

**DOCKETED**

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*Comment Received From: Michael Ford*  
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## **Request for Denial of Small Power Plant Exemption**

*Additional submitted attachment is included below.*

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June 4, 2026

California Energy Commission  
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Re: RB Inyokern Data Center – Docket No. 26-SPPE-01  
Subject: Request for Denial of Small Power Plant Exemption

Dear Commissioners,

I am, as a retired geologist and a 35-year resident and homeowner in Ridgecrest in the Indian Wells Valley, writing to express strongly my concern about the proposed RB Inyokern Data Center currently under review under CEC Docket 26-SPPE-01.

I am a resident of the Indian Wells Valley, and I am writing to request that the California Energy Commission (CEC) deny the Small Power Plant Exemption (SPPE) applied for by the RB Inyokern Data Center. Instead, I urge the Commission to require a full Application for Certification (AFC), including a complete environmental review equivalent to what is required under the California Environmental Quality Act (CEQA).

I share the serious concerns raised by many in our community, that this project does not qualify for the SPPE exemption because it exceeds the 99 MW threshold when its full planned capacity is considered, and that it will have significant adverse environmental impacts on our groundwater, air quality, wildlife, and quality of life. Each of these concerns, on its own, is sufficient to require the full certification review process.

**THIS PROJECT EXCEEDS THE SPPE LIMIT — THE FULL 198 MW PROJECT MUST BE REVIEWED**

The applicant appears to have split a planned 198 MW facility into a 99 MW 'Phase 1' to avoid the 100 MW threshold required for full CEC review. This kind of project splitting — called 'piecemealing' — is prohibited under California law.

The application describes a 99 MW project, just under the 100 MW limit, that would require full certification review. However, the developer's own public materials describe a two-phase campus totaling approximately 198 MW — double what was submitted to the CEC. The parcels designated for Phase 2 are already identified in those materials, and the developer has stated it expects electrical service for the second phase by 2031.

California law requires that an environmental review cover the whole foreseeable project, not just the portion that avoids a regulatory threshold. The two phases are clearly one connected project, and the CEC should evaluate them together.

Additionally, the project proposes approximately 40 diesel backup generators with a combined nameplate capacity of roughly 120 MW — already exceeding the 99 MW threshold — raising further questions about whether the project truly qualifies for the SPPE process at all.

Having examined the RB Inyokern Data Center SPPE Application and attended IWV Water District and IWV Groundwater Authority meetings, I have increasing concerns that the proposal is deeply flawed.

## **THE WATER SUPPLY ASSESSMENT IS DEEPLY FLAWED**

The applicant's water study references the wrong groundwater basin — one located on the other side of the Sierra Nevada mountains — and ignores the ongoing court case that will determine how much water the Indian Wells Valley basin can legally supply.

California law (Senate Bill 610) requires large developments to demonstrate they have a reliable 20-year water supply before receiving approval. The water study submitted for this project fails that test in several important ways:

- It references the 'Kern Subbasin' — an entirely separate aquifer in the Central Valley, on the other side of the mountains — rather than the Indian Wells Valley Groundwater Basin, where this project would actually, be located.
- Our basin is already in 'critical overdraft,' meaning we are pumping far more water than nature can replenish. Current pumping is estimated at nearly three times the sustainable yield.
- A court case that will legally determine how much water can be extracted from our basin was set to begin on June 1, 2026. Approving a major new industrial water user before that court decides the basin's legal water limits is premature and legally risky for all existing water users.
- The Indian Wells Valley Water District has also filed a legal challenge to the current water management plan, creating additional uncertainty about future water availability.

My family has been and still are subscribers to the IWW Water District for our water. I have worked for the Naval Air Weapon Center at China Lake and it is clear that the base and the community that serves the military and civilians who work on the base are dependent upon clean, reliable, and reasonably priced water.

## **THE WATER PROVIDER NAMED IN THE APPLICATION CANNOT RELIABLY SERVE THIS PROJECT**

The Inyokern Community Services District, which issued the project's 'will-serve' letter, has been found financially insolvent by the Kern County Grand Jury and is under state oversight for consolidation. The project relies on a 'will-serve' letter from the Inyokern Community Services District (ICSD), which is intended to guarantee the district's ability to supply water to the project. However, the 2023–2024 Kern County Grand Jury found ICSD to be financially insolvent and unable to address critical operational problems. The district has reportedly failed to provide basic water production records to the regional groundwater authority since 2018. The State Water Board has formally requested that ICSD enter consolidation negotiations with another district, and it remains under active state oversight.

A financially troubled, potentially dissolving water district is not a credible long-term water supplier for a major industrial facility that expects to operate for decades. The CEC should require a full independent review of ICSD's actual capacity and long-term viability before accepting its will-serve letter.

The town of Inyokern currently has difficulty supplying adequate water to its residents. How are they going to be able to serve the RB Inyokern Data Center construction and operation? The Inyokern area is already the most severely impacted area of the over-drafted basin. Concentrated industrial pumping at this scale could cause a localized cone of depression, cause nearby wells to fail, and worsen water quality for existing users.

