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Alternatives Analysis on Lambie Industrial Park is Insufficient

Additional submitted attachment is included below.

California Energy Commission

Docket Unit, MS-4

1516 Ninth Street

Sacramento, CA 95814

RE: Comments on the Staff Assessment / Draft Environmental Impact Report for the Corby Battery Energy Storage System Project (Docket No. 24-OPT-05) – Inadequacy of the Alternatives Analysis Regarding the Lambie Industrial Park Site and Alternative Interconnection Points

To the Members of the California Energy Commission and Project Staff:

Please accept these formal comments regarding the Staff Assessment / Draft Environmental Impact Report (SA/DEIR) for the proposed Corby Battery Energy Storage System (BESS) Project (Docket No. 24-OPT-05).

Under the California Environmental Quality Act (CEQA) and the California Code of Regulations (14 CCR § 15126.6), a lead agency is legally obligated to evaluate a reasonable range of feasible alternatives that would attain most of the basic project objectives while avoiding or substantially lessening the project's significant environmental effects. The current SA/DEIR fails as an informational document because its rejection of the Lambie Industrial Park Alternative Site as environmentally inferior relies on improper evaluation standards, material factual errors regarding site topography, an artificially constrained interconnection scope, and unverified assertions regarding CAISO queue modification timelines.

To address these legal and technical deficiencies, the California Energy Commission (CEC) must require a revised analysis incorporating the following points:

I. Failure to Analyze Nearby Interconnection Points (Lambie 230 kV) and Misrepresentation of CAISO Queue Delay Timelines

The alternatives analysis suffers from a fundamental structural flaw: it assumes that siting the project at Lambie Industrial Park *requires* constructing a 13 to 14-mile generation-tie line back to the Vaca-Dixon Substation. The SA/DEIR entirely omits analysis of alternative points of interconnection (POIs) adjacent to the site, specifically the nearby **Lambie 230 kV line**. By failing to evaluate a localized interconnection at Lambie 230 kV, Staff artificially inflated the environmental impacts (visual, biological, ground disturbance) of the Lambie alternative to make it appear environmentally inferior. Modifying the interconnection point to the adjacent Lambie 230 kV transmission line would eliminate miles of overhead lines and support structures, **significantly decreasing the overall visual impact** of the project's linear infrastructure. Furthermore, as noted in the Staff Assessment itself, siting the facility within Lambie Industrial

Park means the battery enclosures and project infrastructure would have **substantially fewer sensitive visual receptors (viewers)** compared to the rural agricultural setting at the proposed Corby site.

Furthermore, in the Data Requests regarding alternatives, the applicant resisted analyzing alternative interconnection points by asserting that modifying their CAISO interconnection request would cause severe commercial delays of "a minimum of 6 months." CEC Staff accepted this assertion without independent verification. **This claim is contradicted by official CAISO tariff procedures.**

Under current CAISO Interconnection Material Modification Request (MMR) rules, the standard review process for an interconnection modification is as short as **45 days**, with an additional **45 days** required only if a supplemental engineering study is necessary. A total potential processing window of 45 to 90 days represents a minor, temporary administrative delay particularly for a utility scale infrastructure asset expected to operate for 30 or more years. Eliminating the permanent destruction of Prime Farmland, drastically reducing visual impacts, and avoiding land use conflicts by utilizing an existing adjacent 230 kV line far outweighs a temporary 45-to-90-day administrative queue review. The CEC must re-analyze the Lambie alternative under both interconnection configurations: (1) connection to the nearby Lambie 230 kV line, and (2) the gentie route back to Vaca-Dixon.

Questions for CEC:

1. Why did the SA/DEIR fail to evaluate interconnecting the Lambie Industrial Park alternative directly into the adjacent Lambie 230 kV transmission infrastructure, which would drastically reduce gen-tie length, visual intrusion, environmental disturbance, and physical footprint?
2. Did CEC Staff independently consult the CAISO Business Practice Manual (BPM) or Interconnection Request Modification Procedures to verify the applicant's claim that changing a POI causes a "minimum 6-month delay"?
3. What substantial evidence supports evaluating only a 13 to 14-mile gentie back to Vaca-Dixon while omitting a direct, localized connection to the adjacent Lambie 230 kV line under CEQA's mandate to analyze a "reasonable range of alternatives" (14 CCR § 15126.6)?
4. Given Staff's explicit finding that Lambie Industrial Park places battery enclosures in a landscape with substantially fewer visual receptors, If the Corby Project connected at a closer interconnection point such as the Lambie 230kv, does CEC staff agree this option would results in less significant overall visual impact across both stationary facilities and linear transmission infrastructure?

II. Improper Equating of Applicant Preference and Commercial Timeline with Alternative Desirability

The SA/DEIR improperly relies on developer preferences such as immediate proximity to the Vaca-Dixon Substation point of interconnection (POI) and commercial operation timelines to

discount the Lambie Industrial Park site. Under CEQA Guidelines § 15126.6(f)(1), applicant preference, administrative/queue schedules, or commercial desire do not, in themselves, determine whether an alternative should be selected over a proposed site. As established in *Habitat & Watershed Caretakers v. City of Santa Cruz*, administrative or scheduling delays do not justify passing over an environmentally superior alternative, and the Commission cannot substitute applicant convenience for genuine public objective fulfillment.

Questions for CEC:

1. What specific evidence in the administrative record demonstrates that the Commission has legally separated the applicant's commercial timeline goals (COD) from the core public reliability objectives of the project, pursuant to 14 CCR § 15126.6(f)(1)?

III. Contradiction Between Staff Findings on Lambie's Physical Feasibility and Its Eventual Rejection

The Staff Assessment explicitly acknowledges that Lambie is approximately 1,461 acres and that the minimum site requirement for the 300-MW BESS is only 25 acres. It also states that a BESS can be sited within Lambie while avoiding underground gas pipelines. Most importantly, staff expressly finds that Lambie meets the applicant's stated minimum size requirement, that the project could still attain grid stability and renewable energy objectives there, and that a gen-tie longer than two miles "would not render the alternative infeasible." (Staff Assessment § 8.8.2, pp. 8-36 to 8-37.)

Despite these clear findings establishing that Lambie is fully feasible and meets project objectives, Staff ultimately rejects Lambie in favor of the Corby site based on flawed comparative balancing.

