

DOCKETED	
Docket Number:	24-OPT-05
Project Title:	Corby Battery Energy Storage System Project
TN #:	272727
Document Title:	Neil Serr Comments - Request for Explanation Regarding Inconsistencies, Inaccuracies, Omissions, and Unresolved Issues in the CEC Staff Assessment
Description:	N/A
Filer:	System
Organization:	Neil Serr
Submitter Role:	Public
Submission Date:	9/14/2026 10:13:28 AM
Docketed Date:	9/14/2026

Comment Received From: Neil Serr
Submitted On: 9/14/2026
Docket Number: 24-OPT-05

Request for Explanation Regarding Inconsistencies, Inaccuracies, Omissions, and Unresolved Issues in the CEC Staff Assessment

Additional submitted attachment is included below.

**To: Chair and Commissioners
California Energy Commission**

Re: Corby Battery Energy Storage System Project — Docket No. 24-OPT-05

Subject: Request for Explanation Regarding Inconsistencies, Inaccuracies, Omissions, and Unresolved Issues in the CEC Staff Assessment

Dear Chair and Commissioners:

I am writing to respectfully ask the California Energy Commission and each of its Commissioners a fundamental question:

How can the Commission responsibly and lawfully certify the Corby Battery Energy Storage System Project when the Staff Assessment and supporting record contain inconsistencies, inaccuracies, omissions, disputed information, and material issues that appear to remain unresolved?

I am not asking the Commission to accept my characterization of every disputed issue.

I am asking the Commissioners to examine the record carefully and determine whether the information upon which they are being asked to base their decision is sufficiently accurate, complete, consistent, and reliable to support certification of a 300-MW battery energy storage facility.

The Staff Assessment is the foundation for the Commission's decision

The Staff Assessment is not simply background information.

It is a fundamental part of the Commission's evaluation of the proposed project and the information available to the Commissioners when they make their decision.

If material information contained in the Staff Assessment is inaccurate, incomplete, internally inconsistent, or contradicted by information elsewhere in the administrative record, then the Commission should not simply proceed to certification and expect those discrepancies to be resolved afterward.

The Commissioners have a responsibility to determine whether the record before them is sufficiently reliable to support the decision they are being asked to make.

What concerns me is the number of unresolved discrepancies

The Corby record contains issues involving, among other things:

- Project description and project components;
- Site characteristics;

- Fire protection;
- Emergency response;
- Emergency access;
- Water availability and fire-water requirements;
- Hazardous materials;
- Battery technology and configuration;
- Thermal-runaway risks;
- Environmental impacts;
- Agricultural land;
- Local land-use restrictions;
- Measure T;
- Property-value impacts;
- Insurance impacts;
- Financial responsibility;
- Decommissioning;
- Construction requirements;
- Agency approvals and coordination; and
- Conditions that appear to defer important requirements until after certification.

When information in these areas changes, conflicts with other portions of the record, or remains disputed, the Commission should not simply assume that the discrepancies are insignificant.

For a project of this size and potential risk, **accuracy matters.**

My concern is not merely that Staff may have made mistakes

Mistakes can occur in any large technical document.

The issue is what the Commission does **after those mistakes or inconsistencies have been identified.**

If a member of the public, neighboring property owner, fire agency, water agency, engineer, governmental entity, or other participant identifies a material error in the Staff Assessment, the Commission should determine:

1. Is the information actually incorrect?
2. If it is incorrect, what is the correct information?
3. How did the error affect Staff's analysis?
4. Does correcting the error change Staff's conclusions?
5. Does it change any proposed Condition of Certification?
6. Does it change the environmental analysis?
7. Does it change the emergency-response analysis?
8. Does it change the determination of site suitability?
9. Does it change the Commission's legal authority to certify the project?
10. Does it require additional analysis before certification?

Simply acknowledging an error is not necessarily enough.

If an inaccurate fact was used as the foundation for a conclusion, the Commission should determine whether the conclusion itself must be reconsidered.

A corrected record should exist before certification

I respectfully ask the Commissioners to consider the difference between:

"We have identified the discrepancy and will address it later."

and

"The discrepancy has been investigated, corrected, its consequences evaluated, and the corrected information is now part of the record upon which certification is based."

Those are very different situations.

The second is what I believe should occur before final certification when the discrepancy is material.

The Commission should not be placed in the position of approving a project while significant factual disputes remain unresolved and then relying on future Conditions of Certification to correct the underlying record.

How can the Commissioners make the required findings if the facts remain disputed?

I respectfully ask each Commissioner to consider:

How can I make a reliable finding regarding the safety and suitability of this project if material facts upon which that finding depends remain disputed?

How can the Commission determine that the project can safely operate at this location if the underlying information concerning emergency response, fire protection, water, access, hazardous materials, and other safety matters is not fully consistent?

How can the Commission determine that environmental impacts have been adequately evaluated if the factual assumptions underlying that evaluation are subsequently shown to be inaccurate?

How can the Commission determine that the project complies with applicable law if material information concerning land use, Measure T, or other regulatory requirements remains disputed?

And how can the Commissioners create a defensible administrative record if significant corrections are still being made after the Staff Assessment has been presented as the basis for their decision?

