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Comment Received From: Jennifer M Slayton
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Unresolved Legal Authority to Provide Water, Uncertain Annexation, Failure to Demonstrate a Reliable Long-Term Water Supply

Please see document attached.

Additional submitted attachment is included below.

Jennifer Slayton
Ridgecrest, California

September 29, 2026

California Energy Commission
Attn: RB Inyokern Data Center Project Manager
Docket No. 26-SPPE-01

RE: Supplemental Public Comments on RB Inyokern Data Center - Unresolved Legal Authority to Provide Water, Uncertain Service-Area Annexation, and Failure to Demonstrate a Reliable Long-Term Water Supply

Dear Commissioners and Project Staff:

I am submitting these supplemental comments regarding the proposed RB Inyokern Data Center and its application for a Small Power Plant Exemption (SPPE). As a Ridgecrest resident concerned about the long-term water security of our community and the environmental consequences of this project, I respectfully urge the California Energy Commission (CEC) to closely examine a significant issue that has recently come to light.

The proposed project site appears to be outside the existing service area of the Inyokern Community Services District (ICSD), the entity whose will-serve letter the applicant relies upon to demonstrate water availability. If this is confirmed, the applicant's ability to obtain water service depends on additional legal, administrative, and technical steps that have not been demonstrated to be achievable.

This raises a fundamental question: Has the applicant actually demonstrated that it can legally obtain a reliable and sustainable water supply for the project, or is its water-supply showing dependent on a series of uncertain future events?

I believe the Commission must resolve this question before considering approval of the requested exemption. A promise of future water service is not equivalent to a reliable water supply. A will-serve letter cannot, by itself, establish that a supplier has the legal authority, water rights or allocations, physical infrastructure, technical capability, and sustainable source capacity necessary to serve a major new industrial customer.

I respectfully request that the Commission pause any further review or consideration of approval of the SPPE unless and until the applicant establishes a legally valid, physically adequate, and reasonably dependable water supply for the full applicable planning period. If the applicant cannot make that showing, the Commission should deny the exemption and require the project to undergo the appropriate comprehensive environmental review.

1. The project's claimed water supply may depend on service that ICSD is not currently authorized to provide

The applicant relies on a will-serve letter issued by ICSD dated April 2, 2026. However, I have recently become aware of information indicating that the proposed project site may lie outside the district's existing service-area boundaries.

If this is correct, the Commission must determine how ICSD could lawfully provide service to the project and whether the necessary approvals can realistically be obtained.

This is not a minor administrative detail. The applicant's ability to obtain water from a particular provider depends on more than that provider's stated willingness to serve. The applicant must establish that the provider has the legal authority to serve the specific property and can actually deliver the quantity of water required.

I respectfully ask the Commission to independently verify the project's location relative to ICSD's legally established boundaries using official district maps, parcel records, and relevant Local Agency Formation Commission (LAFCo) records.

If the project site is outside ICSD's existing boundaries, the applicant should be required to provide:

- Authoritative documentation establishing the current service-area boundaries and the location of the entire project site.
- A written legal explanation identifying the specific statutory and administrative process through which ICSD would be authorized to serve the project.
- Documentation identifying every required board action, boundary change, LAFCo approval, service agreement, or other authorization, clearly distinguishing approvals already obtained from those that remain outstanding.
- Evidence that the outstanding approvals are realistically attainable within a defined and reasonable timeframe, and that any potential barriers such as protests can realistically be overcome.
- Confirmation that the will-serve letter remains valid and enforceable if additional approvals are necessary and have not yet been obtained.

Unless these questions are resolved, the Commission should not treat the proposed water service as an established fact.

2. Annexation would introduce additional legal and practical uncertainties

If annexation is required, it cannot simply be assumed that the process will be completed successfully.

The applicant must establish that the necessary district actions, LAFCo proceedings, and any applicable protest or election procedures can be completed. The exact requirements and sequence must be determined under the applicable law.

First, the applicant must establish that ICSD is willing and legally able to initiate or support the necessary process.

I understand that a majority of ICSD's board members oppose the proposed data center. The Commission should verify the board's current position through official meeting minutes, resolutions, and other public records.

If the board opposes the project or declines to pursue the necessary action, the applicant must identify and document any lawful alternative through which it could obtain service. The Commission should not assume that the district will undertake an annexation or other process that it has not agreed to pursue.

Second, the applicant must demonstrate that ICSD can actually serve the project without compromising its existing customers.

Even if the necessary district action were approved, the applicant would still need to demonstrate that ICSD has sufficient water rights or allocations, a reliable water source, appropriate infrastructure, and the technical and operational capacity to meet the project's demand.

This must be demonstrated without jeopardizing the water supply, reliability, affordability, or quality of service available to existing residents.