Questions for CEC:

1. Given that Staff explicitly concluded that Lambie satisfies the 25-acre minimum acreage requirement, is fully feasible, and can achieve core grid-stability and Renewable Portfolio Standard (RPS) objectives (SA/DEIR Section 8.8.2, pp. 8-36 to 8-37), what specific criteria did Staff use to pass over Lambie in favor of the proposed site?
2. Is the 1-to-2-mile proximity to the Vaca-Dixon Substation a legally binding basic project objective pursuant to 14 CCR Section 15126.6(a), or is it merely an applicant preference characterized as "most desirable" in Section 8.8.2 of the Staff Assessment?
3. The project objective is to construct a 300MW BESS close to the Vaca-Dixon Substation. Since the project is contracted with an out of area energy provider, and the PG&E substation is the largest for 50 miles, wouldn't the Lambie industrial Park location still be considered close?
4. Given that CEC Staff explicitly concluded in Section 8.8.2 (pp. 8-36 to 8-37) that a generation-tie line longer than two miles "would not render the alternative infeasible," what substantial evidence supports utilizing distance from Vaca-Dixon to rate Lambie as environmentally inferior?

5. What comparative analysis or substantial evidence in the record supports prioritizing a shorter generation-tie line over the permanent, complete avoidance of Prime Farmland conversion and agricultural land-use conflicts achieved at Lambie?

IV. Failure to Prioritize Impact Avoidance Over Agricultural Mitigation

The proposed project site permanently converts active, prime agricultural land and directly conflicts with Solano County's local zoning (A-40), general plan goals and policies, measure T and land use planning. CEQA mandates direct impact **avoidance** over secondary off-site mitigation whenever feasible (*Citizens for Quality Growth v. City of Mt. Shasta*; 14 CCR § 15021). Relying on off-site agricultural conservation easements (COC LAND-1) while approving the direct destruction of prime farmland on the proposed site violates this core hierarchy. Because Lambie Industrial Park is specifically zoned Manufacturing General / Industrial, siting the facility there avoids agricultural conversion entirely at the source, preserving prime soils and maintaining consistency with regional agricultural preservation goals.

Questions for CEC:

1. Under State CEQA Guidelines Section 15370, "Avoidance" is the highest priority in the statutory mitigation hierarchy, whereas "Compensation" is the lowest. Pursuant to 14 CCR Section 15021, what substantial evidence demonstrates that direct avoidance of Prime Farmland conversion at Lambie is legally or physically impossible, thereby permitting the lead agency to bypass avoidance in favor of secondary off-site easements (Mitigation Measure COC LAND-1)?
2. Pursuant to *Citizens for Quality Growth v. City of Mt. Shasta* (1988) 198 Cal.App.3d 433, off-site easements do not reduce or mitigate the physical loss of prime topsoil on a project site. What substantial evidence supports treating off-site compensation at the proposed Corby project site as environmentally equivalent to complete impact avoidance at Lambie?
3. In light of the permanent, unmitigated loss of Prime Farmland and direct conflict with Solano County's A-40 zoning, what explicit substantial evidence supports issuing a Statement of Overriding Considerations (14 CCR § 15093) for the proposed Corby site when a non-agricultural, industrially zoned site (Lambie) achieves the same regional grid purpose?
4. Under CEQA Guidelines Appendix G (Land Use Planning), what substantial evidence supports finding the project compatible with local plans when it directly violates Solano County's A-40 agricultural zoning, whereas Lambie fully aligns with industrial zoning designations?
5. Where in the administrative record is there quantitative evidence demonstrating that converting active Prime Farmland at the proposed Corby location delivers a greater net environmental or public benefit than siting industrial utility infrastructure within the established Lambie Industrial Park?

V. Improper Dismissal of Lambie Based on Unsubstantiated Assumptions Rather Than Fact

In § 8.9, staff expressly states that Lambie was evaluated in less detail than the proposed project, and that “necessary assumptions” were therefore made. Staff then relies on those speculative assumptions to conclude that the Lambie alternative would have effects of a similar or greater overall severity. (Staff Assessment § 8.9, pp. 8-53 to 8-54.)

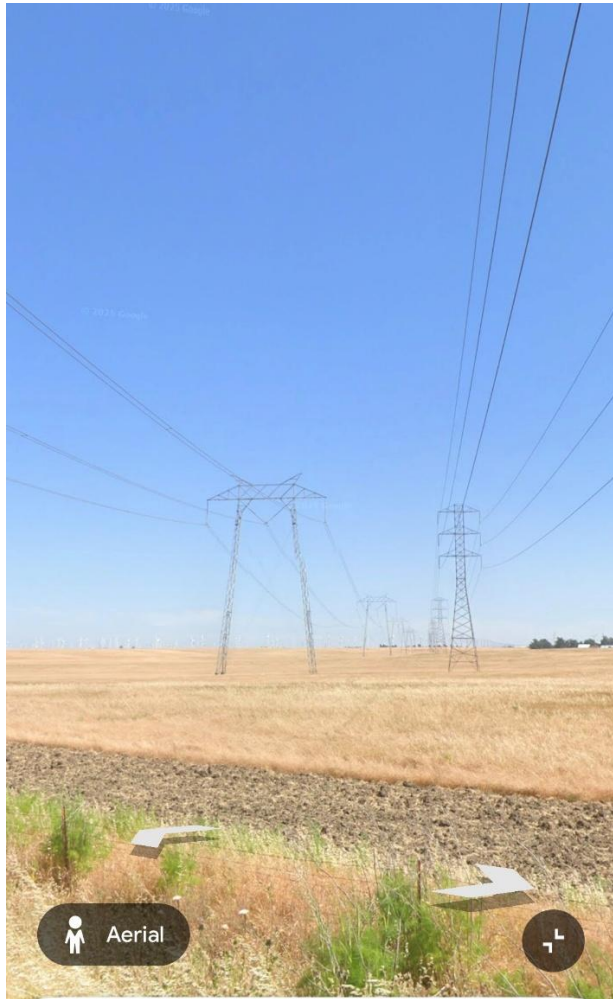
Questions for CEC:

1. Pursuant to Public Resources Code Section 21080(e), please provide an itemized, exhaustive list of every material assumption relied upon in Section 8.9 of the Staff Assessment to evaluate the biological, visual, cultural, geotechnical, transmission, and land-use impacts of the Lambie Industrial Park alternative.
2. For each material assumption identified in Section 8.9, which specific conclusions were derived from actual, site-specific physical field investigations, technical surveys, or empirical data, and which were derived from unverified conservative defaults or speculative desktop estimates?
3. Under the binding standard set forth in *Laurel Heights Improvement Assn. v. Regents of University of California* (1988) 47 Cal.3d 376, which prohibits lead agencies from relying on conclusory assertions to discount alternatives, what substantial evidence supports the Commission’s legal conclusion that Lambie’s total environmental effects are “similar or greater” (SA/DEIR Section 8.9, pp. 8-53 to 8-54) when Staff explicitly acknowledges that Lambie was evaluated in significantly less detail than the proposed Corby site?
4. What site-specific physical data in the current administrative record substantiates Staff’s comparative environmental conclusions for Lambie, and why does the explicit reliance on “necessary assumptions” not constitute an informational defect requiring supplemental field investigation before project approval?

