 application, we, the people, our community in Shasta County
3 in the Bear Mountain area, Pit River Tribe, Shasta County
4 Commissioners, the Shasta County Board of Supervisors
5 already recognized previously through a thorough
6 comprehensive analysis and determined that no amount of
7 economic benefit could justify the destruction of what
8 cannot be replaced, including tribal heritage and wildfire
9 mitigation.

10 Further, the tribe and its people determined that
11 this project would cause irreparable harm to sacred sites,
12 traditional spring systems, endangered species of raptors
13 and plants, tribal cultural landscapes, spiritual
14 viewscapes, and the natural biodiversity resources that are
15 inseparable from the tribe's identity and our traditional
16 ways of life.

17 In your decision-making process, please don't
18 pursue the statement of overriding considerations in your
19 determination for this proposal. Recognize the hard look
20 that we collectively took in following the CEQA guidelines
21 and determining that this mega-industrial project does not
22 fit in our area. I urge you to conclude the same
23 scientific conclusions that we determined and deny this
24 project.

25 As a tribal citizen who utilizes many of these

1 mountains and spiritual areas, I further exercise this.
2 The United States is a party to the United Nations Covenant
3 on Civil and Political Rights, which strongly addresses
4 freedom of religion and is legally binding.

5 Further, the protection of proposed traditional
6 territories aligns with the international commitments
7 outlined in the United Nations Declaration on the Rights of
8 Indigenous Peoples. The UNDRIP Article 11 emphasizes the
9 right of Indigenous Peoples to maintain, protect, develop
10 the past, present, and future generations of our cultures
11 and sacred sites. Article 12 upholds the right of
12 Indigenous Peoples to manifest, practice, develop, and
13 teach their spiritual and religious traditions, customs,
14 and ceremonies, including access to and protection of
15 sacred sites. And Article 25 recognizes the right of
16 Indigenous Peoples to maintain and strengthen their
17 spiritual relationship with traditionally owned or occupied
18 lands, waters, and resources, and to uphold their
19 responsibilities to future generations.

20 Denying this application would honor the
21 spiritual and cultural heritage and sovereignty of my tribe
22 and would uphold decisions, powers, and responsibilities
23 that the Shasta County Board of Supervisors enacted in
24 protecting its citizenry's health and the land's ecological
25 integrity. Please deny this application before you.

1 MR. YOUNG: Thank you.

2 John, please forgive me just a moment. I want to
3 welcome Natalie Forrest-Perez.

4 Natalie, please state and spell your name for the
5 record, and we welcome your public comments.

6 MS. FOREST-PEREZ: Good day, Commissioners, and
7 good day, everyone joining us here today. My name is
8 Nathalie Forrest-Perez, spelled N-A-T-A-L-I-E, last name
9 F-O-R-R-E-S-T hyphen P-E-R-E-Z. I am a Hewisedawi Band
10 citizen of the Pit River Nation, Ajumawi-Atsugewi Nation,
11 or known as Pit River Tribe. It has been an honor to serve
12 as the Tribal Historic Preservation Officer for said tribe.
13 And I want to thank everyone for giving us the time to
14 speak and provide our comments, concerns, share stories, as
15 well as our knowledge that we have of the area.

16 As the Tribal Historic Preservation Officer of
17 the tribe, it's been over seven years. I live in Modoc
18 County. And it's been a long, as we've heard from my other
19 relatives, the tribe, a long seven years with this, our
20 stand, standing together, 11 autonomous bands, over four
21 counties, over 3.1 million acres of our time, our life,
22 it's in our soul.

23 A lot of the projects that come across my desk
24 are -- I, you know, I can't explain how shocking they are.
25 This area is very significant to the tribe as a whole, and

1 traveling a hundred and -- over a hundred miles back and
2 forth, and coming down here to Sacramento, again, you know,
3 been here multiple times, and staying up until midnight, as
4 others have said, on providing comments and concerns,
5 spending time with our cultural representatives, and
6 getting their comments and concerns. I know my band area,
7 which is in Modoc County, and learning from elders, some
8 that are no longer here, and cultural representatives that
9 are here and able to make it before you, and some that are
10 online.

11 So I thank you again for your time, and your
12 consideration, and the recommendation from the Executive
13 Director to deny the Fountain Wind Project Docket 23-OPT-
14 01.

15 Thank you.

16 MR. YOUNG: Thank you.

17 I would next like to welcome John Gable, and then
18 Patrick Wallner.

19 John, please state and spell your name for the
20 record, and we welcome your public comment.

21 MR. GABLE: Good afternoon, Commissioners. My
22 name is John Gable, J-O-H-N G-A-B-L-E, and I speak on
23 behalf of Moose Camp, the closest residential community to
24 the planned Fountain Wind Project.

25 I want to thank the California Energy Commission

1 staff for their thoughtful analysis of this project. Our
2 fight against this project lasted six years before all the
3 important facts came out in the CEC staff report. Again,
4 thank you to the CEC for their rigorous analysis of the
5 Fountain Wind Project.

6 MR. YOUNG: Thank you.

7 I would like to welcome Patrick Wallner, and then
8 Morningstar Gali.

9 Patrick, please approach the podium and state and
10 spell your name for the record. Thank you.

11 MR. WALLNER: Good afternoon. My name is Patrick
12 Wallner, P-A-T-R-I-C-K W-A-L-L-N-E-R, and I'm a 58-year
13 resident of Shasta County, and I served, also served, just
14 over almost 10 years on the Shasta County Planning
15 Commission, twice as a chair, and also I was the chair of
16 the -- I'm sorry -- the chair of the Final EIR and the
17 conditional use permit for the Fountain Wind Project. That
18 was quite an ordeal. We had the Shasta College Coliseum,
19 and it was packed. I think that it had both those in favor
20 of and those against. I spent several years on the
21 Commission listening to the public make testimony, hundreds
22 of folks, and thousands of pages of documents to go through
23 over the probably three years leading up to our meeting and
24 including it.

25 I was also the chairman of the Shasta County

1 Planning Commission when we directed staff to draft an
2 ordinance to ban any large-scale wind projects like this
3 due to the extreme fire areas that it was being added to.
4 And then also our county is, you know, probably 80 percent
5 conifer forest and timberland, so we've had some pretty big
6 fires. I think the prior fire, the Fountain Fire that was
7 in the general vicinity, was the largest fire back in the
8 day when that fire burnt in the state of California.

9 Also, I wanted to point out that, most
10 importantly, the tribal cultural resources will suffer
11 irreparable harm on this project. And, you know, being the
12 chair, I was privileged to some information that the
13 general public was not, and there's no question about it.
14 My opinion has not changed, and for all the right reasons.

15 And for this, I ask you to deny the project as it
16 will cause irreparable harm, not only to our community, but
17 to our residents as well.

18 So thank you very much.

19 MR. YOUNG: Thank you.

20 I'd like to welcome Morningstar Gali, followed by
21 Sara Fitzsimon.

22 Morningstar, please approach the podium. State
23 and spell your name for the record, and we welcome your
24 public comment.

25 MS. GALI: My name is Morningstar Gali

1 M-O-R-N-I-N-G-S-T-A-R, last name is Gali, G-A-L-I. I'm
2 here today on behalf of the International Indian Treaty
3 Council.

4 (Speaking Native American language.) My name is
5 Morningstar, and I am a citizen of the Ajumawi Band of the
6 Pit River Nation. I'm speaking today on behalf of the
7 International Indian Treaty Council, of which I have served
8 as the California Tribal and Community Liaison for the past
9 17 years.

10 I want to begin by expressing our sincere
11 gratitude to the CEC staff and to the Executive Director
12 Bohan for the thorough, careful, and principled assessment
13 of the Fountain Wind Energy Project. This review reflects
14 a serious commitment to evidence, to California law, and to
15 recognition that not all impacts, especially cultural
16 harms, can be mitigated.

17 The Executive Director's recommendation to deny
18 this project recognizes a fundamental truth that no amount
19 of economic benefit can justify the destruction of what is
20 irreplaceable. For our peoples, these lands are living
21 cultural landscapes. They hold our ceremonies, our songs,
22 our medicines, and our responsibilities to one another.
23 They carry the prayers of our ancestors and the obligations
24 we hold for future generations to come.

25 Our tribes have been caretakers of the land since

1 time immemorial and are land's longstanding advocates for
2 environmental protection. But climate solutions cannot
3 come at the expense of Indigenous survival. Green energy
4 cannot be built on the erasure of tribal culture, sacred
5 places, or burial grounds.

6 California law is explicit in its protections.
7 Under CEQA Public Resources Code Sections 21074 and
8 21080.3, and AB 52, tribal cultural resources and sacred
9 landscapes must be protected, and meaningful tribal
10 consultation is required early in the decision-making
11 process, not after outcomes are predetermined. The law
12 makes it clear that when impacts to tribal cultural
13 resources are significant and unavoidable, denial is lawful
14 and appropriate outcomes.

15 Beyond California law, this project also
16 implicates international human rights standards. The U.S.
17 has affirmed the U.N. Declaration on the Rights of
18 Indigenous Peoples, which the Pit River Tribe has adopted
19 through resolution over 10 years ago, which guarantees
20 Indigenous Peoples the right to protect their cultural
21 heritage, sacred sites, and traditional landscapes, which
22 also requires FPIC-Free Prior and Informed Consent for
23 projects affecting those lands. Proceeding with this
24 project in the face of clear tribal opposition would
25 violate those principles and undermine California's stated

1 commitment to Indigenous human rights.

2 The Commission's responsibility is not only to
3 weigh megawatts and market projections, it is to uphold the
4 law, protect irreparable cultural resources, and to honor
5 the living relationship between culture, land, and
6 survival.

7 On behalf of the International Indian Treaty
8 Council, and as a Pit River tribal citizen whose ancestors
9 are tied to this land, we respectfully urge the Commission
10 to adopt the staff recommendation and deny the Fountain
11 Wind Project. Do so in defense of our homelands, in
12 respect of our ancestors, and for the safety, dignity, and
13 cultural survival of our future generations.

14 Thank you for your time and for your commitment.

15 MR. YOUNG: Thank you.

16 Sara Fitzsimon, followed by Nancy Rader.

17 Sara, please state and spell your name for the
18 record, and we welcome your public comment.

19 MS. FITZSIMON: Good afternoon. Good afternoon,
20 Chair, Commission, and fellow stakeholders that have
21 traveled here to comment today, and the CEC staff as well.
22 Sara Fitzsimon, S-A-R-A, Fitzsimmon, F-I-T-Z-S-I-M-O-N. I
23 am here as the Policy Director on behalf of the Independent
24 Energy Producers Association in support of the Fountain
25 Wind Project. IEP is a trade association representing the

1 interests of developers, owners, and operators of clean
2 energy resources, including wind.

3 Fountain Wind will generate up to 205 megawatts,
4 as you've heard. That's 205 megawatts not produced by
5 emitting resources. As we electrify our end uses, like
6 residential, transportation, goods movement, and heavy
7 industry, and as we meet exponential load growth, 10
8 gigawatts in PG&E's region alone in the next 10 years, we
9 must seek California-based resources that are clean,
10 reliable, and safe.

11 California started utility-scale wind power back
12 in the 1980s. As a child, I recall marveling at the wind
13 farms in Coachella Valley, sitting in the back of my
14 family's van, not knowing the benefits that these resources
15 really did provide. Now, driving past them as an adult, as
16 a staunch environmentalist and someone who is privileged to
17 work in the clean energy space, I do -- am moved to emotion
18 when watching these wind farms operate and spread
19 throughout that region.

20 Fountain Wind will continue California's legacy
21 of clean power innovation at a time when science and
22 engineering for the climate crisis is under direct attack
23 from the federal government. Wind operates when solar
24 resources are powering down, lessening the need for turning
25 on peaker plants and powering energy storage systems for

1 extended clean and reliable power.

2 Wind is an essential resource that balances a
3 diverse mix of energy resources in California, making our
4 system more reliable. Denying Fountain Wind sends a
5 damaging market signal for wind power developers that want
6 to invest in California, providing tax, labor, and direct
7 community benefits while reducing emissions.

8 We used to think if clean work resources are
9 denied in California that they will be built in other
10 states. Unfortunately, that is not the case due to the
11 federal government's recent activities. Power not provided
12 by clean resources like wind in California will potentially
13 be provided by emitting resources imported from other
14 states.

15 Recent legislation and executive orders, for
16 instance, SB 100 in 2018, SB 1020 in 2022, AB 205, as
17 you've heard, and N-33-25, call upon California agencies to
18 help drive the deployment of clean energy resources. The
19 Fountain Wind Project follows the spirit of these policies
20 and ensures that California not only sets goals but meets
21 them, making thoughtful, thorough, and balanced decisions
22 on the way.

23 On behalf of IEPR, and as a very concerned
24 California citizen, I respectfully request you remand this
25 project back to staff for a balanced review.

1 I thank you for your time here today, and I thank
2 you for the opportunity for all stakeholders to engage
3 actively.

4 MR. YOUNG: Thank you.

5 Following Nancy Rader, we're going to have
6 Margaret Osa.

7 Nancy, please state and spell your name for the
8 record, and we welcome your comment.

9 MS. RADER: Good afternoon. My name is Nancy
10 Rader, N-A-N-C-Y R-A-D-E-R, Executive Director of the
11 California Wind Energy Association.

12 I urge you to send this case back to staff for
13 further analysis of several critical issues. Make no
14 mistake, Fountain Wind is a responsibly cited,
15 environmentally low-impact wind project, as evidenced by
16 the 13-year successful real-world track record of the
17 Hatchet Wind Project, also on active private timberland
18 that Shasta County approved right next door to Fountain
19 Wind. Denying certification for this project would chill
20 investment in wind energy and greatly impede achievement of
21 California's clean energy goals.

22 Yes, there is strong local opposition to this
23 project. That's why the legislature adopted this state-
24 level citing process so that our very challenging but vital
25 climate goals will serve as the guiding star for project

1 reviews. The Commission's role is to ensure that all
2 reasonable projects move forward with proper mitigation and
3 compensation, but that did not happen in this process.
4 Additional review and meaningful dialogue are needed to
5 address the concerns identified in the report.

6 Governor Newsom issued Executive Order N-33-25 in
7 August, directing state agencies to expedite permitting and
8 approvals for projects that can qualify for expiring tax
9 credits and are needed to support the reliability,
10 affordability, and decarbonization of our electric grid.
11 The PUC referenced that order recently when it directed
12 PG&E not to cancel the expensive Ivanpah Solar Thermal
13 contract. Essentially, the PUC found that we need every
14 clean energy project we can get given our reliability needs
15 and the Trump administration's hostility towards
16 renewables.

17 Fountain Wind is needed for the same reasons, and
18 its cost and environmental impact will be far lower than
19 Ivanpah's, whose severe impact on birds caused National
20 Audubon to oppose concentrating solar projects
21 categorically. In contrast, Energy Commission staff cite
22 the remote possibility of Fountain Wind's impact on the
23 Sandhill crane, a bird that CDFW didn't even flag as a
24 concern. There are no wetlands on the site.

