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**THE REQUIRED NET-POSITIVE-ECONOMIC-BENEFIT FINDING
PUBLIC RESOURCES CODE Â§ 255459**

Additional submitted attachment is included below.

CALIFORNIA ENERGY COMMISSION
Corby Battery Energy Storage System Project (24-OPT-05)
COMMENT REGARDING THE REQUIRED NET-POSITIVE-ECONOMIC-BENEFIT
FINDING
PUBLIC RESOURCES CODE § 25545.9

Submitted by Linda Geller

September 14, 2026

I. Purpose of Comment

This comment addresses a narrow mandatory Opt-In requirement: the finding under Public Resources Code section 25545.9 that the Corby Project will provide an overall net positive economic benefit to Solano County. The concern is not whether the Project may produce jobs, tax revenue, or other economic benefits. The concern is whether the Staff Assessment's stated basis for the required "net" finding is consistent with contrary information already contained in the administrative record.

This comment does not prescribe how the Commission should revise its analysis. It preserves the apparent conflict between (1) Solano County's express challenge to the Applicant's claimed net-positive economic benefit, (2) CEC's subsequent determination that additional economic information was needed, and (3) the July 2026 Staff Assessment statement that Staff was "unaware of any information in the record that rebuts the presumption."

II. Section 25545.9 Makes the Net-Positive Finding a Condition of Certification

Public Resources Code section 25545.9(a) provides that the Commission "shall not certify" a site and related facility under the Opt-In chapter unless it finds that construction or operation will have an overall net positive economic benefit to the local government that otherwise would have had permitting authority. The statute identifies employment growth, housing development, infrastructure and environmental improvements, assistance to schools and public-safety agencies, and property and sales/use tax revenues as examples of economic benefits.

Section 25545.9(b), added in 2025, establishes a rebuttable presumption that the facility will provide that overall net positive economic benefit. The existence of the presumption does not change the wording of subsection (a): the ultimate finding remains a statutory prerequisite to certification.

III. Solano County Expressly Challenged the Applicant's Net-Positive Showing

On December 2, 2024, Solano County submitted "Initial Comments on Corby BESS Project Application" (TN 260461). Its first substantive heading was: "Comment 1: Inadequate Preliminary Information Demonstrating Overall Net Positive Economic Benefit to the County." The County did not merely disagree with the Project in general. It identified specific weaknesses in the economic showing.

Issue identified by Solano County	Why it bears on a "net" finding
Employment	The County characterized most identified positions as temporary construction employment and questioned the magnitude of lasting employment growth.
Sales/use tax	The Applicant projected approximately \$18.3 million in one-time sales/use tax benefits, with approximately \$3.4 million identified for Solano County; the County questioned the calculation and allocation.
Location of taxable activity	The County questioned where subsidiaries and sales would be located because that affects whether claimed revenue would actually accrue locally.

Agricultural displacement	The County stated that the analysis did not account for displacement of approximately 59.7 acres of productive agricultural land and associated year-round employment/economic activity.
Other potential costs	The County stated that neighboring property-value effects and impacts on public-safety agencies had not been considered.

The County concluded that a complete assessment needed to consider both short- and long-term economic implications. Whether each of these items ultimately rebuts the statutory presumption is a separate question. For present purposes, the significance is that information expressly challenging the claimed overall net positive economic benefit was placed in the Corby administrative record.

IV. CEC Subsequently Determined That Additional Economic Information Was Needed

CEC's December 2024 Determination of Incomplete Application and Request for Information (TN 260568) separately addressed the mandatory Opt-In economic requirement. CEC noted that the Application contained quantitative employment and tax benefits but requested additional information concerning expected annual facility operating revenue, the share estimated to be allocated locally to Solano County, annual income tax, and the allocation of taxes to the County.

Thus, the record reflects not only the County's express challenge, but also CEC's own contemporaneous determination that the economic information submitted with the Application required supplementation.

V. The July 2026 Staff Assessment Reaches a Different Record Characterization

Section 10.4 of the July 15, 2026 Staff Assessment, at Staff Assessment page 10-7 (PDF page 1205), quotes the mandatory section 25545.9(a) finding and then states that section 25545.9(b) creates a rebuttable presumption. Staff cites Application Sections 1.1.5.6 and 4.14.3.3 for employment growth and tax revenues.

"CEC staff is unaware of any information in the record that rebuts the presumption and thus staff recommends the CEC find the project results in an overall net positive economic impact to Solano County."

The issue preserved by this comment is the apparent difference between saying that Staff considered contrary information and concluded it was insufficient to rebut the presumption, and saying that Staff was "unaware of any information in the record" that rebuts it. Solano County's December 2024 Comment 1 expressly challenged the claimed net-positive economic benefit and identified categories of potentially omitted or overstated economic effects.