VI. Material Factual Error Regarding Topography, Rolling Hills, and Grading Requirements

Throughout the alternatives analysis, the SA/DEIR repeatedly asserts that the Lambie Industrial Park site consists of “rolling hills” and would consequently require substantially greater grading and earthwork, leading to higher environmental impacts. **This factual assertion is entirely incorrect.**

See attached photos from google earth:



6246 Lambie Rd

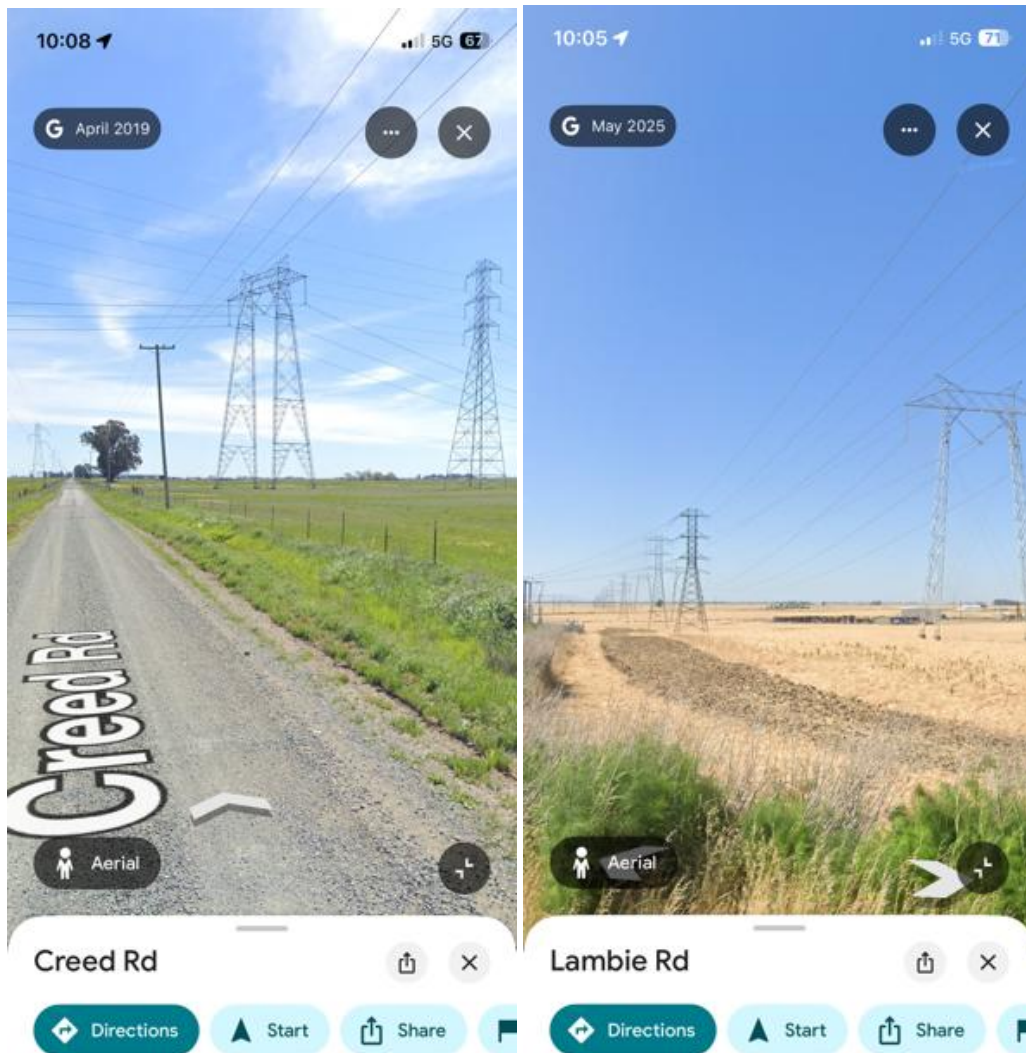


Goose Haven Rd

Directions

Start

Share



A review of the administrative record reveals a fundamental conflation of distinct alternative sites by CEC Staff. In the applicant's Data Requests regarding alternatives, Staff requested an evaluation of two distinct locations: (1) Lambie Industrial Park, and (2) the Montezuma Wind Facility site (where the applicant maintains an existing wind project). While the Montezuma Hills site is indeed located on rolling terrain that would require extensive earthwork and grading, the Lambie Industrial Park site is topographically flat.

By mistakenly conflating the topographic profile and grading requirements of the Montezuma site with Lambie Industrial Park, CEC Staff constructed a flawed comparative environmental baseline. This material factual error directly compromised Staff's evaluation of air quality, noise, hydrological, and soil disturbance impacts for Lambie. More critically, this fundamental error raises significant questions regarding what other factual inaccuracies and unverified assumptions exist within Staff's comparative assessment.

Questions for CEC:

What specific topographic data, USGS quadrangle maps, or elevation surveys did CEC Staff rely upon when concluding in the SA/DEIR that Lambie Industrial Park consists of "rolling hills" requiring substantial grading?

1. Does the lead agency acknowledge that Staff inadvertently conflated the physical topographic attributes of the Montezuma Wind Facility site with those of the flat, industrially zoned Lambie Industrial Park site?
2. Given that Lambie Industrial Park is flat and does not require the extensive cut-and-fill grading asserted in the SA/DEIR, how does CEC Staff intend to recalculate and correct the comparative air quality, dust generation, public health, greenhouse gas emissions, heavy equipment fuel consumption, and earthwork impact determinations in a revised SA/DEIR?
3. In light of this material error in physical site characterization, what process will the Commission undertake to re-evaluate whether Lambie Industrial Park is, in fact, the Environmentally Superior Alternative under CEQA Guidelines § 15126.6(e)(2)?

VII. Superior Geotechnical and Foundation Stability Conditions at Lambie

In addition to site topography, the SA/DEIR fails to account for fundamental geologic distinctions between the locations. Documentation from the California Department of Conservation (DOC) and the United States Geological Survey (USGS) indicates that the Lambie Industrial Park site is underlain by older **Pleistocene sedimentary rock formations**, which are consolidated and structurally stable. In contrast, the proposed Corby site is situated on younger **Latest Pleistocene Alluvial Fan Deposits**.

