

DOCKETED

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BEFORE THE
CALIFORNIA ENERGY COMMISSION
PUBLIC INFORMATIONAL HEARING

In the matter of,)
)
Gem Energy Storage Center) Docket No. 21-AFC-02
)

IN PERSON AND REMOTE VIA ZOOM VIRTUAL MEETING

Rosamond Community Services District
Board Room
3179 35th Street West,
Rosamond, CA 93560

THURSDAY, AUGUST 11, 2022

4:30 P.M.

Reported By:
Peter Petty

APPEARANCES

Hearing Officer

Reneé Webster-Hawkins

Siting Committee Members & Advisors

Kourtney Vaccaro, Presiding Member
Andrew McAllister, Associate Member
Bryan Early, Advisor to Commissioner McAllister

Staff Present

Jon Hilliard, Siting, Transmission, and Environmental
Protection (STEP)
Eric Knight, STEP
Jared Babula, Staff Counsel
Dian Vorters, Staff Counsel
Dorothy Murimi, Public Advisor's Office

Applicants

Curt Hildebrand, Senior Vice President, Hydrostor, Inc.
Curtis VanWalleghem, Hydrostor, Inc.
Jeffery D. Harris, Attorney at Law
Samantha Neumyer, Attorney at Law
Ellison Schneider Harris & Donlan, LLP

Public Agencies

Lorelei Oviatt, Kern County
Ken Lerner, for CA Senator Shannon Grove
Carrie Swanberg, CA Dept of Fish & Wildlife
Sarah Bahm, CA Dept of Fish & Wildlife
Marshall Styers, Los Angeles Dept. of Water & Power

Public Comment

Sherri Timm
Luz Padilla
Becky Goodwin
Laura Rosenberger Haider

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P R O C E E D I N G S

1
2 August 11, 2022 4:35 P.M.

3 HEARING OFFICER WEBSTER-HAWKINS: My name is
4 Reneé Webster-Hawkins. I'm the Hearing Officer for this
5 proceeding. Excuse me, get my screens going. So, I am
6 the Hearing Officer for the proceeding the Energy
7 Commission is conducting on this application for
8 certification for the Gem Energy Storage Center project,
9 21-AFC-02. And I will hereby open the informational
10 hearing on the application, as Noticed in the docket for
11 this proceeding pursuant to CEC regulations section
12 1709.7.

13 I would like to the record to reflect that we
14 just concluded the site visit for the parties and the
15 public to view the proposed site for the project at 8684
16 Sweetser Road, Rosamond, California 93560, as well as
17 the Whirlwind Substation.

18 Next slide, please.

19 Just a bit of housekeeping. The Notice for
20 the site visit and informational hearing was published
21 on August 1, and it includes the agenda that we will
22 cover today. There should also be copies in the back of
23 the room for all the participants here today. This
24 hearing is being conducted as a hybrid meeting with the
25 assigned Committee, representatives of the parties, the

1 Public Advisor, and Hearing Officer appearing in person
2 here at the Rosamond Community Services District Board
3 Room, and other representatives of the parties
4 teleconferencing via Zoom. The public is participating
5 both in person, and via Zoom. As mentioned, Spanish
6 interpretation is being offered in person and on Zoom.
7 And all participants should be aware that this hearing
8 is being recorded.

9 You will hear us talk about a docket
10 repeatedly this evening. At the Energy Commission, each
11 power plant project has its own electronic file folder.
12 This electronic file folder is called the docket, and
13 you can access the docket through the Energy
14 Commission's website. During her presentation, the
15 representative of the Public Advisor will show you how
16 to find the docket, number 21-AFC-02, for this project.

17 Additionally, I will often use the term
18 project, or proposed project, and when I do, I will be
19 referring to the application for certification for the
20 Gem Energy Storage Center, as the project was named in
21 the application originally filed on December 1st, 2021.
22 I want to acknowledge that just last Friday, August 5th,
23 the applicant for this project notified the CEC of a
24 name change and is now referring to the project as the
25 Willow Rock Energy Storage Center.

1 To reduce the possibility of confusion, we
2 held off changing the name of the project in the docket
3 or on the CEC webpage until after the site visit and
4 informational hearing are concluded. However, this
5 evening, we will refer to the project as Willow Rock in
6 the hearing, pursuant to the notice provided by the
7 applicant.

8 So, before we turn to the purpose of the
9 meeting and scheduled agenda for the day, I do want to
10 briefly hand it over to the representative from our
11 Public Advisors office, Ms. Dorothy Murimi, to provide
12 all participants in the room and on Zoom with
13 instructions on how to participate in today's hearing.

14 Ms. Murimi?

15 MS. MURIMI: Thank you, Hearing Officer
16 Webster-Hawkins.

17 HEARING OFFICER WEBSTER-HAWKINS: Next slide
18 please.

19 MS. MURIMI: Next slide.

20 So, for individuals -- so for individuals that
21 are in the room, you can go ahead and utilize QR codes
22 in the back of the room located on the side of the wall
23 here. Or you can utilize cards that are on the table.
24 Fill out your name, affiliation, and bring them to me,
25 and we'll (INDISCERNIBLE) out. If you're utilizing the

1 QR codes, they'll be populated somewhere already for us,
2 and we'll call your name once public comment time
3 starts.

4 For individuals that are on Zoom, go ahead and
5 utilize the raise hand feature, looks like an open palm
6 or a high five at the bottom of your screen or device.
7 And if you are calling in, you would press star-nine to
8 indicate that you'd like to make a comment and star-six
9 to unmute on your end. Please be mindful if you're
10 utilizing -- depending on the device you're utilizing.
11 If you use speakerphone, we may not be able to hear you.
12 Now we'll have three minutes per person allotted for
13 public comment, and one representative per organization.
14 And once you're given the opportunity to speak, please
15 state and spell your name for the record and then you
16 may begin your comment.

17 Thank you, Hearing Officer Webster-Hawkins.

18 HEARING OFFICER WEBSTER-HAWKINS: Thank you,
19 Ms. Murimi.

20 Next slide please.

21 You will see this slide later in this
22 evening's presentation, when Ms. Murimi presents in more
23 detail about the ways that the public can participate
24 throughout the powerplant proceeding. But I wanted to
25 be sure that everyone in attendance here today has this

1 information about how to contact the Public Advisor if
2 you need any assistance in participating in today's
3 hearing.

4 Next slide.

5 So having addressed the housekeeping and
6 ensured public accessibility, we want to officially
7 welcome all of your participation here in this hearing.
8 We want to thank the community of Rosamond for readily
9 hosting this event here in the Rosamond Community
10 Services District board room.

11 The proceedings for this application for
12 certification for Willow Rock are being managed by a
13 Committee of Commissioners appointed by the CEC.
14 Including, to my right, presiding member and
15 Commissioner Kourtney Vaccaro, and associate member and
16 Commissioner Andrew McAllister. They're both joining me
17 here on the dais today, including Commissioner
18 McAllister's advisor, Mr. Bryan Early, and I'd like to
19 give an opportunity at this point for the committee
20 members to make any introductory remarks.

21 COMMISSIONER VACCARO: Thank you so much,
22 René. Good afternoon, everyone. As René mentioned
23 I'm Kourtney Vaccaro, a Commissioner at the Energy
24 Commission, and I'm the presiding member over this
25 proceeding. And it is my pleasure to be able to be here

1 with you today. It's been many years since we've been
2 able to be out in the communities where our projects are
3 located. It's very important, I think, for my fellow
4 Commissioners and I to be here with the community, to
5 understand community concerns, to be accessible.

6 So, I'm very pleased to be here and I'm
7 gratified as I look around the room; this is a packed
8 room. This tells me that it's important for public
9 officials, community members, and others to understand
10 what this project is, what does it mean, what are the
11 implications, what are possible benefits?

12 And so, I think, like you I'm in a learning
13 mode. I'm very intrigued by the technology, it's very
14 new. I want to understand what the applicant is going
15 to explain to us. I think equally importantly, I want
16 to hear Energy Commission staff tell us -- hey, here are
17 the environmental and other impacts that we're looking
18 at. Here are some of the issues that we're seeing that
19 might need to be resolved early on, or throughout the
20 proceeding.

21 And so, we're going to hear from Applicant.
22 We're going to hear from Energy Commission Staff, and
23 you're also going to hear later on from our Public
24 Advisor. And to me, that's one of the most important
25 aspects of today's proceeding. Because the Public

1 Advisor is going to explain how you, as members of the
2 public, can participate in this proceeding. How you can
3 ask questions, how you get questions answered. Whether
4 or not you just want to be a member of the public paying
5 attention, or if you actually want to intervene and get
6 some sort of party status in this proceeding.

7 And that's something of significance that will
8 be explained later. What it means to be a party. So
9 many different ways for the public to learn about the
10 project, to participate in the proceedings, and to have
11 their voices heard. This is just the beginning, I
12 think, of what's going to be maybe a years-long process.
13 And so again, I'm very pleased to be here.

14 I thank the Rosamond Community Services
15 District for the kindness that you've shown the Energy
16 Commission, and allowing us to use this boardroom. I
17 thank the applicant for hosting the tour, giving us a
18 sense of what the site looks like. The rendering is
19 helpful to be there to understand where a project is
20 situated in a community. That allows us to understand
21 where sensitive receptors are. It allows us to see how
22 close the project is to residents. It allows us to
23 better understand community concern. So, appreciate
24 that we were able to do that.

25 We have a packed agenda. There's so much more

1 I could say, I'm gonna be quiet. I'm gonna let Mr.
2 McAllister speak. But again, truly, I appreciate seeing
3 this turnout, and I'm very grateful to be here this
4 evening.

5 COMMISSIONER MCALLISTER: Thank you,
6 Commissioner Vaccaro. I am also very happy to be here.
7 I'm Andrew McAllister, the associate member on the
8 committee. And I too am extremely interested in digging
9 into this and really getting into the brass tacks of
10 this process.

11 I wanted to just reiterate though that access
12 is key. Our process really is our strength in going
13 through a new and innovative application of technology
14 at this kind of scale. And, you know, community
15 concerns are paramount. And, you know, we want to just
16 make sure that everyone knows that they have full access
17 to the process.

18 It is a fairly structured process. And that's
19 for a very good reason. So that we can maintain a
20 docket that is robust and transparent, such that we get
21 the end of the process with whatever decision comes out
22 of it, that in a way that's as accountable and as
23 transparent as possible, and based on the record.

24 And so, it's really -- if there are concerns
25 in the public or any of the stakeholders, or if we have

1 an intervener, it's just paramount that we hear from
2 those entities. That's the strength of -- that's why
3 we're here, to begin that process, and sort of began to
4 connect the dots on this project in the real world,
5 right? Instead of just on paper.

6 And so, I want to thank the Rosamond Community
7 Services District, and the County as well, for just all
8 the innovation. This, and just sort of the support of
9 our clean energy transition, or just our energy economy
10 generally, as well. And on our team, you know, we have
11 the Hearing Officer Webster-Hawkins, we have our Chief
12 Counsel's Office, Dian Vorters, Jared Babula here. The
13 Public Advisor, Dorothy Murimi, is here. So, you know,
14 we really have our A-Team here for this process. And
15 it's not just here today it's throughout the proceeding
16 as it goes forward.

17 So, as Commissioner Vaccaro said, it's --
18 there's a interesting and exciting, you know, kind of
19 profile to this project, because it is innovative. It
20 hasn't been done like this before. And, you know, we're
21 looking forward into the sort of, the clean energy
22 ecosystem and all its elements in California as we move
23 towards a decarbonized energy economy.

24 So, we are obligated to really dig into the
25 details, to run every potential scenario to ground, to

1 really try to deepen our understanding. So that we have
2 comfort -- gesundheit -- so we have comfort in the
3 decision as it moves forward, as the process move
4 forward, and we near a decision. So that access is key.

5 And, you know, finally, I'll just say, we are
6 making ever more effort at the Commission to open
7 access, open language access to our processes. I really
8 appreciate that we have translation here present today.

9 (CONTINUES IN SPANISH)

10 So wanted to just, you know, we know that this
11 is a diverse community, and really want to just create a
12 comfort with participation in the process for everyone
13 in the community. Right? And not everybody can be here
14 today. But, just every kind of pathway for
15 participation we want to keep open.

16 So, I just can't emphasize that enough. You
17 know, a big infrastructure investment like this needs
18 that kind of participation. So, really happy to be
19 here. And again, thanks to everyone and thanks to the
20 Hearing Officer for really keeping us moving forward.
21 And finally, thanks to the applicant for an interesting
22 tour, and sort of beginning to ground truth. So, thank
23 you.

24 HEARING OFFICER WEBSTER-HAWKINS: Thank you,
25 Commissioners. As Commissioner McAllister indicated,

1 for the CEC staff we have with us today Mr. Jon Hilliard
2 of the Siting, Transmission and Environmental Protection
3 Division, or STEP. We also have Ms. Dian Vorters, and
4 Mr. Jared Babula as Staff attorneys for STEP. Also for
5 the applicant, we have with us, Curt Hildebrand, Senior
6 Vice President for Hydrostor, and Jeffrey Harris and
7 Samantha Neumyer of Ellison, Schneider, Harris and
8 Donlan. You're going to be hearing more from them in
9 their presentations in just a bit.

10 In welcoming all of you here today, and as you
11 participate, I do invite you to indicate your preferred
12 pronouns as appropriate, so we can respect your self-
13 identification. So, at this point, I would also like to
14 ask if there are any representatives of local regional,
15 state or federal governments, government agencies, or
16 representatives of Native American tribes. And if so, I
17 would invite you just to come forward to the podium to
18 introduce yourselves

19 MS. OVIATT: Good afternoon. I'm Lorelei
20 Oviatt. I'm the Director of the Kern County Planning
21 and Natural Resources Department, and I'm here
22 representing the Kern County Board of Supervisors.
23 Thank you.

24 MR. LERNER: Good afternoon, everyone. My
25 name is Ken Lerner. I'm a field representative for

1 State Senator Shannon Grove of the 16th Senate District.

2 And, just very happy to be here. It was a wonderful
3 site tour, and glad to be a part of this. Thank you.

4 MS. MURIMI: And Hearing Officer Webster-
5 Hawkins, we also have an individual on Zoom.

6 HEARING OFFICER WEBSTER-HAWKINS: Thank you.

7 MS. MURIMI: Carrie Swanberg?

8 MS. SWANBERG: Hi there. Yeah, this is Carrie
9 Swanberg, from the California Department of Fish and
10 Wildlife. I work in the Renewable Energy Program.

11 MS. MURIMI: Thank you. Next, we have Sarah
12 Bahm.

13 MS. BAHM: Hi, I'm Sarah Bahm. I am I'm a
14 Senior Environmental Scientist Specialist with
15 California Department of Fish and Wildlife, and I work
16 in the CESA permitting unit.

17 MS. MURIMI: Thank you. Next, we have
18 Marshall Styers.

19 MR. STYERS: Hi my name is Marshall Styers,
20 and I work for the Department of Water and Power
21 representing the department's interest in this project,
22 and I work in the Environmental Planning and Assessment
23 Group. Thank you.

24 MS. MURIMI: That is all for Zoom.

25 HEARING OFFICER WEBSTER-HAWKINS: Next slide

1 please.

2 So, as you've heard from the Committee
3 members, the purpose of this informational hearing is
4 really to inform you, the public, about the proposed
5 Willow Rock project, and to explain the CEC process
6 described in our statutes and regulations that governs
7 the CEC's review and analysis of the environmental
8 impacts, safety, and reliability of the project,
9 including the construction and long-term operation of
10 the power plant.

11 During this hearing, you will learn about the
12 project in detail from the project applicant. To
13 quickly set the stage, Willow Rock is described in the
14 application as an advanced compressed air energy storage
15 or, A-CAES facility, with a nameplate capacity of 500
16 megawatts. It will be located at 8684 Sweetser Road,
17 outside of Rosamond, in Kern County, on a 71-acre site.

18 Just prior to this hearing, the CEC organized
19 a site visit for those interested members of the public
20 to view the proposed site. This informational hearing
21 is designed to provide more detailed information to the
22 project -- about the project to the public. In
23 particular to this community, and to interested local
24 and state agencies.

25 You will receive information about the

1 different ways you can participate in the CEC's
2 powerplant licensing process, including the review and
3 consideration of this Application for Certification for
4 the Willow Rock Energy Storage Center. This hearing
5 kicks off the opportunity for interested persons to
6 participate.

7 To clarify, this hearing is not considered as
8 part of the evidentiary process, which will commence
9 later on. However, it is very much a part of the
10 administrative record for the application for
11 certification for Willow Rock. On behalf of the
12 Committee, my role as Hearing Officer is to facilitate
13 this evening's hearing as an opportunity for the public
14 to learn more about the proposed Willow Rock project and
15 the CEC's process for reviewing the application.

16 Additionally, as you've heard, the Committee
17 is keenly interested in listening to the questions and
18 comments from all voices in the community. This
19 includes members of the public, representatives of
20 community and government organizations, and elected
21 officials alike. The committee encourages all
22 participants to ask questions and invites the applicant
23 and CEC Staff to answer those comments and questions as
24 you are able.

25 Next slide.

1 To accomplish these objectives for the
2 hearing, the following agenda will frame this event.
3 First, we will invite the applicant, CEC Staff, and the
4 Public Advisor to deliver prepared presentations. The
5 applicant will describe in more detail the Willow Rock
6 project. CEC Staff will describe the Application for
7 Certification process, as well as Staff's role as a
8 party in the proceeding, and in reviewing the AFC. And
9 the Public Advisor's representative will describe the
10 formal and informal ways that interested members of the
11 public can participate in the Willow Rock AFC
12 proceeding. Depending on our timing, we may take a
13 break after those three presentations.

14 Next, the Committee will facilitate an initial
15 discussion of the environmental and other identified
16 issues for the Willow Rock project. Please note that
17 this hearing is informational, and that no evidence is
18 intended to be weighed, nor will the committee make any
19 decisions. Rather, the purpose of the discussion will
20 be for the committee to listen to a summary of the
21 issues identified by Staff, and Staff's proposed plan
22 for discovery, as well as Applicant's initial response.