25 The Commission should remand this flawed case

1 back to staff to correct four critical deficiencies.

2 One, the project alternative should be a clean
3 energy generation project, not a storage project. Storage
4 can't meet our energy needs.

5 Two, staff should rely on Fish and Wildlife's
6 assessment of species of concern. If staff add species,
7 they should assume that remote risks can be mitigated, as
8 they are for virtually every energy project.

9 Three, staff should seek CAL FIRE's opinion on whether
10 it concurs with retired CAL FIRE leaders that this project,
11 with its proposed mitigations, will reduce fire risk. CAL
12 FIRE did not flag any concerns about aerial firefighting in
13 their comments.

14 Four, staff should convene the parties to
15 identify feasible mitigation and compensation measures to
16 address local impacts as much as reasonably possible. If
17 we are going to meet --

18 MR. YOUNG: Please conclude your comments.

19 MS. RADER: If we are going to meet our wind
20 energy and climate change goals while the federal
21 government does the opposite, the Commission must send this
22 case back to staff to rethink key assumptions and
23 conclusions so we can meet the state's climate and
24 reliability obligations.

25 Thank you.

1 MR. YOUNG: Thank you.

2 MR. YOUNG: We're next going to go to Margaret
3 Osa, followed by Joseph Osa.

4 Margaret, please approach the podium, state and
5 spell your name for the record, and we welcome your public
6 comment.

7 MS. OSA: Good afternoon, Commissioners. Again,
8 my name is Margaret Osa, M-A-R-G-A-R-E-T O-S-A.

9 I've been against Fountain Wind Project from the
10 first scoping meeting in Shasta County too many years ago.
11 There may be fewer opposition members present today due to
12 travel difficulties. However, we stand united in opposing
13 this project.

14 The communities most affected by this project
15 truly appreciate the CEC staff analysis and the Executive
16 Director's decision to recommend the CEC deny the Fountain
17 Wind Project. I request that all five Commissioners stand
18 strong in these recommendations and deny the operation of
19 the project with a unanimous vote to deny the project.

20 In addition, I request that the Executive
21 Director grant Shasta County full financial resolution
22 request. Shasta County leadership took on this project yet
23 again to protect our communities and peoples and support
24 the CEC's AB 205 efforts, and they need to be reimbursed
25 for the efforts that they have taken to protect our

1 communities and the people who live and are affected most
2 by this project.

3 Thank you for your time.

4 MR. YOUNG: Thank you.

5 Joseph Osa, followed by Winterhawk Granillo.

6 Joseph, please state and spell your name for the
7 record and we welcome your public comment.

8 MR. OSA: Good afternoon, Commissioners. My name
9 is Joseph Osa, J-O-S-E-P-H O-S-A. I'm a retired electrical
10 electronics engineer living near the project just a few
11 miles away. As my wife mentioned, we've been involved in
12 this for nearly 10 years now.

13 As an engineer, I understand the importance of
14 getting the answer right. Life may depend on it, as we
15 believe it does in this case. It's prudent to check and
16 double-check your answers before recommending a course of
17 action.

18 In the case of the Fountain Wind Project, the
19 answer has been double-checked four or five times,
20 depending on how you count. First, as you've heard, it was
21 denied by the Shasta County Planning Commission based on
22 information provided by the Citizens' Opposition Group, of
23 which we were part of early on, the Pit River Tribe, and
24 others.

25 Upon appeal, with more information provided by

1 the citizenry and a more thorough analysis by the County
2 Planning Department, it was again denied by the county
3 planning -- the County Supervisors. Then again, with more
4 input from county citizens and the Planning Department, it
5 was found that large-scale industrial wind projects are
6 inappropriate for our area, and a countywide ban was put in
7 place, largely due to the high fire danger and cultural
8 impacts. Small-scale wind, biomass, solar, hydro, and
9 other forms of renewable energy are welcomed in Shasta
10 County, of which we have an abundance already.

11 Next, your staff, after conducting their next
12 analysis of the proposed project, came to the same
13 conclusion as the earlier three times. Then, upon review
14 of the staff recommendations, your Executive Director is
15 also recommending that you disapprove the Fountain Wind
16 Project.

17 Given the overwhelmingly consistent conclusion of
18 all three instances, please disapprove this project one
19 final time, and let those of us who live in the area get on
20 with our lives without the threat of this project hanging
21 over our heads.

22 Thank you very much for your time.

23 MR. YOUNG: Thank you.

24 Winterhawk Granillo, followed by Gill Wright.

25 Please state and spell your name for the record,

1 and we welcome your public comment.

2 MR. GRANILLO: Winterhawk Granillo,
3 W-I-N-T-E-R-H-A-W-K Granillo, G-R-A-N-I-L-L-O. I am
4 Atsugewi of the Pit River. (Speaking Native American
5 language) means hello, how are you?

6 And I want to say, when I tell you that it's a
7 dying language, you know, not many people know it, and it's
8 going, it's fading, we don't have much teachers to help us
9 teach, right, to speak our language. And when you guys
10 authorize projects or projects are authorized like this,
11 and you guys build on top of sites and wipe out resources,
12 you're getting rid of our identity, our history of who we
13 are, what we were, what we did, and how we did it.

14 And so I ask you guys, you know, help us preserve
15 us. Help us, you know, keep our identity.

16 And thank you for your time.

17 MR. YOUNG: Gill Wright, followed by Steve
18 Johnson.

19 Gill, please state and spell your name for the
20 record, and we welcome your public comment.

21 MR. WRIGHT: I am Gill Wright, Vice President of
22 the California Pilots Association. Gill is G-I-L-L
23 W-R-I-G-H-T.

24 I was asked to participate with this, but the
25 people have spoken for the last seven years about the

1 aeronautical hazards of what this Fountain Wind Project is,
2 but I've come to realize there's something far, far deeper
3 here that has been going on.

4 Modernity, yes, we have multiple energy sources
5 that we need. The energy of electricity warms this room,
6 magnifies my voice. It has to be generated somewhere. We
7 have multiple sources, but we need to have baseline power,
8 not intermittent power.

9 My father took me to a place here in California
10 called Geyserville 50 years ago. There's now a source
11 called enhanced geothermal energy, where we can drill into
12 the earth 5,000, 8,000 feet down. We can get hot water
13 that will circulate and spin turbines to make electric
14 power. We need to be utilizing that.

15 One of the things that I found about this entire
16 process that I don't know that's been talked about is the
17 adverse economic impact if Fountain Wind does actually go
18 in. Because of the footprint of these 620-foot tall wind
19 farms, they will have a 45- to 60-mile square foot area
20 where CAL FIRE cannot fight fires. That is un-mitigatable.
21 This is an area that has been traumatized by fires for
22 decades, huge amounts of damage. If this project were to
23 be approved, many people's homes could no longer be insured
24 and their mortgages would be pulled.

25 Shasta County, much of their economic vitality is

1 from the health of what the land is. The land needs to be
2 preserved. We need to correct what was rapacious resource
3 extraction from the 19th century going forward.

4 Fountain Wind Project has demonstrated a
5 consistent disregard and disrespect to the people of Shasta
6 County. I understand that we need the energy, but not in a
7 high-fuel environment.

8 The staff has recommended and the Executive
9 Director has recommended to deny this project. Please do
10 so for the benefit of the state, but also put energy on
11 other sources of baseline power, whether it is enhanced
12 geothermal. And also, we could also look at the resources
13 that have been proven by both NASA and the U.S. Navy with
14 small modular reactors. That's a political challenge. We
15 have the technologies.

16 Thank you.

17 MR. YOUNG: Thank you.

18 I would like to first hear from Oliver Forrest,
19 and then Steve Johnson.

20 Oliver, please approach the podium. State and
21 spell your name for the record, and we welcome your
22 comment.

23 MR. FORREST: Thank you. My name is Oliver,
24 O-L-I-V-E-R, Forrest, with two R's, F-O-R-R-E-S-T. I'm a
25 senior. And one of the bands that I belong to of the 11

1 autonomous bands is the Hewisedawi. If you want to learn a
2 lot more on songs, it's kind of a creator's name that tells
3 you in your heart who we are as a nation, because each of
4 our bands respects the creator and his wind that he's
5 generated for us, the water that he's generated for us, the
6 land that he's kept for us, and then the people that we
7 keep bringing back to us.

8 We have over 4,000 individuals. That's
9 interesting. Three hundred are my family. You mentioned
10 about the Wintu. You know, that family is also from my
11 mom's side. The gentleman that they fought against was one
12 of our top tribal leaders, Dolikentillema. He led his
13 thousand soldiers down to resolve a lot of issues before
14 anybody came here to settle. That was kind of like the
15 military. They did this job of keeping peace within our
16 area. Now, we've gone through a lot of the processes of
17 fighting.

18 Well, again, we come to look at change, energy
19 change, and things like that. I'm for some of that, but
20 this project has been so off, and maybe it's because it
21 hasn't caught up to the times of talking with individuals
22 and finding out what do we need.

23 You know, the government catches up. I worked 18
24 years at the Health and Human Services, you know, and that
25 time I served discerned what was the business of the

1 planning, the technical side, the budgeting, and all that
2 procurement processes to build a clinic for that community,
3 and I had to talk to that community.

4 So, you know, I come against this because I
5 believe in the wind. My dad, when he took me up to the top
6 of the mountain, he said, listen. You could hear that
7 wind. It sounded like a river, and that was one of our
8 sacred areas way up north. So is Mount Shasta. So is the
9 valleys.

10 So are the waters. When you look at that water,
11 figure out this, trace balance elements within that water
12 nourish you. If you talk to a nutritionist, it breaks down
13 a lot of things that you need, like iron, you know, certain
14 other things.

15 So that's what we are. Holistic people, yes.
16 Ones that pray to be creator, always, yes. And I thank you
17 for following your staff recommendation. And I hope, you
18 know, next time some corporation or company comes along,
19 they'll at least come and see us because we're a
20 government. You can't deny us. We're here. Always will
21 be.

22 Thank you.

23 MR. YOUNG: Thank you.

24 Steve Johnson, followed by Neil Desai.

25 Steve, please state and spell your name for the

1 record, and we welcome your comment.

2 MR. JOHNSON: My name is Steve Johnson,
3 S-T-E-V-E, Johnson, J-O-H-N-S-O-N.

4 I have a ranch and another property near the
5 project site. My ranch has a mile of Hatchet Creek, which
6 you've heard mention of, and the other property I have is a
7 home on Montgomery Creek, which also flows through the
8 site. That home has been rented at times to members of the
9 Pit River Tribe, many of whom are here today and are my
10 good friends.

11 Those creeks, you may not know, are large enough
12 to have hydroelectric projects on them. They run year-
13 round. Hatchet Creek has two hydroelectric projects, one
14 of which flows through my ranch. That is a watershed, and
15 those waters flow into Pit 7, which is a PG&E project with
16 one of the largest hydroelectric dams in the state, from
17 which the waters flow through to Shasta Lake, which has the
18 largest hydroelectric dam, I believe, in California.

19 So that area, including eastern Shasta County,
20 already provides hydroelectric power, clean power, and it's
21 also a timber resource. And this area was zoned as
22 timberland, and it's heavily forested. It's rough terrain.
23 It's full of some endangered species, the bald eagles,
24 golden eagles. I've seen mountain lions, bobcats. I've
25 hiked all through that area. It's a beautiful, beautiful

1 watershed. And this project would endanger that, primarily
2 because of biological impacts, visual impacts, and some of
3 the things you've heard about.

4 But number one is wildfire risk. If a wildfire
5 starts in that area and it's burned before, part of my
6 ranch burned in the Fountain Fire nearby, but if it burns
7 and it cannot be attacked from the air with air tankers,
8 it's likely that a wildfire in that area will become
9 catastrophic, and we've had catastrophic fires in Shasta
10 County and surrounding counties. They've killed people.
11 We had 80 die in the Paradise Fire. We had eight die in
12 the Carr Fire in Shasta County that jumped the Sacramento
13 River. The latest fire in the area that we're talking
14 about here was two and a half months ago on the other side
15 of 299, sparked by lightning.

16 There is a real risk from wildfire that if it
17 gets beyond the project site and becomes tens of thousands,
18 hundreds of thousands of acres, people in the local
19 communities will probably die. They won't be able to get
20 out in time. You'll have huge economic harm. The project
21 itself will probably burn and melt and become a toxic waste
22 site. We're talking about catastrophic harm.

23 This is the wrong project for that site. I'm not
24 against wind power. I think it was Commissioner Gallardo's
25 map that showed all these other projects. Your own

1 Executive Director essentially said, and I'm going to
2 paraphrase because these weren't his words, that this is
3 the worst project ever to come before you with more un-
4 mitigatable impacts than any other project that ever come
5 before you. If you ever are going to deny any project,
6 this is the one to deny, and I urge you to do so.

7 Thank you.

8 MR. YOUNG: Thank you.

9 We're going to hear from Neil Desai, and then
10 we're going to transition online.

11 MR. DESAI: Neil Desai, N-E-A-L D-E-S-A-I.
12 Commissioners, Neil Desai again with the National Parks
13 Conservation Association.

14 If you recall from my comments in the prior
15 agenda item, where I expressed our strong support for the
16 Willow Rock Project, I discussed that in this political
17 climate, California needs to show it knows how to permit
18 projects, and that California will move forward if we
19 permit well-thought-out projects, like Willow Rock and
20 backwards, and erode the public support that we need by
21 permitting the opposite, and I described that whole Soda
22 Mountain Solar dumpster fire that seeks the same Opt-In
23 certification to do an end round around permitting
24 rejection.

25 I wanted to listen in here. We've never weighed

1 in on this issue. I'm not familiar with the specifics, but
2 it was Opt-In, so I wanted to hear, okay, what's going on
3 here. But I read recently, I think it was earlier this
4 week, some press on this. It was an interview in *Politico*,
5 and I actually just, while I was back here just copying and
6 pasting the text, with the head of this Wind Energy Trade
7 Association. And the *Politico* reporter asked, what does
8 the fact that the CEC appears poised to deny this project
9 say about the Opt-In process, and this person said, quote,

10 "Well, it says they don't know much about wind
11 projects, they've never permitted a wind project
12 before, they don't know, but we don't think they've
13 done a reasonable job. It's really kind of mind-
14 boggling," end quote.

15 Another question was how does it feel to have the
16 federal government being so hostile towards wind energy,
17 now that you have this key decision in the California, also
18 going against wind? The person said, quote,

19 "It would be pretty ironic to see our state agencies
20 play into President Trump's anti-wind nonsense by not
21 closely following -- or scrutinizing the staff
22 assessment of Fountain Wind," end quote.