Because the underlying strata at Lambie consists of older, more consolidated sedimentary rock, the site inherently possesses superior natural bearing capacity, higher soil stability, and reduced risks associated with seismic settling or liquefaction compared to the uncompacted alluvial deposits at the Corby site. This geotechnical advantage further refutes any assertion that Lambie presents greater site preparation or structural engineering challenges than the proposed Corby location.

Questions for CEC:

1. Did CEC Staff consult DOC or USGS geologic maps when evaluating the underlying foundation stability and geotechnical constraints of the Lambie Industrial Park site versus the Corby site?
2. How does Staff account for the superior soil consolidation and higher natural bearing capacity of the Pleistocene sedimentary rock formation at Lambie when evaluating earthwork, foundation design, and site preparation impacts?

VIII. Omission of Comparative Public Safety and Toxic Plume Dispersion Modeling

The proposed site's proximity to rural residences, agricultural operations, and key transportation corridors creates significant public safety risks during a potential thermal runaway event. The SA/DEIR relies on standard code compliance (such as NFPA 855) rather than conducting comparative spatial hazard modeling. Siting utility-scale energy storage within Lambie Industrial Park provides significantly larger setback buffers from sensitive receptors, schools, and rural residences. The SA/DEIR fails the substantial evidence standard by omitting side-by-side quantitative modeling comparing the residential density surrounding the proposed site against the industrial buffer provided by Lambie Industrial Park.

Questions for CEC:

1. What quantitative modeling or comparative risk assessment did the Commission perform to evaluate the population density, count of sensitive receptors (including rural residences and farmworkers), and distance to shelter-in-place locations within a 1-mile, 3-mile, and 5-mile radius downwind of a catastrophic thermal runaway event at the proposed Corby site versus the industrially buffered Lambie Industrial Park site?
2. What specific quantitative hazard parameters (including toxic air contaminant emission rates, and plume dispersion modeling for off-gasses such as hydrogen fluoride and carbon monoxide) were utilized to compare off-site emergency evacuation requirements between the Corby site and the Lambie alternative?

IX. Failure to Evaluate an Optimized Micro-Siting Envelope Within the 1,461-Acre Lambie Area (§ 8.8.2)

The 1,461-acre Lambie area gives CEC a siting-flexibility advantage that the analysis does not explore. Staff notes that Lambie is about 1,461 acres, that only 25 acres is needed for the BESS, and that the location within Lambie can be selected to avoid underground gas pipelines. Staff also says the large area provides flexibility to maximize separation from the Delta Conservation Camp immediately south of the site. (Staff Assessment § 8.8.2, pp. 8-36, 8-42.)

Questions for CEC:

1. In evaluating the Lambie Industrial Park alternative, did CEC Staff analyze a specific, optimized 25-acre development envelope designed to avoid physical constraints, or did Staff merely evaluate a generalized, arbitrary point within the 1,461-acre boundary?
2. Given that a 25-acre facility occupies less than 2 percent of the total 1,461-acre Lambie area, did Staff identify, map, and comparatively analyze multiple footprint locations within Lambie to systematically minimize proximity to rural residences, sensitive habitats, visual exposure, underground gas pipelines, and other environmental constraints?

3. Which specific 25-acre footprint did Staff use when modeling the Lambie Industrial Park alternative, and where in the SA/DEIR is the georeferenced location documented? Please provide the map or coordinates of the assumed development area and explain the rationale for selecting that particular portion of the 1,461-acre site.

X. Overstated Linear Infrastructure Impacts Relative to Permanent Farmland Loss

The SA/DEIR overstates the environmental impacts associated with a generation-tie (gen-tie) line to Lambie Industrial Park while understating the permanence of agricultural loss at the proposed Corby site. Lambie Industrial Park is situated within an established energy and industrial corridor proximate to existing heavy infrastructure. Linear transmission impacts are temporary construction-phase events along established rights-of-way that are routinely mitigated to less-than-significant levels under standard CEC conditions. In contrast, converting active Prime Farmland to an industrial utility facility represents a permanent, irreversible impact that cannot be un-done or fully mitigated.

Questions for CEC:

1. Given that Lambie Industrial Park sits within an established energy and industrial corridor with existing high-voltage transmission infrastructure, where in the SA/DEIR did Staff evaluate co-locating, paralleling, or re-conductoring within existing utility rights-of-way to minimize or eliminate the environmental footprint of a gen-tie line?
2. Pursuant to Public Resources Code Section 21080(e), what specific engineering studies or routing surveys did Staff perform to establish the assumed gen-tie route? Did Staff analyze an optimized alignment designed to follow existing road easements and property lines, or was the impact calculated using a crude, straight-line conceptual model?
3. How much of the asserted impact along the gen-tie route consists of temporary construction disturbance versus permanent structures, and what substantial evidence supports categorizing standard, mitigable linear construction as an environmental barrier while accepting the permanent destruction of prime agricultural soils at Corby?
4. What explicit quantitative methodology did the Commission use under CEQA balancing standards to conclude that temporary, mitigable linear construction impacts outweigh the permanent loss of Prime Farmland and placement of a utility-scale hazard adjacent to rural homes?

XI. Informational Deficiencies Regarding Biological Resource Evaluation

The SA/DEIR characterizes potential biological constraints at Lambie based primarily on regional desktop queries rather than site-specific field investigations. Under CEQA, lead agencies cannot rely on speculative desktop assumptions to dismiss an alternative as environmentally inferior when the lack of data is the result of the agency's own failure to perform protocol surveys. Standard CEC mitigation measures routinely reduce linear biological impacts

to less-than-significant levels, making desktop assertions of "greater biological harm" legally deficient under Public Resources Code § 21080(e).

Questions for CEC:

1. Pursuant to Public Resources Code Section 21080(e), please provide an itemized list of all site-specific biological surveys, seasonal flora/fauna field studies, wetland delineations, or protocol-level habitat assessments actually performed by CEC Staff or the applicant on the Lambie Industrial Park site.
2. In the biological impact summary for Lambie (SA/DEIR Section 8.8.2, p. 8-38), which specific conclusions represent field-verified physical impacts, and which represent unverified potential impacts derived solely from regional database queries (e.g., CNDDDB)?
3. What substantial evidence in the record distinguishes biological data uncertainty (resulting from an absence of field surveys) from a factual finding of greater biological harm?
4. Did Staff conduct a spatial micro-siting analysis to determine whether a 25-acre footprint within the 1,461-acre Lambie property could completely avoid sensitive biological features or wetland signatures?

XII. Categorical "Similarity" and Arbitrary Balancing of Avoided Primary Impacts

Staff concludes in numerous resource categories that Lambie's impacts would be similar to the proposed project or would remain less than significant with mitigation. In contrast, the conclusion that Lambie is not environmentally superior turns principally on gen-tie distance and visual effects. (Staff Assessment § 8.8.2, pp. 8-38 to 8-45; § 8.9, pp. 8-53 to 8-54.)

