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STATE OF CALIFORNIA

**State Energy Resources Conservation
and Development Commission**

In the Matter of:

**WILLOW ROCK ENERGY STORAGE
CENTER**

Docket No. 21-AFC-02

**CALIFORNIA UNIONS FOR RELIABLE ENERGY
STATUS REPORT NO. 9**

May 26, 2023

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Attorneys for California Unions for
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California Unions for Reliable Energy (“CURE”) submits this status report pursuant to the Committee Scheduling Order issued on August 31, 2022. In its Scheduling Order, the Committee ordered the parties to file and serve a Status Report on or before the 26th of each month.

On May 1, 2023, CURE filed Data Requests Set 2 (TN 249932) for technical information related to the following environmental topics: Geology, Air Quality, Public Health, Noise, and Biological Resources. On May 22, 2023, GEM A-CAES LLC (“Applicant”) filed a notice pursuant to California Code of Regulations, title 20, sections 1003 and 1716(f) (TN 250259) stating that it would require additional time beyond the usual 30 days from the date that the request is made for CURE’s Data Requests 83-85, 87, 92-93, 96-98, 101-105, 110-117, 119-120, 122-123, 125, 127-130, and 132. The Applicant’s notice proposed new deadlines of 30-60 days following the project optimization filing for Data Requests 83-85, 87, 92-93, 96-98, 125, 127-130 and within 30 days following the docketing of the final reports for the ongoing biological resources surveys for Data Requests 101-105, 110-117, 119-120, 122-123, 132. All data requests not referenced in the Applicant’s request for additional time are due by May 31, 2023.

The 180-day discovery period pursuant to California Code of Regulations, title 20, section 1716(e) was previously extended by the *Joint Statement by California Energy Commission staff (CEC Staff), Gem A-CAES LLC (Applicant) and California Unions for Reliable Energy (Intervenor) Re:*

Data Requests (“Joint Statement”), filed on January 6, 2023 (TN 248337).

The Joint Statement extended the deadline to submit “requests for information regarding all topic areas up to May 1, 2023, or 90 days after the Applicant files any updated project description, whichever is later, and still be considered timely.” In addition, for geology and biological resources, the Joint Statement provides that “any party may request additional information up to 30 days beyond the date Applicant submits final reports associated with the geological evaluation effort and necessary biological surveys.”

As proposed in Applicant’s notice requesting an extension of time to respond to Data Requests 101-105, 110-117, 119-120, 122-123, 132, the response deadline of 30 days after filing the final biological resources reports would preclude CURE from filing additional data requests related to the Applicant’s responses to these specific requests. CURE may meet and confer with the Applicant about this issue, if necessary.

CURE and its consultants will evaluate the Applicant’s responses to CURE’s Data Requests Set 2, once filed, and assess new information docketed by the Applicant related to surveys of sensitive plants and other biological resources, geotechnical investigation, and project optimization. Based on the Applicant’s responses to CURE’s Data Requests Set 2 and any new information, CURE may submit additional data requests for information pertaining to biological resources, geologic resources, and/or project optimization.

Dated: May 26, 2023

Respectfully submitted,

/s/ Tara C. Rengifo

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