VI. Gross Benefits and an Overall Net Benefit Are Not the Same Question

The Applicant's original Application asserted net benefits from employment, property taxes, and sales/use taxes relative to the site's prior agricultural use. The Staff Assessment's Executive Summary likewise identifies construction jobs, increased tax revenues, local spending, renewable-energy benefits, and grid-reliability benefits. Staff Assessment, Executive Summary, p. 1-13 (PDF p. 19).

Those may be genuine benefits. The unresolved issue is whether the administrative record supports the statutory word "net" after considering information in the record concerning potentially offsetting local-government economic effects. The distinction matters because section 25545.9(a) does not merely require a finding that the Project produces economic benefits; it requires an overall net positive economic benefit to Solano County.

VI.A. Scale of the \$500,000 Community Contribution and Potential Nearby Property-Value Effects

The scale of the claimed community contribution also warrants context. The record identifies a \$500,000 community contribution as a Project benefit. At the same time, nearby residents have raised concerns regarding potential reductions in the market value of properties closest to the proposed industrial BESS

facility and associated transmission infrastructure. Based on residents' preliminary estimates, the aggregate potential reduction in value among only the closest affected properties could approach or exceed the amount of the \$500,000 contribution.

This comment does not assert that those preliminary estimates establish a particular amount of property-value loss, nor does it equate private property-value losses directly with a payment made under a community-benefit arrangement. The comparison instead highlights an unresolved economic question: what evidence in the administrative record evaluates the magnitude of potentially adverse economic effects on the immediately surrounding area against the economic benefits being cited in support of the Project?

The issue also bears more directly on Public Resources Code section 25545.9 to the extent reductions in property values could affect assessed valuation and property-tax revenues received by Solano County. Solano County itself identified neighboring property-value impacts as an omitted consideration in its December 2, 2024 comments. The Staff Assessment's Section 10.4 discussion nevertheless does not identify an analysis of that issue when recommending the mandatory overall net-positive-economic-benefit finding.

Accordingly, the relevant question is not whether a \$500,000 contribution is beneficial. It plainly has economic value. The question is whether highlighting that benefit without evaluating potentially offsetting economic consequences presents a complete picture of the Project's overall economic effect.

VI.B. The Cumulative Economic Context Was Not Carried Into the Section 10.4 Finding

The property-value issue also arises in a cumulative context. The Staff Assessment does undertake cumulative review in multiple resource sections and expressly identifies the Vaca Dixon Power Center as a nearby BESS project capable of combining with Corby. For example, Staff calls Vaca Dixon the sole nearby energy-related project potentially affecting Dixon Fire Department resources; analyzes the two BESS projects together for agricultural-soil effects; and treats Vaca Dixon as the only project capable of combining with Corby for cumulative noise. Staff also states that the socioeconomic cumulative-impact area is Solano County because public services are provided by local jurisdictions or districts and housing is located within the County.

Yet Section 10.4 does not identify a cumulative economic analysis of what the concentration of Corby and other nearby industrial energy development could mean for neighboring property values, agricultural land values, assessed valuation, property-tax revenues, or local public-service burdens. This is notable because Solano County had already identified neighboring property-value effects and public-safety impacts as omissions in the Applicant's economic showing.

The Staff Assessment also contains evidence of an additional foreseeable BESS project that makes the cumulative economic question more consequential. In the Alternatives chapter, Staff identifies "Corby 2" as a 400-MW BESS project with a March 16, 2031 online date interconnecting at the same Vaca-Dixon Substation. Corby 2, however, does not appear to have been carried into Appendix A or the resource-specific cumulative analyses. The administrative record had also previously identified APN 0141-030-100 as "NextEra Phase 2" in a November 12, 2025 request for cumulative review.

This comment does not assume that either Vaca Dixon Power Center or Corby 2 will cause a particular reduction in property values. It preserves the narrower evidentiary issue: Staff recognized nearby and foreseeable BESS development for other analytical purposes, but the Section 10.4 net-positive-economic-benefit finding does not reveal whether the combined economic context was considered when Staff characterized the statutory presumption as un rebutted.

That omission matters to the meaning of "net." A nearby residence or agricultural property may experience a different market effect from the concentration of multiple industrial energy facilities, substations, gen-tie infrastructure, altered viewsheds, noise, perceived safety risks, and emergency-response demands than from Corby considered alone. Any resulting effect on assessed valuation or County property-tax revenue would bear directly on the local-government economic picture, while public-service burdens could represent an additional governmental cost.

VII. Directional Effect of the Record Treatment

This apparent record-treatment issue has a directional effect. The Applicant-provided employment and tax benefits are expressly cited in Section 10.4 as support for the required finding. By contrast, the same short analysis does not identify Solano County's express challenge to the economic showing or explain why the County's identified concerns do not constitute information bearing on rebuttal of the presumption.

