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**COMMENTS REGARDING ERRORS, INTERNAL INCONSISTENCIES,
AND EVIDENTIARY DEFICIENCIES IN THE VISUAL RESOURCES
ANALYSIS**

Additional submitted attachment is included below.

BEFORE THE CALIFORNIA ENERGY COMMISSION

In the Matter of:

Corby Battery Energy Storage System Project

Docket No. 24-OPT-05

COMMENTS ON ADJACENT PROPERTY VALUE, MARKETABILITY, INSURABILITY, USE AND ENJOYMENT, AND NUISANCE-RELATED IMPACTS

Submitted by Linda Geller

September 10, 2026

I. Purpose of This Comment

This comment addresses issues that were raised by Solano County and members of the public before publication of the Staff Assessment/Draft Environmental Impact Report (Staff Assessment), but do not appear to be meaningfully addressed in the Staff Assessment. These concerns involve the consequences of placing a utility-scale battery energy storage system immediately adjacent to existing rural residential and agricultural properties, including potential effects on property value, marketability, homeowners insurance and insurability, and the use and enjoyment of neighboring property.

These concerns are not being raised for the first time after publication of the Staff Assessment. Solano County and members of the public placed the California Energy Commission (CEC) on notice beginning in 2024 that the proposed Corby BESS could affect adjacent property values, the ability to sell nearby homes, homeowners-insurance costs and availability, and residents' use and enjoyment of their property. The July 2026 Staff Assessment nevertheless contains no apparent substantive analysis of homeowners insurance or insurability and does not appear to address the County's Mason County, Texas example of a BESS-adjacent homeowner who reportedly was unable to sell his home.

This comment does not ask the CEC to adopt any particular appraisal, insurance, nuisance, or damages methodology. It asks a more fundamental administrative-record question: how did Staff evaluate the concrete neighboring-property concerns already in the record when determining the significance and consequences of the physical environmental changes Staff itself acknowledges?

II. Solano County Raised Adjacent Property Value and Marketability in December 2024

Solano County's Initial Comments on the Corby BESS Project Application, docketed December 2024 as TN 260461, expressly identified the absence of an evaluation of the industrial facility's effect on adjacent agricultural and residential property values. The County stated that a large-scale BESS could detract from the area's rural character and reduce nearby property values.

The County did more than raise the issue abstractly. It identified a real-world example from Mason County, Texas, where a resident living adjacent to a BESS reportedly was unable to sell his house and experienced construction noise and vibration. The County requested study of impacts to adjacent lands and raised relocation consequences for residents and businesses within one mile because of construction, noise, and health risks. (Solano County Initial Comments, TN 260461, Dec. 2024.)

Thus, before the Staff Assessment was prepared, the Corby record contained an agency comment expressly connecting the project's industrial character and physical effects to neighboring-property value and marketability.

III. The Public Repeatedly Raised Homeowners-Insurance and Property Concerns Before the Staff Assessment

The insurance issue also was repeatedly placed in the docket well before the July 15, 2026 Staff Assessment. The comments were not limited to generalized economic objections; they connected insurance and marketability concerns to the project's physical location, fire and thermal-runaway risk, toxic releases, noise, and proximity to homes.

Date / TN	Commenter	Issue placed in Corby record
Dec. 2, 2024 TN 260358	Jenny Johnson	Raised the possibility that homeowners/property owners could face insurance nonrenewal or loss of insurability following approval or a BESS incident, and asked what protections would exist.
Dec. 3, 2024 TN 260440	Noah Galgan	Stated that increased fire risk could lead to higher home-insurance premiums for nearby residents; also raised declining property values, noise, health risks, toxic smoke, runoff, and emergency-response burdens.
Dec. 2024 TN 260461	Solano County	Raised the lack of analysis of adjacent agricultural/residential property values and cited the Mason County, Texas homeowner who reportedly could not sell his house adjacent to a BESS.
Oct. 24, 2025 TN 266819	Christine Paris	Submitted a comment titled "Insurance," stating that insurance would not cover the type of fire situation experienced at Moss Landing and objecting to siting near houses.
Nov. 7, 2025 TN 267072	Debbie Bokum	Stated that home insurance would increase and property values would decrease; linked those concerns to fire, toxic releases, wind, emergency response, and agricultural/community risk.
Nov. 17, 2025 TN 267551	Vanessa Ye	Raised increased insurance costs and decreased property values in connection with thermal runaway, hazardous gases, evacuation, contamination, and proximity to homes, schools, and a hospital.
Nov. 17, 2025 TN 267561	Renae Kazen	Raised significantly increased homeowners-insurance costs, possible denial of coverage, reduced property value, and the prospect of residents being financially trapped.
Nov. 18, 2025 TN 267607	Jason Hatcher	Raised lowered property values and risk of higher home-insurance prices, along with fire, air/water pollution, health impacts, and the possibility his family might have to move.