Questions for CEC:

1. Pursuant to Public Resources Code Section 21080(e), what explicit, standardized weighting methodology or comparative decision matrix did CEC Staff use to determine that resource categories where Lambie's impacts are classified as "similar" or "less than significant with mitigation" collectively outweigh Lambie's direct avoidance of Prime Farmland destruction and land-use conflicts at the Corby site?
2. Did CEC quantify the acreage, duration, affected population, number of receptors, or severity associated with each material difference across resource categories?
3. Which specific significant environmental effects of the Corby project are not avoided or substantially lessened by moving the BESS to Lambie, and what substantial evidence demonstrates that?

XIII. Failure to Analyze Local Land-Use Compatibility and Board of Supervisors' Findings

The Commission must explain how Solano County's public record and local legislative determinations were incorporated into the alternatives analysis. There is an extensive public record from Solano County elected officials specifically identifying Lambie as the appropriate site for BESS development.

On August 12 and August 26, 2025, the Solano County Board of Supervisors discussed Lambie as a suitable BESS location due to its industrial land-use designation, Manufacturing General zoning, and appropriate separation from sensitive receptors. The Board amended its interim ordinance to permit BESS development in designated Manufacturing/Industrial areas subject to specified standards. Chair Mashburn expressly affirmed that Lambie should be evaluated for BESS facilities given local concerns over setbacks and toxic plume safety in rural zones.

Questions for CEC:

1. Did Staff evaluate the Solano County Board of Supervisors' legislative finding that Manufacturing General (M-G) zoning provides necessary land-use buffers, industrial infrastructure, and setback distances to mitigate toxic plume drift and thermal runaway risks? What substantial evidence in the record supports discounting this local legislative finding?
2. Solano County Board Members raised explicit safety concerns regarding rural BESS placement including toxic plume drift and emergency response limits while pointing to Lambie as the proper industrial setting. Where in the SA/DEIR did Staff analyze these specific technical issues raised by local elected leaders?
3. While AB 205 grants the CEC opt-in jurisdiction to override local land-use regulations, CEQA independently requires a lead agency to analyze whether a project conflicts with local land-use policies adopted to avoid or mitigate environmental effects (14 CCR Section 15125(d)). What substantial evidence supports selecting a site that directly conflicts with Solano County's A-40 agricultural zoning over the Lambie site which aligns fully with Solano County Ordinance ZT-25-02 and the Board's explicit land-use policy?
4. What substantial evidence in the record justifies overriding Solano County's local land-use determinations regarding the appropriateness of Lambie for utility-scale energy storage under CEQA's policy consistency requirements (14 CCR § 15125(d))?

XIV. Avoidance of Operational Low-Frequency Noise Impacts

Operational HVAC cooling units and inverter transformers run continuously, emitting low-frequency tonal noise. In the quiet, rural agricultural setting of the proposed Corby site, this operational profile creates a significant shift over ambient baseline noise levels for nearby rural residents. Conversely, at Lambie Industrial Park, ambient baseline noise is already defined by existing industrial and utility operations. Placing the project at Lambie allows operational noise to be absorbed without creating severe land use incompatibilities, tonal noise impacts, or sleep disruption for rural families.

Questions for CEC:

1. Did the CEC conduct comparative baseline low-frequency ambient noise measurements at both the rural Corby site and the industrial Lambie site during nighttime hours?
2. What substantial evidence supports placing a continuous low-frequency noise generator in a quiet rural setting when an industrial site with an established acoustic baseline is available?

XV. Land Use Policy Conflicts and AB 205 Preemption Vulnerabilities

While Assembly Bill 205 grants the CEC opt-in jurisdiction to override local land use regulations, CEQA still requires a thorough evaluation of land use compatibility and policy consistency under 14 CCR Section 15125(d). Overriding local land use authority to place a non-agricultural industrial utility on prime farmland when a fully zoned industrial alternative (Lambie Industrial Park) exists within the same regional balancing authority creates significant regulatory vulnerability. Siting a BESS facility in an industrial park directly aligns with local zoning intent and Solano County's land-use framework.

XVI. Structural Roadway Safety and Heavy-Haul Transport Corridors

The heavy structural load required to transport BESS enclosures, inverter units, and substation transformers presents significant logistical and safety issues on rural roadways.

Questions for CEC:

1. **Independent Field Testing & Load Capacity:** Did the CEC conduct independent field testing, structural road core sampling, or physical load-capacity assessments on the specific two-lane agricultural roads leading to the proposed site to evaluate their ability to withstand heavy-haul transport?
2. **Comparative Logistics Analysis:** Did the CEC perform an independent comparative traffic and engineering study evaluating the structural capacity and safety profile of the rural access routes against the high-axle capacity arterial routes serving the Lambie Industrial Park site?
3. **Traffic Conflict & Delay Modeling:** Did the agency independently research or model localized traffic hazards, emergency vehicle access impacts, and agricultural equipment transport delays specifically associated with heavy-equipment transit on the rural agricultural roads servicing the proposed site versus Lambie Industrial Park?
4. **Long-Term Road Degradation Research:** Has the CEC generated or commissioned independent research measuring long-term structural road degradation, subgrade failure, and localized safety risks caused by heavy-haul construction traffic on rural agricultural roads compared to purpose-built industrial park corridors like Lambie?

Conclusion and Requested Action

Because the SA/DEIR relies on factual errors regarding site topography, ignores alternative points of interconnection such as Lambie 230 kV, relies on unverified assertions regarding CAISO modification timelines, and fails to support its comparative findings with substantial evidence, the CEC cannot lawfully approve the project as proposed. I urge the Commission to direct staff to:

1. Expand the alternatives analysis to evaluate connecting Lambie Industrial Park directly to the nearby **Lambie 230 kV line**, in addition to evaluating the 13-to-14-mile gen-tie line to Vaca-Dixon.
2. Re-evaluate claims of queue modification delays in light of official CAISO tariff procedures (45-to-90-day review timeline) rather than accepting unverified applicant assertions.
3. Correct the factual record regarding Lambie Industrial Park's flat topography and re-evaluate grading, dust, public health, greenhouse gas emissions and earthwork impact comparisons.
4. Account for the superior geotechnical stability and consolidated Pleistocene sedimentary geology at Lambie Industrial Park relative to the unconsolidated alluvial deposits at the Corby site.
5. Revise the Alternatives section to include side-by-side quantitative hazard and environmental modeling.
6. Formally designate Lambie Industrial Park as the Environmentally Superior Alternative pursuant to CEQA Guidelines § 15126.6(e)(2) in a revised environmental document.