My 46 years in construction have taught me the importance of accurate information

I have 46 years of experience in construction.

In my experience, when a major project is being prepared for construction, plans, specifications, site conditions, safety requirements, agency requirements, and conflicts between documents must be identified and resolved.

You do not normally build a project based upon two different sets of plans and tell the contractor that the discrepancies will be resolved after construction begins.

You resolve the material conflicts first.

The larger and more hazardous the project, the more important that principle becomes.

A 300-MW battery energy storage facility is not a minor project.

The consequences of an incorrect assumption can be significantly greater than they would be for an ordinary development project.

I respectfully request that the Commissioners require a reconciliation of the record

Before certification, I respectfully request that the Commission require Staff and the applicant to identify and reconcile all material inconsistencies and inaccuracies in the record.

At a minimum, I request:

- 1. A written list of all material corrections made to the Staff Assessment after its publication.**
- 2. Identification of all material factual disputes raised by parties, agencies, experts, and members of the public.**
- 3. A written response explaining which disputed facts Staff considers accurate and the evidence supporting that determination.**
- 4. Identification of any Staff conclusions that depend upon facts subsequently determined to be inaccurate.**
- 5. Reanalysis of any conclusions affected by corrected information.**
- 6. Identification of any Conditions of Certification that are being used to address issues that were not fully resolved during the Staff Assessment process.**

7. A clear explanation of which project plans and technical requirements are complete and which remain to be developed after certification.

8. Confirmation that the Commissioners will have the corrected and complete information before voting on certification.

The public should not have to guess which version of the facts is correct

As a member of the public, I should not have to compare hundreds or thousands of pages of filings simply to determine which description of the project, site, safety systems, emergency response, water requirements, or other material facts is currently considered correct.

The Commission has the resources and responsibility to reconcile its own record.

If the Staff Assessment contains a material error, the public should be able to determine:

What was wrong?

What is correct?

Why was it wrong?

Does correcting it change Staff's analysis?

Does the correction change any proposed Condition of Certification?

Does it change whether the project should be certified?

These questions should be answered before the Commissioners vote.

Certification should not be based upon an evolving factual record

I am particularly concerned about the possibility that the Commission could certify the project while material information is still being developed, corrected, or reconciled.

There is an important distinction between refining ordinary construction details after approval and resolving fundamental questions concerning:

- Fire safety;
- Emergency response;
- Hazardous-material management;
- Water supply;
- Site access;
- Battery configuration;
- Project design;
- Environmental impacts;

- Land-use authority; or
- Other matters that could affect whether the project is appropriate for this location.

The latter issues should not simply be treated as administrative details.

They can affect the fundamental decision of whether the project should be approved at all.

Request for a formal determination

I respectfully request that the Commissioners not simply acknowledge these concerns but make a clear determination on the record:

Is the current administrative record sufficiently accurate, complete, internally consistent, and reliable for the Commission to make the findings necessary to certify the Corby BESS project?

If the answer is yes, I ask the Commission to explain how the identified inconsistencies and inaccuracies have been resolved and why they do not affect the conclusions in the Staff Assessment.

If the answer is no, then I respectfully request that certification be **deferred until the material deficiencies have been corrected and the resulting analysis has been made available to the public for meaningful review and comment.**

The Commission's responsibility

The question before the Commission should not simply be:

"Can these deficiencies eventually be corrected through Conditions of Certification?"

The more important question is:

"Do we have sufficient accurate information today to know that this project is legally, environmentally, and technically appropriate to certify at this location?"

That is the question I respectfully ask each Commissioner to consider.

The Commission's decision will become part of the permanent administrative record.

If the project is certified, that record will demonstrate what information was available to the Commissioners, what concerns had been raised, what discrepancies had been identified, and how those issues were resolved—or not resolved—before the vote.

For that reason, I believe it is in the best interests of the Commission, the applicant, surrounding property owners, local agencies, and the public to resolve material discrepancies **before certification rather than after it.**

Conclusion

I respectfully request that the Commission:

- 1. Identify and correct all material inaccuracies in the Staff Assessment;**
- 2. Reconcile conflicting information throughout the administrative record;**
- 3. Reevaluate any conclusions affected by those corrections;**
- 4. Identify all material requirements being deferred until after certification;**
- 5. Provide the public with the corrected information sufficiently in advance of the certification decision to allow meaningful review; and**
- 6. Defer certification if material factual, technical, safety, environmental, or legal issues remain unresolved.**

After 46 years in construction, I understand that no project can eliminate every uncertainty.

But there is a fundamental difference between ordinary uncertainty and **approving a major industrial facility while material facts and requirements remain in dispute.**

I respectfully ask the Commissioners to make certain that they are not being asked to certify Corby based upon an administrative record that is still changing or contains material inconsistencies that have not been adequately reconciled.

If the facts upon which certification depends are not yet settled, how can the certification itself be considered reliable?

That question deserves a clear answer from the Commission before a vote is taken.

Thank you for your consideration and for placing this correspondence in the official record for **Docket No. 24-OPT-05.**

Respectfully submitted,

**California Energy Commission
Corby Battery Energy Storage System Project
Docket No. 24-OPT-05**