23 In similar fashion, there will be a discussion
24 about the schedule for the review of the Willow Rock
25 AFC. The Committee will invite Staff and Applicant to

1 summarize any motions, or proposals for workshops, or
2 meet and conferral, in order to harmonize the
3 expectations or reliance of the applicant on the
4 statutory timelines for the Commission's final decision
5 of the AFC, combined with the concerns articulated by
6 staff about gathering sufficient information to complete
7 their required assessments of the project.

8 After those discussions, we will invite the
9 public to make comments and ask questions. Again, the
10 committee will encourage the applicant and CEC to answer
11 those questions from the public as they are able. And
12 then after public comment, the Committee has the option
13 to retreat into closed session to deliberate on the
14 information presented this evening. And finally, after
15 that, we will adjourn the informational hearing. Does
16 anyone have any questions about how we're going to
17 proceed?

18 So, hearing none, next slide please. Good.

19 To continue with my presentation as the
20 Hearing Officer, I want to acknowledge all of the people
21 and groups that the CEC considers to be participants, or
22 potential participants in each CEC -- AFC proceeding.
23 The CEC, or the Energy Commission, is the state's
24 primary energy policy and planning agency. It is made
25 up of five Commissioners who are appointed by the

1 governor.

2 The decision on whether to approve or deny the
3 powerplant project is made by the full Commission. As
4 mentioned earlier, the Commission assigned a Committee,
5 including presiding member Commissioner Vaccaro, and
6 Associate Member Commissioner McAllister, to manage
7 these proceedings. The Committee manages the
8 proceedings and conducts Committee events, such as the
9 informational hearing tonight.

10 The Committee hears evidence about the
11 project, including its potential environmental impacts.
12 And then, the committee then produces a written
13 decision, called the Presiding Member's Proposed
14 Decision, that is considered by the entire Energy
15 Commission. I will give you a more detailed explanation
16 of the Presiding Member's Proposed Decision in just a
17 little bit when we talk about how the Energy Commission
18 reviews requests to build power plants.

19 Each Commissioner has an advisor, such as Mr.
20 Early, joining us tonight, who helps them with their
21 work, including work done on powerplant applications. I
22 am the Hearing Officer. I'm an attorney assigned to
23 help the Committee conduct the meetings and hearings,
24 and to assist them in writing documents for the proposed
25 project. When I refer to the Committee, I'm generally

1 referring to all of the people sitting here on the dais
2 today.

3 CEC Staff from the Siting Transmission and
4 Environmental Protection Division, together with their
5 Staff Attorneys, have the responsibility to analyze
6 proposed projects like Willow Rock, and I'll describe
7 that a little bit more in just a little bit. The
8 Applicant is the entity who applies for a license to
9 build and construct a powerplant. Gem A-CAES LLC, in
10 this case, is the organization that initially filed the
11 application for certification for the project on
12 December 1, 2021, and is thus considered the Applicant
13 for this proposed project.

14 The CEC solicits input from government
15 agencies at the local, state, and federal levels,
16 particularly on applicable laws, ordinances,
17 regulations, and standards that apply to the project or
18 site. The CEC also consults with Native American tribes
19 and nations on proposed projects. The CEC Staff will
20 talk more about their outreach in consultation with
21 government agencies and Native American tribes in their
22 presentation.

23 As you've heard, the public is an essential
24 voice in the CEC powerplant licensing process. We are
25 committed to robust public outreach, and to facilitating

1 public participation in our process. The Public Advisor
2 is the position dedicated in law to assisting the public
3 with participation in these proceedings. And a
4 representative from her office, Ms. Murimi, will
5 describe more how the public can participate both
6 formally and informally.

7 Lastly, intervenors are interested groups and
8 individuals who want to become formal parties and take a
9 more active role in the process. As a party,
10 intervenors can participate in evidentiary hearings by
11 introducing their own evidence, and cross examine other
12 parties. Ms. Murimi will also describe how to become an
13 intervenor in this proceeding.

14 Next slide, please.

15 So, to set the stage for today and the entire
16 proceeding for Willow Rock, I want to provide a
17 description of the CEC's role as concisely, but as
18 completely as possible. I usually do not like to read
19 slides, but reading the words on this slide are
20 important for all of you to understand what the CEC's
21 role and authority is in reviewing the application for
22 certification, and deciding whether or not to approve or
23 deny a license for Willow Rock to be built and operated.

24 Under state law, in the Public Resources Code,
25 also known as the Warren-Alquist Act, the CEC has

1 exclusive permitting authority over thermal power plants
2 that are 50 megawatts or greater. In granting this
3 authority to the CEC, the Warren-Alquist Act sets
4 specific and comprehensive requirements for the review
5 of the potential environmental impacts, engineering,
6 safety and reliability aspects of the proposed thermal
7 power plants, and its related facilities like
8 transmission lines.

9 This permit, if approved by the CEC, is the
10 exclusive permit for the construction and operation of
11 the powerplant, in lieu of any other required permits.
12 Therefore, the CEC serves as the one stop shop for the
13 licensing of a facility of this type. You will hear
14 this evening how the Warren-Alquist Act charges CEC
15 staff with reviewing the applications.

16 Following staff review of the application and
17 evidentiary hearings conducted by the Committee, the
18 Committee will issue a Presiding Member's Proposed
19 Decision that makes the recommendation to the full
20 Commission to approve, deny or modify the proposed
21 project. In the end, the Commission must determine
22 whether the proposed powerplant and related facilities
23 will conform with any applicable state, local or
24 regional laws, ordinances, regulations or standards,
25 which we will often refer to as LORS.

1 Next slide please.

2 So, focusing on the environmental analysis for
3 a moment, the CEC is the lead agency for this proposed
4 project under the California Environmental Quality Act
5 or CEQA. The Warren-Alquist Act creates what is called
6 a certified regulatory program that the Energy
7 Commission uses to prepare its environmental analysis.

8 This certified regulatory program means that
9 the Energy Commission does not prepare an environmental
10 impact report per se. However, the Energy Commission
11 does prepare written documents that are substantively
12 equivalent to an EIR. These documents include an
13 analysis of the potential environmental impacts of the
14 project, including mitigation measures, which we call
15 conditions of certification, to reduce or eliminate any
16 significant adverse effects of a proposed powerplant,
17 that it may have on the on the environment.

18 The documents preferred -- prepared under the
19 certified regulatory program also discuss alternatives
20 to the proposed project. The Energy Commission's
21 analysis is very similar in substance to an
22 environmental impact report, but the process is
23 different. The names of the documents are also
24 different.

25 Next slide, please.

1 Procedurally, under the certified regulatory
2 program, the CEC Staff has a responsibility to analyze
3 proposed projects. It is important to remember that the
4 CEC Staff is considered an independent party under the
5 evidentiary process for the review of an AFC. Even
6 though the CEC staff and the committee members are all
7 part of the Energy Commission, the Staff functions
8 independently from the Committee, just like other
9 parties to this proceeding.

10 Therefore, CEC Staff will prepare an
11 independent evaluation of the environmental impacts of
12 the proposed project. The Staff's evaluation of the
13 application will include an analysis of the engineering,
14 reliability, public health and safety aspects of the
15 project. And additionally, CEC Staff will review the
16 federal, state, local laws, ordinances, and regulations
17 to see if the proposed powerplant will conform to them.

18 What's important to note is that under the
19 certified regulatory program, the documents that will
20 contain the environmental impacts analysis that you
21 would normally see in an EIR, will be in what we call a
22 Preliminary Staff Assessment, and then a Final Staff
23 Assessment.

24 After the comment period on the Preliminary
25 Staff Assessment is complete, the Energy Commission

1 Staff prepares a Final Staff Assessment. The Final
2 Staff Assessment includes the CEC Staff's responses to
3 any public comments received, and any changes made to
4 the analysis based on those comments. And in preparing
5 those documents, CEC Staff will hold workshops for the
6 parties to discuss substantive issues with government
7 agencies and the public. So, when the CEC Staff speaks
8 in just a few minutes, they will provide more detail
9 about their role and process.

10 Next slide, please.

11 You've heard about the evidentiary portion of
12 this proceeding. After the Final Staff Assessment is
13 filed, this Committee will hold evidentiary hearings.
14 At these hearings the parties, including any intervenors
15 will present evidence. During these hearings, the
16 Committee will listen to the evidence, and the public
17 will also be given the opportunity to participate in
18 those hearings and offer comments. All public comments
19 will become part of the record, but the committee cannot
20 base its proposed factual findings on public comments
21 alone.

22 Next slide, please.

23 After hearing all of the evidence, the
24 Presiding Member, with help from me and in consultation
25 with the Associate Member, will prepare the Presiding

1 Member's Proposed Decision. This written document will
2 contain the analysis and conclusions the Committee has
3 made about the factual and legal questions presented
4 during the evidentiary hearings. The Committee can
5 recommend that the proposed project be approved, denied,
6 or modified.

7 The Presiding Member's Proposed Decision, or
8 PMPD, will also contain conditions of certification that
9 are designed to mitigate any identified environmental
10 impacts. The conditions of certification also ensure
11 that if the proposed project is built, it will be
12 operated safely and in conformity with all relevant
13 laws, ordinances, and regulations.

14 However, if there are significant
15 environmental impacts that cannot be mitigated, or if
16 there is non-conformance with any LORS, the CEC must
17 adopt the Statement of Overriding Consideration before
18 approving the project. The PMPD will be available for
19 public comment for 30 days. And so, after that --

20 Next slide, please.

21 After the public comment period, the full
22 Energy Commission will consider the PMPD at one of its
23 business meetings. The Energy Commission can adopt,
24 reject, or modify the Presiding Member's Proposed
25 Decision. And once the Energy Commission has acted on

1 the Presiding Member's Proposed Decision, this is the
2 Energy Commission's final decision.

3 Next slide please.

4 Now I want to discuss something called the ex
5 parte rule. You're going to hear about this again from
6 the Public Advisor because it is important. The CEC's
7 certified regulatory program is different from most CEQA
8 processes that you may be used to with other government
9 agencies. And the ex parte rule is one important
10 procedural difference.

11 Because the Energy Commission and the
12 Committee act like judges, we take very seriously the
13 need to be fair to all of the participants in our cases,
14 whether they are parties to our proceedings or members
15 of the public. And one of the ways that we do this is
16 the ex parte rule.

17 The purpose of the ex parte rule is to provide
18 full disclosure to all participants about any
19 information that may be used as a basis for future
20 decisions on this application. This rule means that all
21 contacts between interested parties, including the
22 public, and the Committee, including the advisors and
23 me, the Hearing Officer, regarding any substantive or
24 controversial matter, must occur in only two ways. In a
25 public discussion at a meeting where Notice of that the

1 meeting has been given, such as tonight's informational
2 hearing, or through written comments through either the
3 e-commenting system, or other methods that the Public
4 Advisor will describe shortly, or that are
5 electronically filed by a party in the applications
6 docket.

7 These documents are automatically emailed to
8 all of the parties and subscribers on the listserv.
9 They are also transmitted to the Committee and are
10 available in the Energy Commission's website. What this
11 means, is that no party or member the public can be have
12 any off the record conversations about substantive
13 matters or issues in dispute about the Willow Rock
14 project with any Commissioner, Committee member,
15 advisor, or me as the Hearing Officer.

16 Next slide.

17 So next steps in this proceeding. As I as I
18 conclude my presentation, I want to give the parties and
19 public a signal of what you can expect following the
20 adjournment of this informational hearing this evening.
21 First, I will issue a Hearing Officer Memorandum to
22 change the name of this project. That memorandum will
23 formally direct the change of the name of the docket.

24 The docket number will stay the same, 21-AFC-
25 02, but it will change the name associated with that

1 docket number. It will change the name of the project
2 on the CEC webpage for the project. And all subsequent
3 documentation in this proceeding filed by any
4 participants or members of the public shall refer to
5 Willow Rock Energy Storage Center, or Willow Rock for
6 short.

7 Second, no later than August 22nd -- 26th,
8 excuse me, of 2022, and that's in 15 business days, 15
9 calendar days, excuse me, we will issue a scheduling
10 order for the pre-hearing phase of the proceeding,
11 laying out the timeframe for discovery, motions, and
12 other procedural requirements prior to the evidentiary
13 hearings. This scheduling order is our best estimate of
14 when things may occur in making a decision on the
15 proposed project. However, the schedule may change over
16 time. The committee may file updated schedules from
17 time to time to reflect changes that may occur.

18 Lastly, from time to time, if you subscribe to
19 the Gem or Willow Rock listserv or mailing list, you
20 will receive notice of meetings, workshops or hearings,
21 or for the release of documents. For meetings, the law
22 says the CEC must give the public at least 10 days
23 notice of the date and time of the meeting. Even if an
24 event is listed in the scheduling order, separate notice
25 of those individual events will be given.

1 So, these notices will include information
2 about how to participate by teleconference, phone, or on
3 the computer or how the public can provide comments at
4 those events. And for documents, the CEC will provide
5 notice when they are ready for review, and the deadline
6 to submit any comments that you may have on them.

7 I know that was a lot of information, but I
8 wanted to make sure everybody understands at a high
9 level, what the proceeding is going to look like, and
10 the Committee's role in managing the Willow Rock
11 application.

12 Next slide, please. Oh, let's see. There we
13 go. Good, thank you.

14 So, with that, I'm going to invite the
15 Applicant to the podium to deliver its presentation and
16 overview of the Willow Rock project. As you begin,
17 please reintroduce yourselves for the record, and spell
18 your last names for the court reporter.

19 MR. HILDEBRAND: Good afternoon. My name is
20 Curt Hildebrand, H-I-L-D-E-B-R-A-N-D. Too short. Is
21 that any better? The public can hear well?

22 Again, Curt Hildebrand, Senior Vice President
23 with Hydrostor. It's my pleasure to be here today. And
24 I do want to thank everybody that was able to make our
25 tour today, Your perseverance is to be admired through

1 the heat and the dust. And also, send my apologies to
2 members of the Commission, Commissioners, and members of
3 the public, we kind of got the order backwards in terms
4 of describing our technology after our site visit.
5 We're excited to be able to present that more in depth
6 discussion of advanced compressed air energy storage
7 technology, what our project will look like out on the
8 ground, and what our requirements are to make this a
9 valuable resource for the California grid.

10 I do want to take a moment to introduce some
11 of the Hydrostor team that is here today. Some have
12 traveled from our headquarters in Toronto, so I'd like
13 to take an opportunity. Dean Command is our Chief
14 Operating Officer, Curt van Wallengham is our CEO and
15 co-founder, Jeff Harris and Samantha Neumeyer are our
16 lead counsel on the project. David Stein is our lead
17 with WSP-Golder, helping with our environmental review.
18 Jeremy is also a WSP-Golder, Jeremy Paris. Who am I
19 missing? Julie Gill is with our Community and
20 Government Reg group. Russell Johnson, that -- should
21 have seen the other guy, right? Russell Johnson is our
22 current County Representative on Public and Community
23 Affairs.

24 Laurel Lees is our lead on environmental as
25 well, so we've got quite a team here. And who am I

1 missing, anybody? Victor Grill is our Project Director,
2 so we have a lot of folks to -- I just wanted to
3 highlight for anybody that may have questions going
4 forward, we do have a full team capable of answering
5 those questions here today.

6 Yeah, we will provide that in writing
7 afterwards. Happy to do so. One other last point of
8 housekeeping and clarification, our name change that was
9 described accurately. We are now the Willow Rock Energy
10 Storage Center, we were previously the Gem Energy
11 Storage Center.

12 Just to clarify the purpose behind that, there
13 is a Gem Hill Mine Project that is going through a
14 environmental review process here in Kern County. It
15 was recommended to us by Kern County that we consider a
16 name change, and we figured we would be more than happy
17 to accommodate. So henceforth, we are the Willow Rock
18 Energy Storage Center.

19 Next slide please.

20 Provide a quick outline of our presentation
21 this evening. We'll begin with a company background of
22 Hydrostor, and our technology, advanced compressed air
23 energy storage. I described it a little bit out on the
24 site, and we'll have a much more in-depth discussion
25 here tonight. We'll also have a four-minute video that

1 does an excellent job describing how the moving pieces
2 work for advanced compressed air energy storage
3 technology.

4 We'll also present a more in-depth discussion
5 of our project, beginning with the site and location.
6 Now that most folks have been out there, they'll
7 understand what we're proposing and where it is. Get
8 into some of the project overview and conceptual site
9 design. And also, some of the fundamentals and
10 timeline, discuss economic benefits and fiscal
11 attributes of the project, both in the region and in the
12 state. And, we'll work through some of the permitting
13 process as already been described. Again, the Energy
14 Commission being the lead CEQA agency, we're also in
15 close collaboration with Kern County, and other state
16 and federal process -- regulatory agencies as part of
17 the process. And more than happy to answer any and all
18 Q&A as we go forward.

19 Next slide.

20 I'd like to invite our CEO and co-founder,
21 Curt van Wallegghem, to present the next couple of
22 slides, as he's been around since our inception. We've
23 had a very rapid growth, and we're quite excited about
24 the future of advanced compressed air energy storage and
25 our project here at Willow Rock, and there's nobody

1 better to tell that story than Curt VanWalleghem.

2 MR. VANWALLEGHEM: Excellent. Thank you very
3 much, Curt. And to that Hearing Officer, Commissioners,
4 Staff, advisors, and all stakeholders. Really
5 appreciate the opportunity to come and share more about
6 this project with you.

7 So, a little bit about Hydrostor. When I
8 started the company in 2010, I was working at a nuclear
9 and wind generator that had trouble balancing wind and
10 solar. Tried to build pumped hydro, realized how much
11 water that took and how challenging it is to permit.

12 And then I was introduced to a gentleman who
13 had this idea -- taking compressed air, which has been
14 operating for about 60 years at the hundreds of
15 megawatts level in Europe as well as the United States -
16 - about making changes to it to make it far more
17 applicable, and help with the energy transition.

18 So, I was pretty intrigued. I got to know him
19 over a while and ultimately left my job, became a co-
20 founder, and we started the business, like I say in
21 2010. We're based in Toronto, Canada. We have a office
22 in Australia as well as a growing team, and we're gonna
23 have to find an office space out here in California as
24 we continue to grow.

