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Opposition -Failure to Meet Public Convenience and Necessity Standards

Additional submitted attachment is included below.



California Energy Commission
1516 Ninth Street
Sacramento, CA 95814

To the Commissioners of the California Energy Commission,

We are writing to formally request that the California Energy Commission (CEC) deny the application for the Corby project. Under the AB 205 Opt-In Certification Program, the Commission may only override local ordinances if it finds that the project is required for "public convenience and necessity" and that **no other prudent and feasible means** exist to achieve that purpose.

The record clearly demonstrates that the Corby project fails to meet this legal threshold. Multiple feasible alternatives exist—both in location and technology—that would honor local authority and enhance public safety.

The CEC has already identified the **Montezuma Wind site** and the **Lambie Industrial Park** as viable, superior public safety alternatives. Unlike the current proposal, the Lambie site is compatible with local industrial zoning and Solano County's BESS ordinance. Previously, the applicant dismissed these sites by claiming that the six-month delay required to amend their interconnection request or run a longer gen-tie line would be detrimental to their "fixed" deadlines. However, the applicant is now requesting a six-month extension for their own purposes. This proves that a six-month window is a manageable timeframe. If the applicant can afford a delay to change a manufacturer, they can afford a delay to move the project to a site that complies with local law. A project cannot be a "necessity" at a specific non-compliant location when a compliant, feasible location exists nearby.

A core component of "public convenience" is the protection of public safety. Our community has consistently voiced concerns regarding the fire and toxicity risks associated with the chosen lithium-ion technology, especially given the proximity to sensitive receptors.

The applicant's request for an extension due to a change in battery manufacturer presented a perfect opportunity to pivot to safer, alternative chemistries (such as Vanadium Redox Flow or

Sodium-ion) that do not pose the same thermal runaway risks. By choosing to stay with controversial technology while asking for more time, the applicant has prioritized their profit margins over the safety of the residents. The "necessity" of this specific, higher-risk technology has not been proven when safer alternatives remain unexplored.

The CEC's power to override local zoning is an extraordinary measure intended for instances of absolute necessity. It should not be used as a convenience for developers who find local compliance "inconvenient" or slightly more expensive. Because the applicant has refused to move to a zoned-compatible site or adopt safer technology—despite having the time to do so—they have failed to prove that overriding our local ordinances is the only "prudent and feasible" path forward.

The Corby project is a matter of developer preference, not public necessity. Given the availability of the Montezuma and Lambie sites and the missed opportunity to implement safer battery alternatives, the legal requirements for a local override have not been met. We urge the Commission to uphold the integrity of local land-use laws and deny this proposal.

Sincerely,

Dee Cole

Mike Gellar

Sarah Dunn

Wendy Breckon

Carmen Martinez- Calderon

Keep Vacaville Safe