

**DOCKETED**

<b>Docket Number:</b>	21-AFC-02
<b>Project Title:</b>	Gem Energy Storage Center
<b>TN #:</b>	244476
<b>Document Title:</b>	CURE Petition to Intervene Willow Rock Energy Center Storage
<b>Description:</b>	CURE Petition to Intervene Willow Rock Energy Center
<b>Filer:</b>	Alisha Pember
<b>Organization:</b>	Tara Rengifo
<b>Submitter Role:</b>	Intervenor
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<b>Docketed Date:</b>	8/11/2022

**STATE OF CALIFORNIA**

**State Energy Resources Conservation  
and Development Commission**

In the Matter of:

WILLOW ROCK ENERGY STORAGE  
CENTER (FORMERLY GEM ENERGY  
STORAGE CENTER)

Docket No. 21-AFC-02

**PETITION TO INTERVENE BY  
CALIFORNIA UNIONS FOR RELIABLE ENERGY**

August 10, 2022

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**PETITION TO INTERVENE BY  
CALIFORNIA UNIONS FOR RELIABLE ENERGY**

Pursuant to section 1211.7 of Title 20 of the California Code of Regulations, California Unions for Reliable Energy (“CURE”) files this Petition to Intervene (“Petition”) in the Willow Rock Energy Storage Center, Docket No. 21-AFC-02 proceeding.

Section 1211.7(a) grants “any person” the right to file a petition to intervene which sets forth “the grounds for the intervention, the position and interest of the petitioner in the proceeding, the extent to which the petitioner desires to participate in the proceedings, and the name, mailing address, e-mail address, and telephone number of the petitioner.” Section 1211.7(c) provides that the “presiding member may grant intervention....”

This Petition is timely. The Commission has not promulgated a scheduling order with a deadline to file a petition to intervene. In the absence of a scheduling order, the deadline default is 30 days before the first evidentiary hearing. (Cal. Code Regs., tit. 20, § 1211.7 (b).) The Commission has not yet set a date for an evidentiary hearing on this matter. Thus, this Petition is timely.

CURE has an interest in the Willow Rock Energy Storage Center proceeding. CURE is a coalition of unions whose members' environmental and economic interests are affected by the Project. Union members live in the communities that suffer the impacts of projects that are detrimental to human health and the environment. Unions have a corresponding interest in acting to minimize the impacts of projects that would degrade the environment, and in enforcing environmental laws to protect their members.

The Project also affects the union members' longer term economic and environmental interests. CURE's coalition members construct, maintain, and operate conventional and renewable power plants, energy storage facilities, and other industrial facilities in California where the coalition members live, work, and recreate. CURE is equally committed to building both a strong economy and a healthy environment. Environmental degradation jeopardizes future jobs by causing construction moratoriums, depleting limited air pollutant emissions offsets, consuming limited freshwater resources, and imposing other stresses on the environmental carrying capacity of the state. This in turn reduces future employment opportunities. In contrast, well designed projects that reduce environmental impacts improve long-term economic prospects. Thus, the Project directly affects the union members' long term economic and environmental interests.

Finally, union members are concerned about projects that cause serious environmental harm without providing countervailing economic benefits. The Commission's siting process requires the Commission to determine whether the Project will have a substantial adverse impact on the environment. The Commission's process also provides for a balancing of the Project's socioeconomic and environmental impacts. CURE's ultimate position and participation in this proceeding will be determined based on all of the factors that will be considered by the Commission.

CURE has been granted intervention in all prior siting cases and small power plant exemption cases in which CURE has sought to intervene since the enactment of AB 1890. The Commission rejected the only challenge to CURE's participation in those cases, finding CURE's interests "undeniably relevant" to the proceedings. (In the Matter of Application for Certification for the High Desert Power Project, Docket No. 97-AFC-1, Order Granting Petition to Intervene at 2 (Dec. 24, 1997).) Most recently on February 14, 2020, CURE was granted intervenor status In the Matter of Application for Small Power Plant Exemption for the San Jose City Backup Generating Facility, Docket No. 19-SPPE-04. The same decision should be reached here.

If granted intervention in this proceeding, CURE wishes to participate fully in all phases of this proceeding. CURE has participated in permit proceedings for power and energy storage projects throughout California. In those cases, CURE identified informational deficiencies in the project

descriptions and environmental setting that prevented adequate assessments of impacts to the environment and public health. CURE also identified underestimated, unanalyzed, and unmitigated impacts related to construction air emissions, operational air emissions, public health, greenhouse gas emissions, biological resources, cultural and tribal resources, energy use, geology and soils, hazards, hydrology and water quality, land use and planning, noise, public services, transmission system engineering, recreation, transportation, utilities, wildfire, cumulative impacts on resources, and alternatives. For those projects, CURE has provided evidence, including expert testimony, regarding potentially significant impacts and feasible mitigation measures to reduce impacts to less than significant.

If granted intervention in this proceeding, CURE would like to participate in the topics of air quality, public health, greenhouse gas emissions, biological resources, energy use, geology and soils, hazards, hydrology and water quality, land use and planning, noise, public services, transmission system engineering, power plant reliability and efficiency, recreation, transportation, utilities, worker safety and fire protection, wildfires, cumulative impacts on resources, and alternatives. CURE respectfully reserves the right to participate in other topics, such as cultural and tribal cultural resources and mineral resources, should issues be identified warranting such participation. CURE may provide testimony, briefing, and cross-examination of witnesses.

Filings should be served on CURE as follows:

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For the foregoing reasons, CURE respectfully requests that the Commission grant its petition to intervene in this proceeding and allow CURE to participate as a party.

Dated: August 10, 2022

Respectfully submitted,

**Original Signed by:**

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Docket No. 21-AFC-02

DECLARATION OF SERVICE

I, Alisha C. Pember, declare that on August 10, 2022, I served and filed copies of the attached PETITION TO INTERVENE BY CALIFORNIA UNIONS FOR RELIABLE ENERGY, dated August 10, 2022, via email or U.S. mail to the addresses listed in the attached Proof of Service List. The most recent Proof of Service List, which I copied from the web page for this project at <https://efiling.energy.ca.gov/Lists/POSList.aspx?docketnumber=21-AFC-02>, is attached to this Declaration.

**For service to all other parties and filing with the Docket Unit at the Energy Commission: [check one]**

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I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and that I am over the age of 18 years.

Executed at South San Francisco, California, on August 10, 2022.

Dated: August 10, 2022

**Original Signed by:**

\_\_\_\_\_  
Alisha C. Pember



**CALIFORNIA  
ENERGY COMMISSION**

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## Proof of Service List

Docket: 21-AFC-02

Project Title: Gem Energy Storage Center

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