These comments establish a chronology. Insurance, property value, marketability, and the financial consequences of proximity to a BESS were known Corby issues beginning in 2024 and were reiterated by multiple commenters in 2025. The Staff Assessment was not published until July 15, 2026.

IV. The Staff Assessment Appears Not to Address Homeowners Insurance or Insurability

The Staff Assessment expressly identifies fire/thermal runaway, BESS safety, and project proximity to homes as areas of known controversy. It also states that Staff considered public comments and relevant information received during the proceeding. Yet a review of the 1,402-page Staff Assessment reveals no apparent substantive discussion of homeowners insurance, insurability, insurance nonrenewal, insurance-rate consequences, or denial of coverage to neighboring property owners.

Despite these repeated comments, the Staff Assessment does not appear to substantively address the potential effect of the Project on homeowners insurance, including increased premiums, coverage limitations, nonrenewal, or insurability of neighboring properties. Nor does it appear to explain how Staff considered the insurance concerns raised in the record before publication of the Staff Assessment.

The question is therefore straightforward: where did Staff evaluate the insurance and insurability concerns already in the Corby record, and what evidence supports any determination that those concerns did not warrant discussion in connection with the project's acknowledged physical risks and proximity to existing residences?

V. Staff's Housing Analysis Addresses a Different Question

The Socioeconomics section evaluates population and housing largely in terms of workforce demand and physical displacement. Staff concludes there would be no displacement impact because no population lives on the project site. (Staff Assessment, § 5.11.)

That conclusion does not answer the issue raised by Solano County and the public. The concern is not that Corby will bulldoze a residence located inside the BESS parcel. The concern is whether the physical transformation and risks of the project may impair the value, marketability, insurability, and comfortable use of existing residences and agricultural properties immediately outside the project boundary.

Where does the Staff Assessment evaluate that materially different question?

VI. Staff's Own Physical-Impact Findings Make the Omission More Significant

The neighboring-property issue cannot be separated from Staff's own environmental findings. Staff acknowledges adjacent rural residential uses and recognizes project proximity to homes as a known controversy. Staff also finds that the project would substantially degrade the existing visual character or quality of public views from multiple key observation points even after mitigation, resulting in a significant and unavoidable visual impact.

Staff describes the project as converting an open agricultural setting to an industrial-appearing facility containing an expansive field of BESS enclosures, tall gen-tie poles, and a visually dominant 15-foot sound barrier. Its cumulative visual discussion recognizes the perception of increased industrialization along this portion of Kilkenny Road.

Other Staff sections analyze operational and construction noise, fire/thermal-runaway risk, toxic releases, emergency response, hazardous materials, water/runoff, and public-health consequences. These are precisely the types of physical conditions that members of the public tied to insurance, marketability, and use of their homes.

Given Staff's own findings, what evidence supports excluding the previously raised effects on adjacent property value, marketability, insurance, and use and enjoyment from the discussion of the consequences of that physical transformation?

VII. The Mason County, Texas Experience Was Already in the Corby Record

The Mason County example cited by Solano County is particularly relevant because it concerned market response before and during development of a BESS next to a residence. Public reporting concerning homeowner Christopher Dyer described a home placed on the market from approximately March 2022 through February 2023, repeated price reductions, and prospective buyers' concern about the planned

battery facility. Later reporting described construction noise and vibration and operational equipment noise.

This comment does not assert that the Mason County experience proves a particular dollar diminution in value at Corby. Its significance here is narrower and stronger: Solano County specifically identified the example in the Corby administrative record in 2024 and asked that adjacent-property impacts be examined. The Staff Assessment does not appear to identify the example, disclose whether Staff investigated it, or explain how it was treated.

Did Staff investigate the Mason County evidence identified by Solano County? If so, where is that investigation disclosed? If not, on what evidentiary basis was the information determined not to warrant consideration when evaluating the consequences of Corby's acknowledged physical effects on surrounding rural residential and agricultural property?

VIII. Texas BESS Litigation Identifies the Same Cluster of Neighboring-Property Concerns

The more recent Texas decision *Clements v. McBroom*, No. 03-25-00442-CV (Tex. App.-Austin Apr. 9, 2026), provides additional context. Neighboring landowners challenging a proposed 200-MW BESS alleged a combined set of harms that included loss of property value, increased insurance costs, loss of use and enjoyment, thermal-runaway fire and explosion risk, toxic gases, runoff/contamination concerns, and alleged inadequacy of local emergency-response capability.