23 That's a false choice. It's completely amateur
24 hour. It is ridiculous. It's this type of arrogance that
25 I was describing about against a reasonable staff analysis

1 and attempts to seek this sort of backdoor approval. To
2 rewrite the purpose of what AB 205 is supposed to be, just
3 like what Soda Mountain is doing, that's going to piss
4 people off. So, yeah, like actually, we are officially now
5 in opposition, Chairman, you can count us aligned with you
6 all. I appreciate your tribe's advocacy. This is absurd.
7 And so we can't be doing this. We can't be rewriting
8 purposes. We can't be creating this false choice. You
9 know what you're doing. You just showed it with Willow
10 Rock. You know what you're doing.

11 And so please approve the staff recommendation,
12 send a signal, and the message and the signal that you're
13 sending to industry, to investors, to the public, to tribal
14 nations, is that bring us good projects that are well
15 thought out, and we will develop them. We will show that
16 we can develop viable clean energies here in California. We
17 will protect ratepayers and we will protect the
18 environment.

19 Thank you.

20 MR. YOUNG: Thank you.

21 At this time, we're going to be transitioning to
22 Zoom.

23 Crystal Miller, you're going to be our first Zoom
24 speaker, and we're going to unmute your line. Please
25 unmute on your end, state and spell your name for the

1 record, and we welcome your public comment.

2 DR. MILLER: Dr. Crystal Miller, D-R
3 C-R-Y-S-T-A-L M-I-L-L-E-R, Head of Policy and Government
4 Relations at the Alliance for Tribal Clean Energy. Good
5 afternoon Chair Hochschild, Vice Chair Gunda, and
6 Commissioners. My name is Dr. Crystal Miller, I'm an
7 enrolled citizen of the Walker River Paiute Tribe, and I'm
8 here today in strong support of the Executive Director's
9 recommendation to deny certification of the Fountain Wind
10 Project, and in full alignment with the Pit River Tribe's
11 formal opposition.

12 I want to be clear at the outset that this is not
13 opposition to clean energy, this is opposition to a project
14 that, based on the record before you, cannot be approved
15 without violating CEQA, AB 52, and California's legal
16 obligations to tribal nations. The staff assessment is
17 unequivocal. This project results in significant and
18 unavoidable impacts across multiple CEQA resources,
19 resource areas, including tribal cultural resources,
20 wildfire and emergency response, hazardous materials, and
21 water resources. Once those findings are made, this
22 Commission's discretion is not unlimited and the law
23 requires restraint.

24 The Pit River Tribe has made clear through
25 consultation and the administrative record that the project

1 is proposed within a living tribal cultural landscape, not
2 isolated sites, not resources that can be fenced,
3 monitored, or reduced to Conditions of Certification, a
4 living landscape that holds ceremony, spiritual
5 responsibility, ancestral trade routes, and
6 intergenerational knowledge.

7 CEQA and AB 52 require avoidance and meaningful
8 protection, not procedural compliance, where impacts are
9 acknowledged as significant and unavoidable. Approval is
10 not neutral. It is an affirmative choice to permit
11 permanent cultural loss.

12 The staff assessment identifies the battery
13 energy storage system alternative as the environmentally
14 superior alternative, one that would avoid the project's
15 significant and unavoidable impacts while remaining
16 consistent with the state and local law. Under CEQA, when
17 a feasible alternative exists that meets project objectives
18 and avoids irreparable harm, especially to tribal cultural
19 landscapes, the law does not allow agencies to proceed as
20 if that alternative were irrelevant. We're not here today
21 discussing whether clean energy can be built, rather we are
22 here to question where, how, and at whose expense.

23 The staff assessment concludes that the project
24 would impede aerial firefighting, resulting in a
25 significant and unavoidable wildfire impact. This project

1 is proposed in a fire-scarred remote landscape where aerial
2 suppression is essential to protecting lives, homelands,
3 and cultural resources. A project that knowingly
4 compromises emergency response in such an area cannot be
5 squared with CEQA's public safety mandate.

6 The record reflects extensive reliance on
7 hazardous and flammable materials, explosives in volcanic
8 bedrock, groundwater extraction from an uncharacterized
9 aquifer, and wastewater disposal in soils rated as very
10 limited for infiltration, these risks that threaten tribal
11 beneficial uses of water, ceremonial access, and long-term
12 ecosystem health. Regulatory compliance does not equate to
13 mitigation when contamination would be irreversible.

14 AB 205 does not suspend CEQA, it does not
15 override AB 52, and it does not diminish California's duty
16 to protect Native American heritage or to treat tribal
17 nations as governments rather than stakeholders.
18 Consultation that does not influence project design is not
19 meaningful consultation and approval in the face of
20 acknowledged avoidable harm would be inconsistent with both
21 state law and long-standing federal Indian policy.

22 The Pit River has been clear, the staff has been
23 clear, and the record is clear, denying this project is not
24 about rejecting clean energy in any form, it is about
25 affirming that California's climate goals cannot and should

1 not be achieved by sacrificing tribal sovereignty, public
2 safety, or the rule of law.

3 I urge the Commission to adopt the staff
4 assessment in full and deny certification of the Fountain
5 Wind Project.

6 Thank you for your time and consideration.

7 MR. YOUNG: Thank you.

8 Trisha, I'm going to unmute your line. Please
9 unmute on your end, state and spell your name for the
10 record, and we welcome your public comment.

11 MS. VALESQUEZ: Hello. Can you hear me?

12 MR. YOUNG: Yes, we can. Thank you.

13 MS. VALESQUEZ: Good afternoon, my name is Trisha
14 Velasquez, that's T-R-I-S-H-A V-E-L-A-S-Q-U-E-Z. So good
15 afternoon. I'm the Central Valley Organizer at Save
16 California Salmon.

17 I want to thank the Commission for listening to
18 the Pit River Tribe and recognizing that the numerous
19 impacts of this project cannot be adequately mitigated.

20 Safe California Salmon would like to add our
21 support for the Executive Director's recommendation to deny
22 the Fountain Wind Project.

23 Thank you.

24 MR. YOUNG: Theodore Martinez, I'm going to
25 unmute your line. Please state and spell your name for the

1 record, and we welcome your public comment.

2 MR. MARTINEZ: Can you hear me?

3 MR. YOUNG: We sure can. Thank you.

4 MR. MARTINEZ: My name is Theodore Martinez,
5 T-H-E-O-D-O-R-E M-A-R-T-I-N-E-Z. (Speaking a Native
6 American language.) I am our elected Hewisedawi Elder for
7 this year. And I want to thank you, Commissioners, for
8 giving me the opportunity to come before you and voice my
9 opinion.

10 The first thing I want to say is I implore you to
11 not approve the Fountain Wind Project. The mountain where
12 they're looking at, it's on the edge of my territory, the
13 Atsugewi territory. But I'm not just Atsugewi, I'm also
14 descended from a Itsatawi and Ajumawi people.

15 I am one of the practitioners. I've been
16 practicing our religion all of my life, having that tie to
17 the land and understanding what that land is about. I've
18 been advocating for our sacred lands, for our tribal
19 rights, since I've been a teenager, trying to educate non-
20 natives into who we are, why we're here, and that we are
21 the caretakers of the land. That is our spiritual
22 obligation that we have, is to take care of the land.

23 We have to think many generations ahead. How do
24 we want this land to look for that future? When I've dealt
25 with some of these agencies, when we talk about our sacred

1 lands, well, what part of it is sacred, what part of it do
2 you use, not taking into consideration entire landscapes,
3 spiritual landscapes. Everything is tied together. There
4 are places in our territories where you can see all the way
5 into Nevada. You can see all the way up into Oregon. You
6 can see down into the valley. And when you are privileged
7 to that and you feel that energy that comes from those
8 places, and the connectivity to all things that are within
9 that territory, it's not just the air, it's not just, you
10 know, that mountain, it's everything, every rock, every
11 leaf, every grain of sand, it's all connected.

12 That's what we're trying to protect and to
13 maintain that, not just for today, but for the future. And
14 there are places up there on that mountain that -- there
15 are sites up there. And when you go in and you disrupt
16 those things, you disrupt that flow of what was there, what
17 was left there --

18 MR. YOUNG: Please conclude your comment, sir.

19 MR. MARTINEZ: Thank you.

20 MR. YOUNG: Thank you.

21 Consuela Vargas, I'm going to unmute your line.
22 Please state and spell your name for the record and we
23 welcome your public comment.

24 MS. VARGAS: Unmute. Okay. Sorry. I was like
25 trying to. It came up on my screen. Can you hear me?

1 MR. YOUNG: I can. Thank you.

2 MS. VARGAS: Okay. My name is Consuela Vargas,
3 C-O-N-S-U-E-L-A, Vargas, V-A-R-G-A-S. And I'm a member of
4 the Pit River Tribe, the Hammawi Band.

5 And, you know what, just going up there, you
6 know, to our ancestral land, because we, you know, as 11
7 autonomous bands, we have, you know, the counties of
8 Shasta, Modoc, Lassen, and Siskiyou, and, you know, just
9 going up there and being a part of, you know, our tribal --
10 you know, even though I live down here and out of the area,
11 out of my, you know, ancestral land area, but still going
12 up, you know, every year going to ceremonies, ancestral
13 runs, or, you know, every -- you know, trying to make what
14 ceremonies I can, you know, it brings, you know, you're
15 back to your culture, your ways that, you know, were taken
16 from us.

17 You know, like the genocide continues. And even
18 with these, like, you know, like different things that are
19 happening, like windmills and pipelines and all this
20 destruction of our Mother Earth really causes a lot of, you
21 know, distance between our tribal people and the reality of
22 things. And, you know, we are in active genocide right now
23 with MMIP and MMIW. You know, our people are, you know,
24 being murdered. Our people are dying off. Our elders are
25 dying off. And these projects bring more destruction to

1 our people. They bring man camps. They bring other stuff
2 going on to our Native people. And also in the general
3 population, too. General people up in the areas get
4 affected.

5 And I just implore you to deny this Mountain Wind
6 Project, because for our sacred areas, and I know even the
7 other wind project that's there, and off of the other
8 mountains, you know, a lot of the people that were from the
9 tribe there, the Madesi Band and other bands that have the
10 cultural area, I mean, they're denied access to go up and
11 do prayers. They're denied access to go up and do
12 ceremonies. And, you know, that affects all of us as a Pit
13 River Nation, because even if one band's, you know, doing a
14 ceremony, a lot of times they'll invite other bands, and
15 we'll all like, you know, have ceremony together, you know,
16 and it just, we're being denied.

17 And I just ask you to not deny us of our cultural
18 ways. I mean, you know, freedom of religion, freedom of,
19 you know, spirituality, but why do we have to still
20 continue to be denied in 2025?

21 Thank you.

22 MR. YOUNG: Thank you.

23 Ashley Crystal Rojas, I'm going to unmute your
24 line. Please unmute on your end. State and spell your
25 name for the record, and we welcome your public comment.

1 MS. CRYSTAL ROJAS: Thank you. This is Ashley
2 Crystal Rojas, A-S-H-L-E-Y, last name Rojas, R-O-J-A-S. So
3 I'm speaking on behalf of Indigenous Justice, a California-
4 based Indigenous women's-led organization advancing
5 Indigenous rights, cultural survival, and environmental
6 justice.

7 We begin by expressing our sincere gratitude to
8 the CEC Commission staff for their thorough principled and
9 evidence-based assessment of the Fountain Wind Project.
10 The process reflects a meaningful commitment to the law, to
11 due diligence, and to recognizing that not all harms can be
12 mitigated.

13 Indigenous Justice strongly supports the staff
14 recommendation to deny the Fountain Wind Project. The
15 record clearly demonstrates that this project would result
16 in significant and unavoidable impacts to tribal cultural
17 landscapes, sacred sites, and natural resources that are
18 inseparable from tribal identity, spiritual practice, and
19 intergenerational responsibility.

20 The Pit River Tribe, whose territory extends
21 across the Shasta region at issue, has clearly articulated
22 that this project would cause irreversible harm to
23 ancestral landscapes, waters, cultural resources, and
24 sacred topography, central to tribal history, identity, and
25 survival. The tribe has documented that these impacts

1 cannot be mitigated and would persist beyond
2 decommissioning and represent a continuation of
3 dispossession of homelands that have already endured
4 centuries of removal, exploitation, and erasure.

5 Under California law, tribal cultural resources
6 are afforded explicit protection. The California
7 Environmental Quality Act, as strengthened by AB 52,
8 recognizes that tribal cultural landscapes and sacred
9 places are unique, irreplaceable, and deserving of
10 heightened consideration. Where impacts are significant
11 and unavoidable, approval is not required, and in this
12 case, staff correctly determined that a statement of
13 overriding considerations is not justified.

14 Beyond cultural and spiritual harm, the record
15 also establishes serious public safety risks. Expert
16 testimony submitted to this docket by experienced aerial
17 firefighters, including air attack pilots and former CAL
18 FIRE and federal wildfire response leaders, explained that
19 placing dozens of 600- to 700-foot turbines in heavily
20 forested and high-fire danger terrain would severely impede
21 aerial firefighting operations. These turbines would
22 effectively create no-fly zones, limiting the ability of
23 air tankers and helicopters to drop retardant, conduct
24 rescues, or protect nearby communities, placing lives at
25 risk in a region already facing extreme wildfire danger.

1 At the federal level, the American Indian
2 Religious Freedom Act affirms the right of Indigenous
3 Peoples to access and protect sacred sites and to carry out
4 spiritual and ceremonial practices without government
5 interference. The industrialization and destruction of
6 sacred landscapes directly infringes on these protections.

7 Internationally, the United Nations Declaration
8 of the Rights of Indigenous People, which California has
9 committed to implementing, affirms Indigenous Peoples'
10 rights to maintain and protect sacred sites and cultural
11 landscapes, to practice and revitalize cultural and
12 spiritual traditions, and to withhold free, prior, and
13 informed consent for projects affecting their homelands and
14 resources. The Fountain Wind Project violates these
15 principles. Environmental justice without Indigenous
16 justice is not justice. Indigenous --

17 MR. YOUNG: Thank you. Please wrap your comment.

18 MS. CRYSTAL ROJAS: Okay. Thank you.

19 So by denying this project, the Commission
20 affirms that California's climate goals do not require the
21 sacrifice of Indigenous Peoples, sacred sites, or community
22 safety. You affirm that cultural survival, spiritual
23 practice, and tribal sovereignty, and public safety --

24 MR. YOUNG: Thank you. Please conclude your
25 comment.

1 MS. CRYSTAL ROJAS: Thank you.

2 MR. YOUNG: Rachel Hatch, I'm going to unmute
3 your line. Please unmute on your end, state and spell your
4 name for the record, and we welcome your public comment.

5 MS. HATCH: Thank you. Rachel Hatch,
6 R-A-C-H-E-L H-A-T-C-H. I live in what is currently known
7 as Redding, California, an unceded Wintu land.

