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**PROCEDURAL SUPPLEMENT AND CONFIRMATION OF REQUEST
FOR INVESTIGATION PURSUANT TO 20 CCR Â§Â§ 1230â€“12325**

Additional submitted attachment is included below.

**PROCEDURAL SUPPLEMENT AND CONFIRMATION OF
REQUEST FOR INVESTIGATION
PURSUANT TO 20 CCR §§ 1230–1232.5
CORBY BATTERY ENERGY STORAGE SYSTEM PROJECT
DOCKET NO. 24-OPT-05**

September 16, 2026

VIA EMAIL

Drew Bohan, Executive Director
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RE: Procedural Supplement and Confirmation of Request for Independent Investigation and Executive Review — Corby Battery Energy Storage System Project, Docket No. 24-OPT-05

Dear Executive Director Bohan:

This correspondence supplements, and does not replace, narrow, summarize, supersede, or withdraw any portion of my previously submitted Request for Independent Investigation and Executive Review and subsequent supplemental submissions concerning the preparation, technical review, quality assurance/quality control, independence, methodology, treatment of evidence and public-agency input, and alternatives analysis underlying the Corby Staff Assessment/Draft Environmental Impact Report.

For purposes of eliminating any procedural ambiguity, I expressly request that the California Energy Commission treat the Request for Independent Investigation and Executive Review, together with any supplements and supporting materials, as a Request for Investigation pursuant to title 20, California Code of Regulations, sections 1230 through 1232.5.

The request concerns potential violations of statutes, regulations, orders, programs, decisions, and procedural requirements adopted, administered, or enforced by the Commission, including those identified in the underlying Request and supplemental submissions. The request concerns, among other matters, the preparation and review of the Staff Assessment/Draft EIR; the accuracy and completeness of information relied upon in reaching environmental significance determinations; treatment of contrary evidence, public comments, and public-agency comments; technical review and QA/QC procedures; deferred analyses and mitigation; treatment of alternatives; and the independence and integrity of the administrative review process.

This supplement is not submitted as an additional CEQA comment letter. It is submitted specifically to clarify and preserve the pending request for an independent investigation and executive review.

Section 1231 provides the requirements for a Request for Investigation submitted to the Executive Director. Section 1232 provides that, upon receipt of a complete request, the Executive Director, in consultation with Chief Counsel, shall direct staff to evaluate the request and, within 30 days of receipt of a complete request, provide a written response identifying the action the Executive Director intends to take and the basis for that action.

Accordingly, I respectfully request written confirmation of the following:

1. That the Request for Independent Investigation and Executive Review is being processed as a Request for Investigation under 20 CCR §§ 1230–1232.5;
2. The date on which the Commission received the Request for Investigation;
3. Whether the Commission considers the Request complete for purposes of 20 CCR § 1232;
4. If the Commission contends that the Request is incomplete, each specific requirement of § 1231 that the Commission contends has not been satisfied, so that any claimed deficiency can be addressed immediately;
5. The date by which the Executive Director's written response under § 1232 will be provided;
6. The identity and organizational unit of the person or persons assigned to evaluate the Request;
7. Whether any member of the Corby project team, or any person whose work, review, supervision, methodology, QA/QC, or conclusions are within the scope of the Request, has been or will be assigned to evaluate the Request; and, if so, the role of that person in the evaluation and what measures will be used to ensure an independent review; and
8. Preservation of all records concerning the receipt, routing, review, evaluation, discussion, assignment, handling, and disposition of the Request for Investigation and all supplements, including internal and external communications, drafts, routing records, assignments, memoranda, notes, and records reflecting decisions concerning the Request.

Nothing in this procedural supplement should be construed as withdrawing, narrowing, superseding, or limiting any factual allegation, supporting evidence, legal issue, requested area of investigation, or requested corrective action contained in the original Request for Independent Investigation and Executive Review or any subsequent supplement.

Because the Request concerns the preparation and internal review of a Staff Assessment in an active CEC proceeding, I also request that the Commission preserve the institutional independence of the review and identify the safeguards used to avoid having the work at issue evaluated solely by the same personnel responsible for preparing, reviewing, supervising, or approving that work.

Given the pending Corby proceeding and the significance of the matters raised, I respectfully request prompt written confirmation of the procedural status of the Request, including whether the Commission considers the Request complete and the date from which the 30-day response period under § 1232 is being calculated.

EXPRESS CONFIRMATION OF COMPLIANCE WITH 20 CCR § 1231

To eliminate any possible question concerning completeness of the pending Request for Investigation, I provide the following information expressly pursuant to 20 CCR § 1231. This information supplements and does not replace, narrow, supersede, or withdraw the September 11, 2026 Request for Independent Investigation and Executive Review or any subsequent supplemental submission.

Requester — § 1231(a).

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Entity and conduct subject to investigation — § 1231(b).

The principal entity whose conduct is the subject of this Request is the California Energy Commission, including CEC Staff and those employees, supervisors, consultants, contractors, and technical reviewers who participated in the preparation, technical review, quality assurance/quality control, supervision, approval, or publication of the Corby Staff Assessment/Draft EIR and supporting technical analyses.