I am particularly concerned that ICSD's documented water-system challenges raise serious questions about its ability to take on a major new industrial customer. These concerns should be resolved through current, verifiable evidence rather than assumptions about future capacity.

Third, the applicant must demonstrate that the applicable protest process presents a realistic path to approval.

The community has expressed substantial opposition to the proposed data center, including opposition among the vast majority of ICSD households. If annexation is required, the applicant should explain the applicable protest procedures, identify the relevant voters and property interests, and demonstrate that the proposed boundary change has a realistic path to approval.

I recognize that opposition among a majority of households does not necessarily, by itself, satisfy the statutory requirements for blocking annexation. The applicable thresholds and consequences depend on the governing law and the circumstances of the proceeding.

Nevertheless, substantial community opposition is a material practical consideration that should not be ignored when evaluating whether the applicant has a realistic pathway to obtaining water service for a project as deeply unpopular as this.

These unresolved requirements reinforce why the Commission must distinguish between a preliminary expression of willingness to serve and an established, legally authorized, and dependable source of water.

3. ICSD's documented water-system challenges make its capacity to serve a major new industrial customer a material concern

My concerns about ICSD's capacity are not based solely on speculation.

On June 6, 2025, the California State Water Resources Control Board's Division of Drinking Water issued ICSD a formal notice concerning deficiencies in its water system. The Board identified concerns regarding unsafe drinking water for residents and ICSD's ability to sustainably provide safe and affordable drinking water in the future. It directed ICSD to negotiate voluntary consolidation with Indian Wells Valley Water District, with a December 12, 2025 deadline for those negotiations.

This documented regulatory history raises important questions about ICSD's existing operational, managerial, financial, and infrastructure challenges and whether those challenges have been resolved.

The existence of a consolidation process does not, by itself, prove that ICSD lacks the capacity to serve the proposed project. However, it makes it especially important that the applicant demonstrate the district's present and future capabilities with reliable evidence.

I respectfully ask the Commission to require current documentation addressing:

- ICSD's existing water sources and the legal rights or allocations supporting their use.
- What role the ongoing Comprehensive Adjudication plays in this assessment.
- The quantity of water actually available for delivery to the proposed project after existing customers and other commitments are accounted for.
- The district's ability to meet existing drinking-water obligations and any outstanding regulatory requirements.
- The physical capacity of wells, treatment facilities, storage, pipelines, and distribution infrastructure to support the proposed additional demand.
- The financial, managerial, and technical resources necessary to provide reliable service over the full applicable planning period.
- The status and implications of the State Water Board's consolidation process for ICSD's operations, infrastructure, and long-term ability to provide service.
- Whether the proposed project would impose additional costs, reduce supply reliability, or otherwise adversely affect existing customers.

The applicant should not be allowed to rely on a preliminary service letter as a substitute for this evidence.

Residents of Inyokern already depend on a water system that has faced documented challenges. Before approving an exemption associated with a major industrial development, the Commission must establish that the proposed project will not jeopardize the district's ability to provide reliable water service to the community it already serves.

4. SB 610 and the requirement to demonstrate a reliable long-term water supply

California's water-supply assessment framework under SB 610 and Water Code section 10910, together with related statutory provisions, addresses whether sufficient water supplies are available for certain proposed developments over a 20-year planning horizon.

I ask the Commission to identify and apply the precise statutory requirements applicable to this project and explain how the applicant's evidence satisfies them.

The essential issue is straightforward: the applicant must demonstrate more than projected water demand and a supplier's stated willingness to provide service. The Commission must evaluate whether the supply is legally available, physically accessible, sustainable, and supported by the necessary infrastructure and approvals.

The reported service-area discrepancy creates an additional and fundamental uncertainty. Even if a sufficient source of water could theoretically be identified, the applicant must still demonstrate that it can lawfully obtain that water through an authorized service provider.

The Commission should require a complete and transparent water-supply assessment that addresses:

- The project's full projected water demand, including relevant operating scenarios and reasonably foreseeable increases in demand, particularly in light of the ongoing Comprehensive Adjudication.
- The actual source of the proposed supply and the legal rights, allocations, or other authorizations supporting its use.
- The amount of water reliably available after existing customers and other obligations are accounted for.
- The physical, technical, and financial capacity to deliver the required quantity and quality of water.
- The status and feasibility of all required boundary changes, service agreements, and regulatory approvals.
- The reliability of the supply under drought conditions and other reasonably foreseeable constraints.
- The enforceability and duration of the proposed service commitment, including what happens if annexation, water allocations, infrastructure improvements, or other prerequisites are not completed.

The applicant should also identify and document any alternative water source it proposes to use if ICSD cannot provide the required service. A speculative alternative should not be accepted as proof of a reliable supply.