8 As a person of faith and a theologically educated
9 layperson, I spend time thinking about the moral imperative
10 for the state to pursue a just transition to a carbon-
11 neutral future. For people of faith, the just part of the
12 just transition is critical. You have heard from
13 Indigenous community members about the adverse impacts of
14 this project on tribal cultural resources, ecological
15 resources, and more.

16 In a state like California, with our history of
17 genocide against the Indigenous People of this place, it is
18 not just to pursue this project. The California Truth in
19 Healing Council's work is underway. It's striving to
20 grapple with this history, but we need to listen to the
21 strong message from Indigenous neighbors and reject the
22 Fountain Project.

23 I believe a more just future for California is
24 possible. And today in 2025, we are in the liminal space,
25 what theologians might describe as the already not yet. A

1 more just future is already here, but just not fully
2 realized. All you need to do is to finalize this decision
3 and accept staff's recommendation today.

4 Thank you for the opportunity to participate
5 online.

6 MR. YOUNG: Thank you.

7 Ryan Baron, I'm going to unmute your line.
8 Please unmute on your end, state and spell your name for
9 the record, and we welcome your public comment.

10 MR. BARON: Thank you, Mr. Public Advisor. My
11 name is Ryan Baron, R-Y-A-N B-A-R-O-N. Good afternoon,
12 Chair and Commissioners. Again, my name is Ryan. I'm a
13 partner at Best Best & Krieger, and I'm outside counsel to
14 the County of Shasta on this matter. I apologize I can't
15 make my remarks in person today. I'm also feeling a bit
16 under the weather.

17 The project will have -- I just want to make a
18 few comments in response to some comments that have been
19 made, and I'll try to be brief.

20 The project will have significant, unmitigable,
21 and unavoidable impacts based on wildfire, tribal cultural
22 resources, habitat and species, and other issues. Local
23 CAL FIRE chiefs documented the fire concerns and lack of
24 mitigation at the local level. After several years of
25 project planning, there is still no water supply for the

1 project. It is also not required for regional reliability
2 needs and where there is a substantial renewable
3 development in the immediate county.

4 The Commission's denial today is not going to
5 create a slippery slope where no wind will be sighted in
6 California. Our firm represents numerous local
7 governments, community choice aggregators, municipal
8 electric utilities that are in the process of buying or
9 building such projects. As the county commented in the
10 docket, there are a number of wind projects in the CAISO
11 interconnection queue and a significant portion qualifying
12 for full capacity deliverability status.

13 Importantly, I want to thank Commissioner
14 Gallardo and her staff, Executive Director Bohan, also the
15 Siting Division staff, the Chief Counsel's Office for
16 really listening to and working with the county and local
17 government throughout this process and for an overall
18 responsiveness despite our strong project concerns and when
19 we had to be a little critical of the process at times in
20 order to try to navigate and understand this new Opt-In
21 process.

22 So I want to thank you for your consideration
23 today and urge you to deny the project. Thank you very
24 much.

25 MR. YOUNG: Thank you.

1 Newmie, I'm going to unmute your line. Please
2 unmute on your end, state and spell your name for the
3 record, and we welcome your public comment.

4 MR. WILSON: Hello. Can you hear me?

5 MR. YOUNG: We can. Thank you.

6 MR. WILSON: Hello. Good morning, Chairman and
7 Commissioners. My name is Newmie Wilson, spelled
8 N-E-W-M-I-E W-I-L-S-O-N, and I am the Hammawi Council
9 representative of the Pit River Tribe, and I stand in
10 unified opposition to the Fountain Wind Project that many
11 others have spoken of today.

12 While I support California's transition to
13 renewable energy, it cannot be achieved through the erasure
14 of tribal heritage or the endangerment of rural lives. I
15 urge the Commission to uphold the Executive Director's
16 recommendation and deny this certification for three
17 critical reasons.

18 First, this project is a direct assault on tribal
19 sovereignty. The Pit River Tribe has clearly stated
20 repeatedly that this site is not merely land but a sacred
21 landscape containing the remains of our own ancestors. To
22 install 610-foot turbines over documented archaeological
23 sites and sensitive water sources is an act of cultural
24 desecration that no amount of mitigation can fix. The CEC
25 must respect the tribe's right to protect their spiritual

1 and ancestral identity, and approval of this project would
2 be a direct attack on tribal sovereignty, and it flies
3 directly in the face of the Truth in Healing efforts Gavin
4 Newsom is promoting.

5 Second, this project creates an unacceptable
6 wildfire risk, as we have heard from several concerned
7 members of the local community already. This project is in
8 a very high fire hazard severity zone. Local fire experts
9 have testified that these turbines will obstruct aerial
10 firefighting, our most critical tool for stopping a
11 catastrophe. We're talking about a region that's still
12 scarred by devastating fires, and so placing industrial
13 objects in the flight paths of retardant drops is a gamble
14 with human lives that this state should not be willing to
15 take.

16 And finally, this is a matter of local
17 governance. As we've heard from many others stating,
18 Shasta County has already twice rejected this project. To
19 use AB 205 to override explicit will of the community and
20 its local ordinances is not streamlining a process, it's
21 disenfranchisement of the entire region. The CEC's own
22 staff assessment in March of 2025 concluded that the
23 environmental and cultural cost of this project far
24 outweigh its benefits.

25 So today I ask you to follow that science and

1 that data. Do not prioritize a single energy project over
2 the safety, the culture, and the voices of people who will
3 actually live on this land and have been since time
4 immemorial. Please deny the Fountain Wind Project.

5 Thank you.

6 MR. YOUNG: Thank you.

7 We're now going to hear from Renee Gemmill.
8 Renee, I'm going to unmute your line. Please state and
9 spell your name for the record, and we welcome your public
10 comment.

11 CHAIR HOCHSCHILD: And Ryan, this is our last
12 comment or is this --

13 MR. YOUNG: That's correct, sir.

14 CHAIR HOCHSCHILD: Okay. Thanks.

15 MR. YOUNG: Renee Gemmel, you're going to want to
16 unmute on your end.

17 Sir, this concludes public comment.

18 CHAIR HOCHSCHILD: Okay.

19 MS. GEMMILL: Hello. Can you guys hear me?

20 MR. YOUNG: Yes, we can hear you.

21 CHAIR HOCHSCHILD: Oh, yeah.

22 MR. YOUNG: Thank you.

23 CHAIR HOCHSCHILD: Yeah. Go ahead.

24 MS. GEMMILL: Okay. (Speaking Native American
25 language.) My name is Renee Gemmill. That's R-E-N-E-E

1 G-E-M-M-I-L-L. I speak today as a representative of the
2 Madesi Band of the Pit River Nation and as a steward of the
3 land since time immemorial.

4 I am here to respectfully and firmly oppose the
5 Fountain Wind Project and to ask that the California Energy
6 Commission uphold the decision that has already been made
7 regarding this project.

8 For our people, this land is not an empty space
9 or a development site. It is a living place, one that
10 holds our history, our stories, our burial grounds, our
11 medicines, and our responsibilities to future generations.
12 Long before permits, maps, and jurisdictional boundaries
13 existed, our ancestors lived, gathered, hunted, prayed, and
14 cared for this land. That responsibility continues today.

15 The Fountain Wind Project threatens culturally
16 significant landscape that cannot be replaced, restored, or
17 mitigated once disturbed. Ground disturbance, turbine
18 foundations, new access roads and transmission corridors
19 place sacred sites and cultural resources at irreversible
20 risk. Cultural loss is not something that can be offset
21 with conditions, monitoring plans, or after-the-fact
22 consultation.

23 We are also deeply concerned about wildfire risk.
24 Our people have lived through catastrophic fires and
25 lasting trauma they leave behind. Placing industrial scale

1 infrastructure in a forested, wind-driven, fire-prone, and
2 increased danger area increases danger to tribal members,
3 neighboring communities, first responders, and the land
4 itself. Fire does not respect boundaries, and when it
5 comes, the impacts are permanent.

6 Environmental harm is also harm to our people.
7 Birds, bats, plants, water, and wildlife corridors are not
8 just resources to us, they are relatives. Fragmenting
9 habitat and disrupting natural system violates the balance
10 we are taught to protect.

11 While we support clean energy, true
12 sustainability must include respect for Indigenous People,
13 ancestral lands, and community safety. Renewable energy
14 cannot be called just or responsible if it comes at the
15 expense of tribal heritage and long-term risk to this
16 region.

17 A careful and informed decision has already been
18 made regarding this project. We respectfully ask that the
19 California Energy Commission stand by and uphold that
20 decision, and not allow it to be undone by continued
21 pressure that ignores the serious cultural, environmental,
22 and safety concerns raised. Once this land is altered, it
23 is altered forever, and there is no plan that can bring
24 back what would be lost.

25 On behalf of the Madesi Band and the Pit River

1 Nation, and all of our community members, we urge you to
2 protect this land, honor tribal sovereignty, and uphold the
3 decision to deny the Fountain Wind Project.

4 Thank you for listening and for your
5 consideration.

6 MR. YOUNG: Thank you, Chair. This includes
7 public comment. Back to you.

8 CHAIR HOCHSCHILD: Thank you so much. One final
9 call. Is there anyone else remaining in the room who has
10 not yet had a chance to speak?

11 If not, let me just thank all of you for coming,
12 and for those of you who drove a long way in inclement
13 weather to be here today. One of our commitments at the
14 Energy Commission, in addition to trying to make the best
15 decisions we can with a lot of tough choices coming our
16 way, is to always stay until everyone has been heard, and I
17 really appreciate everyone hanging in there with us.

18 I will share a little more of my own comments
19 once I've heard from my colleagues, but let's begin with
20 Commissioner discussion, starting with Commissioner
21 Gallardo.

22 COMMISSIONER GALLARDO: Buenas tardes. Good
23 afternoon now, everyone. I do thank you all for sticking
24 this out, and it's such an important item, so much
25 appreciated.

1 I'd like to start with gratitude as well, just
2 like the Chair did, for the many participants who provided
3 public comment today, and especially those who traveled
4 long distances to join us in-person, including the wind
5 industry representatives, the Environmental Pilot
6 Association reps, Shasta County leaders, Chairman Bamford,
7 Brandy McDaniels, and the members of the 11 bands of the
8 Pit River Nation, and other residents of Shasta County. We
9 wish all those who did come from afar a very safe trip back
10 home.

11 And also Brandy McDaniels, we wish you, your son,
12 a happy birthday, regardless of where this lands.

13 Next, I did want to thank Kaycee for the
14 excellent presentation that she did today. She's been a
15 fantastic addition to this team, so I wanted to acknowledge
16 her.

17 And as our Executive Director explained, for
18 every siting application that we receive, no matter which
19 program it comes through, our STEP Division staff and the
20 attorneys in our Advocacy and Compliance Unit have an
21 enormous task of conducting a robust environmental review.
22 And as some of you have seen, this particular staff
23 assessment is over 1,200 pages, which is a small indication
24 of how much work went into the analysis of this project,
25 and I do not recommend you print that thing.

1 Staff also reviewed over 700 comments filed to
2 this particular docket, as well as took feedback from our
3 two public meetings and multiple site visits we did to the
4 area. Staff coordinated with multiple other state and
5 local agencies, including CAL FIRE and California
6 Department of Fish and Wildlife. They worked with the
7 Applicant very closely and conducted tribal consultation
8 all at the same time.

9 So I would like to uplift and thank our STEP
10 Team, including Kaycee, our former STEP Director Elizabeth
11 Huber, and our new STEP Director Regina Galer, also Dian
12 Vorters, Eric Knight, Eric Veerkamp, Britt (phonetic)
13 Hughes, Joey Hughes, and their entire teams, anyone that
14 I'm missing there.

15 I also want to give a special thanks to Travis
16 David for his work on our recently published Opt-In
17 Dashboard that our Executive Director showed you earlier.

18 And I want to uplift and thank our attorneys,
19 Chief Counsel Sanjay Ranchod, Matt Pinkerton, Jared Babula,
20 Maria Ponce, and others who have worked so closely on this
21 application review. We could not do any of our jobs
22 without the steady guidance of our Chief Counsel's Office,
23 so lots of gratitude.

24 I also want to give a special shout out to Matt
25 Pinkerton, ACU's Assistant Chief Counsel, who will be

1 taking a new position in the near future, and thankfully
2 still at the Energy Commission. He not only shepherded his
3 unit and coordinated the legal work on the Opt-In Program
4 under very tight deadlines and a lot of stressful
5 situations, but he was always responsive, calm, and
6 incredibly easy to work with. So, Matt, we will miss
7 working with you every day on this program, but I am
8 excited for you to have that new role, and I am happy that
9 we still get to work with you at the Energy Commission.

10 Also, to Chair and his office, I am incredibly
11 grateful to him and his advisors, Robert and Caroline, for
12 being invaluable partners throughout this proceeding and
13 all of Opt-In. And it was very helpful to have you join me
14 on the site visits, and also the public meetings in this
15 proceeding.

16 And my other invaluable partner for the Opt-In
17 Program has been our Executive Director, who has kept
18 everyone focused and steady since the start, so I am very
19 grateful to him for joining me on this journey.

20 And I want to acknowledge all of the parties who
21 have invested significant time into the Opt-In proceeding.
22 Thank you to the County of Shasta, the Pit River Tribe,
23 Tribal Nation, and the local community for participating
24 and sharing your insight throughout this long process.

25 And I would also like to thank the Applicant,

1 Repsol. Throughout the process, your teams have always
2 been professional and collaborative in working with our
3 staff as they evaluated this project. And as you said
4 earlier, wind energy is an important resource to
5 California, and we hope to continue working with developers
6 to bring additional wind projects to California through our
7 Opt-In Program or any other program.

8 So turning now to the Opt-In application before
9 us for the proposed Fountain Wind Project, I want to
10 acknowledge that the Energy Commission's mission is to get
11 to a 100 percent clean energy future, and our state has set
12 ambitious goals and robust policies to get there. And the
13 Opt-In Program is one of the key actions that the state has
14 implemented to help California build out the infrastructure
15 we need for that clean energy future. And I'm proud to be
16 Lead Commissioner for this program that enables us to do
17 big things quickly, yet responsibly.

18 So although Opt-In is set up to be a condensed
19 process with a 270-day timeline, we do not sacrifice doing
20 a comprehensive and thorough review. We are committed to
21 having a fair, impartial, and objective review of each
22 project and on each project's own merits. Every staff
23 assessment is based on the particular facts of each project
24 and the unique circumstances of the proposed project sites.
25 Staff analyze safety and environmental standards, community

1 feedback, and applicable law.

2 I also want to remind everyone that although the
3 Opt-In Program is new, the Energy Commission has 50 years
4 of expertise and experience evaluating proposed power
5 generation facilities. It's really part of our origin
6 story.