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The Request also asks the investigation to determine the respective roles of Applicant NextEra Energy Resources Development, LLC, Applicant consultants, Aspen Environmental Group, MRS Environmental, and other consultants or contractors where Applicant- or consultant-generated information, assumptions, calculations, surveys, modeling, or analysis was incorporated into the Staff Assessment or relied upon by CEC Staff. The Request does not presume that any identified person or entity committed misconduct; determining responsibility, if any, is one purpose of the requested independent investigation.

Facts and supporting evidence — § 1231(c).

The factual and evidentiary basis is set forth in detail in the September 11 Request, the Supplemental Request, the Staff Assessment/Draft EIR and its appendices, the cited docket submissions and TN numbers, public-agency comments, technical analyses, calculations, photographs, field evidence, Applicant submissions and data responses, and the additional evidence specifically identified in the Supplemental Request. Those materials are incorporated by reference rather than repeated here.

Statutes, regulations, programs, orders, and decisions implicated — § 1231(d).

The Request alleges potential violations of, or failures to comply with, legal and procedural requirements governing CEC's preparation and use of the Staff Assessment/Draft EIR and the Commission's independent environmental review, including, as applicable, the California Environmental Quality Act; Public Resources Code § 21082.1; CEQA Guidelines §§ 15084(d)-(e) and 15090(a)(3); the statutory and regulatory requirements governing the AB 205 Opt-In certification process; applicable requirements governing adequate disclosure, significance determinations, mitigation, alternatives, cumulative impacts, public participation, and independent agency judgment; and the CEC procedures, programs, representations, and review responsibilities identified in the September 11 Request and Supplemental Request.

This Request asks the investigation to determine precisely which statutory, regulatory, procedural, technical-review, QA/QC, supervisory, or other requirements governed the challenged work; whether those requirements were followed; and whether corrective action is required.

Other persons, entities, and organizations affected or likely to be affected — § 1231(e).

The persons and entities affected or likely to be affected include residents, property owners, agricultural operators, motorists, emergency responders, public agencies, water and flood-control agencies, and other persons and entities within or serving the area potentially affected by the proposed Corby project and its associated facilities. They include, among others, residents and property owners along Kilkenny Road, Byrnes Road, and the surrounding rural-residential and agricultural area; the City of Vacaville; Solano County; Dixon Fire Protection District; Solano County Office of Emergency Services; Solano County Water Agency; Solano Irrigation District; California Department of Transportation; and the individuals and organizations identified in the September 11 Request and Supplemental Request.

Where an affected public agency's address is required for purposes of § 1231(e), its official business address is incorporated from the agency submissions cited in the Request. Individual residents and commenters are identified in the underlying docket submissions cited in the Request; their publicly filed contact information, where provided, is incorporated by reference. Nothing in this statement is intended to unnecessarily republish private residential contact information already contained in the Commission's administrative record.

Prior efforts to resolve the issues — § 1231(f).

Yes. Before and after submission of the September 11 Request, I repeatedly attempted to obtain review and correction of the underlying issues through the Commission's ordinary public-review process. I submitted numerous written comments to the Corby docket identifying specific factual, technical, legal, methodological, alternatives, public-safety, biological, cultural, visual, agricultural, emergency-response, cumulative-impact, and administrative-record concerns. Those submissions are identified by TN number in the September 11 Request and Supplemental Request.

Other residents, technical professionals, organizations, local governments, responsible public agencies, and emergency-response entities likewise submitted comments identifying overlapping factual, technical, methodological, and public-safety concerns. The Request for Investigation was submitted after the administrative record demonstrated that the concerns extended beyond an isolated disagreement over a particular environmental conclusion and raised broader questions concerning preparation, independent technical review, source verification, interdisciplinary review, QA/QC, and consistent treatment of evidence.

Accordingly, the public-comment and docket process documents repeated efforts to place CEC Staff on notice of the underlying issues and obtain their consideration and correction through the ordinary review process before resorting to a request for independent executive investigation.

If the Executive Director nevertheless considers any requirement of § 1231(a)-(f) unsatisfied, please identify the specific subsection and information believed to be missing so that any claimed deficiency can be cured immediately. Please also identify when CEC determined that the September 11 Request was incomplete, the specific basis for that determination, and whether CEC provided or attempted to provide notice of the claimed deficiency. Nothing in this compliance statement should be interpreted as restarting, waiving, or conceding the commencement date of any response period that has already begun under § 1232.

Respectfully submitted,

Linda Geller

Linda Geller

CEC contact information verified September 16, 2026: The CEC identifies Drew Bohan as Executive Director; ExecutiveOffice@energy.ca.gov as the Office of the Executive Director email; Sanjay Ranchod as Chief Counsel; Mindy Patterson as Director of Audits, Investigations, and Program Reviews; audits@energy.ca.gov for that office; and docket@energy.ca.gov for the Docket Unit.