25 We have built two facilities already, two

1 smaller facilities. We built one in downtown Toronto
2 with Toronto Hydro, right across from an elementary
3 school, a one megawatt-hour demonstration plant. We ran
4 that, we put that into service in 2015. Ran that for
5 five years, really optimized our technology.

6 We then got a commercial contract for an eight
7 megawatt-hour facility in the town of Goderich, across
8 the street from a residential neighborhood and a church.
9 And we constructed that, put it into service in 2019.
10 That's been operating now for three years, very
11 reliably, very quiet, and with a lot of stakeholder
12 support from the neighbors.

13 So now that we've demonstrated that our
14 technology has a lot of merit, it is a lot more dense,
15 and can do a lot of things that pumped hydro can't, and
16 it's a lot lower cost than batteries and lasts much
17 longer. We were backed by Goldman Sachs Asset
18 Management and the Canadian Pension Plan to go and build
19 a flagship project for the world to see, and to really
20 show what it can do to build a business to try to help
21 the globe transition.

22 That is this project, the Willow Rock project,
23 that we want to build with everybody's support. And we
24 want to be a big, big portion of this community, and
25 have people come from around the world to tour the

1 facility and to not only create a lot of local economic
2 development, but also support California at large. And
3 we're building out a series of projects behind that.
4 But really, this being the flagship.

5 So, with that I have one more slide where I'll
6 walk through the technology and how it works. If I
7 could have the next slide, please.

8 So, the way our facility works, and the video
9 may do a little bit better than I can, but there's
10 really four steps in the process. The first one, is you
11 compress atmospheric air. So, it just pulls in air from
12 the atmosphere and runs it through an air compressor.

13 Same compressors that are used in many
14 different industries. They've been built and operated
15 for many decades. That pressurize the air, it gets very
16 dense. As you compress that air it gets hot, just like
17 your bike pump would heat up when you compress air into
18 the tire. Typically, a conventional compressed air
19 would just waste that heat.

20 What we do is we take the air and run it
21 through a shell and tube heat exchanger to pull the heat
22 out of the air and store it in hot water. And that gets
23 up to about 200 degrees C. So now the air has been
24 cooled down to about 30-40 degrees Celsius.

25 It then gets sent through an airline, about

1 12-inch airlines, 2,000 feet underground to a cavern
2 that we've hollowed out. And as Curtis mentioned at the
3 site tour, the total volume for this facility, which
4 would be by far the largest facility in California
5 storing energy, is about a football field cubed. It's
6 done through a series of smaller tunnels all underneath
7 our aerial footprint.

8 And so, as the air comes and starts filling
9 the top of the cavern, water that has otherwise filled
10 the caverns is displaced and lifted up to the surface,
11 and spills into that surface pond. That pond is very
12 small relative to pumped hydro, about two to three
13 percent of the water compared to an equivalent pumped
14 hydro plant. And we make up for the evaporative losses
15 through when you compress air drops water out.

16 And so, when this facility is fully charged,
17 you have hot water, 200 degrees C, in a steel tank under
18 pressure wrapped in insulation, and air in the cavern
19 that's kept under pressure by that water head up to the
20 surface, and a valve holds it in. You can leave it
21 there for days, weeks, and then when the grid needs
22 power that valve opens up.

23 The weight of the water starts bringing that
24 air back to the surface. It goes in reverse through the
25 shell and tube heat exchanger, heats up again, and then

1 goes through an air turbine. It's very similar to like
2 a steam turbine, but it just pushes hot air. Spins a
3 fan, and the air goes back to the atmosphere.

4 So that's how it works. It only uses air rock
5 and water. Very simple, very compact and very robust
6 and long-life. These caverns, there's hundreds of these
7 hard rock caverns used for other purposes across the
8 United States. 60, 70 years of operation, and they're
9 still working perfectly fine. Very few if any have been
10 shutdown due to structural integrity. The equipment is
11 all made by the largest OEMs in the world, Siemens, GE,
12 Man Turbo, come with long term warranties.

13 So, a very reliable system. We've proven the
14 process at a small scale. We have insurance from the
15 largest insurance companies that will guarantee its
16 operation. We've lined up some of the biggest EPC
17 companies to build it for us, putting their reputation
18 and balance sheet on the line to guarantee the
19 construction.

20 So, that's the technology. We have patented
21 it as our company, and the real -- the two big
22 innovations that we brought to conventional compressed
23 air. All we do that's different from those plants that
24 have been running for 60-70 years is one, we store the
25 heat instead of wasting it and burning natural gas,

1 because you have to preheat air before it goes through
2 the turbine, otherwise it'll ice up. So, they would
3 burn some natural gas to preheat the air. We store
4 enough heat in hot water, we use that to preheat the
5 air.

6 And the second, is they would typically only
7 build them where there was salt caverns, because salt is
8 airtight and they would pressurize it like a SCUBA tank
9 and make it really high pressure. We brought this
10 hydrostatic compensation, this idea of using water to
11 backfill the pressure to keep it very low pressure, so
12 it doesn't stress the rock. And that's used in many
13 different mining applications. So, we've just brought
14 things from adjacent industries to a very proven asset
15 class, to ultimately what we think is an important
16 technology to help with the energy transition.

17 So that's a little bit about Hydrostor and the
18 technology. I believe the next slide should trigger a
19 video, as Curtis mentioned, about a four-minute video,
20 walking through the technology and hopefully it makes a
21 bit more sense now that I've given that brief
22 introduction.

23 HEARING OFFICER WEBSTER-HAWKINS: So, would
24 you like the video to play now?

25 MR. KNIGHT: Please if that's possible.

1 HEARING OFFICER WEBSTER-HAWKINS: Yes. Ngoc,
2 are you able to launch the video?

3 (Video Plays)

4 Hydrostor, advanced compressed air energy
5 storage, is a cost effective, emission-free storage
6 solution that can be sited where needed, delivering
7 hundreds of megawatts and four to 24 hours of long-
8 duration bulk energy storage.

9 The system consists of three main components.
10 First, the plant, which includes a compressor and
11 turbine generator, thermal management system, and
12 balance of plant equipment. Second, a closed loop water
13 reservoir providing hydrostatic compensation to maintain
14 the system at a near constant pressure during operation.
15 Lastly, the system utilizes subsurface infrastructure,
16 which is constructed using proven industry standard
17 mining techniques, including a blind bore shaft, and
18 purpose-built air caverns.

19 Here's how it works. The system uses off-
20 peak, or surplus energy from the grid or a renewable
21 source, to run the compressor, which produces heated
22 compressed air. Heat generated during compression is
23 extracted from the air stream and captured by the
24 thermal management system for later reuse. This
25 adiabatic process, which uses sensible heat storage,

1 increases overall efficiency and eliminates the need for
2 fossil fuels during operation. Once the heat is
3 extracted, the compressed air is sent underground and
4 stored in purpose-built caverns, where it is
5 hydrostatically compensated, displacing water up the
6 shaft and into the closed loop reservoir.

7 The system is now fully charged, capable of
8 delivering power on-demand over a standby period ranging
9 from hours to days. When power is required, hydrostatic
10 pressure forces the compressed air to the surface. It
11 is reheated by the thermal management system, reusing
12 the heat from compression and expanded through the
13 turbine to generate electricity on demand.

14 No fuels are used in the process, resulting in
15 zero emissions. This method of charging and discharging
16 significantly reduces water and land requirements,
17 removing siting constraints, and resulting in minimal
18 environmental impact. Hydrostor Advanced CAES is as
19 reliable as pumped hydropower, but without the
20 geographic or siting constraints.

21 The key benefits of Hydrostor advanced
22 compressed air energy storage are: bulk scale long-
23 duration energy storage, delivering hundreds of
24 megawatts, and four to 24 hours of duration; low
25 installed cost per kilowatt hour with no fuel costs; no

1 hazardous chemicals or use of fossil fuels; a
2 proprietary built air accumulator allows for flexible
3 project siting; system life up to 50 years, with
4 effective unlimited cycling; built entirely from
5 bankable equipment from tier one OEM suppliers with
6 decades of proven operation providing low development
7 risk through performance guarantees and bonding
8 availability; charge, discharge, and storage capacity
9 are set independently to optimize system design;
10 synchronous generation provides rotational inertia,
11 supporting electrical grid stability and resiliency.

12 The system also delivers voltage support,
13 spinning reserve, black start, and frequency response.
14 Adiabatic process reuses heat or compression, resulting
15 in enhanced round trip efficiency. Hydrostor's
16 technology is uniquely suited to help address
17 electricity system needs for dispatchable capacity.
18 Including fossil plant and mine repurposing, as well as
19 renewable integration, transmission deferral, and behind
20 the meter, or remote applications for mines and large
21 industrial operations.

22 Hydrostor, advanced compressed air energy
23 storage.

24 MR. HARRIS: I would like to make folks aware
25 the -- this video is on YouTube. The link is shown here

1 in the presentation. And if you just put Hydrostor in
2 the search bar, this video, if anyone's interested in
3 viewing it or sharing it, it's readily available online.

4 Next, we'd like to move into a more in-depth
5 discussion of Willow Rock itself. The -- as we stated
6 out at the site, we are located at the corner of
7 Sweetser and Tehachapi Willow Springs Road, the
8 northeast side. We're on the escarpment of the Willow
9 Springs Butte.

10 And again, the reason behind that -- that
11 volcanic intrusion there is the likely host of a
12 geologic formation that would be satisfactory for us to
13 locate our underground caverns. That's the long way of
14 saying we need very hard, very low permeability, very
15 low porosity rock formations, geologic formations, at
16 our target cavern depths of approximately 2,000 feet.

17 So given that volcanic feature, that's why we
18 located at this location, some 10 miles away from the
19 Whirlwind substation. Ideally, we'd be right next to
20 the substation, but geologically speaking, this made
21 more sense to us to locate it here next to this butte.
22 And as you've seen out at the site, the cores that we
23 are currently pulling out of that -- those bore holes,
24 are looking very promising as a granitic formation at
25 depth. We're currently sited on 70 acres.

1 Next slide, please.

2 The transmission line that we drove along to
3 at least get out to Whirlwind substation, again, we have
4 a preferred route, which is real hard to see here. It's
5 in black runs through the middle of a number of new
6 solar projects being built in the vicinity, and existing
7 solar projects, and ends up running than close to some
8 existing wind turbine. So, obviously a very prolific
9 renewable energy resource region. And we're very
10 excited to be proposing to be part of that with a long-
11 term storage solution that can maximize the benefit,
12 value and reliability of the grid to the ratepayers and
13 consumers of California.

14 We also have surveyed and are proposing, at
15 least as alternates, additional routes to make sure
16 there's some flexibility involved going forward. Our
17 primary point of interconnect is to the Southern
18 California Edison Whirlwind Substation. Los Angeles
19 Department of Water and Power has also proposed a
20 Rosamond Substation, just south of Rosamond Boulevard,
21 and their -- LADWP's large right of way. That is, we
22 understand, moving forward and may provide a potential
23 opportunity. But we're uncertain on the timing, so our
24 primary interconnect at this point is into Whirlwind.

25 Next slide.

1 This presentation will be docketed. I realize
2 this is probably hard for most folks to read, so I'll
3 kind of summarize it. Again, we're locating it
4 obviously near Rosamond, 500-megawatt eight-hour storage
5 facility. Again, that is on the order of 10 times
6 bigger than an average battery facility in terms of
7 megawatt hours of storage. That's 4,000 megawatt hours
8 of storage; 500 megawatts is roughly the capacity for
9 350 to 400,000 homes. So, by any measure, it's a very
10 significant resource for California.

11 So, the development activities -- again, we do
12 have site control. Our Phase Two studies from the
13 California Independent System Operator, the transmission
14 operator in the state, this project has received full
15 deliverability which is a very high threshold for
16 developers to get over in order to advance into a full
17 interconnect into the grid in California.

18 Our AFC was submitted in December and was
19 deemed data adequate by the Energy Commission last month
20 in July. We are very pleased to advise that we are
21 making very good commercial progress with prospective
22 customers off-take for the project. And California is
23 in desperate need of not only this project, but
24 literally many, many more like it, dozens more like it.

25 The Public Utilities Commission of California

1 issued a procurement order in the -- in approximately a
2 year ago, dictating load serving entities to secure in
3 excess of 11,000 megawatts of new capacity. Most of
4 that is bat-- or most of that is storage capacity. And
5 1,000 megawatts of that mandate was for long duration.

6 We are again considered long duration energy
7 storage with our eight-hour storage capacity. So, we
8 will fill a significant portion of that. But again, 500
9 megawatts overall versus a procurement order of 11,000.
10 We have a lot of -- long way to go in California to
11 enhance our reliability.

12 We expect to be on-line, currently, in the
13 first half of 2028. Again, there's a more detailed
14 schedule in the presentation. The Energy Commission
15 process, we're looking at just over a year. There are
16 additional local, state, and federal permits that will
17 be secured, and we are looking at commencing
18 construction first of 2024.

19 It's a very extensive construction process
20 both underground and in surface activities. It will
21 last slightly more than four years. So, we are moving
22 very quickly but nonetheless still only reaching
23 commercial operation in the first half of 2028. So,
24 we're anxious to get started on all of these facets
25 beginning obviously with development and permitting.

1 Next slide please.

2 Again, this is a difficult slide to read, but
3 it does depict a preliminary site layout for the
4 facility. Our compressors and turbo expanders being
5 located on the top of the parcel. Our sub or switch
6 station -- switching station, substation to the west of
7 the main turbine hall. Our heat exchangers and spheres
8 storage, thermal storage will be located on the east and
9 the hydrostatic compensation reservoir currently slated
10 for the West.

11 We are currently in the process of optimizing
12 our layout and our design with our engineering and
13 construction contractor, and then making progress in
14 terms of enhancing efficiency, reducing cost, improving
15 performance. So, we are still making some tweaks to
16 that design, and we view that as ongoing optimization.
17 We don't expect any major changes at this point. But
18 this is a preliminary design, and we are still looking
19 to optimize the overall performance.

20 Next slide. Again, this is a visual rendering
21 of that same site layout. This is looking to the
22 northeast. We were located today for those on the site
23 tour just out by those out by those white spheres on the
24 site. Sweetser Road is the dirt road we took to the
25 east, and Willow Springs Butte is to our south.

1 Next slide.

2 A couple of visual renderings as laid out
3 today. Again, the top rendering looking from the north
4 down Tehachapi Willow Springs Road. You can see the
5 thermal storage tanks to the left and the turbine hall
6 to the right. Another rendering from Hamilton Road,
7 which is from the west looking east, and again a fairly
8 modest visual impact. We're looking at tallest
9 structures on site on the order of 80 to 90 feet at this
10 point.

11 Next slide.

12 Some of the project fundamentals -- we do have
13 land controls secured for under a 75-year lease. We
14 expect the commercial and design life of the facility
15 will be 50 years or more. And that's an important
16 comparison when we're looking at batteries from a state
17 and global perspective.

18 We're not against batteries. We need all
19 technologies quite honestly to get to this 11-gigawatts
20 and beyond of procurement. But it's important to
21 recognize that each technology has its own benefits and
22 drawbacks. Batteries typically last for 10 years, plus
23 or minus now; decline at a fairly rapid clip annually in
24 terms of their capacity.

25 So, replacing batteries every year that has a

1 cost. We don't have that degradation or need to replace
2 major equipment. We're just like a major power plant;
3 we're there and commercially viable for a very extended
4 lifespan.

5 Our interconnect will be at 230 KV into
6 Whirlwind. And again, we've also proposed a potential
7 route south along the LADWP right of way into Rosamond
8 at a future date. But our primary focus at this point
9 is into Whirlwind.

10 Our water needs -- again, for our one-time
11 reservoir charge will be on the order of 450 to 500 acre
12 feet. That is non-- we're not requiring potable water
13 for any of our water needs. We can use non potable
14 water, and that will be our preferred source.

15 This is an adjudicated water basin here in
16 Antelope Valley that's clear to all involved. We will
17 be securing water rights commercially for any and all
18 water production that we will be using at our site, both
19 for the initial fill, and any periodic water needs made
20 for -- required at the site for make-up or other
21 purposes.

22 So again, I described on site 500 acres.
23 Typical agricultural uses out here will be one and a
24 half to three feet of water per acre depending on crops.
25 So, this is the equivalent of something on the order of

1 200 acres of agricultural production for a year. And
2 that's what our initial charge would equate to in water
3 use terms.

4 We also -- one of our interesting facets, and
5 very attractive facets, is that we actually produce
6 fresh water out of thin air in our compression process.
7 I'm not aware of too many other folks that can say under
8 oath that they're producing fresh water out of thin air,
9 but I could do so today. We do, during the compression
10 process, remove that relative humidity in the
11 atmosphere, condense it into fresh water, and reutilize
12 it in our process.

13 Depending on the ambient conditions and the
14 hours -- the year that we operate, our capacity factor,
15 our net water use or consumption is dependent on those
16 two factors. The more we operate, the more water we
17 produce. The more humid the air is, the more water we
18 produce. Converse is true as well.

19 We expect based on a number of assumptions,
20 that we will have a very small annual make-up
21 requirement. Currently, we're still refining some of
22 the numbers, but we expect to annual make up water
23 requirement of 20 to 60 acre feet per year. And again,
24 if we operate more, that'll be less. If it's more
25 humid, it'll be less. If it's drier, it'll be on the

1 higher end of that range.

2 So, it will be a bit of a annual true up if
3 you will, given both operating capacity factor and
4 weather. But we will be producing water. The project
5 that we are proposing in San Luis Obispo County, that's
6 actually a negative number. We're going to be producing
7 water annually as currently envisioned given their
8 humidity and temperature is greater than Antelope
9 Valley.

10 The expected geology, again, quartz monzonite,
11 a granitic formation. You saw some of the samples out
12 there today. We're very pleased with the geologic
13 formation feedback that we've been getting to date, and
14 that work will continue forward.

15 The Cavern volume as we discussed on site is
16 on the order of a million cubic yards, or a football
17 field cubed. We intend to use the majority of that rock
18 on-site for our reservoir and other on-site civil
19 requirements. We also described an opportunity at the
20 Ridgeline Quarry about four or five miles up the road
21 from us. They, they would be a potential host for any
22 additional waste rock; either to put on site, or as I
23 mentioned, as a potential source for reuse as aggregate
24 or other commercial uses.