7 So while the Energy Commission has approved the
8 majority of project applications, the very intent of our
9 environmental review is to avoid approving projects that
10 have an outsized impact on the environment. And on this
11 Fountain Wind application, the staff worked diligently to
12 conduct that thorough, independent, and comprehensive
13 review, and they detailed nearly 50 significant unmitigable
14 impacts across six different CEQA categories.

15 And most projects will have impacts, and those
16 can be addressed to be less than significant, either with
17 or without mitigation, and it's possible that projects may
18 not be able to mitigate a significant impact. And in those
19 cases, under CEQA, an agency can approve a project with
20 those significant unmitigable impacts through an override.
21 And to determine whether an override is appropriate, the
22 Energy Commission looks at the proposed benefits of the
23 project to determine if the benefits outweigh the
24 significant unmitigable impacts of that particular project.

25 So the findings before us today is that the

1 benefits of the Fountain Wind proposal do not outweigh the
2 numerous impacts to the environment that this particular
3 project would have. And for these reasons, I concur with
4 the Executive Director and the staff's conclusion that the
5 circumstances of the Fountain Wind Project do not support a
6 statement of overriding considerations for those numerous
7 environmental impacts that it would produce.

8 So with that, I support the staff's and Executive
9 Director's recommendation to deny the Fountain Wind
10 Application for Certification and not certify an
11 Environmental Impact Report. But I do want to emphasize
12 that this decision does not affect any future wind projects
13 or other energy technologies, whether they're processed
14 through Opt-In or otherwise.

15 And lastly, I would like to spend a moment on the
16 County's request for dispute resolution. I know that this
17 process is within the authority of our Executive
18 Director's -- or our Executive Director has that authority
19 and that is in process, but it is separate from this
20 particular vote. And to our Executive Director, Mr. Bohan,
21 I would like to request that if you could send a courtesy
22 copy of your written determination to the Commissioners so
23 that we can track what is happening on that process, that
24 would be appreciated.

25 Thank you. That's all, chair.

1 CHAIR HOCHSCHILD: Thank you, Commissioner.

2 Let's maybe begin with Commissioner McAllister
3 and make our way this way. Go ahead, Commissioner.

4 COMMISSIONER MCALLISTER: Great. I'll be brief.
5 I want to just elevate what Commissioner Gallardo just said
6 and all the effort on Opt-In, not just on this effort, but
7 a slew of other efforts that are coming.

8 I think I really appreciate, first of all,
9 everyone being here and those on Zoom, particularly those
10 who have come here from across the state, and the heartfelt
11 and really grounded comments and broad-ranging comments
12 that we've heard.

13 I want to just also acknowledge and agree with
14 the Chair's comment that we really -- the process is really
15 the lifeblood of getting to good decisions in California.
16 We follow the process and we listen to everybody and try to
17 come up with grounded decisions that reflect the record and
18 that come down in a reasonable place for the state.

19 You know, part of that, I really heard
20 everybody's, or most people's frustration with the multiple
21 venues and processes and, you know, seven, eight years of
22 process, certainly, the tribe has expressed, and the
23 county, notable that multiple county officials are here,
24 all consistent with their opinions. And partly, that's a
25 result of Opt-In appearing relatively late on the landscape

1 and, you know, that has driven duplicative efforts and, you
2 know, for the Applicant and everybody across the board.
3 But certainly, we heard the tribe multiple times express
4 that frustration.

5 I agree with Commissioner Gallardo's
6 determination that we want to support, that I want to
7 support the staff proposal that was described by Executive
8 Director Bowen. I want to thank you, Drew, for your
9 efforts to keep the cats herded and make sure we're
10 continually making progress in the Opt-In process, which is
11 new for us all. So, we have to make, you know, tough
12 choices. We've had a number of them over the last year.
13 You know, 2025 has been -- you know, it's the nature of the
14 beast. That's why, you know, that's why decisions come to
15 us for these choices and often, you know, people don't
16 agree.

17 I am a big fan of renewables. I think we all
18 are. We have our goals. We're going to meet those goals.
19 We're going to, you know, one way or the other. We're
20 going to make sure that we track to mid-century, you know,
21 2045, 100 percent carbon free. Incorporating large-scale
22 renewables, you know, is part, it's one of the big orders
23 of the day. I think we did that in the Willow Rock item
24 earlier, a really key decision around grid-relevant
25 resources at that scale.

1 But the balance of this project just tilts the
2 other direction. And I think the responsible thing to do
3 is to deny and bring, you know, bring -- get the pipeline
4 of Opt-In, which is getting pretty full, addressed and
5 hopefully get some innovative new renewables and other
6 installations over the next couple of years.

7 So with that, I'll pass to Commissioner Skinner.

8 COMMISSIONER SKINNER: Yeah, it's never easy to
9 deny a project, and especially a renewable energy project,
10 a renewable energy generation project, knowing our goals.
11 And I think the Opt-In process, how it was established, I
12 wouldn't -- it's not -- it has to open with a non-bias
13 towards either approval or non-approval. It has to be that
14 things are looked at from all the lens we were given. Yes,
15 the purpose of the legislation was to be able to more
16 speedily deliver a permit. But in doing so, it was not
17 written to guarantee that permit was issued.

18 So I think in this case, the work was substantial
19 and substantive. And I know that the work on the side of
20 the project developer was also. So it's a difficult
21 circumstance when we know the project developer has put a
22 lot of work into this application and to their intention,
23 their investment for the generation of electricity using a
24 source that we definitely want to use. But I think the
25 staff's work and the analysis that was presented to us

1 overwhelmingly supports the conclusion that staff has
2 recommended. And I feel that we need to respect that.

3 So I also want to give my appreciation for all of
4 you who came today. It was a long journey. And of course,
5 in your expressions you expressed, I could feel the
6 frustration for the length of time that you've been engaged
7 in this, both when it was purely a local permitting issue,
8 and then now when it's been before the state, but -- so
9 everyone involved has put in a lot of blood, sweat and
10 tears, but I think the staff were thorough and I will be
11 supporting the staff's recommendation.

12 CHAIR HOCHSCHILD: Thank you.

13 Vice Chair Gunda.

14 VICE CHAIR GUNDA: Thank you, Chair.

15 Thank you, Kaycee, for your presentation. And
16 sorry, I was not able to hear it here in person. I think I
17 just wanted to make sure I note a couple of pieces.

18 First, I think extend the gratitude for everybody
19 here that -- the project developer, you know, the industry,
20 the community, everybody being here to think this through
21 in an open conversation and kind of have the -- have this
22 public process play out. I associate most of my comments
23 with what the Commissioners have already mentioned, but I
24 do want to uplift a few things from the vantage point of
25 what I work on, specifically reliability, and then clean

1 energy planning for the state over the long run.

2 So, you know, just, you know, 6first of all,
3 these kinds of work would not happen without incredible
4 effort from the staff. So just want to say big thanks to
5 staff, both the step and CCO, Drew, Dian, Eric, Gabe,
6 Elizabeth, Jared, and many, many others.

7 Also want to thank, you know, the Repsol team for
8 working, you know, on this project, as well as the Shasta
9 County and the Pit River Tribe who are here. And I think
10 the -- as the decisions along these lines come along, I
11 think it's really around thinking through the multiple
12 goals that the state have that are not or, but are and, and
13 we need to think about how to stitch together decisions
14 along those.

15 So some of the core pieces that we talk about are
16 we want to get to a clean energy as quickly as we can.
17 2045 is our goal, but we want to get there as quickly as we
18 can. We want to have the system reliable. And, you know,
19 compromising on reliability, lights flicker, and the whole
20 decarbonization strategy of the state, which is really
21 predicated on the idea of electrification suffers both
22 politically, but also in our confidence of making that
23 happen. So it's clean. It's reliable.

24 We also talk about affordability, which is
25 really, really important. How do we make sure the energy

1 that we are procuring is affordable? And that's been on
2 the consciousness of many, many people in this room and
3 across the state and the nation.

4 And we talk about equity, the ability for
5 everybody being represented, their voices being uplifted to
6 ensure our decisions are fair, really rooted in analysis.
7 And we're taking the decisions to make sure we are fitting
8 our work with the long arc of the state's goals. So as
9 we think about that big picture, we have the SB 100 goals
10 of having the clean energy by 2045, and we have reliability
11 targets.

12 And because of the nature of this decision, I do
13 want to, first of all, you know, look to our industry
14 partners and just say, I have reached out to you many, many
15 times to advance those goals in various forums. I
16 requested your partnership on ensuring that we are working
17 together on making sure we create a pathway for commercial
18 decisions in California and the investment decisions to
19 move forward the clean energy goals in California. And
20 that stays yesterday, and that stays true today, and that
21 stays thru tomorrow.

22 Especially as it pertains to wind energy, it's an
23 extremely valuable energy. Every analysis that we have
24 continues to show that wind is very valuable, especially
25 it's valuable to have it in-state. Because of the

1 generation profiles that we have for wind, it's very, very
2 helpful.

3 And then, and we look at the SB 100 analysis, we
4 have about 12.26 gigs -- 12.6 gigs of wind that is actually
5 identified as the low cost portfolio. So again, going back
6 to clean, but also the affordable nature of having wind in
7 the portfolio really does balance the cost of the energy as
8 a whole.

9 The CAISO interconnection queue shows about 10
10 gigs of wind today and have completed studies on them and
11 just 1.6 gigs in the last cluster. So that's an important
12 piece that we need to think through about how wind is being
13 supported in the state. And when we look at the overall
14 though, it's the -- you know, the CAISO queue is about 227
15 gigawatts, and it's a very small share of that is wind.

16 So I do want to talk specifically to the wind
17 industry on this issue. I have been a part of some very
18 difficult conversations, whether it's petroleum and other
19 pieces. I understand how each decision will take its own
20 narrative in the broader investment community. And I want
21 to completely assert that it's really, really important
22 that we continue to build wind in California, and we
23 continue to invest in wind in California.

24 That brings, specifically, the notion of the
25 context under which we are voting today. And that's really

1 important for us to think about the last piece of both the
2 environmental review, the processes we have, and the equity
3 of those processes we have. I have been staff here, and
4 I've -- you know, Drew, first of all, thank you to you and
5 the STEP Division. There are a number of questions from
6 our office because of that reliability piece that we have
7 been thinking through, that we wanted to pressure test all
8 the questions. And I have complete confidence in the
9 staff's assessment in the determination that they have
10 found about the various unmitigable issues here, especially
11 around safety.

12 So this is a tough decision, as Commissioner
13 Skinner mentioned. We are taking all these different
14 pieces and trying to figure out how do you stitch together
15 solutions that are fair and that are equitable. And in the
16 equity, I want to look to our colleagues from the tribal
17 nations and mention your voices over the last years, last
18 several years on equitable representation in clean energy
19 resource planning is very important to us. And thank you
20 for showing up here and voicing that. I think, you know,
21 when I look at the overall staff assessment, it's about
22 reliability, it's about unmitigable issues, it's about
23 environmental pieces that we need to think through here.

24 So in the totality of this conversation, while I
25 will take every electron that we can get from California

1 and want to continue to assert that we need to make sure
2 the investment confidence exists in California to build a
3 clean energy, I also 100 percent trust the staff assessment
4 on the unmitigable issues.

5 And with that, I will continue to support the
6 staff recommendation.

7 CHAIR HOCHSCHILD: Great. Thank you, Vice Chair.

8 Let me begin by thanking you, Kaycee, and to your
9 colleagues for all the diligence on this project and to
10 you, Commissioner Gallardo, for leading our work on this.

11 So let me start with this. I hope we can all
12 agree, no matter where you land on this issue and this
13 vote, these are really tough issues, okay? Climate change
14 is making our state hotter. Electric demand is going up.
15 Air conditioning load is going up. We have to meet that
16 need with clean resources. And there are many, many other
17 factors to consider.

18 I come to this work, I've been in clean energy
19 for 25 years, and got into this work because I support us
20 moving to a clean energy future to get to 100 percent clean
21 energy future. I support the governor's direction on that,
22 the legislature's direction on that. I support wind power.
23 And I've been up many wind towers, climbed up to the
24 nacelle. I've been to many wind manufacturing projects.
25 We've put \$80 million into wind research and development

1 here at the Energy Commission. I support solar, I support
2 energy storage, but not in absolutely every site
3 everywhere. And this is this is the process we have to go
4 through and the diligence we have to go through and it
5 involves a lot of listening.

6 And to the stakeholders who spoke here today, I
7 thank you. To the tribes, I thank you for being here.
8 Your voices matter. The governor's apology to the tribes
9 matters. Tribal energy sovereignty matters. And I really
10 appreciate all of you speaking from the heart.

11 I just want to say, you know what, I grew up in
12 San Francisco. In my hometown, you know, we never had
13 wildfire smoke in the Bay Area. The whole time I was
14 growing up, I'm 54. A few years ago, we started having,
15 you know, heavy smoke. And we had smoke that was so bad,
16 you know, my wife got sick, my kids got sick. We had a day
17 where the wildfire smoke was so heavy that the sky was
18 black, you know, at noon, okay? The streetlights came on
19 in my community in the middle of the day. And this is from
20 climate change.

21 And this is, you know, a reminder that we all
22 share a common destiny. And we all have to face this
23 threat. And we have to reduce the emissions, the pollution
24 that are enabling that. And so that continues to be, you
25 know, one of the driving forces for me in this work, and

1 that of my colleagues. But it doesn't mean these
2 facilities get installed in every place, everywhere.
3 There's a lot to measure and to balance.

4 And I really want to thank the staff for doing, I
5 think, a very thorough and diligent job. And I understand
6 completely the frustration of the Applicants, but I land in
7 support of the staff recommendation. And I join with my
8 colleagues on that.

9 And so, unless there is further discussion, I
10 would welcome a motion on item seven from Commissioner
11 Gallardo.

12 COMMISSIONER GALLARDO: I'm going to be very
13 precise so I parallel the order that we have.

14 For item seven, I move to adopt the Executive
15 Director's recommendation to deny the Fountain Wind
16 Project's Application for Certification and to not certify
17 an Environmental Impact Report.

18 CHAIR HOCHSCHILD: Is there a second from the
19 Vice Chair?

20 VICE CHAIR GUNDA: I second the item.

21 CHAIR HOCHSCHILD: All in favor, say aye.

22 Commissioner Gallardo?

23 COMMISSIONER GALLARDO: Aye.

24 CHAIR HOCHSCHILD: Vice Chair Gunda?

25 VICE CHAIR GUNDA: Aye.

1 CHAIR HOCHSCHILD: Commissioner Skinner?

2 COMMISSIONER SKINNER: Aye.

3 CHAIR HOCHSCHILD: Commissioner McAllister?

4 COMMISSIONER MCALLISTER: Aye.

5 CHAIR HOCHSCHILD: And I vote as well. Item
6 seven passes unanimously. Thank you.

7 CHAIR HOCHSCHILD: All right, we'll turn now to
8 Item 8, Lead Commission and Presiding Member Reports,
9 beginning with Commissioner Gallardo.

