

DOCKETED

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**State of California
State Energy Resources Conservation and
Development Commission**

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IN THE MATTER OF:

GEM ENERGY STORAGE CENTER

Docket No. 21-AFC-02

**GENERAL ORDERS REGARDING MOTIONS, ELECTRONIC FILING,
SERVICE OF DOCUMENTS, AND OTHER MATTERS**

The Committee¹ for the proceeding arising from the Application for Certification (AFC) for the Gem Energy Storage Center facility filed by GEM A-CAES LLC **ORDERS** the following requirements to apply to this proceeding. Many of these requirements are set forth in the regulations of the California Energy Commission (CEC)² guiding the conduct of proceedings.³ Additional requirements are adopted pursuant to the Presiding Member's authority to regulate the conduct of proceedings.⁴

Motions

Written motions may only be submitted by a party. The document's title shall include the word "motion," and the document shall include a statement of all relief or action requested in the first paragraph. In addition, the document shall include the grounds for the requested relief or action and citation to a rule, law, or other authority authorizing the Committee or CEC to grant the motion. Failure to follow the requirements of this order

¹ On March 24, 2022, the CEC amended the appointed Committee to consist of Kourtney Vaccaro, Commissioner and Presiding Member, and Andrew McAllister, Commissioner and Associate Member, to preside over any proceedings arising from the Application for Certification. (TN 242449.) Instructions for accessing documents in this proceeding are listed in the "Document Filing, Deadlines, and Service of Documents" section.

² The CEC is formally known as the "State Energy Resources Conservation and Development Commission." (Pub. Resources Code, § 25200.)

³ See California Code of Regulations, title 20, division 2, chapter 2, articles 2 & 3 (commencing with sections 1200 and 1210, respectively.) All subsequent citations are to title 20 of the California Code of Regulations unless otherwise specified.

⁴ See § 1203.

shall result in a denial of the motion with no further order or notice by the Committee or CEC.

Unless the Presiding Member sets forth a different schedule, responses to a motion shall be filed within 14 days of the filing of the motion. No replies to the responses are allowed unless ordered by the Presiding Member.⁵

Document Filing, Deadlines, and Service of Documents

All parties to this proceeding are required to submit documents and provide service of documents using the CEC's e-filing system.⁶ A Declaration of Service is not required for a document filed using the e-filing system. Prior to uploading documents to the e-filing system, parties shall review the Proof of Service list to determine if a paper copy of a document has been ordered pursuant to the "Hardship Waiver for Paper Copy Filers/Recipients," below. If paper copies are required, a Declaration of Service, in or similar to the form also linked from the web page, shall be filed with, or separately uploaded, to confirm that the paper copies were provided. If no paper copies are required, no Declaration need be filed.

After an uploaded document is approved for filing by the CEC's Docket Unit, the e-filing system will automatically send an automated email notification to persons on the Proof of Service list and to anyone who has subscribed for automated email notifications⁷ with a link to the document. Documents submitted into the CEC's e-filing system are considered to be filed at the time and date they are uploaded and accepted by the e-filing system, except that documents uploaded after 5:00 p.m. on business days or on a Saturday, Sunday, holiday, or other day the CEC is closed are deemed filed on the next business day.⁸

Unless a different deadline is stated in a notice, order, or other document, a deadline shall mean 5:00 p.m. Pacific Time. If the Committee sets an earlier time as a filing deadline, the document must be uploaded by the specified time.

⁵ See § 1211.5.

⁶ See §§ 1208 and 1211(b).

⁷ As described in the "Automated Email Notifications" section below.

⁸ See § 1208(b).

All documents filed in this proceeding are available via the “Docket Log (21-AFC-02)” link on the [proceeding's web page](https://www.energy.ca.gov/powerplant/caes/gem-energy-storage-center) at <https://www.energy.ca.gov/powerplant/caes/gem-energy-storage-center>, or scan (use the camera on your mobile device and hold it over the QR code) the following QR code:



Applications for confidentiality may be filed pursuant to the CEC’s regulations.⁹ If a document has an approved confidentiality designation, it will not be available to parties or the public, except as provided for in the CEC’s regulations.¹⁰

Hardship Waiver for Paper Copy Filers/Recipients

The Presiding Member may grant a waiver of e-filing requirements upon a showing that a person or party does not have reasonably efficient access to e-file documents. Any person may request permanent service of all documents in paper form. The Presiding Member may order such service only upon a showing that a person or party does not have reasonably efficient access to equipment that would allow the person to receive electronic notice of documents, or view information on the proceeding's website.¹¹

A party that is granted a waiver to file paper copies of documents shall mail or deliver a paper copy to the Docket Unit and any other party(ies) on the Proof of Service that require paper copies. The Docket Unit will convert all delivered paper copies to electronic files and e-file the documents for delivery to the other parties, automated email notifications, and posting to the website.

If a waiver is granted, other parties will be made aware by a ruling, and the party granted the waiver will be shown on the Proof of Service list with a physical mailing address but without an e-mail address. Parties submitting documents to the e-filing system shall, at the time of uploading, provide by mail or personal delivery a paper copy of the documents to any party who received a waiver and requires printed copies. If the document is larger than 50 pages, they may instead mail or deliver a compact disk, DVD, or USB stick (thumb drive) containing an electronic copy of the document, provided that the recipient is offered the opportunity to request a paper copy.