## **WATER USE ESTIMATES ARE FAR TOO LOW FOR OUR DESERT CLIMATE**

Data centers that use evaporative cooling — even hybrid systems like the kind we're told would be used here — consume significant amounts of water. In desert climates like ours, consumption is among the highest in the world, and the application estimates do not reflect this reality.

The project's water-use projections do not adequately account for the extreme heat, low humidity, and high evaporation rates in the Indian Wells Valley. Independent research on data centers in comparable desert climates — such as Arizona — shows water use rates many times higher than at facilities in cooler or more humid locations, even when the most efficient technology is used. Peak water demand from this facility would occur during the same hot summer months when local residents, farms, and

businesses already depend most heavily on groundwater — the period when our basin is under the most stress.

The CEC should require an independent, third-party water use estimate based on actual local climate data and worst-case summer conditions.

I respectfully request that the California Energy Commission place an immediate moratorium on further advancement of the proposed RB Inyokern Data Center application until the applicant provides substantially more complete, independently verified technical disclosure regarding the project's cooling-systems, realistic long-term water demand, atmospheric modeling assumptions, and cumulative expansion impacts.

The RB Inyokern Data Center proposed water-use projections do not accurately reflect real operational conditions in the Indian Wells Valley under prolonged extreme desert heat. These omissions are significant because hybrid and closed-looped cooling systems remain highly dependent upon surrounding atmospheric conditions. Their operational efficiency can materially decline during prolonged extreme heat events — especially when nighttime temperatures remain elevated and systems lose the ability to sufficiently recover thermally. In the Indian Wells Valley, summer temperatures can exceed 110°F and nighttime temperatures remain elevated and only reach a low in the upper 70s and 80s just before sunrise.

The proposal does not address the need for extended periods of evaporative cooling with the accompanying elevated water demands when the proposed closed-loop cooling system is unable to sufficiently lower the temperature for the processors in the data center.

### **ADDING MAJOR INDUSTRIAL WATER USE TO AN OVERDRAFTED BASIN IS UNSUSTAINABLE**

Our basin is already pumping nearly three times what can be sustainably replenished. Adding a massive new industrial water user risks making the overdraft worse and would ultimately force expensive imported water solutions onto local water customers.

The Indian Wells Valley Groundwater Basin is formally designated as being in 'critical overdraft' under the state's Sustainable Groundwater Management Act (SGMA). Existing users — residents, farms, and businesses — have already been required to reduce their water use significantly to help bring the basin back into balance. Adding a large new industrial water user at this moment risks undermining those conservation efforts, worsening the overdraft, and accelerating pressure to import water from outside the valley — a costly solution that would be paid for by the local population.

### **THE INYOKERN AREA IS ALREADY THE MOST IMPACTED PART OF THE BASIN**

The area where this project would draw water is already experiencing the worst groundwater declines and quality problems in the basin. Concentrated industrial pumping here could cause nearby wells to fail.

The Inyokern area is experiencing some of the worst groundwater-level declines and water-quality problems in the entire basin. Adding concentrated industrial pumping of this scale in this specific area could create a localized 'cone of depression' — essentially a zone where the groundwater table drops sharply — that could cause nearby private and agricultural wells to fail, increase pumping costs for existing users, and worsen water quality by drawing in more sediment and dissolved minerals.

### **THE PROJECT WILL PRODUCE CONTAMINATED WASTEWATER THAT LOCAL INFRASTRUCTURE MAY NOT BE ABLE TO HANDLE**

Evaporative cooling systems produce concentrated wastewater containing arsenic, heavy metals, and potentially PFAS chemicals. It is unclear whether ICSD can safely treat this waste. Data center cooling systems produce large volumes of concentrated wastewater — called 'blowdown' — that can contain elevated levels of arsenic (which occurs naturally in local water sources), heavy metals like zinc and copper, and industrial chemicals, including potential PFAS compounds. PFAS are sometimes called

'forever chemicals' because they do not break down in the environment, and certain types have no safe exposure level. ICSD, which is already facing financial and operational challenges, may not have the infrastructure or capacity to treat this type of industrial wastewater safely. No adequate analysis of this risk has been provided.

### **THE PROJECT IS INCOMPATIBLE WITH SURROUNDING ZONING AND LAND USES**

The project is located immediately adjacent to residential and commercial properties. Kern County zoning standards require that industrial operations not produce impacts — noise, fumes, vibration; dust -- extending beyond the property boundaries. That standard cannot realistically be met.

While part of the project site is zoned for medium industrial use, it is immediately adjacent to neighborhood commercial and residential properties. Inyokern School is located less than 1,400 feet from the project. Given the scale of the proposed generators, cooling systems, and around-the-clock industrial operations, this standards simply cannot be met at this location.

Furthermore, the proposed Phase 2 expansion would be located on land zoned 'Estate' and is surrounded entirely by residential parcels, making it inherently incompatible with the surrounding land use, regardless of any mitigation measures.