25 We will be designing the project to meet all

1 local, county, and CEC, and other noise standards.
2 We've got the most qualified engineering team that we
3 can find currently refining these designs, and we're
4 confident we can meet exceed all the most stringent
5 standards.

6 And importantly as we discussed, we are not
7 using natural gas to reheat this air. If you expand air
8 without reheating it, it actually freezes up into chunks
9 of ice and it will blow up a turbo expander. So,
10 traditionally folks have used natural gas to reheat that
11 as mentioned. We don't need that with our patented
12 technology, so we are emissions free and that is a great
13 benefit of our technology.

14 Next slide.

15 Some of the economic benefits for the state
16 and the region. The current installed cost is currently
17 in excess of a billion dollars. So, it's a very
18 significant investment by any stretch. The average
19 workforce is on the order of 250 construction workers.
20 We expect that construction to, again, last in excess of
21 four years both subsurface and surface construction.
22 Peak workforce on the order of 700, we expect currently.

23 The total construction labor required is on
24 the order of 2-million man-hours. And just to give a
25 frame of reference for that number, having developed a

1 few two -by-one combined cycle power plants here in
2 California myself, that number is most typically 1-
3 million man-hours required to build a 600 megawatt two-
4 by-one combined fi-- combined cycle facility.

5 So, this is on the order of twice as much
6 labor required to build a similar size facility than a
7 traditional natural gas fired facility. The full time
8 O&M positions inside the fence we expect to be 25 to 40
9 full time positions. A lot more additional part-time
10 work for maintenance and the like.

11 And fiscal benefits, our analysis has
12 identified well over \$500 million in regional direct and
13 indirect economic impacts. Also, a very significant
14 contribution to the county estate tax base. All that
15 solar out there today it is -- we're not exempted from
16 property taxes as most of that solar is, so this will be
17 a significant resource for new property taxes.

18 And we are committed, as mentioned by Curt
19 previously, this is our flagship project. We're very
20 proud of that, and we are committed to making it a
21 success for each and every person in this room. And
22 everyone in this community and in County, quite
23 honestly.

24 We envision this as being not just a local
25 attraction for folks to come see the new project. This

1 is a needle mover for California, for the United States,
2 and globally. The ability for this project to be a
3 success and expand both in California and beyond. We
4 expect this to be a very popular tour for folks to come
5 and see how A-CAES works, how it can be used in other
6 countries, other states, other markets. So, we're gonna
7 make -- we're gonna put our first -- best foot forward
8 from day one. And we're quite proud of the project and
9 we'll work to make it a success for all involved.

10 Next slide.

11 The Energy Commission process has been
12 described quite well already today, so I won't spend a
13 lot of time on this. The jurisdictional nature of the
14 Energy Commission, again, we've been deemed a thermal
15 power plant 50 megawatts or larger in size. So, we are
16 jurisdictional under the Energy Commission regulations.
17 The timeline, again, submitted our AFC in December,
18 deemed data adequate last month. The CEC is the lead
19 agency under CEQA, but we're participating closely with
20 local, state, and federal agencies in tandem with that.

21 And again, in closing, we're very committed to
22 making this a success for all involved. So, thanks you
23 for your time, attention. The questions - now, later,
24 we're happy to answer questions at your discretion.

25 HEARING OFFICER WEBSTER-HAWKINS: Thank you,

1 Mr. Hildebrand. I think we will take questions later
2 after we've moved through Staff's presentation. But I
3 thank you for that presentation.

4 I did want to just take a moment. Apparently
5 there's an individual role who is a governmental
6 representative who missed the opportunity to introduce
7 himself. He's on Zoom. Ms. Murimi, can you help him
8 come on to the webinar?

9 MS. MURIMI: Thank you, Hearing Officer
10 Webster-Hawkins. Gregory Wood? Please unmute on your
11 end, and you may begin your comment.

12 That's Gregory Wood, if you could unmute on
13 your end, and you may give your introduction.

14 Seeing he is unable to unmute at this time.

15 HEARING OFFICER WEBSTER-HAWKINS: Thank you
16 Ms. Murimi. Hopefully there will be an opportunity
17 later for him to introduce himself. All right, next
18 slide please.

19 (Off-mic question)

20 So, the question is for Staff, about how long
21 do you think your presentation is? We're wondering if
22 now would be a good time for a break or later.

23 (Whereupon Jon Hilliard begins speaking off-
24 mic)

25 MS. MURIMI: -- utilize the mic.

1 HEARING OFFICER WEBSTER-HAWKINS: Thank you.
2 Court Reporter, we're making sure the mics are on now.

3 MR. HILLIARD: Shall I go ahead and repeat
4 that?

5 HEARING OFFICER WEBSTER-HAWKINS: So, from
6 what I understand, the presentation slides are short,
7 but the discussion could be extended?

8 MR. HILLIARD: It could be an extended
9 discussion.

10 HEARING OFFICER WEBSTER-HAWKINS: Yes.

11 MR. HILLIARD: Yes ma'am.

12 HEARING OFFICER WEBSTER-HAWKINS: Then what I
13 would recommend, Presiding Member Vaccaro, is that we do
14 take a break right now. It's a good time to do that.
15 So, I will recommend that we take a 15-minute break.

16 COMMISSIONER VACCARO: Ten?

17 HEARING OFFICER WEBSTER-HAWKINS: Ten,
18 alright, 10, to move through the proceedings. Hopefully
19 that gives everyone a chance to stretch and then resume.
20 We will resume at 6:02.

21 (Off the record at 5:52 P.M.)

22 (On the record at 6:03 P.M.)

23 HEARING OFFICER WEBSTER-HAWKINS: I'd like to
24 ask everyone to take your seats, we're going to resume
25 the informational hearing.

1 We seem to be missing a few key participants.

2 Alrighty. So, next I'm going to be inviting
3 Staff to the podium to deliver its presentation. Are
4 you ready? Or are you still waiting for your colleague?

5 MR. KNIGHT: Hi Renee.

6 HEARING OFFICER WEBSTER-HAWKINS: Alrighty.
7 Wonderful. So, Eric's not going to come to come to the
8 podium because he's in the cloud. But thank you for
9 joining us, Mr. Knight. And so, as you begin, please
10 reintroduce yourself for the record and spell your last
11 name for the benefit of the court reporter. And so,
12 with that we'll move on to the Staff's presentation.

13 MR. KNIGHT: Thank you. My name is Eric
14 Knight. For the court reporter, that spelled E-R-I-C K-
15 N-I-G-H-T. I'm the manager of the Siting and
16 Environmental Office at the Energy Commission. As
17 Commissioner Vaccaro had said at the start of the
18 meeting, it's been a few years since we've had an event
19 like this and I'm really sorry to only be participating
20 remotely. So, I hope I'm coming through clearly. And
21 so, hopefully this goes off successfully.

22 So, the Siting and Environmental Office is
23 responsible for organizing the Staff's participation in
24 an application for certification proceeding, and
25 preparing portions of the Staff's environmental

1 assessment document. The remainder of the document is
2 prepared by Staff in our engineering office, and my
3 staff pulls it all together into one cohesive document.

4 We've got quite a few technical staff on Zoom
5 tonight that are available to answer any questions that
6 the Committee or the public may have. So, my
7 presentation will explain the certification process, and
8 Staff's role in reviewing an application. And I
9 apologize that there's some overlap with Hearing Officer
10 Webster-Hawkins's presentation. But if you're hearing
11 all this for the first time tonight, probably hearing
12 things twice is helpful. It takes a little while for it
13 to sink in.

14 Next slide please.

15 Okay, so this is probably stating the obvious,
16 but the application for certification first must be
17 filed with the Energy Commission. Upon filing the
18 application, the first order of business for Staff is to
19 review that application for certification, which I'll
20 probably just refer to as an AFC or application for
21 short.

22 So, the first order of business for us is to
23 review the application to determine whether it's
24 complete or not. And we have a set of information
25 requirements in our regulations. And so, we review the

1 application against those criteria, and then the CEC'S
2 executive director must file a recommendation within 30
3 days of receipt of the application, with the
4 recommendation of it being complete or incomplete.
5 Ultimately, the decider at whether the application for
6 certification is complete, rests with the Commissioners.

7 So, for this project, the Willow Rock
8 applicant filed its AFC, you heard on December 1st,
9 2021. Staff filed its first data adequacy
10 recommendation on December 30th, 2021. That
11 recommendation was the application at that time was
12 incomplete and the Commission voted at its January 26th,
13 2022, business meeting to accept that recommendation and
14 adopted the list of deficiencies that Staff had
15 identified. So, between April 25th, 2022, and June 28,
16 2022, the applicant filed a series of supplemental
17 application materials to correct deficiencies.

18 And then Staff filed its second data adequacy
19 recommendation on July 1st, 2022. And at that time, the
20 recommendation was that it was -- the application was
21 complete, data adequate. And that recommendation was
22 scheduled for a vote by the Commission at its July 13th,
23 2022, business meeting. So that effectively then
24 started the application for certification process, once
25 that application was deemed complete.

1 So once an application is deemed complete,
2 Staff begins what's called discovery. Well, just say
3 before we launch into discovery, what we do is we send
4 out notices of that application, that we've received it.
5 We send those notices to property owners, we send
6 notices to interested agencies, and we post the notice
7 in local newspapers.

8 So, all that information is in the in the
9 docket. The notice of receipt of the application was
10 filed by staff in February. The agency participation
11 letter was sent out in March. And then advertisements
12 were run in the *Rosamond News* and *El Popular*, the
13 Spanish language paper in April.

14 So then what Staff does, is we start reviewing
15 the application, and we're in what are called the
16 discovery phase. This includes consultations with
17 agencies at the local, state, and federal level.
18 Consultation, or at least outreach at first to
19 California Native American tribes to determine if
20 they're interested in consulting with the Energy
21 Commission.

22 Staff conducts its own independent research
23 and conducts field visits. On the slide here, I just
24 sort of bolded that step right there in the process.
25 That's where we're at right now.

1 For the Willow Rock projects, Staff has issued
2 one set of data requests. So, an application for
3 certification contains a lot of information. But it's
4 not all the information that Staff may need to analyze a
5 proposed project. Every project is unique. And so,
6 there are unique issues that need to be addressed. And
7 so, staff will have a number of questions on the
8 project.

9 And for Willow Rock, Staff filed its first set
10 of data requests on July 26th, 2022. This set of data
11 requests covers the topic areas of air quality,
12 greenhouse gas emissions, alternatives, biological
13 resources, geological hazards and resources, land use,
14 noise, paleontological resources, project description,
15 transportation, and transmission system engineering.

16 So, with the information that Staff obtains
17 from the application itself, and in response to Staff's
18 data requests, and additional information that Staff has
19 gained through its own research and consultation efforts
20 with agencies and reviewing comments that may be filed
21 in the docket, Staff will prepare and publish its
22 Preliminary Staff Assessment.

23 The PSA, as I'll refer to it, looks very much
24 like an EIR, which you may be more familiar with. It
25 will evaluate the project's effects on the environment,

1 assess the adequacy of the Applicant's mitigation
2 measures if any are proposed. We will propose to modify
3 those mitigation measures, or propose additional
4 mitigation measures as necessary. And also, assess the
5 project's compliance with all applicable laws,
6 ordinances, regulations, and standards. This PSA will
7 also include an assessment of any feasible alternatives
8 to the proposed project, or to its location that could
9 avoid or reduce any of the significant project effects.

10 Next slide please.

11 So, there will be a minimum of a 30-day public
12 comment period on the PSA. Staff will hold a public
13 workshop on the PSA to take comments from the public,
14 agencies, tribes, and the Applicant. Most likely that
15 workshop will be held in the project location. Most
16 likely be available, you know, or have remote access as
17 well.

18 So, the next step is for Staff to prepare - oh
19 excuse me. So, the next step after that, after the PSA
20 is released and we hold a public workshop and take
21 comments, is for Staff to prepare and publish the Final
22 Staff Assessment. And again, this is very much like a
23 final EIR. It will include responses to written
24 comments received on the PSA, and any necessary
25 revisions to the environmental analysis.

1 So, the FSA will serve as Staff's testimony at
2 the evidentiary hearing that will be held by the
3 Committee at a further -- at a later date, to receive
4 expert witness testimony from the formal parties to the
5 proceeding on any disputed topic areas. The formal
6 parties to the proceeding are Staff and the Applicant,
7 and any Intervenors. Excuse me.

8 I will note that the California Union for
9 Reliable Energy, CURE, filed a request to intervene
10 today. And, you know, no decision has been made on that
11 request for intervention, but there is a potential
12 intervener in this case and that is CURE. And they
13 would have the same rights as the other formal parties
14 at the proceeding, Staff and Applicants to present
15 witnesses and cross examine other party's witnesses.

16 So, at the evidentiary hearing, the Committee
17 will also take public comment. At the conclusion of the
18 evidentiary hearing portion of the process, the
19 Committee will issue its proposed decision, which you
20 heard earlier is to either to approve or deny the AFC.
21 There is a minimum 30-day public comment period on the
22 proposed decision.

23 And at the conclusion of the comment period,
24 the Committee will make its recommendations to the full
25 Commission, which will vote at a noticed Business

1 Meeting to approve, deny, or modify the Committee's
2 Proposed Decision. And there's a 10-day minimum notice
3 for that meeting.

4 Next slide please.

5 So, this slide here captures in a nutshell
6 Staff's role in the -- in an AFC proceeding. It's
7 important to point out, you heard this earlier from the
8 Hearing Officer, that Staff is an independent party in
9 the AFC proceeding. That is, Staff is independent on
10 the Committee and independent from the Applicant. Staff
11 maintains experts in all the environmental topic areas
12 that are covered in an assessment under the California
13 Environmental Quality Act, as well as experts in the
14 engineering aspects, and safety aspects of a thermal
15 power plant.

16 The Staff provides an objective analysis of
17 the proposed project effects on the environment, and its
18 compliance with laws, ordinances, regulations and
19 standards. So, to summarize Staff's role, we consult
20 with agencies and tribes in our evaluation the project,
21 we prepare objective and unbiased environmental
22 assessments, we issue public notices and request the
23 agencies for their review and input, we conduct public
24 workshops, and we present expert witness testimony and
25 appearance.

1 Next slide, please. I think I'm one slide --
2 could go back one slide, Sir? I think we're - it's one
3 ahead. Thank you.

4 So, as you can see from this slide, these are
5 the topic areas covered in our Staff assessment. You'll
6 see they look very similar to what's in an EIR.
7 Although, we combined some of the topics. For instance,
8 your typical CEQA topics like population and housing,
9 public services and recreation, are covered in one
10 single topic called socioeconomics. What is different
11 is the engineering topics, and those are all grouped at
12 the end of that second column. You won't see those
13 normally in an EIR.

14 Next - now we're ready for the last one.

15 So, you heard this also - at every AFC
16 preceding the CEC gets its own dedicated webpage. Right
17 here is a screen capture of the Willow Rock - well, it's
18 the Willow Rock page. But it says - yeah, it's labeled
19 Gem Energy Storage Center, since the project name has
20 just changed. We'll need to update that. But you'll
21 see, we were just -- on this slide we just give it some
22 call outs for certain features that are on the website
23 on the webpage, like the contact information or for
24 Staff's Project Manager, Leonidas Payne.

25 From here, one can access the docket log,

1 which is the repository of all the official documents
2 about the proceeding. I like to, you know, hear it out,
3 there's a description of it as a file cabinet. It's
4 great, electronic file cabinet. And also, the links for
5 making comments and signing up for the list server. And
6 you'll hear more about this from the CEC's Public
7 Advisor.

8 Thank you for listening. That concludes my
9 presentation.

10 HEARING OFFICER WEBSTER-HAWKINS: Thank
11 you for that, Mr. Knight.

12 Next, we'll turn to the Public Advisor's
13 Office presentation. And I'm going to invite
14 Ms. Murimi to the podium to deliver her
15 presentation detailing the Public Advisor's role
16 in assisting the public with participating in
17 the Willow Rock Application for Certification.

18 COMMISSIONER VACCARO: I have a real
19 quick question, first, before Dorothy makes her
20 presentation.

21 HEARING OFFICER WEBSTER-HAWKINS:
22 Absolutely.

23 COMMISSIONER VACCARO: So I thought that
24 was really helpful, what Mr. Knight just
25 presented. But I was curious about whether or

1 not we were going to hear more from Staff about
2 some of the specific requests that were made by
3 the Committee for discussion in terms of issues
4 identification. So does that happen later or is
5 that going to happen now? So I just wanted to
6 make sure, for my understanding and for anyone
7 who might have read what the Committee put out
8 for expectations for this proceeding, when in
9 sequence that's going to happen?

10 HEARING OFFICER WEBSTER-HAWKINS:

11 Absolutely. So after the Public Advisor
12 finishes her presentation, we're going to have
13 two sessions which are more discussion oriented.
14 And the first will be around the issues
15 identified by Staff and the Applicant's response
16 to that. And the second discussion will be
17 around the schedule issues that Staff has
18 described and the Applicant's response to that.

19 So what I'm hoping for is that Staff
20 will address those details that you just
21 mentioned, Commissioner Vaccaro, at that time.

22 COMMISSIONER VACCARO: Alright.
23 Apologies, Ms. Murimi. Please go ahead.

24 MS. MURIMI: Thank you, Hearing Officer,
25 Webster-Hawkins, Commissioner Vaccaro.

1 Hello everyone. My name is Dorothy
2 Murimi.

3 Could you go to the previous slide?
4 Apologies.

5 Hello everyone. My name is Dorothy
6 Murimi. I work for the Office of the Public
7 Advisor, Energy Equity, and Tribal Affairs. I'm
8 here today representing the Public Advisor to
9 help inform the public about how to navigate and
10 participate in this Gem Energy Storage Center
11 proceeding, also referred to as Gem.

12 Next slide.

13 The CEC values public participation and
14 wants to hear from an array of stakeholders with
15 different perspectives because having a robust
16 record helps the Committee make a thoroughly
17 informed decision.