10 COMMISSIONER GALLARDO: All right, I have some
11 slides to show, if those are ready. Go to the next slide.

12 So I just did -- my team and I have been thinking
13 about, you know, what we accomplished just this year to --
14 in order to like figure out what we're going to do the
15 coming year and have some clarity and a good foundation for
16 what we want to accomplish.

17 So these are the milestones in 2025. I won't go
18 over them thoroughly, but basically, every single month, we
19 were doing some type of activity, and we had two workshops
20 for Lithium Valley. We had two workshops for our JEADI
21 proceeding. We started the tribal informational
22 proceeding. And so there was just a lot going on. So I'm
23 very proud of what we accomplished this year.

24 And if we go to the next slide, I want to thank
25 my team that you can see here, my chief of staff, Eric, my

1 advisors, Jimmy, Colleen, and Aretha. And then, we had a
2 ton of fellows this year, which was extremely helpful
3 adding vibrance to our team and just extra hands on deck
4 and really brilliant minds as well to help us accomplish
5 all the things.

6 And I want to point out here is one of our
7 fellows, Uno. He comes to us through the Department of
8 Energy on a two-year program, and he has been fantastic.
9 He has incredible skills that we were lacking on our team
10 in terms of science and research and analysis, and he
11 helped complete us. So, wanted to acknowledge him here and
12 give a big thank you to my team, Team G, for all that they
13 do. I wouldn't be able to do anything without them, so I'm
14 very appreciative.

15 And then, we'll go to the next slide.

16 So here, just wanted to give you a glance of what
17 we're thinking about for 2026. I won't go over all of this
18 either, given it's late, but there are areas where we're
19 going to continue doing what we're doing, particularly,
20 I'll give an example of Opt-In. We are in process to get
21 four applications to a vote next year, and we'll continue
22 to identify and implement more improvements to our process
23 within our parameters.

24 And then we also are thinking of doing some
25 shifts, and Lithium Valley would be an example of that. We

1 have two more workshops that we're going to do, and then
2 we're going to publish the Lithium Valley Strategic
3 Assessment. And then we'll determine next steps once we
4 get reactions to that assessment of what we're doing, but
5 that'll basically conclude our proceeding.

6 And then I do want to highlight that we are
7 trying to develop a couple of areas. I've talked a lot
8 about this already, geothermal and fusion.

9 With geothermal, we're going to conduct an
10 assessment of the barriers to in-state geothermal and help
11 -- try to figure out how can we remove those barriers to
12 help make in-state geothermal more successful. That will
13 be part of the 2026 IEPR update. So I thank the Chair and
14 vice Chair for enabling us to have that opportunity. And
15 then, we're also thinking of hosting a geothermal
16 roundtable focused on developers working in California and
17 those seeking to come to California so we can gather more
18 information that can feed into that geothermal section of
19 the IEPR update.

20 And then fusion, as I mentioned at the last
21 business meeting, I'm an enthusiast and excited about the
22 possibilities of fusion, and so we're going to help scope
23 out the fusion energy portion of the 2027 IEPR, and we'll
24 be paying close attention also to the R&D grant that we
25 have for fusion projects, which is about \$5 million.

1 So we'll go to the next slide.

2 Here, I just wanted to thank some unsung heroes
3 that have supported my team in particular, and I wanted to
4 start with Kris Peters, who was in that back room earlier,
5 and I was really excited that he'd get to hear me say this,
6 but he has been just phenomenal, running around, fixing all
7 our issues, even today at the business meeting. And he
8 does help with a lot of events -- oh, he is there, okay,
9 he's listening, he's trying to hide -- for siting, for
10 DACAG, for Unity Celebration, Hall of Fame, he was just
11 spectacular.

12 So, Kris, thank you so much for all that you do.
13 You got a gold star from us this year, and we have a
14 picture of him working hard, breaking a sweat, trying to
15 fix all the things that we do.

16 And then I also wanted to thank Jerome Lee. He's
17 been awesome. Every time I have an issue with my phone, I
18 go to Jerome and it magically gets resolved.

19 So, Jerome, I really appreciate you, and you're
20 always behind the scenes, so I wanted to acknowledge you.

21 And then, Jared Babula from Chief Counsel's
22 Office has just been a go-to for me. Whenever I have any
23 doubt, any question, Jared will answer those and make me
24 feel better and at ease, because at least I have something
25 to run with.

1 So, Jared, thank you so much for all you do.
2 And then I wanted to also thank Davina
3 Whitethorne, who's a new addition to PAO+ and has just
4 helped take us to the next level on our Tribal Affairs work
5 alongside our Director of Tribal Affairs, Sierra Graves.

6 And then, Susie Speckman from MPCO has also been
7 phenomenal. She helped us on three major events, and I
8 think back now and wonder how we could have done it without
9 Susie.

10 So thank you, Susie, for stepping in, leaning in,
11 and helping us make all these events successful, including
12 Unity Celebration, Clean Energy Hall of Fame Awards, and
13 our 50th Anniversary Symposium.

14 And then Gabriel Roark, also, is usually behind
15 the scenes. He was here earlier, so he won't get to hear
16 this. He's in our STEP Division. He does his job really
17 well, and he also contributes to other efforts, including
18 our Tribal Informational Proceeding. Plus, he has such a
19 quick wit and good humor that he always makes our
20 situations better, and he almost knows when I need a laugh
21 or a chuckle. So I am very thankful to Gabriel.

22 And then, finally, Sean Simon, our Deputy
23 Director in STEP. You have been just outstanding all year.
24 And I feel like you've been my partners, you know, side by
25 side on issues that are unexpected, and your leadership has

1 been tremendous, and you've helped Step accomplish so many
2 different things in the short time that you've been with
3 us. So I wanted to acknowledge you, and I also gave you a
4 gold star for your tremendous leadership and hard work all
5 year.

6 All right, that's it for me.

7 CHAIR HOCHSCHILD: Thank you.

8 Maybe Commissioner McAllister?

9 COMMISSIONER MCALLISTER: Thanks. Great. I have
10 some slides, as well, too. Let's see. I think, hopefully,
11 they're there. Yeah, there we go.

12 So high-level thanks this year, just from a few
13 key initiatives.

14 Next slide, please.

15 I did want to just remind everyone that the 2025
16 Energy Code goes into effect on January 1st, and these are
17 some numbers. I won't go through all the points. But, you
18 know, it's always a huge lift every three years to develop
19 the new Building Code, and each one, you know, improves
20 upon the one before, but there's always new technology and,
21 I think, new challenges. And so I just wanted to
22 acknowledge the whole Building Standards, not just the
23 Development Office, but also the Code Compliance Office and
24 the enforcement activities around the code, which is a
25 cross-divisional effort now.

1 Highlighting that at the bottom, I want to thank
2 Drew for sort of mobilizing the thinking about that and
3 getting us consistent across the Commission. And, you
4 know, we have a lot of different ways that we can help with
5 code compliance and enforcement, and really optimistic
6 about where that's going. You know, we not only need to
7 develop the code, we want to make sure that it's faithfully
8 implemented across the state. And, you know, our thousands
9 and thousands of stakeholders want that, too. And so I
10 think, you know, getting -- building bridges into the local
11 jurisdictions and working with all the stakeholders is a
12 cross-divisional effort and with many, many stakeholders
13 across the state, so optimistic about where that's going.

14 New slide, or next slide.

15 Load flexibility is a, I think, a new,
16 exciting -- it's not really new in every sense, but I think
17 it's new in terms of the potential that it has to be
18 mobilized using modern technology for benefit at every
19 scale across the state. And, you know, really enjoy
20 working with Vice Chair Gunda on many things, load
21 flexibility.

22 We have several staff teams, mostly in the, well,
23 in the Efficiency Division, but also across other
24 divisions, even Fuels and Transportation, and other efforts
25 that really are leaning into demand modulation to help

1 bolster the grid, improve reliability, improve the cost-
2 effectiveness of many of our other efforts to partner with
3 energy efficiency to make sure that all the new
4 electrification, the new loads that are going to come on
5 the grid do so in a way that comports with grid needs and
6 do so most cost-effectively.

7 So we have load management standards, really want
8 to give a shout out to that team who's just done an amazing
9 job working with all the jurisdictions and beyond that you
10 see there, PG&E and Edison and SDG&E, the big IOUs, but
11 also the big municipal utilities and many, well, the
12 largest CCAs across the state.

13 So it's an exciting time. A lot of those
14 conversations, I think, have been very bi-directional and
15 learning on both sides as we really forge this new path.
16 California is in the lead on this and, you know, we're
17 finding, I think we're learning a lot and we're finding out
18 how to optimize load flexibility going forward and how to
19 really make it scale as we would want it to for
20 California's transition. And I think even in, you know,
21 the other divisions, in the Analysis Division, in FTD and
22 Efficiency Division, in RREDI, as well with DSGS and other
23 programs and some of the investments that I'll talk about
24 in the next slide, load flexibility really intersects. So,
25 it's an all-of-Commission effort.

1 Next slide.

2 So I want to just give a shout out to RREDI
3 division and the team on all the programs around building
4 decarbonization. This is state-funded programs such as
5 equitable building decarbonization, which is really making
6 progress. We got the first project starting to roll out
7 here. News to share, hopefully, in January on that.
8 There's a travel component. There's a financing component,
9 which really has hit the ground running with the Go Green
10 financing through CAFA. They're accelerating their loans
11 that are supported by the \$30 million, I think it was, that
12 we shunted over to them to provide loan guarantees.

13 And then HEEHRA, the Phase 1 launch of the first
14 of the IRA-funded, federal-funded programs that we've
15 implemented already and looking to get going to Phase 2
16 here next year, and as well as the HOMES, the IRA-funded
17 equivalent complement to the equitable building
18 decarbonization program, which hopefully we get those funds
19 and drop those into the program structure next year. So a
20 lot of heavy lifting on the program front. We're talking
21 hundreds of millions of dollars into our existing buildings
22 to help them decarbonize responsibly and healthfully.

23 Next slide.

24 I have to raise a flag for data analytics.
25 Really, Jason Harville and the team and Drew, just thanks

1 so much for your support over the last number of years. It
2 took us about a decade to get a solid pipeline of interval
3 meter data, of energy consumption data at the customer
4 level into a database with the right, you know, protections
5 and mechanisms to have to clean up and house all this data.
6 It's a huge amount of data. And so now we're able to take
7 the next steps, which is really accelerate our own internal
8 abilities, you know, using the latest and greatest tools,
9 such as Snowflake here I mentioned, but a bunch of others
10 that Jason has been vetting and bringing on board that's
11 making this a very, very powerful resource, as well as
12 really arming our staff with the tools they need to squeeze
13 the juice out of this data. Obviously, we're on the
14 utility side of the firewall and privacy and protection is
15 top of mind, and I think we're doing an amazing job on
16 that.

17 And at the same time, looking for ways to provide
18 data to responsible third parties for specific work that,
19 for example, local governments are doing to do their
20 climate planning to help with their own transition at that
21 scale. And so the Energy Data Analysis Program, EDAP, is a
22 way that we've worked with Chief Counsel. I want to really
23 thank the CCO for figuring out a sort of legal construct
24 that allows us to share data with vetted, highly vetted
25 analytical firms to allow that sort of analysis to take

1 place. It's generating and will generate much knowledge
2 that's very much in the public interest and will allow the
3 local governments and eventually others to move forward
4 with their planning in a way that is just optimized and
5 really informed and grounded with roots into actual data
6 that we're able to provide. So really excited about where
7 that's going.

8 And we've had interns, hopefully have more
9 interns with deep data analytics ability that will help us
10 really build that muscle and build a whole portfolio of
11 tools that in a templated way can really keep us moving
12 forward without reinventing the wheel each analysis we want
13 to do. So super excited about that.

14 Next slide.

15 I want to just highlight the electrification
16 summit that we did back in March. There will be another
17 one. That was number two. There will be another one
18 possibly in 2026, and sort of sussing out when and how
19 that'll take place. But I think both iterations were
20 hugely successful and really helped move the needle forward
21 in the conversations forward around how we're going to get
22 our building stock and industry and vehicle fleet, vehicle
23 fleets, et cetera, electrified as much as possible over the
24 coming decades. I want to thank -- actually, well, I'll
25 thank my staff at the end, but next slide.

1 Next slide. Next slide. There we go. There you
2 go.

3 So a bunch of just -- I'm not going to go through
4 every person in here, but you know who you are. But in
5 particular, I want to thank my own staff, Bryan Early, my
6 Chief of Staff, who's just amazing. None of this would
7 happen without Bryan really pulling a lot of streams and
8 waving his magic wand. And Maggie Dang, Houston Garnier,
9 Dori (phonetic) Floyd, and Bill Pennington and Diana
10 Mineta, who've been with my office sort of seconded from
11 their respective divisions to help with the Building Code
12 and some of the program work that we're doing. Just really
13 couldn't ask for a better team.

14 And, you know, we all have blind spots and I am
15 absolutely no exception to that. I think my team fills
16 those blind spots and really helps me thrive and succeed
17 and all of us together by helping, by just making sure the
18 bases are covered and we've got all the conditions for
19 success organized in the right moment.

20 So next slide. I think that's it.

21 I guess I also just wanted to mention the
22 progress that's been made. I'm sure Vice Chair Gunda will
23 talk about this. But we have a great staff also with Sean
24 and STEP and the team. And, well, really across most of
25 the Commission, much of the Commission in the Western

1 markets discussion, a lot of success this year. You know,
2 I tend to focus on the granular, you know, down to the
3 device level, behind-the-meter, you know, individual
4 buildings.

5 But the other end of the spectrum is equally
6 important, which is integrating conversations or having
7 conversations that are common across the West and figuring
8 out how to make progress by leveraging markets, by common
9 approaches to technology, to regulation, to conversations
10 about investment of interstate resources. And I think
11 we've really, you know, working together with other state
12 partners developed a platform by which that conversation is
13 going to really make progress in the coming year. And I'm
14 super excited about that as well.

15 So I will end it there. Thanks.

16 CHAIR HOCHSCHILD: Thank you, Commissioner.

17 Commissioner Skinner?

18 COMMISSIONER SKINNER: Thank you. Keeping the
19 tradition of slides, starting with -- so we can go to the
20 first one.

21 I'm wrapping up my first year. I got sworn in,
22 in January. And I want to thank the entire CEC family for
23 welcoming me warmly from the jump. And staff from all the
24 divisions helped me get up to speed on CEC's work and
25 assisted me in taking on this new role.

1 Beyond the FTD, the other offices that I really
2 relied on and interacted heavily with this year, and that
3 is not in any way to diminish the other great offices, but
4 the ones I mostly interacted with were Executive Office,
5 thank you, Government and International Affairs, the
6 Efficiency Division, Chief Counsel and the Legal Team and
7 the Media Team. So my great gratitude to those offices and
8 their teams.