### **LIGHT POLLUTION AND DARK SKIES**

The Indian Wells Valley's dark skies are a community resource, an economic asset, and a part of our quality of life. Continuous 24/7 industrial lighting from a large data center campus would permanently degrade those conditions.

The Indian Wells Valley is known for its exceptionally dark night skies, which contribute to local quality of life, outdoor recreation, scientific research, and rural character. A large data center operating 24 hours a day, 365 days a year, with extensive security and facility lighting would permanently degrade dark sky conditions throughout the surrounding area. This impact deserves serious analysis — not dismissal — and the CEC should require a full photometric study of light spillage and sky glow.

### **ELECTRICAL GRID RELIABILITY AND RATEPAYER COST IMPACTS**

Large data centers are straining utility infrastructure across the country, driving up electricity costs for residential customers. The electrical service details for this project have been kept confidential, preventing meaningful public review.

AI-scale data centers are among the most energy-intensive facilities being built in the United States. Across the country, utilities have sought billions of dollars in rate increases in 2025 alone, driven largely by the infrastructure upgrades needed to meet data center demand. Residential electricity prices rose over 11% in 2025 and are projected to increase by up to 40% by 2030.

In this case, the electrical service documentation from Southern California Edison has been designated confidential and cannot be reviewed by the public. This prevents community members from understanding the project's actual grid impacts, required infrastructure upgrades, or potential cost shifts onto local ratepayers. The Indian Wells Valley already experiences grid reliability challenges during extreme heat events. Adding a massive new industrial load could worsen that risk.

### **SEISMIC RISK**

The Indian Wells Valley experienced a major M7.1 earthquake in 2019. A large industrial facility with diesel fuel systems, cooling infrastructure, and hazardous materials requires a thorough seismic hazard analysis.

Many valley residents vividly remember the M7.1 Ridgecrest earthquake in 2019 and its extensive aftershocks. A large data center with 40 diesel generators, fuel storage tanks, cooling systems, industrial chemicals, and electrical substations represents a significant potential source of secondary hazards — spills, fires, and utility failures — during a major seismic event. No adequate seismic hazard analysis has

been provided. Given the proximity of this facility to homes, a school, and a major military installation, the Commission should require one.

### **NO ALTERNATIVE ANALYSIS HAS BEEN PROVIDED**

California law requires that a meaningful analysis of feasible project alternatives be completed before any approval. The applicant has provided none. CEQA requires that any project with potentially significant environmental impacts analyze a range of feasible alternatives that could achieve the project's goals while reducing those impacts. The applicant has provided no such analysis. Given the unique sensitivity of the Indian Wells Valley — critically over-drafted groundwater, proximity to a strategic military installation, extreme climate conditions, rural infrastructure limitations, and proximity to homes and a school — the Commission must require analysis of alternatives, including:

- A smaller facility that would stay below significant impact thresholds;
- Water-neutral operational alternatives that do not withdraw local groundwater;
- Alternative sites outside critically over-drafted basins and away from NAWS China Lake;
- Alternative power configurations that reduce dependence on diesel generators;
- Less resource-intensive development models.

Without a real alternative analysis, neither the public nor the Commission can judge whether there are better, less damaging ways to achieve the project's goals.

### **MY REQUESTS TO THE CALIFORNIA ENERGY COMMISSION**

For all of the reasons described above, I respectfully request that the California Energy Commission:

1. Deny the Small Power Plant Exemption and require a full Application for Certification (AFC), including a complete environmental review because the project does not qualify for the exemption, exceeds 99 MW when its full planned capacity is considered, and will have significant adverse environmental impacts on our community;
2. Pause all approval proceedings until the ongoing court case determining the legal water rights in the Indian Wells Valley Groundwater Basin is fully resolved, so that any water supply determination is based on legally established water allocations — not speculation;
3. Require review of the full 198 MW project, including both Phase 1 and Phase 2, as required by California's prohibition on piecemealing and project segmentation;
4. Require a comprehensive, independent Water Supply Assessment that correctly identifies the Indian Wells Valley Groundwater Basin, accounts for extreme desert climate conditions, and is completed after the court adjudication establishes final water allocations;
5. Require an independent review of ICSD's long-term infrastructure capacity, financial stability, and water allocation reliability before accepting its will-serve letter as a basis for any approval;
6. Require comprehensive independent analyses of all the areas of concern raised in this letter, including: groundwater and water quality impacts; air quality; noise and vibration; waste heat; fire safety and hazardous materials; grid reliability and ratepayer costs; traffic safety; seismic resilience; light pollution; national security; wildlife and endangered species; environmental justice; and cumulative and growth-inducing impacts; and
7. Require a full CEQA-compliant alternative analysis evaluating feasible project alternatives before any approval is considered.

Thank you for carefully considering these concerns. The residents of this valley have a real and long-standing stake in the responsible stewardship of our shared groundwater and in protecting our community from industrial impacts that have not been adequately studied or disclosed. The legal and factual record before the Commission does not support the granting of a Small Power Plant Exemption for this project.

Respectfully submitted,  
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