Thank you for your consideration of these comments.

Sincerely,

Sarah Dunn



California ISO

2022 Material Modification Assessment Cost Report

Published May 2023

Prepared by: Jason Foster

Kelsey Campbell

California Independent System Operator

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1.Executive Summary

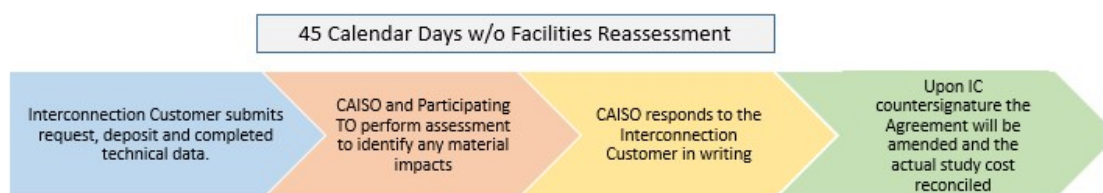
1.1 Purpose and Scope

The CAISO evaluates a variety of modification requests for Interconnection Customers' generator projects. In doing so, the CAISO coordinates with the relevant Participating TO(s), Affected Participating TO(s) and Affected System Operator(s), if appropriate. To provide transparency regarding the cost of material modification assessments ("MMA"), the Tariff requires the CAISO to publish cost data for the MMAs annually. This report contains a description of the number, types, duration, and costs of MMA requests completed in 2022.

1.2 Background

The CAISO generally uses the same process and criteria to review modification requests for all generation projects.¹

A high level-depiction of the MMA process is below:



If a Facilities Reassessment is required, the modification assessment can take an additional 45 calendar days. The Facilities Reassessment is initiated after completion of the MMA and the determination that the modification request is not material.

Interconnection Customers are required to provide a \$10,000 deposit for the MMA. Following the MMA, the CAISO invoices for the actual costs incurred for the modification assessment. The invoices include an itemized account of expenses incurred, including those incurred by the CAISO, the Participating TOs, and third parties at the direction of the CAISO or Participating TO. Whenever the actual cost of performing the modification assessment exceeds the modification assessment deposit, the invoice directs the Interconnection Customer to pay the excess amount. If the actual cost of performing the modification assessment is less than the modification assessment deposit, the CAISO reimburses the Interconnection Customer the difference.

¹ The MMAs discussed in this report are governed by CAISO Tariff Appendix S, Section 1.3.4; Appendix T, Section 3.4.5; Appendix U, Section 4.4.3; Appendix Y, Section 6.9.2.2; or Appendix DD, Article 6.7.2.2 as applicable, and the BPM for Generator Management.

1.3 Report Summary

1.3.1 Types of Modifications

The Interconnection Customer must submit to the CAISO, in writing, a request to modify their Project and any information provided in the Interconnection Request or Generator Interconnection Agreement. The variety, content, and scope of modification requests are as unique and complex as the Generating Facilities themselves, but for the purpose of this report, MMA requests are categorized into seven “buckets”:

- 1) Commercial Operation Date (“COD”) extensions and/or requests for project Phasing;
- 2) Technology changes: inverter, add batteries, transformer, and equipment changes;
- 3) Interconnection changes: generation tie route changes, Point of Interconnection changes, Point of Change of Ownership changes, and site location changes;
- 4) Technology and Interconnection Changes: Technology and interconnection changes as discussed above;
- 5) COD and Interconnection: COD and interconnection changes as discussed above;
- 6) COD and Technology: COD and technology changes as discussed above; and
- 7) Complex changes: multiple changes including COD, technology, and or interconnection as discussed above.

1.3.2 Time

The modification assessment commences when the CAISO and Participating TO (1) deem the modification request (including all of the necessary technical documentation) valid and data complete, and (2) receive the Interconnection Customer’s modification assessment deposit. Per the Tariff, the CAISO targets providing a written response to the Interconnection Customer within 45 calendar days of commencing the assessment. If the modification assessment is unable to be completed within that period, the CAISO notifies the Interconnection Customer, provides an estimated completion date, and explains why additional time is required.

A facilities reassessment may be required after the modification request has been determined to not be material, which can take up to an additional 45 calendar days. If the facilities reassessment is unable to be completed within that period, the CAISO notifies the Interconnection Customer, provides an estimated completion date, and explains why additional time is required.

