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Compliance with New Legislation - Updated Application and Abeyance Required

October 14, 2026

California Energy Commission (CEC)
Docket Unit
1516 Ninth Street
Sacramento, CA 95814
(Submitted via Electronic Docket)

Re: Mandatory Compliance and Lead Agency Integration of Newly Enacted Data Center Legislation (SB 887, AB 2469, AB 2619, AB 1577, SB 886, SB 1168, and AB 2383)

Dear Commissioners,

I am writing as a resident of the Indian Wells Valley to formally submit my comments and concerns regarding the proposed data center project in Inyokern within our valley that is currently undergoing review by the California Energy Commission, in light of new legislation which will be impacting the requirements for this projectâ€™s construction.

The Indian Wells Valley, where Inyokern is located, is a rural, arid, desert community highly sensitive to environmental, water, and infrastructural strains. As such, the recent passage of seven landmark California bills governing data centers - Senate Bill 887, Assembly Bill 2469, Assembly Bill 2619, Assembly Bill 1577, Senate Bill 886, Senate Bill 1168, and Assembly Bill 2383 - establishes strict legal mandates, transparency requirements, and environmental safeguards that directly apply to this proceeding and to this project.

Jurisdiction, Lead Agency Role, and CEQA Integration

While local counties typically handle conditional use permitting and local land-use entitlements, the California Energy Commission acts as the lead agency under the California Environmental Quality Act (CEQA) for this review path. Because comprehensive environmental review, water assessments, and grid-impact disclosures are mandatory prerequisites under the newly signed data center legislation before any valid local or state project approval can occur (see, e.g., AB 2469 and SB 887), in this case, it is the CEC that must compel, evaluate, and integrate these requirements directly into its CEQA review process. The Commission cannot advance a project that lacks the statutory water planning, electrical grid enhancements, financial disclosures, and environmental strictures required by state law unless it would be fully completed and permitted at all levels by implementing these bills on January 1, 2027. This project

will not meet that requirement, and so will be subject to all of the forthcoming requirements in each of these pieces of legislation.

Because of this, I formally request that the California Energy Commission halt current project approvals and reviews and require the developer to update its application to comply strictly with these new laws. Specifically, I request the following actions based on the explicit language and intent of the recent legislation:

1. Enforcement of Strict Environmental Review and Rejection of CEQA Exemptions (SB 887)

Under Senate Bill 887, private data center projects are legally barred from utilizing standard categorical exemptions under the California Environmental Quality Act (CEQA).

Therefore, I respectfully request that the Commission - acting as lead agency - reject any attempt by the applicant to bypass a thorough environmental evaluation, including through the SPPE application process they are currently requesting, and instead complete a full EIR at the level required through the complete AFC process. This is already appropriate because of the significant adverse environmental impacts, because the developer is piecemealing a 198MW project, and because the generator nameplate capacity of this first phase is actually 120MW. This latest legislative requirement only further demonstrates that the SPPE pathway is inappropriate and should not be approved for this proposed project.

Furthermore, should the developer seek any expedited judicial review pathway as an environmental leadership development project, they must prove complete adherence to SB 887â€™s strict requirements - namely, proving no increase in fossil fuel consumption, providing zero-carbon energy storage of at least four hours, and proving full, upfront payment of all grid-interconnection costs. I call for a comprehensive, non-exempt Environmental Impact Report (EIR) through the Application for Certification process that will fully and meaningfully analyze the project's direct impacts on Inyokern's local desert ecosystem, water, air quality, and ambient noise.

2. Mandatory Water Supply Assessments Before Any Approval (AB 2469)

Under Assembly Bill 2469, state and local permitting bodies are explicitly prohibited from approving discretionary or ministerial permits for data centers - or expansions increasing peak water use - unless rigorous documentation is provided.

Therefore, the Commission must not advance or approve the Inyokern project until the applicant provides a formal, legally binding Water Supply Assessment, detailed projections of maximum water use, and explicit drought-planning and water-efficiency measures. Given the acute water vulnerability of our desert region, a failure to provide this ironclad assessment must result in an immediate stall or denial of the permit. Additionally, given the current status of the local Groundwater Sustainability Plan and

ongoing Comprehensive Adjudication, this is a technical impossibility. So ultimately, I request that the CEC hold this project and application in abeyance until these items are settled and it can meet the requirements of AB2469 through a Water Supply Assessment that is based on more than speculation.

3. Submission of Water Estimations Under Penalty of Perjury (AB 2619)

Under Assembly Bill 2619, data center owners and operators are mandated to provide a good-faith estimate of expected water use, sources, and exact volumes (for peak days, peak months, and average years) under penalty of perjury prior to acquiring permits or licenses.

Therefore, I ask the CEC to require the developer to submit their water consumption metrics under penalty of perjury. These figures must be strictly scrutinized to ensure no understated estimates are used to mask the true toll this facility will take on local groundwater basins.

4. Ongoing Transparency and Efficiency Reporting (AB 1577)

Under Assembly Bill 1577, the CEC is directed to track and register data centers operating at 10 megawatts or more, requiring strict reporting on maximum electrical load, total energy consumption, and Power Usage Effectiveness (PUE).

Therefore, I request that the Commission mandate that if this project proceeds in any capacity, it is bound to public, ongoing tracking of its PUE and energy efficiency metrics to prevent extreme and unchecked resource hoarding in our community.

5. Full Ratepayer Protection and Prohibition of Subsidies (SB 886 & SB 1168)

Under Senate Bill 886 and Senate Bill 1168, the California Public Utilities Commission (CPUC) and local authorities are directed to establish specialized tariffs ensuring data centers completely cover their transmission infrastructure updates, distribution upgrades, and generation costs.

Therefore, I request that the Commission require the developer to transparently demonstrate that local Inyokern and Indian Wells Valley utility customers and residential ratepayers will bear zero financial burden for the costly grid extensions, substations, or transmission lines required to power this massive industrial complex. If the developer cannot prove they are funding 100% of these grid upgrades, the project must be deemed financially unviable.

6. Upfront Financial Collateral, Wildfire Liability, and Long-Term Commitments (AB 2383)

Under Assembly Bill 2383, electrical corporations must enforce tariffs requiring data centers to shoulder proportional wildfire mitigation and liability costs, accompanied by

long-term generation payment commitments of at least 10 years, early termination fees, and upfront financial collateral.

Therefore, I request that the CEC enforce strict financial security requirements - including long-term binding contracts and upfront collateral - to protect Inyokern from speculative development, ensuring that if the developer abandons the project, the community is not left with stranded liabilities or financial wreckage.

Conclusion

The people of the Indian Wells Valley and the community of Inyokern welcome sustainable economic futures, but we will not allow our water, our electric grid, and our peaceful desert environment to be compromised by resource-intensive data centers looking for regulatory shortcuts. The legislature has armed the state with powerful new oversight tools through SB 887, AB 2469, AB 2619, AB 1577, SB 886, SB 1168, and AB 2383.

And now, I respectfully request that the California Energy Commission incorporate these mandates into its lead agency review, compel complete compliance from the applicant before any further progress is made, and protect our community as both the legislature intends and as will be required without question if this project proceeds.

Sincerely,
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