18 Sometimes state processes may be
19 confusing but the CEC's Office of the Public
20 Advisor, Energy Equity, and Tribal Affairs, is
21 here to provide guidance and functions as a
22 bridge between the public and the Energy
23 Commission. Our mission is to ensure that any
24 member of the public can participate
25 meaningfully in the CEC's proceedings, such as

1 today's informational hearing.

2 Please reach out with any questions or
3 guidance via email. Email us at publicadvisor
4 at energy.ca.gov or call us at
5 (916) 957-7910. We respond to both emails and
6 calls within 24 hours. And as you can see,
7 there's QR code on the side that will take you
8 to the webpage of the Office of the Public
9 Advisor.

10 Next slide.

11 The CEC reaches out to local and state
12 officials, tribal officials, and members of
13 schools, nonprofit groups, community
14 organizations, property owners, and members of
15 the public to disseminate information about this
16 project. The channels we use to conduct
17 outreach include local media forums, social
18 media, email blasts, and the CEC's subscription
19 list.

20 Next slide.

21 There are several key takeaways for you
22 to know how to best participate. There are two
23 main ways to participate. The first is
24 informal. Like other members of the public due
25 to -- due for any CEC event. The other way is

1 formal as an intervenor who becomes a party to
2 the proceeding. I'll review both these
3 processes in the next slides.

4 Whether you're participating in a formal
5 matter, the format of the meetings will be
6 either in-person or virtual or hybrid. Most of
7 the time, we'll aim to make our meetings hybrid
8 to increase accessibility.

9 Another key takeaway is that the CEC
10 provides special accommodations, modifications,
11 and translation and interpretation services,
12 upon request, for any proceeding. Please
13 contact the Public Advisor's Office as soon as
14 possible to request these services and,
15 preferably, at least five days in advance.
16 We'll always make -- work diligently to
17 accommodate all requests.

18 Next slide.

19 As I mentioned, there are two key
20 takeaways -- two key ways to participate --
21 apologies -- in AFC proceedings, informal as a
22 member of the public, like you would in any
23 other CEC event, and formal as an intervenor.
24 I'll start explaining the formal approach.

25 The formal approach to participate in

1 AFC proceedings is to become an intervenor. An
2 intervenor is a person or group that is a party
3 to the proceedings. Like any other party to the
4 proceeding, an intervenor may present evidence
5 and witnesses, object to other parties'
6 evidence, cross-examine other witnesses, and
7 file motions.

8 To become an intervenor, you must file a
9 Petition to Intervene. No specific form has to
10 be filed. However, there is specific
11 information needed in your application, such as
12 contact information, the docket number, and your
13 interest to participate, among other things.

14 On request, the Public Advisor can
15 provide a sample Petition to Intervene. You
16 would then submit this information to the
17 docket, in this case, 21-AFC-02.

18 You do not need to be an attorney, nor
19 have legal representation, to be an intervenor.
20 We emphasize that even if you're not sure
21 whether you want to become an intervenor, or
22 even if you do not end up participating at all
23 in the proceeding, it is best to go ahead and
24 file so that you don't miss key deadlines and
25 opportunities to engage.

1 Once you do submit the -- once you do
2 submit, the assigned Committee will consider the
3 petition and make a determination about it
4 within 30 days. Please reach out to the Office
5 of the Public Advisor, Energy Equity, and Tribal
6 Affairs, for assistance with your application to
7 intervene.

8 Next slide.

9 For formal participation, it is
10 important to review ex parte rules. They
11 dictate that all decisions made in this case
12 will be made solely on evidence contained within
13 the public record. Contact between interested
14 parties and members of the Committee regarding
15 any substantive matters must occur in a public
16 forum or in writing distributed to all parties
17 and made publicly.

18 Next slide.

19 No off-the-record contact regarding
20 substantive matters is permitted to take place
21 between interested parties and this Committee,
22 Commissioners, their advisors, or the Hearing
23 Officer. The purpose of these rules is to
24 provide disclosure to all interested persons,
25 organizations, and the parties of any

1 information that may be used as a basis for
2 future decision on this project.

3 Next slide.

4 The other option to participate in AFC
5 proceedings is informal as a member of the
6 public, like you would in any other CEC event.
7 It is important to attend the various events
8 related to this proceeding to maximize your
9 opportunity to participate.

10 There will also be several ways for you
11 to share your comments in this proceeding. For
12 example, in every event of the Gem proceeding,
13 which as today's informational -- such as
14 today's informational hearing, time will be
15 carved out specifically for public comment. And
16 that is your opportunity, as a member of the
17 public, to provide your comments about the
18 issues related to this proceeding. Speaking
19 directly to the parties and attendees of the
20 event.

21 If you're unable to join an event, the
22 Public Advisor can provide your comments on your
23 behalf. You'd need to email or call in your
24 comments prior to the start of the event.

25 Finally, you may file written comments

1 through our docket system to be included in the
2 record. You can submit them directly into the
3 docket, which we'll show you how to do. You can
4 also email them to the Docket Unit but the
5 preference is to submit them directly into the
6 docket. You can always reach out to the Public
7 Advisor to help with this process.

8 Next slide. Oh.

9 I'll now provide you instructions on
10 ways to participate in a written form.

11 First, I'd like to emphasize that that
12 whether you decide to engage in this proceeding
13 as a member of the public or an intervenor, we
14 highly recommend you go to the Gem Project
15 webpage to obtain the most current information
16 about the Gem proceeding.

17 On the screen you'll see what the
18 webpage looks like. The red arrow points to the
19 link where anyone can submit electronic
20 comments. The blue arrow points to the e-filing
21 link which is the preferred pathway for Staff
22 and parties to the proceedings to submit
23 material.

24 And the first green arrow points to the
25 docket log link. The docket log is a repository

1 for the documents filed by all parties to the
2 proceeding and for public comments as mentioned
3 earlier. Basically, it's where you'll find all
4 the material submitted for this proceeding.

5 The second green arrow is the section
6 where you'll sign up for the Gem subscription,
7 formerly known as Listserv. This is a lifeline
8 for the proceeding. Additionally, this webpage
9 also contains contact information for Staff who
10 can answer more questions about the Gem
11 proceeding and contains contact information for
12 the Office of the Public Advisor, Energy Equity
13 and Tribal Affairs. If you need assistance with
14 any of these processes, please contact the
15 Public Advisor.

16 Next. Next slide.

17 Now here's a look at what, as mentioned
18 earlier, the -- no, previous slide. Thank you.

19 As mentioned earlier, the name of this
20 project will change, and this is a reflection of
21 what this page may look like with those changes
22 in effect. The page will reflect the name,
23 Willow Rock Energy Storage Center and, as well,
24 the subscription page, as well.

25 Next slide.

1 Signing up for Gem's proceedings'
2 subscription or Listserv is a voluntary
3 procedure. We highly recommend this because
4 it's the most effective way to receive the most
5 current information about this proceeding. This
6 includes alerts about what is happening in the
7 proceeding and notifications about material that
8 has been docketed.

9 Signing up for the subscription is a
10 quick process. First, you'll go through the
11 project webpage, noted here, and you'll scroll
12 down the webpage. You'll find a box that looks
13 like this one on the slide titled "Subscribe Gem
14 Energy Storage Center." Enter your email
15 address, then click subscribe. You'll see a
16 message saying you have successfully subscribed
17 to CEC Gem Energy Storage Center for California
18 Natural Resources Agency. Click "finish."
19 Next, you'll see the privacy policy. Review
20 that and click on the next box and close out.

21 You'll also receive an email showing you
22 that you have subscribed successfully to CEC Gem
23 Energy Storage Center. And if you do this
24 successfully you will then receive emails with
25 the latest material notifying you about the Gem

1 proceeding.

2 The next slide shows you the -- the next
3 slide, as mentioned before, shows you what this
4 will look like with the changes to the name.

5 Next slide.

6 Today's the first informational hearing
7 for this proceeding with a schedule -- and a
8 schedule with specific dates for the rest of the
9 proceeding is forthcoming. You'll be able to
10 locate these materials on our web pages. And
11 you'll receive emails, email notifications and
12 alerts, when you sign up for the subscription.

13 Now I want to emphasize a few
14 significant opportunities you'll have to
15 participate.

16 As mentioned earlier by Staff, there are
17 Staff workshops, publications of Staff's
18 preliminary and final Staff assessments,
19 prehearing conference and evidentiary hearings,
20 Presiding Member proposed decision, Commission
21 decision at this -- and, finally, Commission
22 decision at the CEC business meeting.

23 Next slide.

24 That concludes my slide -- my
25 presentation. This presentation will be later

1 found in the docket.

2 And back to you, Hearing Officer
3 Webster-Hawkins.

4 HEARING OFFICER WEBSTER-HAWKINS: Thank
5 you very, very much, Ms. Murimi.

6 Hopefully, everyone appreciates how
7 fervently everyone at the Energy Commission
8 believes in public participation. We've heard
9 from the Presiding Member, the Associate Member,
10 from Staff, and from the Public Advisor.

11 I want to underscore just a couple of
12 highlights that Ms. Murimi just
13 made.

14 So first, about notices and other
15 documents in the docket, Ms. Murimi just showed
16 you how to obtain information about the proposed
17 project. Now the Energy Commission does
18 maintain a mailing list and uses U.S. Mail to
19 send out all notices. And as Mr. Knight
20 mentioned, notices were sent to property owners,
21 as well as tribal government leaders.

22 However, if you don't live near the
23 project site, you won't likely be on the mailing
24 list unless you've already specifically asked.
25 And even if you are on the mailing list, you

1 will not receive most of the documents filed
2 into the docket, other than those notices
3 required by law, or the Committee's general
4 order, those that are required to be mailed, so
5 all the documents that have been described that
6 parties and other participants can file, you
7 will not receive those via U.S. Mail.

8 And, additionally, U.S. Mail takes more
9 time to get to you, so we do encourage you to
10 sign up for the Listserv if you want to see all
11 of the documents that are filed in this case.

12 Second, Ms. Murimi is correct that there
13 is no CEC form required for filing a request to
14 become an intervenor. However, there are
15 required pieces of information that are
16 necessary to be included in your request.

17 To become an intervenor, you must submit
18 a written request to the Committee that
19 expresses your interest in intervening,
20 describes your particular interest in the case,
21 and specifies a particular subject or interest
22 you may have, such as air quality, public
23 health, environmental justice, et cetera.

24 So, again, if you would like more
25 information on becoming an intervenor, please do

1 contact the Public Advisor's Office to assist
2 you.

3 And, lastly, the scheduling order that
4 will be published on August 26th will establish
5 the deadline for filing the petition to
6 intervene. Intervening early will allow you to
7 participate more in the proceedings. And the
8 Public Advisor can assist you.

9 With that, next slide, please. Thank
10 you.

11 So it is important to the Commission
12 that the public participate. The Commission is
13 committed to justice, access, equity, diversity,
14 and inclusion in all of its proceedings and
15 programs, including maximizing public access to
16 the Willow Rock AFC.

17 You don't have to be an intervenor to
18 participate in our process or to comment on the
19 proposed project, however, public comments are
20 not considered evidence. You've heard that the
21 final decision by the CEC will be based on facts
22 in evidence and that the evidentiary record will
23 be the basis for that decision. Intervenors are
24 able to introduce facts into the evidentiary
25 record and cross-examine witnesses.

1 Public comments do become part of the
2 record. And public comments are considered by
3 the Members of this Committee and the
4 Commission. They help inform the Commissioners,
5 the Committee, CEC Staff, parties, and
6 interested stakeholders of public concerns. And
7 public comments are critical for all of us to
8 understand the concerns of the residents of this
9 community.

10 So having completed all of the
11 presentations, we are going to move on to the
12 discussions identified in the agenda.

13 Let me move to the next slide, maybe two
14 slides, the slide that's entitled "Discussion on
15 Environmental and Other Identified Issues."
16 There we go. Thank you very much.

17 So this is going to be the opportunity
18 for the parties to inform the public and the
19 Committee about key issues presented by the
20 application, and to discuss potential pathways
21 to resolve them.

22 As context, I want to inform the public
23 about two key documents that were filed in the
24 docket within the last week, as directed by the
25 Committee order that noticed this informational

1 hearing.

2 First, on August 4th, CEC Staff
3 submitted an Issues Identification Report in
4 which it described certain items which Staff
5 believes will be the major issues to resolve in
6 reviewing and analyzing the application for
7 Willow Rock. In response, Applicant filed its
8 response on August 9th.

9 So what this time is for is for each of
10 the parties to briefly describe what they stated
11 in those documents to inform the participants
12 and attendees who haven't had to the opportunity
13 to read the documents yet.

14 I want to underscore that the purpose of
15 this hearing is for the parties to provide
16 information about the project to the members of
17 the community and for the Committee and members
18 of the public to ask questions about the
19 project. However, this hearing is not part of
20 the evidentiary process so, rather, I'd like the
21 parties to give -- to have an opportunity to
22 simply restate what you're submitted in writing
23 for the benefit of everyone here today.

24 So to organize the discussion, let's
25 first focus the discussion on the topics that

1 have been identified as potential issues in the
2 Willow Rock proceeding. We'd like to hear first
3 from Staff to summarize its Issues
4 Identification Report, and the Applicant to
5 summarize its response, and then we'll entertain
6 questions from the Committee and have -- and
7 then later we will have a second discussion on
8 the schedule. So let's first focus on the
9 issues.

10 So first, with that, I'd like to turn it
11 over to Staff, someone from --

12 MR. KNIGHT: Thank you, Renee.

13 HEARING OFFICER WEBSTER-HAWKINS: Of
14 course.

15 MR. KNIGHT: Eric Knight again --

16 HEARING OFFICER WEBSTER-HAWKINS: Thank
17 you.

18 MR. KNIGHT: -- above you.

19 HEARING OFFICER WEBSTER-HAWKINS: Thank
20 you.

21 MR. KNIGHT: Okay. Eric Knight with
22 Staff again.

23 So as the Hearing Officer mentioned, we
24 filed our Issues Identification Report, as
25 directed by the Committee, on August 4th. We

1 get -- you know, the request for an Issue I.D.
2 Report is a common feature request in every
3 single proceeding. It comes at a very early
4 date in the proceeding, at the start, and so we
5 do our best to identify the issues that we know
6 about at the time.

7 But since we're very early in our
8 discovery efforts, additional issues may crop up
9 as we begin our consultation efforts with
10 agencies and begin our discovery efforts to
11 visit the site and do our independent research.
12 So what we've outlined in our Issue I.D. Report
13 are several topic areas.

14 I'll start with biological resources,
15 concerns that we've identified to date are the
16 completeness of the biological resources
17 surveys. We've noticed -- noted that a number
18 of surveys that were conducted used outdated
19 protocols, not the current protocols sent by the
20 wildlife agencies, like California Department of
21 Fish and Wildlife or United States Fish and
22 Wildlife Service. Some species were not
23 surveyed at all.

24 And so I know the Applicant has a
25 response to that and has identified that we

1 should probably have a workshop to discuss the
2 items, and we think that's a great idea and we'd
3 like to do that, and that would be a public
4 workshop.

5 Let's see. Cultural resources and
6 tribal cultural resources was identified as a
7 potential issue in the sense that at the time
8 that we had issued the report, consultation had
9 not -- well, we had not even sent out the
10 letters to the tribes. This was filed on August
11 4th and they require -- oh, excuse me. The
12 letters were sent July 26th, I'm sorry. So what
13 we didn't have the benefit of was any responses
14 yet to those requests for consultation.

15 So tribes are afforded 30 days to inform
16 an agency if they would like to consult. So
17 that would expire -- that deadline is on or
18 about, you know, August 26th. So we're still a
19 couple weeks out from knowing whether or not a
20 tribe would like to consult.

21 But the Applicant did reach out to a
22 list of tribes that was provided by the Native
23 American Heritage Commission. And they heard a
24 series of concerns from the tribes about
25 potential tribal cultural resources that could

1 be impacted, significant landscape features that
2 could be impacted by the project. So we're very
3 early in that process, so this may or may not be
4 an issue but it could have an impact on the
5 schedule, so we've identified it here.

6 Geological hazards and resources, it's
7 kind of unusual for this to be a topic area in
8 an Issue I.D. Report, so -- but in this project,
9 it is probably one of the primary issues that
10 Staff is concerned about.

11 Normally, a geotechnical evaluation is
12 done prior to an AFC being filed. And here, in
13 this case, it had not started prior to the AFC
14 being filed and that work is underway presently
15 and is being conducted under a Conditional Use
16 Permit issued by Kern County, which is set to
17 expire later this month, so the Applicant is
18 working with the County to extend that permit.
19 That information is critical for Staff to
20 understand the feasibility of the project and
21 the potential hazards that it could present. So
22 there's a series of data requests that Staff has
23 written in set one of our data request. And so
24 getting that information in a timely fashion
25 could impact the schedule.

1 And we've got -- and I should have said
2 at the start, and I think I said this earlier,
3 that we have a number of technical staff online,
4 on Zoom, who can answer specific questions the
5 Committee and the public may have on any of
6 these topics.

7 So moving on to the -- the next issue
8 that we identified was under the topic of land
9 use. The County has informed the Energy
10 Commission that the project is not consistent
11 with the current zoning of the site and so the
12 County has identified the need for a rezoning,
13 and also that the project would ordinarily
14 require a Conditional Use Permit.

15 Now with the Energy Commission's
16 exclusive jurisdiction, that permit is not
17 necessary from the County. It will be subsumed
18 within the Energy Commission's license.
19 However, we will work with the County to ensure
20 that any conditions that would be attached to
21 such a permit would be considered in the Energy
22 Commission's certification.

23 But the need for a rezoning, that's --
24 that would resolve a potential LORS
25 inconsistency. And the Commission is required

1 to attempt to resolve any LORS non conformities
2 before ever considering an override, so that an
3 issue. The timing of that is an issue. You
4 know, when the County can make
5 that -- go through that process to rezone, and
6 whether that -- whether or not that information
7 would be available for Staff to report on in the
8 Staff assessment and advise the Commission or
9 the Committee of the project's compliance with
10 LORS.