The Texas Court of Appeals reversed a Rule 91a dismissal and allowed the prospective nuisance allegations to proceed. The decision was procedural: it was not a final finding that the BESS constituted a nuisance, and it did not award property-value or insurance damages. Nor is Texas nuisance law controlling in California. Its relevance is that neighboring BESS property owners have presented the same interconnected set of property, insurance, safety, environmental, and use-and-enjoyment concerns that were already being raised in the Corby docket.

That parallel makes the absence of any apparent Staff discussion of homeowners insurance and insurability more difficult to characterize as an issue that was too remote or speculative to have been recognized at the time the Staff Assessment was prepared.

IX. California Law Independently Recognizes Interference With Use and Enjoyment of Property

California has its own nuisance law. Civil Code section 3479 defines nuisance to include conditions injurious to health, offensive to the senses, or an obstruction to the free use of property that interferes with the comfortable enjoyment of life or property. California courts describe private nuisance as a nontrespassory interference with the private use and enjoyment of land and generally require a substantial and unreasonable interference. (*San Diego Gas & Electric Co. v. Superior Court* (1996) 13 Cal.4th 893, 937-939.)

California nuisance principles are relevant here as context for why use and enjoyment is a legally recognized property interest distinct from physical destruction or displacement of a residence. Noise, smoke, odors, vibration, and similar nontrespassory intrusions can be relevant to such an inquiry. See, e.g., *Mendez v. Rancho Valencia Resort Partners, LLC* (2016) 3 Cal.App.5th 248.

This comment does not contend that approval of Corby automatically establishes a private nuisance or predetermines any future tort claim. It raises the narrower environmental-record issue: the Staff Assessment does not appear to evaluate whether the project's acknowledged physical effects may materially interfere with the use and enjoyment of immediately adjacent residential and agricultural properties, despite record evidence putting Staff on notice of that concern.

X. Insurance Is Not an Isolated Economic Issue

The insurance concern should not be viewed in isolation from the physical risks that generated it. Members of the public did not merely complain that an insurance bill might change. They tied insurance

availability and cost to fire and thermal runaway, toxic emissions, proximity to homes, emergency-response limitations, contamination, and the possibility of a serious BESS incident.

Similarly, property-value and marketability concerns were linked to industrialization of the rural landscape, noise and vibration, safety risk, and the experience of an actual BESS-adjacent homeowner identified by Solano County.

CEQA generally does not treat an economic or social change, standing alone, as a significant environmental effect. But economic or social evidence may be relevant when it bears on the significance or consequences of physical environmental changes. The question presented here is therefore not simply whether an insurance premium is itself an environmental impact. It is whether Staff meaningfully considered record evidence concerning how the project's acknowledged physical effects and risks may affect the people and properties immediately surrounding the facility.

XI. The Combined Neighboring-Property Effects Have Not Been Addressed as a Whole

The Corby record now presents an interconnected set of concerns that should not be artificially fragmented:

- loss of residential and agricultural property value and marketability;
- increased homeowners-insurance premiums, restricted coverage, nonrenewal, or inability to obtain comparable coverage;
- construction and operational noise and vibration;
- significant and unavoidable visual degradation and industrialization of the agricultural setting;
- gen-tie and other industrial infrastructure visible from neighboring property;
- fire, thermal-runaway, explosion, and toxic-plume risk;
- fire-water and contaminated-runoff consequences;
- emergency-response and evacuation/shelter-in-place consequences;
- effects on the use of patios, yards, gardens, agricultural areas, and other outdoor property; and
- the cumulative effect of bearing these conditions at the same neighboring property over the operating life of the project.

A homeowner or agricultural property owner experiences these conditions together, not as separate chapters of an environmental document. Where does the Staff Assessment evaluate their combined consequence for the immediately adjacent rural residential and agricultural environment?

XII. Questions Preserved for the Administrative Record

- Where does the Staff Assessment acknowledge and evaluate Solano County's December 2024 property-value and marketability comment, including the Mason County, Texas BESS example?
- Did Staff investigate the Mason County homeowner experience identified by Solano County? If so, where are Staff's findings disclosed?
- Where does the Staff Assessment acknowledge the December 2024 public comments concerning higher homeowners-insurance premiums, nonrenewal, or potential loss of insurability?
- Where does the Staff Assessment address the October-November 2025 comments concerning insurance coverage, increased premiums, possible denial of coverage, property-value loss, and residents becoming financially trapped?
- What evidence supports any conclusion that proximity to Corby would have no material effect on the availability or cost of insurance for immediately adjacent residential or agricultural property?
- Did Staff obtain or consider any information from insurers, insurance brokers, underwriting sources, the California Department of Insurance, lenders, appraisers, or other sources concerning BESS-adjacent property? If so, where is that information disclosed?
- How did Staff distinguish the question of physical displacement of housing on the project parcel from the separate issue of impaired marketability, insurability, or use and enjoyment of existing neighboring homes?