9 I'm going to truncate this a bit. I'm not going
10 to mention a lot of people. But I just want so when I
11 thank an office, I really mean everybody in it.

12 The next slide.

13 So here's some of the big accomplishments of
14 Fuels and Transportation Division, which is what I, you
15 know, mostly got in the weeds with this year. We pulled
16 off some big wins. So huge thanks to Hanan Rasool, Melanie
17 Vail and Jen Kalafut for their leadership as the heads of
18 that division and to the FTD branch managers, Corey Perman,
19 Elizabeth John, Charles Smith, and Jaron Weston. And
20 there's many other FTD staff that I deal with all the time,
21 so thank you, shout out to all of you. But let's look at
22 some of these accomplishments.

23 The last quarter of this year, so quarter three,
24 we broke EV sales records. Twenty-nine percent of the new
25 cars sold were EVs we now have -- or ZEVs. We now have

1 2.46 million of them on the road. And we're expecting,
2 even though we're going to have some drop this quarter,
3 we're still expecting to get -- hit the 2.5 million by the
4 end of just in a couple weeks.

5 Our statewide EV charging network is becoming
6 more and more robust. We've achieved 201,000 public and
7 shared chargers, a good percent of which were supported by
8 CEC-administered funds, so state funds. With the \$300
9 million that we awarded just this year to support EV
10 charging, we're going to get over 16,000 new charging
11 ports, and that's for all vehicle classes. We also awarded
12 \$33 million for hydrogen fueling infrastructure and \$64
13 million to support zero-emission vehicle battery
14 manufacturing.

15 But one of the things I'm particularly proud of
16 that is probably brought less to everybody else on the
17 table's attention is an award under a grant we called
18 Charge Yard, which is now -- and this is a facility in
19 Sacramento, which is like a lab where industry can test the
20 product compatibility or the interoperability across
21 different EV models and charger equipment. So thank you,
22 all the staff that worked on that one.

23 And let's go to the next slide.

24 More accomplishments. The EV Charger Reliability
25 and Reporting Regulations crossed the finish line, and the

1 clean transportation program investment plan for fiscal
2 year '25-26 was approved. And when we adopted those at
3 that -- those business meetings, I thanked everybody
4 individually, so I won't repeat that.

5 But the other thing I want to bring our attention
6 to is that we successfully fended off the federal
7 government's decision to cut off all NEVI funds, so I want
8 to thank the AG's office, FTD staff, legal and CalSTA staff
9 for successful pursuit of the preliminary injunction that
10 enforced California's rightful access to those NEVI funds.

11 And the other thing that we are actively in
12 developing and will have before the end of '26 is the first
13 in the nation replacement tire regulations for improving
14 the efficiency of tires, which is a huge consumer win. And
15 I really want to thank the Consumer Federation of America
16 who have been particularly supportive in helping those, but
17 they will reduce the operating costs of vehicles, of every
18 vehicle.

19 Let's go to the next slide.

20 So since a picture is worth a thousand words,
21 here's some examples of some of the CEC's supported
22 advances in ZEV transportation. While CEC did not give
23 funding directly to IONNA, the new consortium that is now
24 building out a network in California, we supported them in
25 many other ways. And there we are at their groundbreaking

1 of their first rechargery station in Vista, California.

2 And then the other photo is WattEV's heavy-duty
3 truck charging depot at the Port of Oakland, which is a
4 shared depot, so any truck, any big heavy-duty EVs that are
5 using the airport or the Port of Oakland can access this.

6 The next slide is a photo of the EVSE
7 Reliability, that charge yard, that hub that I was
8 referencing.

9 And then the other photo is, again, a switch yard
10 right here in West Sacramento, Sierra Northern Railways
11 Switcher Yard, so it's where all the locomotives come in.
12 And this was something new to me, but the switcher
13 locomotive moves the cars around. And so if you're near a
14 train station, there's a switcher locomotive moving around
15 all day, every day, so it's not just when the train, you
16 know, the long haul trains come through. And they're
17 diesel fueled, so they're a very significant source of
18 pollution. And what Sierra Northern did here, and we
19 helped fund them, is they replaced diesel. They had an
20 engine designed especially for them, replaced diesel with a
21 California-sourced non-fossil hydrogen for these switcher
22 fuels, so switcher locomotives, rather.

23 So those are my -- that's my wrap-up for now.
24 There's lots more I could tell you, but it was a great
25 year.

1 CHAIR HOCHSCHILD: Thank you.

2 Vice Chair?

3 VICE CHAIR GUNDA: Thank you, Chair. I want to
4 start. I think we have some slides, too, maybe just kind
5 of pulling that up. You know, yeah, so if we go to the
6 first slide, the next slide on.

7 I think just kind of for our office, you know,
8 some of the core responsibilities, you know, are looking at
9 electric grid reliability, so that's, you know, reliability
10 planning and analysis, the DSGS and DEBA programs that we
11 were -- had the opportunity to work on, broadly on resource
12 planning, demand forecasting, and the scenario work, you
13 know, resource planning and SB 100, natural gas analysis.
14 And then we had petroleum, regional works on non-energy
15 impacts and transmission, but I just want to lay out a
16 couple of -- a few accomplishments this year.

17 And first of all, you know, just, you know,
18 starting with the AB 825 passage, the West-wide market
19 integration, that was a huge milestone. Commissioner
20 McAllister, thank you for your partnership on the regional
21 markets. That has been an amazing point of success for
22 California and the rest of the west.

23 Another part of key accomplishment for us is the
24 continued work on the non-energy impacts, OAIP, so we did a
25 kickoff workshop and several roundtables this year on

1 advancing how do we take into account non-energy impacts
2 into the broader energy resource planning. And on that, my
3 partner has been Commissioner Gallardo. And Commissioner
4 Gallardo, thank you so much for all the support and work
5 together on that. Along with that came also the energy
6 equity indicators that Commissioner Gallardo has been
7 working, which we worked on together.

8 And then moving into kind of the resource
9 planning elements, a lot of work on demand forecasting this
10 year, especially understanding how to forecast data centers
11 and thinking about how to integrate those new loads, lumpy
12 loads, that are coming on the distribution side because of
13 rapid electrification and new infrastructure being added,
14 whether it's residential, multifamily housing, and so on,
15 and how do you integrate that in a way that we can ensure
16 system reliability.

17 And want to take a moment to say thanks to CPUC,
18 CAISO, you know, CARB, who are all a part of the
19 interagency coordination on these issues. And we wouldn't
20 make the significant progress we've made without all of the
21 people working on this together.

22 Much of our year went into the petroleum markets
23 and tracking the issues around stabilizing the petroleum
24 industry in California. Our office was able to respond to
25 the governor directly on his request to develop strategies

1 for long-term stabilization of petroleum. And we have a
2 report called the Transportation Fuels Transition Plan,
3 which is going to be published pretty soon here. So just
4 excellent work from a number of colleagues across the
5 Commission.

6 And, Chair, thank you for your partnership on
7 both petroleum and reliability work that we get to do
8 together. I don't have a partnership yet with Commissioner
9 Skinner, which I would be looking forward to into the new
10 year, but I get to work with all of you regularly.

11 You know, just continuing to make sure that we
12 track a lot of clean energy progress. We have crossed 100
13 gigs of capacity in California. That's significant. We
14 have added about 30 gigs in the last seven years, and we
15 continue to add resources at record level.

16 But as a part of the clean energy progress, an
17 important part that we cannot forget is the demand
18 flexibility. So Commissioner McAllister and I got a chance
19 to do the Demand Flexibility Summit earlier this year. And
20 his office and our office are working closely on thinking
21 about a long-term roadmap and strategy for demand
22 flexibility.

23 So those are all the key accomplishments. And as
24 I go into the next slide, you know, we get to work with the
25 three primary divisions just on a variety of issues that I

1 just discussed. And the, you know, the ability for our
2 office to do good work really starts at the top of each of
3 the division. Aleecia Gutierrez and, you know, Jeremy
4 Smith and David Erne, you know, leading the Assessments
5 Division. We had Elizabeth Huber, who since moved from the
6 STEP Division directorship, but Sean Simon, and more
7 recently Regina, who we work with on a number of things
8 across reliability and transmission planning. And also,
9 the partnership we have with RREDI, Deana Carrillo, Aloke
10 Gupta, and Ashley, and many others in there.

11 So I want to just say, without the directors and
12 the upper management we have, we cannot do a lot of this
13 work. So thank you so much for your support.

14 I have a number of names from the Assessments
15 Division. I just wanted to put it on record. I do not
16 want to read through every one of them, but want to call
17 out a couple of people. Heidi Javanbakht, Quentin Gee,
18 Nick Fugate from the Demand Forecasting are exceptional
19 colleagues who have been continuing to make progress.

20 Jeremy Smith spent a lot of his time, even though
21 he was hired to do forecasting, he spent a lot of time on
22 petroleum. So, Jeremy, thank you for a lot of work on
23 that.

24 But really want to uplift contributions of Max
25 Solanki at the management level, and Sunit Chawla, who has

1 been an excellent addition amongst many others, and the
2 entire PIIRA team who has been with the CEC for years and
3 continue to do extraordinary work.

4 On SB 100, I want to uplift Liz and Jacqueline
5 Jones and Hannah Craig specifically on some of the key
6 contributions amongst others who work on that, and Elise
7 and Chie and Kristen on reliability.

8 And we continue to work on many other areas
9 within the Energy Assessments Division. Michael Nyberg,
10 David, Kadir, and Ryan, thank you for your work on data,
11 demand distribution, and many other pieces of our work.

12 Going to the next slide.

13 It would not be complete without us at least
14 noting our thanks to all the other small offices and
15 divisions that support our work. The Executive Office, in
16 spite of all my reservations, I will continue to say Drew
17 is awesome. So, Drew and Jen, thank you so much for your
18 extraordinary work.

19 At the Executive Office, Chief Counsel, we had to
20 rely a lot on Chief Counsel's office this year because of
21 the petroleum work. Sanjay at the top, Lisa, Matt, Chad,
22 and more recently Brittany were an extraordinary team.
23 Sanjay, thank you for having them support us.

24 With the OGIA, we have Sarah Brady at the top.
25 Kelan and Courtney have been amazing colleagues for us on a

1 number of issues.

2 Admin, we could not do anything in the Commission
3 without Damian and Harsh. Thank you so much.

4 And for the PAO+, Mona, Ryan, thank you for
5 taking on the new role. And the extraordinary Sierra
6 Graves, thank you, Sierra, for all the work that you do
7 with the tribes. Really thank you for everything that you
8 do.

9 MPCO, I have never really appreciated how
10 important comms and media is until I started working on
11 reliability and petroleum. So, Niki, thank you to you and
12 the entire team, Stacey, Sandy, Sandra, Heather, and
13 Denise.

14 As I already mentioned, with the RREDI Division,
15 Deana, Loke, Jennifer, Ashley, and then for the DSGS team,
16 Payam, Guadalupe, Brian, Syeda.

17 For DEBA, Jeffrey, Pamela, and O'Shea, so thank
18 you all for all your work.

19 STEP. Regina, thank you. I hope you're enjoying
20 being at the CEC. Sean Simon, Dian Shannon, who came from
21 CNRA, and Jessica on the SB 100 team.

22 And I just want to put some names here for Land
23 Use, Fred, Kristy, Saffia, Yoseph have been extraordinary,
24 amongst others who are noted here.

25 We also rely on the Compliance Team, Inspection

1 Team, and Transmission, thank you.

2 And finally, I want to thank the DPMO colleagues,
3 you know, for the leadership, Tai Milder, Ryan McCauley,
4 and others who we work with on the petroleum, which has
5 been an important collaboration.

6 And before I close off, I just want to say thanks
7 to my fellow Commissioners, you know, and I want to note
8 that I'm incredibly grateful for the reappointment. And
9 Chair, I think my path from where I was to here has been
10 something that you carried me, I think, you know, the wind
11 behind me. You and Drew have been not just colleagues, but
12 brothers. And Commissioner McAllister, thank you for your
13 inspiration for coming here. So, you know, just want to
14 say thanks. And I feel like the reappointment reflects our
15 team, our office.

16 So just kind of moving into the next slide.

17 Whatever I get to do is because of the
18 extraordinary team. Raja, thank you. Thank you. It's
19 been an extraordinarily difficult year, so thanks for the
20 work. And Minna is the heart of our office. And I just
21 feel like whatever we get to succeed, it's our team. So
22 thank you so much, you know, Qing, Aria, Theresa, Raja,
23 Jane, and Miina.

24 And just closing off, we had some -- next
25 slide -- we had some fun that we've done this year bonding.

1 But just want to note that my daughter's almost 10, and my
2 son's almost 7. And I've been here, just as Nora was born,
3 I kind of started my work at CEC. And I'm hoping that 2026
4 will give me more time with her. That's meaningful. And I
5 cannot be more thankful to Nora, Steven, and Courtney, my
6 wife. And I asked Nora, who should I thank? And she said,
7 please do not forget to thank the chickens that we have in
8 the house because that makes her happy. So she gives me a
9 lot of kisses because of that.

10 So with all that, you know, thank you, CEC,
11 another extraordinary year. Let's get into 2026 and get
12 going. Thanks.

13 CHAIR HOCHSCHILD: Well, that was beautiful.

14 And I just want to begin with a little round of
15 applause for the Vice Chair for getting reappointed. We're
16 so proud of you.

17 (APPLAUSE)

18 CHAIR HOCHSCHILD: And one of the hardest things
19 in a really hard year. A lot is getting thrown at us. But
20 for me, the denigration of immigrants in our country has
21 been incredibly painful to watch. And I just want to
22 uplift, you know, how amazing it is to just see you come to
23 this country, you know, plug in, jump in with both feet,
24 take on -- you know, you are somebody, you run towards the
25 burning building, you know, like whatever the -- whatever

1 the biggest challenge is. And you've made such an
2 incredible difference for our state, for our Commission,
3 and it's a delight.

4 And I just want to echo your acknowledgment of
5 the rest of our colleagues. You know, we have an amazing
6 group. We've got an amazing team. I've been a river
7 rafting guide for 35 years. And a lot of this work, it
8 feels like going down Class 5 rapids and, you know, but I
9 like who's in our raft, is what I would say. We have an
10 amazing team.

11 And one of the things about having an amazing
12 team, this group of five Commissioners, we picked
13 incredible advisors. And you guys work so well together.
14 And you each bring such diverse and complimentary talents.
15 And it does feel like a chorus coming together to solve
16 problems. And that goes to the directors as well. So I'm
17 not going to repeat all the names because that's been
18 covered. But my gratitude to everybody.

19 I do have a couple slides, I think, if you can
20 pull up. Let's see.

21 I wanted to just, yeah, highlight some of the
22 things we've been doing on offshore wind. We had that Port
23 Summit earlier this year. And we got out the first-ever
24 tranche of port funding from the Energy Commission for
25 that, \$43 million almost. And we've got another \$180

1 million coming.