11 The next issue, this may or may not be
12 an issue, is what I'm kind of hearing tonight,
13 but the transmission system engineering, there
14 was talk in the AFC and in the PowerPoint
15 presentation tonight by the Applicant that they
16 are considering interconnecting to a future
17 L.A. -- or Los Angeles Department of Water and
18 Power substation. That's not a current
19 substation, it's a proposed substation. And
20 that there are no -- the interconnection
21 studies, you know, haven't been started. So if
22 that's going to be a feature of the problem,
23 that could impact the schedule, as well. But it
24 sounds like maybe that's not the preferred
25 option.

1 So another issue that we identified was
2 in the -- Kern County has identified some future
3 roadways and dedications that would need to be
4 made for property owners from the Applicant.
5 And there's a question as to whether or not the
6 project would encroach upon these dedicated
7 access roads. And, if so, there's a process to
8 remove those or to downgrade them. And that's a
9 hearing that's before the Board of Supervisors
10 and that's done at their quarterly meetings.
11 So, again, it's a timing issue that could effect
12 the case here.

13 So I think I will stop there and --
14 yeah, I'll stop there.

15 HEARING OFFICER WEBSTER-HAWKINS: Thank
16 you, Mr. Knight.

17 I'd like to hand it over to the
18 Applicant to summarize your response to the
19 Issues Identification Report.

20 MR. HARRIS: Yeah. Thank you. Jeff
21 Harris on behalf of the Applicant. A couple
22 things.

23 We have a bit of a timing issue here.
24 Our objections and request for additional time
25 are not due until the 15th, so we're still

1 working through that document. So I can speak
2 at a high level to all these things. And you'll
3 see in detail, on the 15th, some of the issues
4 we're working through.

5 I guess I would summarize it by saying,
6 I don't see any major issues there, no
7 dealbreakers. I do think we need to get into a
8 room and talk to each other. Some of these
9 things are communication issues, other are, I
10 think, disagreements about the scope of what
11 kind of information will be needed for the
12 project moving forward.

13 So we will be, on the 15th, filing a
14 document that describes the issues we have,
15 requesting additional time where necessary,
16 objections, if there are objections, to some of
17 the materials. And between now and then we're
18 going to take a look at some of these and say,
19 well, maybe there are things that we're not sure
20 they need but they're easy to produce and we'll
21 just produce them too. So there's a lot to
22 still be worked out between now and the 15th.

23 And so my comments are very high level.
24 And I'm glad you're not wanting to go take a
25 deep dive into each one of these subject matters

1 because having lawyers talk about this stuff is
2 already painful five hours into this thing, so
3 we'll keep it kind of short.

4 But there are a few things of Staff's
5 position that we don't agree with and we'll make
6 those clear. There are questions about buffer
7 zones and applicable protocols, which species
8 actually require to be surveyed. Obviously, the
9 threatened and endangered species, where there
10 are state and federal protocols, the Desert
11 tortoise, those kind of things, are pretty
12 clear, pretty straightforward. And we need to
13 make a showing to Staff that we've met the mark
14 on those. And they've asked questions and we're
15 going to provide answers to them on those.

16 Some of the other species issues are
17 things that we don't agree with, that they're
18 not threatened and endangered species, they're
19 not within the traditional range of some of
20 these species.

21 I'm thinking in particular about -- I
22 never thought I'd say this on a transcript --
23 the Crotch bumblebee, which is the subject of
24 ongoing litigation in California. It's been
25 recently classified as a fish by one court,

1 which then would bring it under the Endangered
2 Species Act.

3 So that -- we appreciate Staff raising
4 that sort of new uncertainty out there and
5 providing us with some guidance on what they
6 think we might want to start looking at, but
7 there aren't any protocols for that particular
8 species, for example.

9 And having said I wouldn't go into
10 detail, I'm going into too much detail, so let
11 me stop there.

12 So we will provide information for you
13 on all those biological issues.

14 I think the workshop that we've offered
15 on the 22nd is going to be really important. We
16 work very well with the Staff. We have a good
17 working relationship with the Staff, although
18 they are an adverse party, as was made very
19 clear today. They're an independent party to
20 these proceedings and we'll continue to work
21 with them through these things.

22 I'm sure the workshop on the 22nd will
23 be quite productive because I will be out of the
24 country, so -- and I'm sort of bragging there,
25 too, because I don't have to sit through. But

1 we'll look forward to that workshop and deal
2 with the biological issues, as well, and talk
3 about, specifically about, survey work.

4 On the cultural resources, absolutely,
5 we're working with the tribes. We've already
6 started that process. The Commission's process
7 is underway as well. Take a look at that.
8 Imagine you were here many, many years ago.
9 It's obvious that we need to talk about the
10 cultural significance of the area and make sure
11 that that's respected and taken care of. And
12 we're absolutely on the same page as Staff on
13 that. It's mostly just getting the information
14 together.

15 In terms of geological resources, Mr.
16 Hildebrand will try to check this or carry it
17 on, but we've got some very good information
18 coming in on those issues, you saw that out
19 there today.

20 It is a little unusual, we're doing data
21 collection during the process. I really want to
22 thank Kern County for recognizing the unusual
23 nature of that request. It's not typical but
24 this project is also groundbreaking and, in this
25 case, ground-drilling. So we're out there

1 making sure that we've got the right geological
2 conditions and really ground-truthing it. I
3 almost put that more in the category of
4 information we need for more detailed design as
5 opposed to information for the environmental
6 analysis. But, regardless, it's good
7 information for everybody to have, and so we're
8 working diligently on the geological resource
9 information to get that for you.

10 Land use and transportation, yes, we are
11 aware of the issues with the rezone. We're
12 working closely with the County on those.
13 There's land -- road dedication issues. We've
14 been informed about some issues related to
15 franchises. So we're well aware of those issues
16 and we'll work directly with the County, and to
17 a lesser extent with the Staff, on getting the
18 land use and transportation issues properly
19 before you all.

20 So those are the main issues that we see
21 moving forward. This is a relatively clean
22 issues identification paper.

23 One of the things that we're very
24 concerned about is, obviously, schedule. You
25 can stop me if you've heard that from the

1 Applicant before, schedule, schedule, schedule.

2 This is a unique project. It's an
3 interesting project. When we brought the idea
4 to certain members of the Commission, even
5 before filing, we were very clear about sort of
6 the unique nature of this. Although it takes a
7 lot of proven technologies and combines them
8 together, they haven't been done quite like
9 this, in this proprietary way, so it's
10 interesting as heck. The video is great.

11 My concern is that we not turn it into a
12 dissertation. You know, the level of detail
13 required by CEQA is enough information for
14 decisionmakers to make an informed decision
15 about the project. And so there will be, I
16 think, as there has been in every case that I've
17 been involved with for 30 years at the
18 Commission, there will be disagreement between
19 Staff and Applicant about how much information
20 is enough.

21 And there are informal and formal ways
22 to resolve that. The formal ways would be, you
23 know, objections and requests for motions to
24 compel, what have you. We really want to work
25 through the informal ways, which would be, you

1 know, workshops and working through the
2 information.

3 But one of the things -- you asked us
4 all to be very disciplined. And one of the
5 things we're going to ask the Commission to be
6 disciplined about is about that level of
7 information that is required, enough information
8 for you all to make an informed decision but not
9 so much that we're actually out there
10 constructing it. You know, we don't need
11 detailed design, and that is art and not
12 science.

13 And so we'll look to you all to figure
14 out where the artistry here is, but it is a
15 concern we have with schedule, so I just kind of
16 want to add that, that note, to our overall
17 observations here.

18 So I'm way past being short, so I'm
19 going to stop and answer any questions, so thank
20 you.

21 COMMISSIONER VACCARO: I can't help but
22 jump in at the last point.

23 I understand what you're saying about
24 there is some reasonable level, right, in
25 preparing environmental documents, you know?

1 But it's kind of interesting here, and I
2 know you know this, Mr. Harris, because you've
3 been an attorney representing a number of
4 applicants in our proceedings, but others might
5 not know, right, really, the Committee takes
6 seriously not just the aspects that are required
7 by CEQA, but we really want to ensure that it's
8 an informational document for the public; right?
9 CEQA is about an informational document, it's
10 for the decisionmakers, but it's not just for
11 the decisionmakers; right? It's for
12 stakeholders and the public to understand.

13 This is a new technology. This is
14 intriguing. It sounds exciting, as well, but at
15 the same time, I mean, it think it's incumbent
16 on you and your clients, as well, to make sure
17 that you're providing clear information, easily
18 understood, accessible information to make it
19 easier for Staff and the Committee, right, as we
20 do our work.

21 So I feel like all of us have a task
22 before us. And it may be that there is a
23 heightened bit of information or discussion in
24 this particular proposed decision -- I don't
25 know that, I'm not prejudging -- because we're

1 dealing with something very new and different
2 here; right?

3 Your point is well made but I feel like
4 I've got to sort of turn the point back around a
5 bit just so that we understand, we haven't done
6 this before; right?

7 MR. HARRIS: Yeah. We want to make it
8 so simple a lawyer can understand it, so --

9 COMMISSIONER VACCARO: Yeah. And then I
10 just have maybe two more points, and then I'm
11 going to pass it over to my colleague.

12 It's really kind, I believe, maybe a
13 question. If these geological hazards, the
14 geotechnical, I guess, analysis that is
15 currently underway, pursuant to a Conditional
16 Use Permit that was issued by Kern County,
17 because this is a very unique and sort of
18 different process, I guess I'm wondering, like
19 what's the public process around that? Because
20 I think this is different enough.

21 And, again, CEC is taking pains to make
22 sure that the public understands what's
23 happening, the sequence, opportunities to
24 participate. I'm assuming that's also a public
25 process and it's already been a public process.

1 So what can the public, what can we all, kind of
2 expect as you move forward? Because it sounded
3 like, and I might have misunderstood, Mr. Knight
4 indicated that you might need to get another
5 Conditional Use Permit or an extension on your
6 existing. So if you could explain that just a
7 little bit, just briefly, and then give us a
8 sense of what's next and what the timing is for
9 that?

10 MR. KNIGHT: Yeah. I'm going to ask Mr.
11 Hildebrand to answer that question. He's been
12 dealing very closely with the County, so --

13 MR. HILDEBRAND: And I'd be happy to
14 invite the County to speak to this point, as
15 well.

16 But as far as background, we filed an
17 Application for a Conditional Use Permit with
18 the County for our Drilling Program
19 approximately five months ago. The application
20 went through the normal Planning Commission
21 process with Kern County. Public hearing
22 conditions were attached to that Conditional Use
23 Permit. It was approved for a period of 90
24 days.

25 We've been drilling under that existing

1 Conditional Use Permit to this point,
2 Understanding that a number of challenges to our
3 drilling and time line have resulted in extended
4 schedule for that, we approached, initially, the
5 Energy Commission, then the County as far as
6 what makes sense to expand or extend our time
7 line to make sure that we have time to provide
8 the geologic information that you require and we
9 require to proceed with the project.

10 Long story short, we worked with both
11 the Energy Commission and Kern County in
12 resolving those open issues, the process
13 recommend to us and currently underway. We
14 filed a modification request application to Kern
15 County in the last week. And that is currently
16 scheduled to go to the Kern County Planning
17 Commission later this month, August 25th. And
18 that would be an extension to the current
19 Conditional Use Permit.

20 And that's our summary. If --

21 COMMISSIONER VACCARO: I don't want to
22 put Ms. Oviatt on the spot but you're certainly,
23 certainly welcome to supplemental that.

24 Go ahead, Mr. Harris.

25 MR. HARRIS: Yeah. I'd like --

1 COMMISSIONER VACCARO: And then I wanted
2 to just give Ms. Oviatt the space.

3 MR. HARRIS: Yeah. For purpose of a
4 clear record, I just want to make sure people
5 understand the scope of the activities, this is
6 data collection. We have not begun construction
7 of the project, nor would you allow us to,
8 because your statute would stop us from doing
9 that. So this is data collection activity, a
10 pretty narrow scope, but let me stop there.

11 MS. OVIATT: Thank you. It's Lorelei
12 Oviatt, L-O-R-E-L-E-I O-V-I-A-T-T, Director of
13 Kern County Planning and Natural Resources.

14 I appreciate the representation that
15 you're working closely. But the County does
16 believe you should have done this before you
17 submitted your application for the California
18 Energy Commission and we have communicated that.

19 The geotechnical work is done under a
20 number of conditions. We're concerned about
21 noise, we've conditioned that. We're concerned
22 about dust control and other sorts of things and
23 they have complied.

24 We are disappointed that they haven't
25 finished in their 90 days. And so the

1 recommendation right now is to give them nine
2 months. They asked for longer and then they
3 came back and said 30 days. We believe that
4 this Applicant is not clear about how long this
5 is going to take. And I would not like to
6 modify this Conditional Use Permit again because
7 I believe it confuses the process as we work
8 with the California Energy Commission.

9 So the recommendation right now is nine
10 months. I am not inclined to give them more
11 time after the nine months. So it will go
12 before the Commission.

13 At this point, we have talked to
14 neighbors who have indicated that, right now,
15 the conditions that they have placed on their
16 drilling have satisfied them, so we will see
17 what the Commission does. And we will certainly
18 stay in communication with your staff.

19 Thank you.

20 COMMISSIONER VACCARO: Yeah. Thank you
21 so much. Really appreciate that.

22 HEARING OFFICER WEBSTER-HAWKINS: Ms.
23 Oviatt, if I could just clarify, is the nine-
24 month timeframe, would that be after the 90-day
25 initial CUP expires or --

1 MS. OVIATT: Yes.

2 HEARING OFFICER WEBSTER-HAWKINS: Okay.

3 MS. OVIATT: Yes.

4 HEARING OFFICER WEBSTER-HAWKINS: So

5 it's cumulative?

6 MS. OVIATT: Thank you.

7 HEARING OFFICER WEBSTER-HAWKINS: Thank

8 you.

9 MS. OVIATT: Yes. And then we've also
10 required that they provide us with a report of
11 what are you doing to leave the site so that,
12 you know, there's not hazards or other sorts of
13 things while they go through the California
14 Energy Commission process? These are very small
15 holes but we still want a report and we intend
16 to file that with your staff.

17 Thank you.

18 HEARING OFFICER WEBSTER-HAWKINS: Thank

19 you.

20 COMMISSIONER VACCARO: Okay, I have one
21 last thing, yeah, and this just goes to, I
22 think, a point that Mr. Knight was making, and
23 you were making, Mr. Harris, which is the value
24 of the workshops. And I think, to the extent
25 that interested members of the public can listen

1 in, can participate, it's a valuable opportunity
2 to better understand the technology, to better
3 understand the areas of disagreement between
4 Energy Commission Staff and the Applicant, and
5 to also be part of the solution of compromise.
6 Because there are many instances in which the
7 workshops allow for a resolution of issues that
8 then don't have to be brought before the
9 Committee for adjudication.

10 But I would like to emphasize, even
11 though there may be compromise, our Staff isn't
12 compromising on their interpretation of the law
13 or what they believe the law requires. It just
14 becomes a matter of sometimes reasonable minds
15 may reasonably differ on how they interpret the
16 law. But Staff is very conservative, and
17 rightfully so, in their interpretation and in
18 the application of facts to the requirements of
19 CEQA.

20 Applicants might not see it Staff's way.
21 Applicants often get onboard with what Staff
22 want but, at the same time, our staff is open to
23 listening, open to compromising where
24 appropriate, but they don't compromise on the
25 law or on the requirements of CEQA.

1 So I just wanted to sort of emphasize
2 those points. But the workshops are vitally
3 important.

4 MR. BABULA: Can I jump in from Staff?

5 COMMISSIONER VACCARO: Yes, Mr. Babula.

6 MR. BABULA: Okay. Thank you for that.
7 This is Jared Babula, Staff Counsel, and I just
8 want to do a couple points.

9 I'd like to think of it as independent
10 review by the Staff, not necessarily
11 adversarial. We're independent. And as
12 Commissioner Vaccaro noted, we will follow the
13 law.

14 And we also want to emphasize that we
15 are also collaborating with the other wildlife
16 agencies. And so when we look at, for example,
17 surveys or some component of what's needed to
18 ensure biological resources are protected, we're
19 closely working, our technical experts, with the
20 other wildlife agencies. And so we try to reach
21 consensus with them and then work towards
22 getting the appropriate level of information
23 from the Applicant to ensure we can do our
24 analysis which then informs both the
25 decisionmakers, as well as the public.

1 And so it is an iterative process. And
2 as Mr. Knight indicated, we're still collecting
3 information to help us formulate and I think
4 workshops will be helpful to further that
5 process but is a process. And the public's
6 participation is helpful, especially local
7 knowledge on issues has been valuable in prior
8 cases, so I would encourage that.

9 And, certainly, we want to do an
10 independent, rigorous, and robust review with
11 the emphasis of knowing this isn't a PhD
12 dissertation. We're not going to dig into the
13 weeds and do new research but we also want to
14 have a comprehensive document that we're all
15 comfortable with.

16 Thank you.

17 COMMISSIONER MCALLISTER: Okay, I'm
18 getting a little bit of feedback here, making me
19 nervous. Yeah, let's maybe turn off others.

20 (Colloquy between Hearing Officer Webster-
21 Hawkins and Commissioners)

22 COMMISSIONER MCALLISTER: So I'm not a
23 lawyer and so, you know, you're welcome. But I
24 do have a tendency to sort of drill into
25 technical details, which I'm going to bite my

1 tongue and really resist doing right now. We
2 have time to dig into some of these technical
3 issue.

4 And at any rate, I do want to
5 acknowledge the difference between actually
6 building a project and actually figuring out how
7 to build a project. So, you know, you're
8 engaged in the latter.

9 But I also, you know, I want to point
10 out, you know, one megawatt to eight megawatts
11 to 500 megawatts is a big jump, okay? And so
12 this is something truly new; right? It's not
13 just sort of making a pilot bigger. It actually
14 has much bigger caverns underground, different
15 geology, different, you know, drilling at a much
16 larger scale.

17 And so I guess I just want to kind of
18 express that, you know, yes, there's -- you
19 know, it's off-the-shelf technology, there's a
20 lot to like.