If contrary information is left outside the stated basis for the finding while favorable Applicant information is expressly relied upon, the analytical effect is favorable to Corby: the statutory presumption remains characterized as unrebutted and supports a mandatory certification finding. This comment does not attribute motive. The issue is the treatment and directional effect of evidence already present in the administrative record.

VIII. Questions Preserved for the Administrative Record

1. What is the factual basis for Staff's statement at Section 10.4 that it was "unaware of any information in the record that rebuts the presumption" under Public Resources Code section 25545.9(b), given Solano County's December 2, 2024 Comment 1 expressly challenging the Applicant's claimed overall net positive economic benefit?
2. Did Staff consider TN 260461 when reaching the Section 10.4 finding? If so, where does the Staff Assessment identify Staff's treatment of the County's economic concerns?
3. Did Staff determine that the County's information was not evidence bearing on rebuttal of the presumption, or that it was evidence but was insufficient to rebut the presumption? What portion of the record reflects that determination?
4. What information resolved CEC's December 2024 request for additional operating-revenue and local tax-allocation information, and where is that information incorporated into the Section 10.4 net-positive analysis?
5. What evidence supports the conclusion that the economic result is "net" positive to Solano County, rather than a finding that the Project produces identified gross benefits?
6. Does the Section 10.4 finding account for local-government economic burdens identified elsewhere in the administrative record, including public-safety or infrastructure burdens, or were those matters treated as outside the section 25545.9 analysis?
7. What portion of the administrative record reconciles the County's identified agricultural economic displacement with the Applicant's comparison of Project benefits to the site's prior agricultural use?
8. What evidence, if any, addresses the potential aggregate effect of nearby property-value reductions, including any resulting effect on assessed valuation or property-tax revenues, when compared with economic benefits cited for the Project, including the \$500,000 community contribution?
9. Does the administrative record contain any analysis of whether Corby, when considered together with the other projects identified in the Staff Assessment's cumulative-project analysis, could produce a combined effect on nearby property values, agricultural land values, assessed valuation, or Solano County property-tax revenues; and, if not, what is the evidentiary basis for treating those potential cumulative economic effects as irrelevant to the § 25545.9 net-positive finding?
10. Staff identifies Corby 2 in the Alternatives chapter as a 400-MW BESS project interconnecting at Vaca-Dixon. Was that Staff-identified future project considered in evaluating the economic context underlying the Section 10.4 net-positive finding, and where is that consideration reflected in the record?
11. What costs or adverse economic effects were actually included in Staff's calculation of the Project's "net" economic benefit to Solano County, what monetary values were assigned to those costs, and where in the Staff Assessment or administrative record can that calculation be found? If no such balancing calculation was performed, what evidentiary basis supports characterizing the identified benefits as "net" rather than gross economic benefits?

IX. Conclusion

The narrow issue is not whether Corby produces any economic benefit. The record plainly identifies claimed benefits. The issue is whether the Staff Assessment's recommended mandatory finding under Public Resources Code section 25545.9 is supported by a record characterization that acknowledges and evaluates the contrary economic information already submitted by the local government whose net benefit is the subject of the statute.

Solano County expressly challenged the claimed net-positive showing. CEC subsequently required additional economic information. The Staff Assessment nevertheless states that Staff was "unaware of any information in the record that rebuts the presumption." These comments preserve that apparent inconsistency and the resulting question whether the required finding rests on an evaluation of the whole economic record or on favorable benefit information coupled with the statutory presumption.

Additional cumulative-record references include Staff Assessment Worker Safety and Fire Protection cumulative setting (PDF p. 124); Land Use and Agriculture cumulative analysis (PDF pp. 688-690); Noise and Vibration cumulative analysis (PDF pp. 719, 729); Socioeconomics cumulative setting (Staff p. 5.11-9); and Alternatives identification of Corby 2 (PDF p. 1138).

References

- California Public Resources Code § 25545.9(a)-(b) (current text; subsection (b) added by Stats. 2025, ch. 119, § 27 (SB 254), effective Sept. 19, 2025).
- California Energy Commission, Corby Battery Energy Storage System Project Staff Assessment, TN 271468 (July 15, 2026), Executive Summary p. 1-13; Mandatory Opt-In Requirements § 10.4, p. 10-7 (PDF pp. 19, 1205).
- Solano County, Initial Comments on Corby BESS Project Application, TN 260461 (Dec. 2, 2024), Comment 1: Inadequate Preliminary Information Demonstrating Overall Net Positive Economic Benefit to the County.
- California Energy Commission, Determination of Incomplete Application and Request for Information for the Corby Battery Energy Storage System Project, TN 260568 (Dec. 2024), Mandatory Opt-In Requirements / DR MAND-1.
- Corby BESS Opt-In Application Volume 1 Part 1, TN 259872 (Nov. 4, 2024), § 1.1.5.6 and related § 4.14.3.3 analysis.