A will-serve letter from a district that may not currently be authorized to serve the project site does not resolve these questions. Nor does it establish that the district has sufficient water to meet the project's demand over the full planning period.

If the applicant cannot demonstrate that sufficient water will be legally and reliably available throughout the applicable planning period, the Commission should not conclude that the project's water-supply requirements have been satisfied.

5. These uncertainties must be resolved before the CEC makes its SPPE determination

The Commission's decision should be based on a complete and accurate understanding of the proposed project's environmental consequences, including its water demands and potential effects on existing users and regional water resources.

The unresolved water-supply issues are directly relevant to that analysis. The Commission cannot meaningfully evaluate the project's environmental consequences if a fundamental assumption about the availability and delivery of water remains unverified.

Uncertainty regarding the service provider's legal authority, supply capacity, infrastructure, and ability to serve the project may affect the assessment of water demand, groundwater impacts, cumulative impacts, and consequences for existing customers.

These issues should not be deferred until after the exemption is approved or treated as matters that can automatically be resolved through later permitting.

I respectfully ask the Commission to require the applicant to establish its actual and legally supportable water-supply arrangements before relying on those arrangements in its environmental analysis.

If the applicant's water-supply showing depends on future approvals, infrastructure, or allocations that remain uncertain, the Commission should evaluate those dependencies openly and determine whether the requested exemption can lawfully be granted on the available evidence.

If the applicant cannot establish a reliable water supply and adequately address the resulting environmental concerns, the Commission should deny the SPPE and require the appropriate comprehensive environmental review.

The applicant should not receive the benefit of an exemption based on assumptions that have not been demonstrated to be realistic.

6. Requested action

For the reasons described above, I respectfully request that the California Energy Commission:

- Investigate and confirm whether the proposed project site lies outside ICSD's existing service boundaries. Require authoritative boundary maps and relevant records from ICSD and the appropriate LAFCo.

- Require the applicant to establish the legal basis for the proposed water service. Identify every required approval, boundary change, agreement, or other authorization and provide evidence of its status and feasibility.

- Require a complete demonstration of ICSD's actual capacity to serve the project. This must address water rights or allocations, available supply, infrastructure, technical and operational capability, financial capacity, and effects on existing customers. Include in the assessment the potential outcomes of Comprehensive Adjudication, and the impacts on potential water supplies.

- Require a complete and independently verifiable long-term water-supply showing. The applicant must demonstrate that its proposed source is legally available, physically deliverable, sustainable, and sufficient throughout the applicable planning period, including any applicable 20-year requirement.

- Evaluate the State Water Board's documented concerns regarding ICSD's water-system deficiencies and consolidation process. Require current evidence explaining how these circumstances affect the district's ability to serve the project.

- Do not treat the April 2, 2026 will-serve letter as sufficient proof of a reliable water supply unless its legal basis, assumptions, conditions, and supporting capacity evidence have been established.

- Pause any further review or consideration of approval for the SPPE until these material issues are resolved. If the applicant cannot demonstrate a legally available, reliable, and sustainable water supply and adequately address the resulting environmental concerns, deny the exemption and require the project to undergo the appropriate full environmental review.

- Ensure meaningful public review. Place the applicant's supporting documentation, the district's relevant records, and the Commission's analysis of these issues in the public record, subject to applicable legal protections for genuinely confidential information.

Conclusion

Water is a basic necessity for the residents and businesses of the Indian Wells Valley. As a Ridgecrest resident, I am deeply concerned about the prospect of approving a major industrial development based on a water-supply arrangement whose legal availability and practical feasibility have not been established.

The newly identified service-area issue makes this concern particularly urgent. If the project site is outside ICSD's existing boundaries, the applicant must establish a lawful and realistic path to obtaining service. It must then demonstrate that the district can actually deliver the required water without undermining the needs of existing customers.

Neither an expression of willingness to serve nor the possibility of future approvals is sufficient to establish those facts.

The Commission has an opportunity to address these questions before granting an exemption, rather than allowing unresolved water-supply assumptions to become the foundation for a major industrial development.

I respectfully urge the Commission to require evidence, not assurances; established legal authority, not assumed future approvals; and a reliable, sustainable water supply, not a preliminary promise of service.

Unless and until the applicant demonstrates that it can lawfully and reliably obtain sufficient water for the full applicable planning period, the CEC should not approve the requested Small Power Plant Exemption. If the applicant cannot make that showing, the exemption should be denied, and the project should be required to undergo the appropriate comprehensive environmental review.

Thank you for your consideration of these comments and for your responsibility to ensure that the Commission's decision is supported by a complete, accurate, and legally sufficient record.

Respectfully,

Jennifer Slayton
Ridgecrest, California