21 You know, I really enjoyed, Mr.
22 Hildebrand, your presentation. And I think, you
23 know, there's a lot of compelling benefits, you
24 know, potential benefits, a long list.

25 And, you know, but for example, you

1 know, no significant cycle-of-life degradation,
2 you know, okay, you know, I want to believe
3 that's true. But I also think, you know, you've
4 got a big cavern underground, and so there's
5 potentially, you know, impact to pressure
6 cycling.

7 I kind of am tempted to ask more detail
8 about the hydrologic piece and the water loss
9 when you've got really dry compressed air going
10 down into a cavern with a big interface with a
11 bunch of water that's all down there, and the
12 backpressure, you know? And then when you
13 eliminate (phonetic) that air, you're carrying a
14 lot of humidity up there.

15 So like, you know, I don't really have a
16 sense of what that looks like. And you know, I
17 don't necessarily not believe your calculations
18 but I just kind of want to get my head around
19 those issues so that I feel grounded; right?

20 And so, you know, I think I'm interested
21 in sort of the operational flexibility of his
22 plant. You know, it's 500 by 8 hours or is it,
23 you know, going to go to -- you know, have a
24 rampable, you know, could you do 50 by 80 hours
25 or, you know, fewer megawatts by longer hours?

1 You know, all of that stuff is relevant, I
2 think, for our more general kind of locating
3 this project in California's reality more
4 broadly, not necessarily for a specific
5 consideration of this AFC; right? But I think
6 having that grounding and making sure that Staff
7 is asking those kinds of questions, really
8 figure out sort of what the context is
9 specifically for this project in this place.

10 So I just wanted to make sort of those
11 points.

12 And then ask, let's see, I guess I
13 wanted to just ask a question about the
14 roundtrip efficiency; how do you think about
15 that? you know, it's not a given that roundtrip
16 efficiency just has to be higher and higher;
17 right? I mean, you know, if you have free
18 renewables charging this thing up, you don't
19 necessarily -- you know, a little loss is maybe
20 find; right? But, I guess, how are you thinking
21 about that on your path forward to sort of
22 optimize this and, you know, any future projects
23 you might do here and elsewhere?

24 MR. HILDEBRAND: The simplest way to
25 look at roundtrip efficiency, for every 100

1 megawatt hours that you store, you put into to
2 charge the system, how many megawatt hours do
3 you get out? We're looking right now at about
4 60, 61 megawatt hours of storage back out. So
5 that's a net roundtrip efficiency.

6 We do have some technical experts from
7 our team here that could paint some more color
8 on that picture if you desire. We'll certainly
9 get into it more in the hearing process. And
10 we're happy to provide you with all the color
11 you'd like to see on that.

12 COMMISSIONER MCALLISTER: Yeah. Okay.
13 Thanks. I won't dig into it more now but I
14 think that that would be helpful to kind of
15 understand the envelope of possibilities, sort
16 of, and where you think you might push that
17 number up over time or just, you know, optimize
18 it.

19 I don't think I have any other questions
20 for now. I think I'm good. It's been a long
21 day and I don't to keep people here farther.

22 But I do actually want to just
23 appreciate the care that the County has been
24 putting into this and just paying attention that
25 all the Is are dotted and making sure that the

1 County process is robust, and I think that
2 really helps us all.

3 I do, just finally, I do have some
4 concerns about -- I mean, we talked about the
5 timing and the fact that you're just now
6 drilling. And some of this uncertainty that I'm
7 kind of, I guess, expressing some concern about
8 is that there are a fair amount of unknowns
9 here. And I just sort of -- you know, I think
10 probably you and all of us have our fingers
11 crossed that you can not have any sort of
12 leftfield things come in that really delay your
13 process so that we can finish, you know, so we
14 can move this forward and get to a decision
15 expeditiously.

16 But it does seem like you're a little
17 bit behind the eight ball on really getting that
18 drilling done and understanding, you know,
19 evaluating fully the geology. So anyway, just a
20 thought.

21 But I really appreciate the day. It's
22 been super informative. And really glad to see,
23 you know, members of the public here.
24 Hopefully, we'll get that engagement that we're
25 looking for and really get the neighbors and the

1 affected parties to weigh in and sort of express
2 themselves. So we just, again, we want to
3 encourage everyone to do that.

4 But thanks to the Applicant and Staff,
5 and Hearing Officer and Public Advisor, really a
6 fruitful day, so thank you very much.

7 HEARING OFFICER WEBSTER-HAWKINS: Well,
8 we do have one more discussion to have.

9 As has been mentioned throughout this
10 informational hearing, the next deliverable to
11 hit the docket will be the Presiding Member's
12 Scheduling Order on August 26th. And we will be
13 issuing that scheduling order. The statute
14 requires it expressly for the prehearing phase.
15 But often times, we also include some time lines
16 for the evidentiary phase, as well.

17 So a key deadline that I do want to
18 recognize -- there's a number of deadlines.
19 You've heard 30 days here and there referenced
20 by Staff and the Applicant.

21 A key deadline in the Warren-Alquist Act
22 provides that the Commission issues its final
23 decision no later than 12 months after the
24 application was found to be, what we call, data
25 adequate. And that finding, as you've heard was

1 adopted by the Commission at its business
2 meeting on July 13th of this year. So the 12-
3 month clock would run out July 13th of 2023.

4 So I note, as has been discussed here
5 tonight, there's data and collection and
6 discovery to be continued. Staff has expressed
7 concern in its Issues Identification Report that
8 the timeframe for the final decision could be
9 impacted by the data that it believes it needs.
10 And so there may be some disagreement about the
11 extent of the potential delay, at least based on
12 the documents we've received so far. We
13 appreciate the expression of interest in formal
14 workshops to resolve some of these things.

15 We do want, at this time, as best as you
16 are able and comfortable doing, we would like
17 the Staff and the Applicant to describe any
18 motions you think you may be making around
19 issues of schedule, any other requests that you
20 may be making regarding the discovery phase, and
21 any options that you believe exist that will
22 help ease the resolution of any disagreement in
23 the schedule.

24 And, again, none of this is binding.
25 This is not an opportunity to, say, litigate the

1 issues of schedule. But I think, just for the
2 purposes of this Committee and for the public,
3 it would be helpful if, as you are comfortable,
4 if each of you can describe what you think your
5 plan is, both regards to motions that might
6 impact the schedule, as well as potential
7 resolution.

8 So, again, I'd like to open it up to
9 Staff to describe the proposed schedule that
10 you've included in your Issues Identification
11 Report and describe it for the public, who
12 hasn't had a chance to see it, and also to offer
13 any comments that you can that impact -- that
14 might impact the scheduling order.

15 Oh, yes, sorry. Yes. Next slide,
16 please. Thank you.

17 MR. KNIGHT: Hearing Officer Webster-
18 Hawkins, this is Eric Knight again for Staff.

19 One of the -- what we had identified in
20 our Issues Identification Report is the
21 potential to file a motion to extend the
22 discovery period beyond the 180-day limit. You
23 know, in the -- in sort of the normal 12-month
24 clock, a PSA is published about day 150. And
25 then there's 30 days for a public comment

1 period. So that then marks the end of the
2 discovery period.

3 But given that the geotechnical work is
4 ongoing and could extend out another nine
5 months, and that information, we do feel, is
6 critical to understanding the project, the
7 hazards it might present, its reliability and
8 operability, that's a potential motion we would
9 make as to not have that limit on us, the 180
10 days.

11 And I would defer to Mr. Babula if he's
12 got -- if he wants to add anything there or --
13 yeah.

14 MR. BABULA: This is Jared
15 Babula.

16 I would just that on that issue of
17 extending the discovery period, it really --
18 things are in flux, in flux with this project.
19 And so, I mean, we do have -- we realize they
20 have demonstration projects at a much lower
21 megawatt, as Commissioner McAllister noted. And
22 so it might be possible that some information
23 from that type of project could be useful to
24 give us some sense.

25 But right now -- and we just wanted to

1 put that up there as a potential issue that we
2 would, potentially, need to extend the discovery
3 period, not that we definitively need to do it,
4 but it's there as an issue, given the fact that
5 there's still some ongoing information gathering
6 going on. That's a little unusual for this --
7 where we are in the project now.

8 MR. KNIGHT: And if I could add one
9 other issue, and that goes back to the
10 biological resources surveys?

11 And I just want to echo what Mr. Babula
12 said, is that the data requests that we've
13 written about those surveys were written in
14 coordination with staff of the California
15 Department of Fish and Wildlife and U.S. Fish
16 and Wildlife Service. So we are more than happy
17 to have a workshop with the Applicant and
18 discuss those surveys but it was a collaborative
19 effort.

20 So, you know, if additional surveys are
21 indeed necessary, those are often times
22 seasonally dependent, so that could impact the
23 schedule, as well. So getting that information,
24 you know, in time for preliminary Staff
25 assessment may necessitate a need to extend the

1 discovery period out or extend the period when
2 the PSA would be published.

3 HEARING OFFICER WEBSTER-HAWKINS: Thank
4 you.

5 Applicant, would you like to comment?

6 MR. HARRIS: It may not seem
7 characteristic, but I tend to try to be an
8 optimist. We may not need additional time for
9 discovery but we may. And we have put into our
10 schedule, I think, an additional 30 days at this
11 point.

12 So nothing in terms of motions, Hearing
13 Officer Webster-Hawkins. But we're reasonable
14 people and we want to get through the process as
15 quickly as possible but we want it to be
16 thorough. And I know Staff hates this, but
17 sometimes one or two items will lag for whatever
18 reasons, but you have the ability to publish,
19 you know, sections later for the lagging
20 sections.

21 I really don't want the gating
22 (phonetic) item to be the gating item for
23 everything. We can take advantage of the time
24 for the issues we can knock off, if you will, to
25 use a bad term, early and potentially have

1 additional ones. You're required to do a Staff
2 Assessment. The tradition is a Preliminary and
3 a Final Staff Assessment, but we've seen part A
4 and part B before, where necessary.

5 So, you know, I would just suggest that
6 there may be avenues for us to keep the process
7 moving, even with anything that's lagging. And
8 I think the Commission is motivated to do that.
9 The staff hates bifurcation. Sorry, Jared, as I
10 look at him. But that's certainly not what
11 we're talking about.

12 We're talking about getting the
13 information to the public as soon as possible so
14 that they can digest it and provide us with some
15 good ideas going forward too. So, you know, we
16 understand the challenge ahead of us.

17 You know, I think the one year, you
18 know, is an aspirational goal for all of us, and
19 I'm merry sunshine on that one and we'll try to
20 do our best on that, but we're reasonable
21 people. It may not require a motion. If Staff
22 looks at us and says, we need this, this and
23 this and we agree, we can come to you jointly
24 with a recommendation for an order, as well, and
25 that's really the way we'd like to proceed.

1 Obviously, it has to be vetted in the
2 public process and the public gets their
3 opportunities to weigh in on any of those joint
4 recommendations. But that's the way we'd like
5 to try to address things going forward, you
6 know, recognizing this is a unique project and
7 there's some, maybe not moving parts, but
8 there's some additional information that we
9 need.

10 And so we'll work cooperatively with you
11 but we're not anticipating any motions at this
12 point.

13 HEARING OFFICER WEBSTER-HAWKINS:
14 Committee Members, do you have any questions
15 about schedule? Okay.

16 Well, I appreciate, I think the
17 Committee appreciates, hearing this discussion,
18 and as well as some detail about some critical
19 dates that are happening in the next few weeks,
20 the 1716
21 motion -- or notice that you mentioned, a
22 potential workshop on August 22nd, County
23 Planning Commission meeting on August 25th. So
24 thank you for that information and all of your
25 participation in this discussion.

1 So now we're going to turn to public
2 comment, that you've heard about so much this
3 evening. In many CEC public meetings, we limit
4 public comment to three minutes. And while we
5 always invite the public to express their
6 comments, whether as a statement or a question,
7 usually our public comment periods are not
8 designed to be Q&A.

9 But here, because this is an opportunity
10 and informational hearing, if the public wants
11 to phrase their comments in questions, and if
12 the Applicant and Staff are willing and able to
13 answer those questions, we would invite that.
14 We will try to make sure that the conversation
15 is boundaried [sic], because I know we all want
16 to probably move on with our lives. But at the
17 same time, we really do want this to be an
18 opportunity for the public to ask questions and,
19 perhaps, get some at least preliminary response
20 from the Applicant, in particular, and possibly
21 the Staff.

22 So at this point I'm going to turn it
23 over to Ms. Murimi to facilitate the public
24 comment. And just acknowledging, we'll have
25 public comment in the room and from participants

1 on Zoom.

2 MS. MURIMI: Thank you, Hearing Officer
3 Webster-Hawkins.

4 Going over the instructions once again,
5 the public comment period will be the period for
6 any person wishing to make comment on issues
7 related to this proceeding. Public comment will
8 be taken first in person, and then for our Zoom
9 participants.

10 For our in-room participants, utilize
11 the blue-lined QR codes located on the wall near
12 the door in the back of the room. If you're
13 unable to utilize the codes, there are blank
14 cards on the table in the back. Please fill out
15 your name and bring them to me. If you are
16 unable to do that or do not want to do that, you
17 can also just come notify me of your intent to
18 comment.

19 If you're unable to utilize the features
20 on Zoom, this is for our Zoom participants, you
21 can call in the meeting and participate via
22 phone by dialing (669) 900-6833, or (888) 475-
23 4499, and enter webinar I.D. 93563988384.

24 Each person has up to three minutes to
25 comment. And comments are limited to one

1 representative per organization. Speakers from
2 public agencies or tribal governments are not
3 restricted to the three-minute timer.

4 Use the raise-hand icon to indicate your
5 interest in making public comments. This looks
6 like a high-five or an open palm at the bottom
7 of your screen or device. And if you're on the
8 phone, press star nine to raise your hand and
9 star six to unmute.

10 After you're called on, please state and
11 spell your first and last names, for the record,
12 and give your affiliation if any. Be mindful
13 not to use speaker phone because it will make it
14 difficult to hear you.

15 You'll see the timer to the right of
16 your screen. And once you start the timer will
17 start counting -- once you've given your
18 introduction the timer will start counting down.
19 Once your comments have -- once that timer has
20 concluded, the Moderator will -- me -- will
21 request that you kindly conclude your comments
22 in order to avail time for other commenters.

23 So I'll start with in-room public
24 commenters. Again, if you have not utilized the
25 QR codes, go ahead and bring the cards or -- to

1 me or notify me
2 directly.

3

4 So our first commenter, Lorelei Oviatt.
5 And apologies if I've misstated your name.
6 Please come to the podium and give your
7 comments.

8 MS. OVIATT: Thank you so much. I am
9 Lorelei Oviatt, L-O-R-E-L-E-I O-V-I-A-T-T. I'm
10 the Director of the Kern County Planning and
11 Natural Resources Department, representing the
12 Kern County Board of Supervisors.

13 We've been coordinating with your staff,
14 as we've done on so many other projects, and we
15 very much appreciate the work that the staff and
16 the California Energy Commission does. We have
17 coordinated with the Applicants on a limited
18 basis but we still have many, many questions.

19 I have been delegated responsibility by
20 the Kern County Board of Supervisors to make it
21 easier for your staff. So I coordinate -- my
22 department coordinates County department
23 responses and we help your staff connect with
24 the right people in the county if they have
25 specific issues with things such as fire or

1 public works or roads. So my department has a
2 dedicated staffer who works on this project.

3 So I've addressed my concerns about this
4 geotechnical work, so I wanted to move on to a
5 couple of other concerns that we have.

6 So they've chosen an area because of the
7 geotechnical -- the rock that they need. But
8 this an area of rural residential use. And
9 while they continue to characterize it as energy
10 storage, we're all very clear that this has many
11 characteristics of mining.

12 And the presentation the Applicant has
13 made said that the construction will take four
14 years, on the presentation that we saw. The
15 desert area of Kern County, where you are, we
16 are home to over 80 mines, including the largest
17 open-pit mine in California at Rio Tinto's U.S.
18 Borax mine.

19 We, meaning the Kern County Planning
20 Department, are very familiar with mining, but
21 we normally don't situate it in a rural
22 residential area next to a main road. So
23 practically, Willow Springs Road is the main
24 road for access to the renewable area for wind,
25 and for Grimmway Farms and their carrot

1 operations. That road may not be used very much
2 by people but it's used a lot by very big
3 trucks. And they have situated their project
4 right on that main thoroughfare.

5 So we are interested in the details on
6 how this underground cavern will be created and
7 stabilized. I can't imagine that it's not going
8 to include blasting, drilling. What is the
9 duration of that?

10 What kinds of measures are being
11 proposed to address the noise and the dust?
12 Dust is very, very critical out here since we
13 have natural dust from our deserts. And we have
14 the East Kern Air Pollution Control District on
15 top of all of our solar and wind projects. And
16 we fully expect that four years of construction
17 to create the cavern that they're talking about
18 has to be particularly and specifically managed.

19 We're also interested in air impacts
20 from those criteria pollutants, and specifically
21 noise. I appreciate that the Applicant
22 continues to say that they're going to meet the
23 noise standards. I've done hundreds of EIRs. I
24 don't know how you can blast or create that
25 cavern and not exceed the noise.

1 So then we should talk about other types
2 of noise mitigation, such as soundwalls, which
3 our oil and gas drillers use and blow up, paying
4 so people can move out of their houses during
5 your blast.

6 I'd like to also point out that we are -
7 - we didn't happen to have one today, but we are
8 in an overflight. We get very sudden and very
9 loud sonic booms. They knock things off of
10 walls. They scare your dog. I cannot imagine
11 four years of blasting.

12 So we want those details. And we also
13 want all of that consulted with our fire
14 department who is, as well as your fire expert,
15 very experienced with these types of things.
16 And we would like to have those done as
17 conditions of certification. We are not willing
18 to wait for design. Once again, I've done
19 hundreds and hundreds of, me personally, of
20 EIRs. There is a level of design, but then
21 there's also a level that we understand what the
22 impacts are, and we understand what conditions
23 can be placed on it.