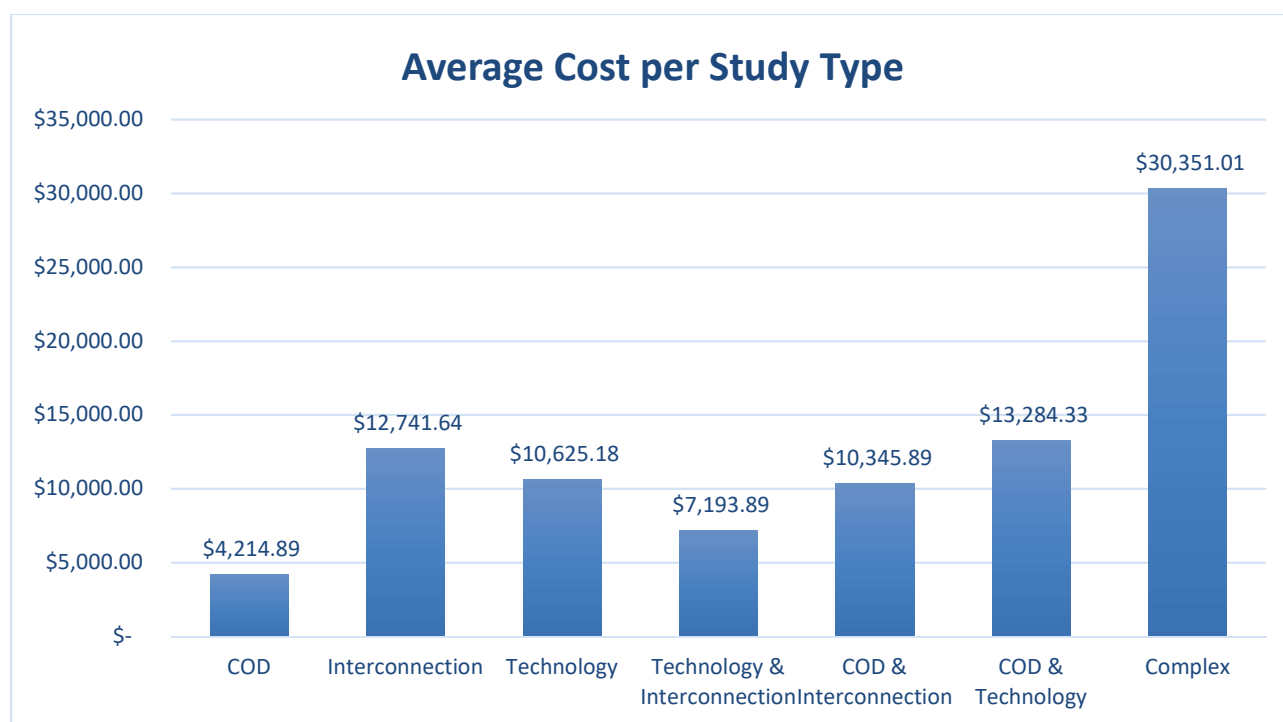
2.0 Report

2.1 MMA Costs

The CAISO completed 85 MMAs completed in 2022 – 24 COD, 23 Technology Changes, 12 Interconnection Changes, 4 Technology and Interconnection, 4 COD and Interconnection, 16 COD and Technology, and 2 Complex (see definitions as defined in section 1.3.1).

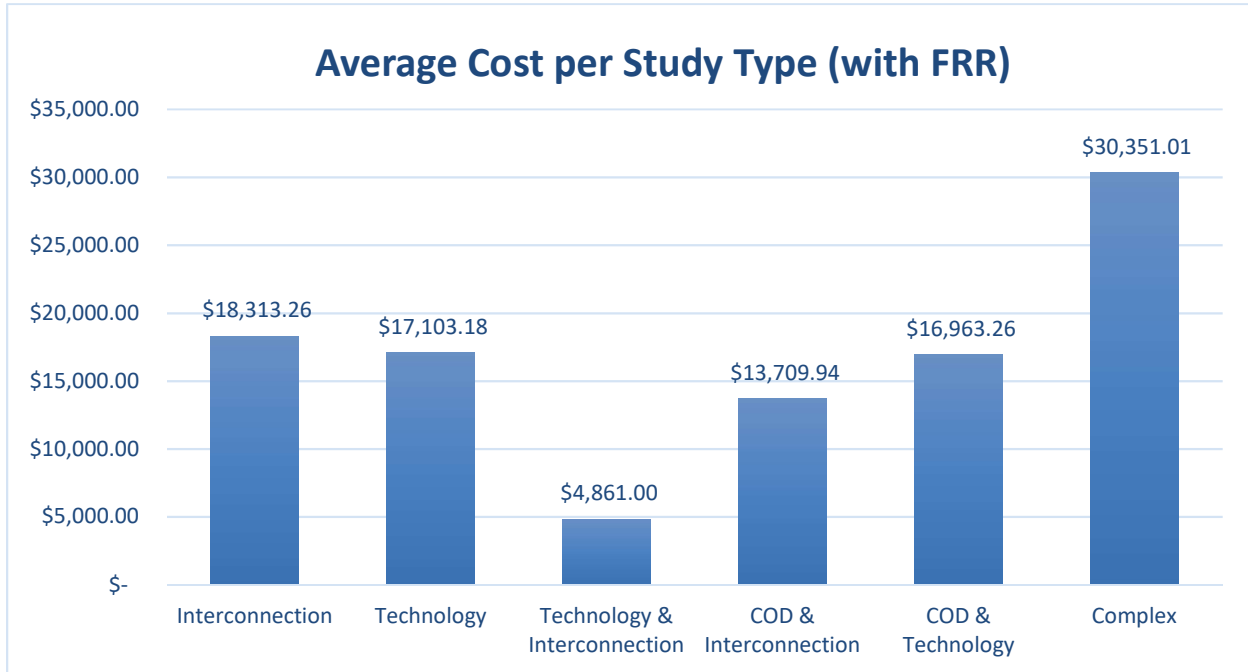
The average cost for MMAs in 2021 was \$9,904. The highest-cost modification assessment was \$43,327. The lowest-cost modification assessment was \$1,027.²

Of the 85 modifications that completed the accounting close-out process, thirty-three (33) modifications resulted in costs greater than \$10,000, twenty-five (25) modifications were between \$5,000 and \$10,000, and twenty-seven (27) modifications were less than \$5,000. Of the 33 modifications that were more than \$10,000, twenty (20) included Facility Reassessment following the approval of the initial modification.



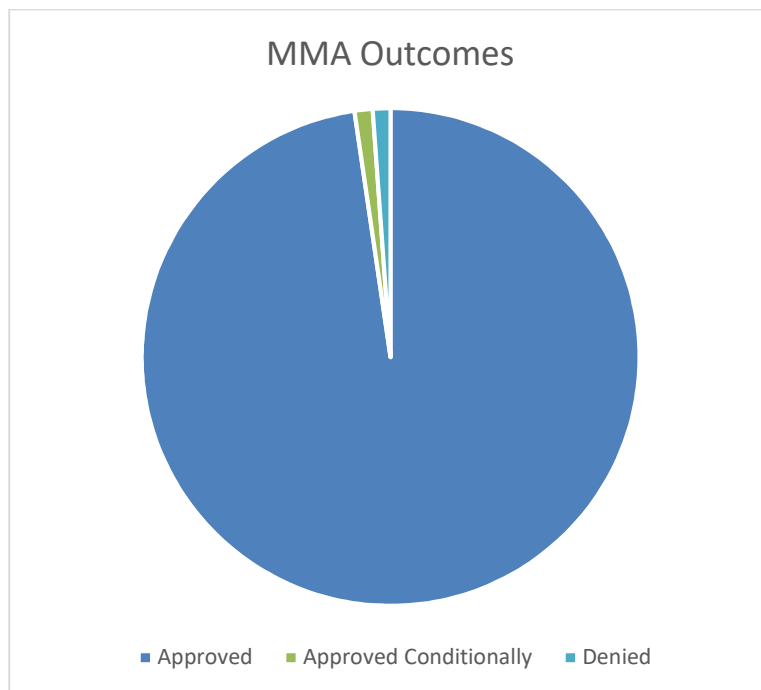
² The CAISO tariff requires that “The Participating TO(s) shall invoice the CAISO for any assessment work within seventy-five (75) calendar days of completion of the assessment.” These values include MMAs where the CAISO received no invoice from the Participating TO.

Of the 85 modifications, twenty-four (24) required a Facility Reassessment following the initial modification assessment. Of these, twenty (20) modifications resulted in costs greater than \$10,000, three (3) modifications were between \$5,000 and \$10,000, and one (1) modification was less than \$5,000.



2.2 MMA Outcomes

Of the 85 MMAs submitted in 2022, 83 were approved, 1 was approved with conditions, and 1 was denied.