⁹ See § 2505.

¹⁰ See § 2507.

¹¹ See § 1211(c).

Exhibits

Documents that are intended to be presented as exhibits during a hearing shall, unless an exception is granted by the Presiding Member or Committee, be filed in advance of the hearing and referred to by Transaction Number (TN) or Exhibit Number during the Hearing. Exhibits must be filed as separate documents in order to assign separate Exhibit Numbers to them. Do not combine two or more exhibits into a single document. The e-filing system allows the uploading of multiple documents in a single upload transaction.

When asked to identify exhibits in advance of a hearing, the parties shall provide a table identifying the document by TN and an Exhibit Number from the range assigned to each party by the Committee. If the document is already filed in the system, it should not be re-filed; documents not yet filed in the system must be filed sufficiently prior to identification so that a TN can be provided to the Committee. If you wish to use a document filed in another docket, you must re-file it in this proceeding; exhibit numbers cannot be assigned to documents filed in another proceeding.

The Committee will enter the exhibit numbers into the e-filing system. The exhibits will be available to the parties and public via the “Exhibit List” link on the proceeding’s web page listed above, or directly on the [Exhibit List web page](https://efiling.energy.ca.gov/Lists/ExhibitList.aspx?docketnumber=21-AFC-02) at <https://efiling.energy.ca.gov/Lists/ExhibitList.aspx?docketnumber=21-AFC-02>. An updated Exhibit List is generated each time the link is selected.

If an exception to filing exhibits prior to a hearing is approved, hard copy documents may be submitted at the hearing to the Presiding Member. Additional hard copies for the other Committee member, Hearing Officer, Commissioners’ advisers and other parties at the hearing shall be provided. The Presiding Member shall cause a copy of each document to be filed; the filed electronic copies shall become the official copies of the documents.

Proof of Service List

The Hearing and Advisory Unit of the Chief Counsel’s Office maintains the Proof of Service List for this proceeding, which is available via the “Proof of Service List” link in the proceeding’s web page listed above, or directly at the [Proof of Service page](https://efiling.energy.ca.gov/Lists/POSList.aspx?docketnumber=21-AFC-02) at <https://efiling.energy.ca.gov/Lists/POSList.aspx?docketnumber=21-AFC-02>.

If you need a printed copy of the Proof of Service List for reference or to attach to a Declaration of Service when service of paper copies is required, print the list from the proceeding or contact the Public Advisor for assistance.

Report any changes to the Proof of Service List to the assigned Hearing Officer.

Format of Electronic Documents and Signatures

E-filed documents must be word-searchable, if feasible.¹² In some instances, electronic copies created by scanning a printed document are unable to be word searched, read by programs that assist the visually impaired, or easily read on small screen devices such as smart phones. The preferred method for creating a word searchable document is to create a “.pdf” (Portable Document Format) file.

The CEC’s e-filing system also accepts uploads of Microsoft Word formatted files (.doc, .docx) and converts them to .pdf as part of the uploading process. If you choose to complete the conversion process this way, you are advised to click on the link to the file on the filing confirmation page to verify that the converted file accurately represents the Word file you uploaded.

Signatures on electronic documents may be electronic; a copy of a wet signature is not required.¹³ Signatures may be indicated on electronic copies by embedding a scanned signature graphic, “Original Signed By,” “/S/,” or similar notation. The original printed copy of a document containing an original signature shall be retained by the party filing that document and produced if requested by the Presiding Member or CEC.

Cover or transmittal letters that do not add any substantive information to uploaded documents are not necessary.

Transcripts

Parties are responsible for identifying errors in the transcripts of the proceeding. Proposed corrections to the transcripts must be filed within 30 days of the filing of a transcript.

¹² § 1208.1(b).

¹³ § 1208.1(e).

Automated Email Notifications

Any person may subscribe to receive an automated email when a document is filed in the proceeding. Parties who are on the Proof of Service List will receive these automated emails and do not need to additionally subscribe for the proceeding. The proceeding's web page listed above provides a box to subscribe for automated email notifications, or [manage automated email subscriptions](#) at <https://www.energy.ca.gov/subscriptions>, or scan the following QR code:



Questions

Parties and members of the public may contact Hearing Officer, Reneé Webster-Hawkins at renee.webster-hawkins@energy.ca.gov, or at (916) 237-2507, for clarifications about this order or general procedural questions.

The CEC's Office of the [Public Advisor](#) provides assistance to members of the public participating in CEC proceedings. For information on how to participate in this proceeding, please contact the Office of the [Public Advisor](#) at publicadvisor@energy.ca.gov, or (916) 957-7910.

Further information about electronic filing and commenting is also provided on the [CEC's e-filing and e-commenting information web page](#) at <https://www.energy.ca.gov/proceedings/e-filing-and-e-commenting>, or scan the following QR code:



Dated: May 4, 2022

APPROVED BY:

Kourtney Vaccaro
Commissioner and Presiding Member
Gem Energy Storage Center Committee

Mailed to List Number: 7544