24 Asking neighbors of this community to
25 wait after certification for some blasting plan

1 and noise plan I think is inappropriate. I
2 think there's a certain amount of information
3 that they can provide. I believe that they
4 don't have enough geotechnical to do it, and so
5 this is kind of backwards as we've committed.
6 But with the engineering technology that they
7 have, they should be able to figure it out.

8 How are you going to create that? What
9 is the process you created? And what are the
10 impacts? And what kind of mitigation can you
11 provide?

12 This is located in what I like to call a
13 bowl. All the noise in that area reverberates
14 back because of the bluffs. So I am sure that
15 the noise of that blasting is going to go much
16 further. And I know that, based on my own
17 experience, the wildlife agencies are also going
18 to be concerned about that.

19 I'd like to also point out, we have the
20 largest wind area. And we are very, very
21 concerned about impacts to California condors.
22 California condors are sensitive to many of
23 those blasting episodes and very attracted to
24 bodies of water. We have had a condor drown in
25 our fire tanks. And we have had to cover our

1 fire tanks.

2 You are now proposing 535 acre feet of a
3 water source. I know that the -- I'm sure that
4 Fish and Wildlife will bring this up but Kern
5 County is personally. We have not -- knock on
6 wood -- lost a condor. And I would hate to have
7 any project in Kern County be the first one, so
8 I would just like to raise that.

9 Lastly, it will take four to five months
10 to do the zone change. We are proud to say that
11 we have thousands of megawatts of solar and
12 lithium battery storage that's ahead of this
13 project. They have not submitted an application
14 for a zone change. And I have a small staff.
15 So I recommend that, if that is a critical path,
16 that they should take that into account.

17 Last, we have suggested mitigation that
18 we'll be offering to address the fiscal impacts
19 and the issues on impacts to public services for
20 the community. These are standard conditions
21 that we place on all our solar and wind and
22 battery storage. And we -- they've been vetted
23 by hundreds of lawyers from wind and solar
24 companies around the world. And so we hope that
25 the Applicant will accept them and we certainly

1 look forward to providing those.

2 So in ending -- and I appreciate you
3 giving me a minute or two over -- we look
4 forward to working with the CEC Staff and the
5 Applicant at answering some more questions.

6 I think that this project, if this
7 project were being processed by the Kern County
8 Planning Department, we would tell the
9 Applicant, you're not ready to move forward, you
10 need to do more work. And so they are
11 committed, dedicated, and this is an important
12 project, so I look forward to hearing their
13 answers.

14 Thank you all so much for coming to Kern
15 County in person.

16 MS. MURIMI: Thank you.

17 Next we have Josh Taylor. Please state
18 and spell your name, give your affiliation.
19 That's Josh Taylor. Okay.

20 Moving on, we have Sherri Timm.

21 MS. TIMM: Hi. My name is Sherri Timm,
22 S-H-E-R-R-I T-I-M-M. I am a resident of
23 Rosamond and I live in that rural area where the
24 project is approximately two miles to the east.
25 I am just stating concerns that I have about the

1 project.

2 I've lived in that area for about 30
3 years and we've seen a drop in aquifers. I
4 understand a little bit about the project and
5 it's a close source, but I'm concerned about the
6 source of water, and I'm concerned about the
7 impacts to existing underground aquifers.

8 I'm also very concerned about the
9 blasting vibrations, noise, and dust that this
10 project may bring.

11 And I'm also concerned about operational
12 noise. In general, operational noise is in
13 general, and then the compressor in particular.
14 Those are some pretty big compressors and that
15 sound could carry for miles.

16 Thank you very much for the opportunity
17 to speak to you and for coming to Rosamond to
18 listen to our concerns.

19 MS. MURIMI: Thank you.

20 Next we have Luz Padilla.

21 MS. PADILLA: Hi. My name is Luz
22 Padilla, L-U-Z P, as in Peter, -A-D-I-L-L-A. I
23 came here because I have questions, so can I
24 phrase in a common form; is that okay? Okay.

25 They said that this is going to be their

1 flagship, so is that saying that they haven't
2 built this project in the USA? Have you built
3 anywhere else in the United States?

4 COMMISSIONER VACCARO: Sorry. Let me go
5 on the microphone.

6 Perhaps we can do this, if you have a
7 series of questions or comments -- and can you
8 stop the clock right now, please? -- why don't
9 you go ahead and express all of them right now?
10 And then we can give the Applicant an
11 opportunity to be responsive after you've sort
12 of gotten them out, instead of one-off. And so
13 we'll go
14 through --

15 MS. PADILLA: Oh. Okay.

16 COMMISSIONER VACCARO: -- the three-
17 minute timer. And then Applicant, if Applicant
18 is able or comfortable at this time, can
19 respond.

20 MS. PADILLA: Okay. And if you haven't
21 built in California, I guess my two and three
22 questions are out the doors.

23 And then my -- another one I'm concerned
24 about is what materials are you using in your
25 construction project and your eventual operation

1 that would be toxic to people?

2 And then when you're digging as deep as
3 2,000 feet, usually a lot of projects, you know,
4 they dig and sinkhole appears surrounding areas,
5 even farther out, you know, or small hills
6 appears. How do you -- what kind of mitigation
7 factors are you going to -- you know, I mean,
8 are you going to compensate people who will have
9 damaged properties?

10 Now you will have a four-year project.
11 You will have big trucks, trucks that will be
12 removing earth, tons and tons of earth. You
13 will be damaging our streets. Do you have any
14 plans on repairing those damages or
15 compensating, you know, Rosamond?

16 Now since you're digging 2,000 feet
17 below, there's likelihood that radon gas, deadly
18 gases, VOC, volatile organic compounds, will
19 escape. How would you mitigate that? Because
20 you can tell me radon gas would dissipate in the
21 air, but it drifts on people's houses, barns,
22 outhouses. What are you going to do? Are you
23 going to provide professional certified rating
24 services?

25 And then, as a property owner, something

1 about like in our titles, usually they will say,
2 you know, 500 feet below your land is -- belongs
3 to somebody else with mineral rights. Have you
4 told them about this project? Are they
5 informed?

6 When you dig up tons and tons of dirt,
7 where will you be dumping this? Are you going
8 to check first for contamination, like
9 radioactive waste? And if you find that it's
10 contaminated, where will you dump it?

11 Oh, is the project fully funded or are
12 you still working on -- for the completion?

13 Also, where the funds come from?

14 And you said you're insured. A lot of
15 things could happen. I hope -- there's
16 incidental insurance that you may have to look
17 into.

18 Are you going to be hiring workers
19 locally? And, if so, will they be unionized?

20 Now your groundwater reservoir is
21 supposed to hold 565 acre feet of water to
22 regulate the pressure. We have a water
23 shortage, so where will this be coming from?
24 You're talking about magic air. The question
25 is: What is the minimum acre feet of water do

1 you need on a daily basis? And if goes below
2 that 565 that you're talking about, will that be
3 considered critical phase?

4 Without water to cool off the compressed
5 air, is there a danger of major explosion? How
6 big will that explosion be? Will it be
7 earthquake size, atomic bomb size?

8 What is the dimension of your
9 groundwater reservoir? You're only saying 31
10 acres is the length-width-height. And since
11 this is open --

12 MS. MURIMI: Ms. Padilla, if you could
13 finish your comments?

14 MS. PADILLA: Since this is open, what
15 percentage of the water will evaporate on a
16 daily basis?

17 And would your project create
18 wastewater? What will you do with that
19 wastewater?

20 MS. MURIMI: And, Ms. Padilla, if you
21 could finish your comments?

22 MS. PADILLA: Okay.

23 MS. MURIMI: Thank you.

24 Next we have Becky Goodwin.

25 HEARING OFFICER WEBSTER-HAWKINS: Just

1 before we go to the next public commenter, I
2 wanted to provide the Applicant and, possibly,
3 Staff the opportunity to respond to any of the
4 questions raised by Ms. Padilla.

5 MR. HARRIS: Thank you for your
6 comments. You raised a lot of issues that we've
7 thought about in our development of this
8 project. And in terms of brevity, these
9 questions that you asked will all be addressed
10 in detail throughout this process. Most of them
11 have already been addressed in our AFC. Our
12 Application for Certification is on the CEC
13 website. And some of the -- most of the
14 fundamental questions that you posed are
15 addressed in the AFC.

16 We'd be happy to work with you to
17 address those issues, point to where those
18 answers are, and sit down and understand any
19 other concerns you may have, but it is a long
20 list. And it will take more time to address
21 those individually but thank you for your
22 comments.

23 HEARING OFFICER WEBSTER-HAWKINS: Thank
24 you.

25 Alright, you can proceed with public

1 comment.

2 MS. MURIMI: Thank you.

3 Next we have Becky Goodwin.

4 MS. GOODWIN: Hello. My name is Becky
5 Goodwin, B-E-C-K-Y G-O-O-D-W-I-N. And I loved
6 the pictures you posted, I love them, they're
7 beautiful, especially from -- coming from
8 Hamilton toward the proposed site and north. It
9 looks beautiful. However, 80-story -- how tall
10 did you say it was going to be? The berm for
11 your reservoir touches our back fence in all of
12 your projected pictures.

13 I have a beautiful view right now. Once
14 you put those buildings up and that berm, now
15 I've got -- you've cut my view in like half, and
16 the view that you're taking is beautiful.
17 Sunrises, I have beautiful views that you're
18 going to take away. And there's no way you can
19 tell me we've got a very small footprint because
20 it's huge from where we sit because our house is
21 just like right there, two-and-a-half acres, we
22 love it.

23 And what is the mitigation you're going
24 to have on that berm? I mean, flood insurance?
25 Okay. Well, sorry, we're still downhill from

1 650 acres of water. And I'm curious as to how
2 you plan on making sure that we're safe?

3 But it does look nice. I'm glad that
4 the work is coming in. I'm glad that the
5 community will have jobs. But I like my house.
6 I like my view. I like the quiet, which we
7 don't have now, the trucks on the road. We do
8 actually hear the drilling. I haven't seen a
9 lot of dust because we've seen the water trucks,
10 so thank you for that, but we actually do hear
11 stuff.

12 And if we can hear that, those turbines
13 that you're talking about -- I come off a Navy
14 ship, (indiscernible) are never quiet, ever.
15 You hear a hum all the time, either through the
16 soil or through the air, you're going to hear
17 it.

18 And I'm curious. I look at the Perseid
19 meteor shower going on tonight and not after you
20 put up your lights. Once you put that building
21 up, you're going to have 24/7 lights, and I
22 won't get to see the stars, not anymore. And
23 that's something that sold us on our property 12
24 years ago.

25 So those are my concerns. And,

1 hopefully, you can address them.

2 Thank you.

3 MS. MURIMI: Thank you.

4 We'll move to our Zoom participants. We
5 have a Laura Rosenberger Haider. Apologies if
6 I've misstated your name. Please state and
7 spell your name, give your affiliation if any.
8 You may begin your
9 comment.

10 MS. ROSENBERGER HAIDER: My name is
11 Laura Rosenberg Haider, L-A-U-R-A R-O-S-E-N-B-E-
12 R-G-E-R
13 H-A-I-D-E-R.

14 Well, I'm a resident of Fresno and with
15 Fresnans Against Fracking. And I'm concerned
16 about the risk of earthquakes. Like what is the
17 risk of an earthquake that could damage the
18 storage? You know, there's a tradition of
19 construction of energy facilities on earthquake
20 fault zones.

21 And, also, the expanded fracking and
22 wastewater injection planned for Kern will
23 increase the risk of earthquakes, maybe more
24 than what is shown on the old maps. Well, is
25 there radium or uranium underground that could

1 be brought out? But remember, Aliso Canyon
2 Natural Gas Storage, when it exploded, uranium
3 was found. After it exploded, uranium was found
4 in nearby residents' hair by Dr. Nordella.

5 Alright. Thank you. I'm finished.

6 MS. MURIMI: Thank you.

7 I'm going to check once again for in-
8 room commenters.

9 Seeing none, Hearing Officer Webster-
10 Hawkins, I hand the mic back to you.

11 HEARING OFFICER WEBSTER-HAWKINS: Thank
12 you, Ms. Murimi.

13 Commissioner McAllister, did you want to
14 jump in?

15 COMMISSIONER MCALLISTER: Yeah. I just
16 wanted to, I think -- well, this is for Ms.
17 Padilla. I think the Public Advisor can help
18 connect you to some of the materials that are in
19 the docket so that you can look through those
20 and potentially get some answers to your
21 questions that are already in the docket, but
22 then also connect you with the Applicant so they
23 can help you run down answers to the rest of
24 your questions.

25 So I just, I wanted to just point out

1 that that's -- that connectivity is the role
2 that the Public Advisor helps play because it's
3 not always clear how to access the information,
4 you know, in an efficient way, so please look
5 out for Ms. Murimi or her colleagues in the
6 Public Advisor's Office.

7 HEARING OFFICER WEBSTER-HAWKINS: Okay.
8 So at this time, we can move on to the next
9 slide.

10 COMMISSIONER VACCARO: (Indiscernible.)

11 HEARING OFFICER WEBSTER-HAWKINS:
12 Absolutely.

13 COMMISSIONER VACCARO: I just wanted to
14 make a follow-up comment on what we've heard the
15 questions and the comments that have come from
16 the residents. I mean, you raise really
17 important points. We're hearing these, the
18 Energy Commission, at least the Commissioners
19 right now for the first time.

20 These oral comments are important and
21 we'll take them into consideration but we really
22 do encourage you to continue to follow this
23 process, to raise these concerns with the staff,
24 as well. Because part of the job of Staff in
25 working with the Applicant is they do the

1 analysis on all of the various things you've
2 raised, is how to avoid or how do you mitigate
3 these impacts? And understanding what the
4 impacts might be is very important.

5 So we already have your comments in our
6 record as of now. But I would just ask you to
7 continue to raise your points, continue to press
8 Staff and the Applicant to address them, to help
9 you understand where in the Application for
10 Certification some of these things might already
11 be addressed and where they have yet to be
12 addressed.

13 So I appreciate, Commissioner
14 McAllister, that you've invited our Public
15 Advisor to assist members of the public with
16 navigating our docket with identifying
17 documents.

18 And I appreciate that you invited
19 discussion. You said at the top of your
20 presentation that you're looking to be a good
21 partner with the community. I think one way
22 that you do that is to help the community
23 understand the information that's being
24 submitted, so I appreciate that. And we are
25 going to look to you, I think, to, you know, to

1 follow through on that because it's really
2 important, understanding what's going on here.

3 This goes back to my conversation with
4 you, Mr. Harris, the clarity, the accessibility
5 of information, is going to be helpful to all of
6 us in this process.

7 So I thank you all for your comments.

8 HEARING OFFICER WEBSTER-HAWKINS: Thank
9 you.

10 And with that, I just want to confirm,
11 I've heard, I believe, that there's probably not
12 a need for a closed session tonight, is that
13 from the Committee's
14 perspective?

15

16 COMMISSIONER VACCARO: Correct.

17 HEARING OFFICER WEBSTER-HAWKINS: Okay.
18 Alright. So we are going to not have a closed
19 session, which means we're going to move to
20 adjourn.

21 And so in that vein, I don't know if
22 there's any further closing comments that the
23 Members of the Committee would like to make?

24 COMMISSIONER MCALLISTER: I just want to
25 thank everyone for coming. Again, agree with

1 Commissioner Vaccaro, that the public comment is
2 essential. And I'm really grateful for those
3 who showed up today. And I want to just
4 encourage everyone to follow along but, also,
5 try to, you know, be as clear -- and you know,
6 persistence is good -- but be as clear as you
7 can be, whether it's in verbal comments or
8 written comments in the docket, what your
9 concerns are and, you know, don't be afraid to
10 keep asking if you don't feel like you're
11 getting the answers that you need.

12 And again, you know, I think the
13 Applicant has committed to work with the
14 community and to establish, you know, a trust
15 that's durable with the community around this
16 project, so you know, let's make sure that
17 happens.

18 But really encouraged today. Really
19 great to be here in person. I know we haven't
20 had a lot of that in the last few years and
21 overseas it's really terrific to just be here in
22 three dimensions and be able to go through a
23 really vital process.

24 So thanks everyone.

25 HEARING OFFICER WEBSTER-HAWKINS:

1 Presiding Member Vaccaro?

2 COMMISSIONER VACCARO: Thank you. And
3 I'll just round it, again echoing Commissioner
4 McAllister's thanks of the community members for
5 coming out.

6 Ms. Oviatt, thank you for your comments.
7 Staff team, appreciate all of your
8 preparation today.

9 Applicant team, appreciate it, as well.

10 Hearing Advisor [sic] Renee Webster-
11 Hawkins, you did an excellent job tonight. You
12 wouldn't know it, this is her first one of these
13 and she is a pro. And so thank you for
14 facilitating this and making it a comfortable
15 and welcoming space for everyone, really
16 appreciate it.

17 Thank you.

18 HEARING OFFICER WEBSTER-HAWKINS:
19 Alright. Well, with that, I'm looking at my
20 Apple Watch and it says 7:48, and we are
21 adjourned. Thank you all for coming.

22 (Off the record at 7:48 p.m.)

23

24

25

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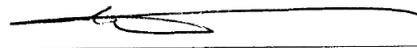
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REPORTER' S CERTIFICATE

I do hereby certify that the testimony in the foregoing hearing was taken at the time and place therein stated; that the testimony of said witnesses were reported by me, a certified electronic court reporter and a disinterested person, and was under my supervision thereafter transcribed into typewriting.

And I further certify that I am not of counsel or attorney for either or any of the parties to said hearing nor in any way interested in the outcome of the cause named in said caption.

IN WITNESS WHEREOF, I have hereunto set my hand this 29th day of August, 2022.



PETER PETTY
CER**D-493
Notary Public

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I do hereby certify that the testimony in the foregoing hearing was taken at the time and place therein stated; that the testimony of said witnesses were transcribed by me, a certified transcriber and a disinterested person, and was under my supervision thereafter transcribed into typewriting.

And I further certify that I am not of counsel or attorney for either or any of the parties to said hearing nor in any way interested in the outcome of the cause named in said caption.

I certify that the foregoing is a correct transcript, to the best of my ability, from the electronic sound recording of the proceedings in the above-entitled matter.



August 29, 2022

MARTHA L. NELSON, CERT**367