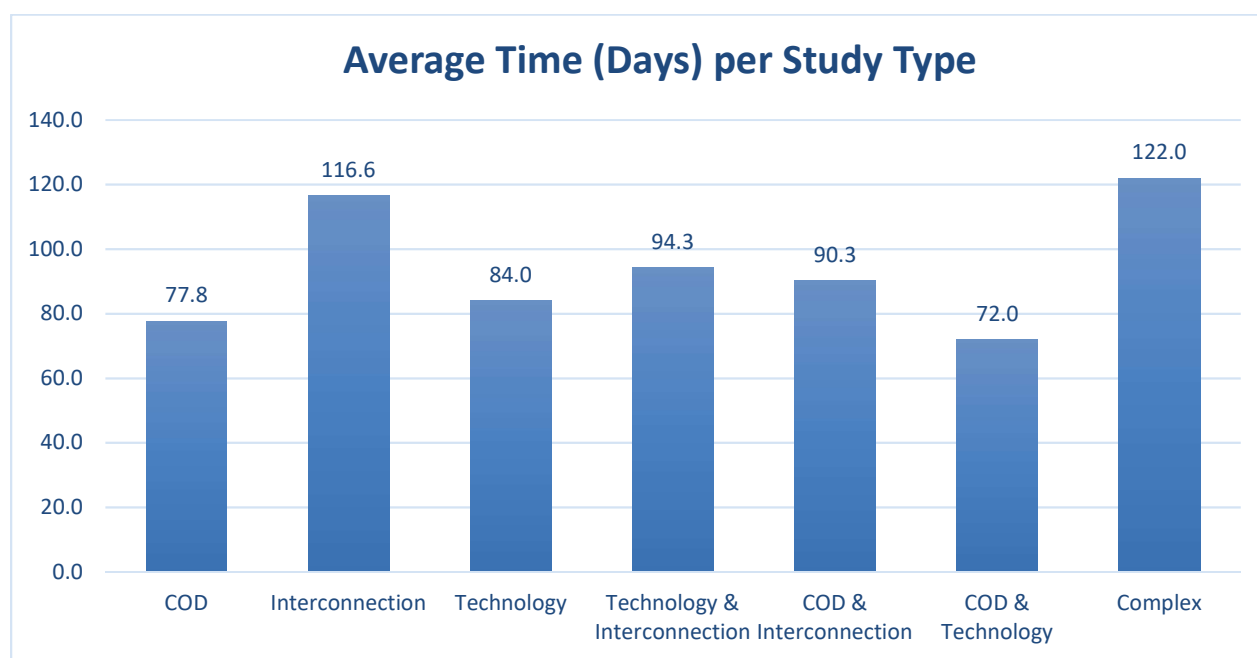


Modifications approved with conditions are actions required of the Interconnection Customer after the results of the MMA are published. For example, a condition may require the execution of the Generator Interconnection Agreement or an Amendment to the Generator Interconnection Agreement by a certain date. Other conditions may apply on a case-by-case basis.

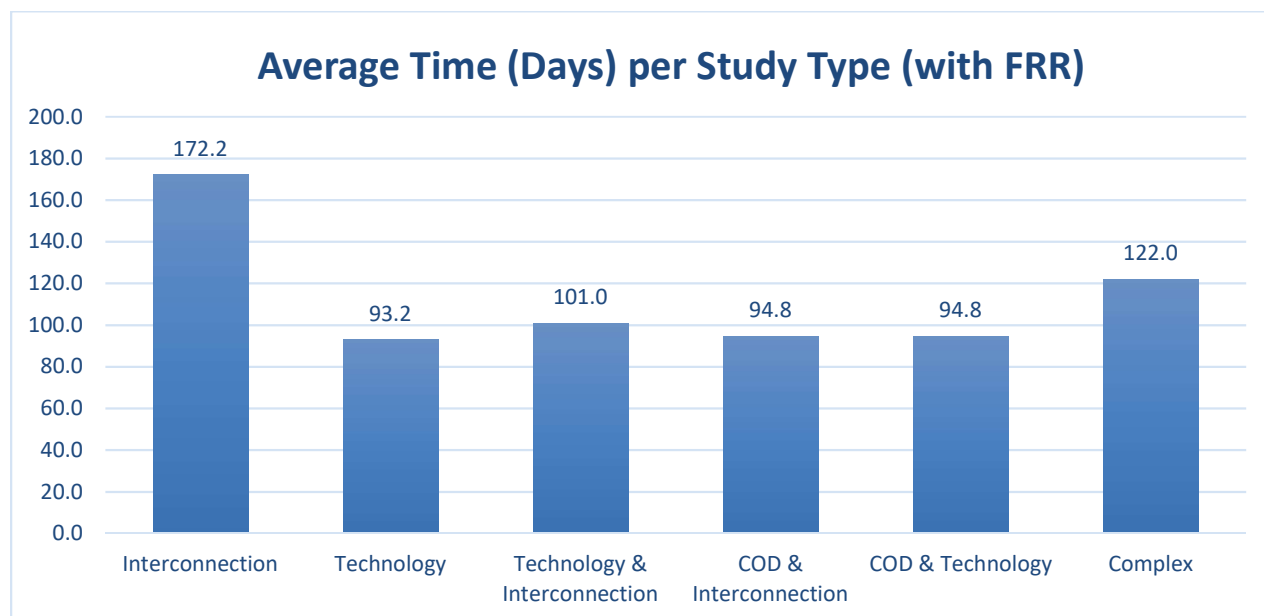
2.3 MMA Average Study Times

Of the 85 MMAs in 2022, the average time in the process varied depending upon the complexities of the request. The time starts on the date in which the last IR is submitted by the Interconnection Customer that is ultimately deemed valid and ends on the date in which the CAISO sends the MMA results to the Interconnection Customer.

Of the 85 modifications, the average time (in days) per study in 2022 was eighty-six (86) days. The longest modification assessment was 341 days. The shortest modification assessment was fourteen (14) days. Thirty-eight (38) required more than 90 days to complete, twenty-two (22) required less than 90 days and greater than 45 days, and twenty-five (25) were completed in 45 days or less.



Of the 85 modifications, twenty-four (24) required a Facility Reassessment following the initial modification assessment. Of the 24, eight (8) were completed in 90 days or less. Otherwise, 16 of the 24 required more than 90 days to complete.



Of the 61 modifications that did not require Facility Reassessments, the average time (in days) per study in 2021 was seventy-six (76) days. The longest modification assessment was 256 days. The shortest modification assessment was fourteen (14) days. Twenty-two (22) required more than 90 days to complete, sixteen (16) required less than 90 days and greater than 45 days, and twenty-three (23) were completed in 45 days or less.