2 Next.

3 And we launched a California Battery Hub. We're
4 doing so much, I think, that got a little bit overlooked.
5 But that's a really big deal, \$28 million to do next-
6 generation advanced lithium batteries here in California.
7 Storage has been so fundamental for us. We've got 17, you
8 know, gigs on the grid now. And of course, you know, about
9 1,200 battery-electric vehicles a day coming on the roads.
10 And so that's a huge, huge industry and innovation sector
11 for us.

12 Next.

13 And then the tribal energy work, I just wanted to
14 especially call out. We heard a lot from our tribal
15 friends today at the hearing. And this has been something
16 that I really feel the Energy Commission has stepped up big
17 time, \$135 million for 35 different tribal energy
18 sovereignty projects flowing from that tribal energy
19 sovereignty resolution we did two years ago.

20 And so just really wanted to thank Sierra in the
21 back. Can we give Sierra a round of applause for her
22 amazing work? You know, it's been a gift.

23 (Applause)

24 CHAIR HOCHSCHILD: Commissioner Gallardo and I
25 have been traveling around the state with her. We've done

1 11 of these tribal consultations over the course of this
2 year. And just watching her preparation, engagement, and
3 the trust building, it feels healing. It feels healing.
4 And so I just really wanted to call that out.

5 And then finally, I just really want to thank my
6 amazing team, the tireless Robert Chun, who, you know,
7 showed up and also just took on the toughest challenges
8 with grace and intelligence. And, you know, he's been hip-
9 deep in, you know, everything from the tire standard to
10 battery safety and everything in between. But it's been an
11 absolute delight to work with.

12 And Caroline Grey, my new Senior Advisor, Ken
13 Ryder, Jean-Marie Sanborn (phonetic), Sally Rodriguez, and
14 the wonderful science fellows I've been able to have, so
15 thanks to you all.

16 And let me just close out. Executive Office,
17 Jen, incredible. Drew, you both just keep the trains
18 moving through thick and thin. And, you know, a lot of
19 your work is, I think, totally unseen, except by folks who
20 know what it really takes to keep the machinery of this
21 place operating, and we see you. We thank you.

22 And Sanjay, just been an amazing addition. And
23 also, you've been here now how long?

24 MR. RANCHOD: Nine months.

25 CHAIR HOCHSCHILD: Nine months. Okay. It's kind

1 of like dog years. You age up. But I just really
2 appreciated your leadership style and the enthusiasm you
3 brought and the structure you've added. It's really been
4 welcome. And, you know, I feel very protected. Our
5 mission feels protected by the diligence that you and your
6 team bring every day. So, yeah, thanks to Niki and COMS
7 and Sarah and O'Shea and Damian and all the rest.

8 And I will stop there.

9 So, with that, let's move on to, what do we have
10 next, Public Advisor's Report -- oh, sorry, Executive
11 Director's Report. Is there anything?

12 MS. MARTIN-GALLARDO: Yes, absolutely.

13 CHAIR HOCHSCHILD: Yes, okay. Very good.

14 MS. MARTIN-GALLARDO: So we have our thank yous.

15 CHAIR HOCHSCHILD: Yes.

16 MS. MARTIN-GALLARDO: Thank you, Commissioners,
17 for all the kind and thoughtful words that you had for so
18 many of our staff. And Drew and I thank you for your
19 leadership and vision that keeps us motivated and driven to
20 do this good work.

21 And we want to thank, Drew and I want to thank
22 all the members of our 1,000-strong team, from students to
23 senior managers who deserve really the credit for our
24 collective efforts. There's obviously not time to name
25 them all, but I do want to call out our executive

1 leadership, Deana Carrillo. Deana and her RREDI Team
2 continue to make great progress to cite really strong
3 headwinds at the federal level on key CEC priorities.

4 Jonah Steinbuck and the ERDD Team continue to
5 lead the way on world-class energy research and development
6 when we're seeing so much kind of trauma at the federal
7 level in that regard.

8 Aleecia Gutierrez runs our EAD Team, who has a
9 critical job of trying to predict the future so we can plan
10 for it.

11 Mike Sokol manages the most progressive Energy
12 Efficiency Program in the country.

13 Regina Gaylor, our brand-new director of STEP,
14 has hit the ground running, leading her team as they tackle
15 challenging issues like the ones you heard today.

16 Hannon Rasool, Hannon's team is building out the
17 EV infrastructure we need to power our EV future.

18 I went through these very quickly because I don't
19 want to repeat too much, but I do need to call out a few
20 additional folks. Damien Minnaugh, we want to pick on
21 Damien and the whole ASD Team because they are unheralded
22 heroes, as you mentioned. Mostly they get calls whenever
23 there's a problem, and these problems are inevitable, but
24 they are solvable, and ASD is incredible at solving these
25 problems. Damien has led our team for a year now and has

1 demonstrated leadership excellence, partnering with Ed
2 Hirsch and Dennis and their teams to provide incredible
3 service to the agency.

4 Maunee Sanchez and the OCAE Team saves
5 Californians millions of dollars every year by identifying
6 products that don't comply with our efficiency standards,
7 and this year they're taking on the new challenge of
8 building standards compliance and enforcement.

9 Sarah Brady and the OGIA Team, we are grateful to
10 Sarah and the team and want to give a special shout out to
11 Kelan and Courtney who did an incredible job this year
12 while Sarah was on leave with her lovely baby.

13 Mindy Patterson and the Audits Team continue to
14 support our grant-making divisions and have done a fabulous
15 job this year supporting staff and recipients with
16 questions and helping us implement important new oversight
17 processes.

18 Jason Harville, he's our thought leader on all
19 things data. The IT Team manages all products while he
20 provides the professional guidance to achieve our ambitious
21 goals.

22 Drew and I are also so very grateful to our small
23 but mighty admin team, Kimberly, Victoria, and Sally, who
24 brighten our days with their amazing support and teamwork,
25 and we could not do our jobs without them.

1 We'd also like to thank our rule-makings, Dynamic
2 Duo, Ross and Kyle, who many of you probably are working
3 with on big important endeavors. Ross manages dozens of
4 rule-makings and Kyle supports the development of our
5 economic analyses. And their dedication to excellence
6 makes us stronger.

7 I also want to thank our EEO and Training Teams
8 led by Carousel Gore. This is such important work to keep
9 our agency strong and they do it with heart.

10 And finally, I want to do a shout-out to all of
11 CEC's end-of-year retirees. We are so grateful to have
12 worked with you and thankful for your many contributions to
13 achieving our mission. I just want to mention a few folks
14 by name who are retiring with over 20 years of experience
15 at the Energy Commission and have given so much of
16 themselves to this agency. We are fortunate to have known
17 and worked with them and become friends with them and are
18 so grateful for their service.

19 So at 20 years, we have Michael Lozano in ERDD,
20 25 years is Jeanne McKinney in FTD, 27 years for Jen
21 Campagna in EAD, 31 years for Kyle Emme (phonetic), most
22 recently in STEP, 32 years for Laiping Ng of STEP, and Brad
23 Meister of ERDD, 35 years for Mark Hesters in STEP, and
24 last but certainly not least, Melissa Jones, who must be
25 the longest-serving CEC employee we've ever had, 48

1 dedicated years of service, including a number of years as
2 our Executive Director. We are so grateful for her and
3 everyone's contributions, everything that they gave to this
4 agency over the years, all the many things that we could
5 never repeat here or appropriately appreciate, but we thank
6 them greatly. They're going to be missed.

7 And that's it for me.

8 CHAIR HOCHSCHILD: Thank you. Wow.

9 Public Advisor's Report.

10 MR. YOUNG: Thank you, Chair.

11 I would like to start by thanking my colleagues
12 in the PAO+ Office. It's been an important year for us,
13 and they're all really talented, dedicated public servants,
14 and it's a privilege to serve with them.

15 I'd also like to thank some of the people that
16 make our work possible. I see Renee. Thank you, Renee,
17 for a great year, and others, many others too many to name.

18 And I also want to let you know that the DACAG
19 finished a strong year on the 12th. We welcomed Councilman
20 Michael Vasquez of the Pechanga Band of Indians, and that
21 was really exciting for us. And the next DACAG meeting is
22 going to be on the 16th. Looking forward to a new year.

23 And, you know, finally, I want to let folks know
24 that we are recruiting for new DACAG members. If you have
25 any questions or are interested about this, please contact

1 the Public Advisors office at publicadvisor@energy.ca.gov.

2 Happy Holidays.

3 CHAIR HOCHSCHILD: Thank you so much.

4 Chief Counsel's Report.

5 MR. RANCHOD: I do have a report. Thanks, Chair.

6 I'd like to start with an update on a litigation
7 matter. Seven months ago, California joined with 16 states
8 and D.C. to file suit in federal district court to
9 challenge a presidential memorandum issued on January 20th
10 that directed an indefinite pause on all federal
11 authorizations necessary for development of onshore and
12 offshore wind energy projects pending a wide-ranging
13 interagency review of federal wind leasing and permitting
14 practices.

15 The CEC submitted a declaration in support of the
16 multistate challenge to the Trump administration's
17 implementation of this wind memo, and I'm pleased to report
18 that last week, the court granted plaintiff's motion for
19 summary judgment in this case, vacated the wind memo in
20 full. The court's order explains the wind memo constituted
21 a final agency action that was subject to review under the
22 federal APA, and it found it arbitrary and capricious in
23 violation of the APA. We thank the AG's Office for their
24 successful representation of the state's interest in this
25 case, which will remove unnecessary obstacles to deployment

1 of wind energy in California.

2 I'd like to share some highlights from our legal
3 work this year and deliver some thank yous as well.

4 First, I want to express my gratitude to each of
5 the legal professionals of the Chief Counsel's Office,
6 which I have the pleasure of leading. CCO is made up of
7 five units, and our Management Team helps ensure the work
8 of these units is coordinated to best meet the needs of the
9 Commission.

10 Next slide, please.

11 The Management Team refreshed CCO's mission
12 earlier this year to focus on providing pragmatic
13 solutions-oriented legal services and counsel. This
14 approach now grounds the work of our office.

15 Next slide, please.

16 I'd like to thank CCO's Administrative Unit,
17 which handles the administrative needs not only of CCO, but
18 of the Commission through dockets. This year, they again
19 provided comprehensive support across a wide range of
20 functions, including applications for confidentiality,
21 Public Records Act requests, litigation support, and a
22 growing workload associated with our siting matters.

23 Our Advocacy and Compliance Unit deserves
24 recognition for providing legal support for the growing
25 work streams under the Opt-In Certification Program for

1 eligible clean energy projects. The attorneys of this unit
2 stretched themselves this year beyond their capacity to
3 work on multiple Opt-In project applications in parallel,
4 including the very first certification of a project under
5 the program this summer, as well as advise on issues
6 concerning how best to implement this relatively new
7 program. This unit also supported staff on the Willow Rock
8 project that was approved through our AFC process earlier
9 today, advised on several small power plant exemptions
10 related to in-state data centers, and provided counsel to
11 ensure compliance with the California Appliance Efficiency
12 Standards.

13 A couple more to go.

14 Our Hearing and Advisory Unit demonstrated its
15 ability time and again this year to provide nimble and
16 solutions-oriented legal services, often in uncharted
17 waters. This included work on petroleum industry
18 regulatory issues in support of our strategy for the mid-
19 transition implementation of special session legislation,
20 including development of an emergency regulations package
21 on an unprecedented timeline this spring. It also included
22 support for FTD's promulgation of cutting-edge rulemakings
23 to advance a more fuel-efficient and EV-ready marketplace
24 in California, and of course supporting the Committee for
25 the Willow Rock Project and providing the Hearing Officer

1 for that proceeding.

2 Our Regulatory and Advisory Unit assisted staff
3 with numerous programs from development implementation to
4 enforcement, including rollout of the 2025 Energy Code and
5 review a significant number of local Building Energy
6 Efficiency Reach Codes. This unit also helped finalize the
7 Build Guidelines second edition updates, and development of
8 actual building decarb Tribal Direct Install Program
9 guidelines, both of which support electrifying homes in
10 priority communities. And they completed the RPS Guidebook
11 10th edition update. Importantly, they also assisted staff
12 in protecting statewide and national energy efficiency
13 programs through robust federal engagement and regulatory
14 updates to our state's appliance standards.

15 Finally, our hard-working Transactions Unit
16 supported the CEC's contracts, grants, and loans activity
17 throughout the year, again, a very high volume in 2025 and
18 included significant complexity. This included agreements
19 enhancing tribal energy sovereignty, agreements for the
20 Waterfront Facility Improvement Program that support
21 project plans for offshore wind energy infrastructure,
22 numerous agreements enabling R&D, technology demonstration
23 and deployment projects that enable successful clean energy
24 and entrepreneurship, like the BRIDGE Program, as well as
25 agreements enabling EV research development and

1 infrastructure deployment.

2 In addition, the attorneys of this unit provided
3 support to the AG's Office on multiple federal multi-state
4 litigation matters, challenging unlawful actions of the
5 Trump administration that impact California's energy
6 transition.

7 On behalf of CCO, I'd like to thank you, Chair,
8 and the other Commissioners, as well as all of your staff
9 for your leadership, inspiration, and support during this
10 year.

11 I'd also like to thank the Executive Office for
12 being a collaborative partner in problem solving and the
13 PAO+ Team for all your work ensuring these business
14 meetings run so smoothly.

15 Finally, division directors, small office
16 leaders, and staff, we thank you for welcoming our legal
17 advice and being patient when our team is consumed with a
18 more urgent matter. Grateful for all you do.

19 This concludes my report.

20 CHAIR HOCHSCHILD: Thank you.

21 Well, have a wonderful holiday, everybody. We'll
22 see everyone in 2026. We're adjourned.

23 (The meeting adjourned at 4:23 p.m.)

24

25

CERTIFICATE OF REPORTER

I do hereby certify that the testimony in the foregoing hearing was taken at the time and place therein stated; that the testimony of said witnesses were reported by me, a certified electronic court reporter and a disinterested person, and was under my supervision thereafter transcribed into typewriting.

And I further certify that I am not of counsel or attorney for either or any of the parties to said hearing nor in any way interested in the outcome of the cause named in said caption.

IN WITNESS WHEREOF, I have hereunto set my hand this 28th day of January, 2026.



MARTHA L. NELSON, CERT**367

CERTIFICATE OF TRANSCRIBER

I do hereby certify that the testimony in the foregoing hearing was taken at the time and place therein stated; that the testimony of said witnesses were transcribed by me, a certified transcriber and a disinterested person, and was under my supervision thereafter transcribed into typewriting.

And I further certify that I am not of counsel or attorney for either or any of the parties to said hearing nor in any way interested in the outcome of the cause named in said caption.

I certify that the foregoing is a correct transcript, to the best of my ability, from the electronic sound recording of the proceedings in the above-entitled matter.



January 28, 2026

MARTHA L. NELSON, CERT**367