

DOCKETED

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Memorandum

To: Commissioner Andrew McAllister, Associate Member

Date: February 24, 2023

From: California Energy Commission
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Subject: STATUS REPORT #6 FOR WILLOW ROCK ENERGY STORAGE CENTER (21-AFC-02)

In its August 31, 2022, Order directing parties to file Monthly Status Reports, the Committee required that the parties file and serve a Status Report on or before the 26th of each month.

The California Energy Commission (CEC) staff has commenced work on a Preliminary Staff Assessment, which we expect to publish within 60 days of acknowledging in a status report that we have no further data requests.

The CEC staff remains engaged in discovery efforts, in accordance with the joint statement by the parties regarding data requests (TN 248337). On January 12, 2023, the applicant submitted a request for an extension of the time to submit the project optimization document and stated that they would provide new due dates in the applicant's January Status Report (TN 248386). The applicant did not provide the date in the Status Report. Instead, the applicant stated in its January 26, 2023, Status Report No. 5, that information related to project optimization initially anticipated to be filed by January 31, 2023, will be filed at a later unspecified date and that applicant will provide project optimization response updates in its Status Reports. Discovery responses have been delayed pending the applicant's filing of the project optimization documents. For example, Data Requests 21-24 are contingent upon this "project optimization" revised description. To date, no document setting the rescheduling of project optimization has been received by staff.

On February 9, 2023, staff filed a response to applicant's objection (filed January 12, 2023) to Data Requests 148 and 149, which sought focused surveys of Crotch's bumblebee. Staff filed a response rather than a motion to compel because the evidence clearly suggests the presence of the species in the project area, and therefore the applicant has the option to either perform surveys or be subject to mitigation requirements. Staff felt a committee order compelling surveys was not necessary and filed a response to provide transparency regarding the scientific basis for the determination of presence of the species. Staff has provided applicant with survey

protocols and anticipates supporting applicant's experts in conducting the surveys if applicant opts to undertake them (TN 248949). Staff intends to follow up with the applicant regarding all data requests that are outstanding and related to the project optimization update. Staff will provide an update in the next Status Report.

Staff plans on filing Data Requests Set 4 shortly, concerning biological resources, including a request for surveys of Mohave ground squirrel (a California state threatened species).