- How did Staff account for its own significant and unavoidable visual-impact finding and its description of the project's industrialization when considering consequences for adjacent residential property?
- How were construction and operational noise, vibration, gen-tie infrastructure, fire/toxic-release risk, emergency-response consequences, and contaminated-runoff concerns considered in relation to neighboring-property use and enjoyment?
- Where does the Staff Assessment evaluate the combined effect of these physical changes and risks on immediately adjacent properties rather than treating each environmental topic in isolation?
- If Staff determined that the repeatedly raised insurance, marketability, and use-and-enjoyment concerns were outside the scope of its analysis, where is that determination disclosed and what evidence supports it?

XIII. Conclusion

The property-value, marketability, insurance, and use-and-enjoyment issues are not late-arising objections. Solano County and members of the public placed these matters in the Corby record beginning in 2024 and repeated them in 2025, before publication of the Staff Assessment. The County specifically identified a BESS-adjacent homeowner who reportedly was unable to sell his residence. Public commenters separately raised higher insurance premiums, possible denial or nonrenewal of coverage, declining property values, and the prospect of residents being financially trapped.

The Staff Assessment nevertheless appears to contain no substantive homeowners-insurance or insurability analysis and no disclosed evaluation of the Mason County example. That omission is particularly notable because Staff itself recognizes proximity to homes, fire/thermal-runaway and BESS safety as areas of controversy and finds that Corby would substantially degrade the existing visual character of the surrounding agricultural landscape, producing a significant and unavoidable visual impact.

The administrative record therefore leaves an unresolved question: how did Staff evaluate the previously raised consequences for the value, marketability, insurability, and use and enjoyment of the existing residential and agricultural properties that will remain immediately beside the project?

Authorities and Record References

- California Energy Commission, Corby Battery Energy Storage System Project, Docket 24-OPT-05, Staff Assessment, TN 271468 (July 15, 2026).
- Solano County Initial Comments on Corby BESS Project Application, TN 260461 (Dec. 2024).
- Jenny Johnson Comments, "What Guarantees Will CA Provide If CEC Approves," TN 260358 (docketed Dec. 2, 2024).
- Noah Galgan Comments, "Opposition to Corby Battery Energy Storage System Project," TN 260440 (Dec. 3, 2024).
- Christine Paris Comments, "Insurance," TN 266819 (Oct. 24, 2025).
- Debbie Bokum Comments, "Opposed to Corby project - keep Vacaville safe!," TN 267072 (Nov. 7, 2025).
- Vanessa Ye Comments, "Concerns Over Community Safety," TN 267551 (Nov. 17, 2025).
- Renae Kazen Comments, "Opposition to BESS Corby Project," TN 267561 (Nov. 17, 2025).
- Jason Hatcher Comments, "Vacaville Lithium Ion Battery Facilities," TN 267607 (Nov. 18, 2025).
- Clements v. McBroom, No. 03-25-00442-CV (Tex. App.-Austin Apr. 9, 2026).
- California Civil Code § 3479.
- San Diego Gas & Electric Co. v. Superior Court (1996) 13 Cal.4th 893, 937-939.
- Mendez v. Rancho Valencia Resort Partners, LLC (2016) 3 Cal.App.5th 248.
- CEQA Guidelines, Cal. Code Regs., tit. 14, § 15131.

Selected Public Record Links

CEC Corby Docket Log: <https://efiling.energy.ca.gov/Lists/DocketLog.aspx?docketnumber=24-OPT-05>

Solano County Initial Comments, TN 260461:

<https://efiling.energy.ca.gov/GetDocument.aspx?DocumentContentId=96746&tn=260461>

Noah Galgan, TN 260440: <https://efiling.energy.ca.gov/GetDocument.aspx?DocumentContentId=96723&tn=260440>

Jenny Johnson, TN 260358: <https://efiling.energy.ca.gov/GetDocument.aspx?DocumentContentId=96633&tn=260358>

Debbie Bokum, TN 267072: <https://efiling.energy.ca.gov/GetDocument.aspx?DocumentContentId=104241&tn=267072>

Vanessa Ye, TN 267551: <https://efiling.energy.ca.gov/GetDocument.aspx?DocumentContentId=104584&tn=267551>

Renae Kazen, TN 267561: <https://efiling.energy.ca.gov/GetDocument.aspx?DocumentContentId=104602&tn=267561>

Jason Hatcher, TN 267607: <https://efiling.energy.ca.gov/GetDocument.aspx?DocumentContentId=104624&tn=267607>