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**STATE OF CALIFORNIA
Energy Resources Conservation
and Development Commission**

In the Matter of:)
)
Application for Certification for the)
Willow Rock Energy Storage Center)
_____)

Docket No. 21-AFC-02

**APPLICANT’S RESPONSE TO MOTION TO SUSPEND THE APPLICATION FOR
CERTIFICATION PROCEEDING**

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Attorneys for Applicant

**STATE OF CALIFORNIA
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In the Matter of:)
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**APPLICANT’S RESPONSE TO MOTION TO SUSPEND THE APPLICATION FOR
CERTIFICATION PROCEEDING**

Pursuant to Section 1211.5 of the California Energy Commission’s (“CEC’s”) regulations, GEM A-CAES LLC (the “Applicant”) hereby responds to *Staff’s Motion to Suspend the Application for Certification Proceeding* filed by CEC Staff on July 12, 2023 (“July 12th Motion”).¹ The July 12th Motion seeks an order from the Committee suspending the Willow Rock Energy Storage Center (“Project”) Application for Certification (“AFC”) proceeding, acknowledging that staff may temporarily pause Project-related work, and directing the applicant to submit monthly status reports.² The July 12th Motion also requests that the Applicant be directed to file a Supplemental AFC that contains the requisite information for the updated project description, consistent with applicable requirements.³

The Applicant does not object to the requested relief set forth in the July 12th Motion. Indeed, before the filing of the July 12th Motion, on June 30, 2023, the Applicant indicated its concurrence in its Response to CEC Staff Status Report #10 and its continuing belief that a Committee Order is not necessary.⁴ Despite the suspension or pause ordered in this AFC docket, the Applicant anticipates that it will file a supplemental AFC towards the end of the year as it advances project optimization activities.

¹ TN#: 251029.

² July 12th Motion, p. 4.

³ July 12th Motion, p. 4.

Regardless, with the July 12th Motion now pending, the Applicant recommends that if the Committee grants the July 12th Motion, then the Committee’s order should clearly state that the obligations of all parties to this proceeding are temporarily suspended.⁵ Once the Supplemental Application for Certification is filed, the Applicant will meet and confer with parties to determine whether responses to outstanding data requests are still necessary, or if the data needs have been resolved through the filing of the Supplemental Application for Certification.

PROPOSED ORDER LANGUAGE

The Applicant proposes the following language for any order suspending the proceeding:

1. All proceedings in the above-captioned matter are temporarily suspended until further order of this Committee. During the temporary suspension, all parties to this proceeding may suspend work on the Application. All deadlines, including those relating to pending data request responses, are stayed.
2. The proceedings shall be temporarily suspended until such time as (1) the Applicant files a Supplemental Application for Certification that contains the requisite information for the updated project description and (2) the Committee determines that the filing contains sufficient information to resume the proceeding. The Committee retains its authority to recommence the proceeding at any time.
3. The Applicant is directed to file status reports by the 26th of each month relating to the status of the Supplemental Application for Certification and to bring potential relevant matters to the Committee’s attention. Staff and the Intervenor may discontinue filing status reports until directed to resume by the Committee.

Dated: July 26, 2023

Respectfully submitted,

ELLISON SCHNEIDER HARRIS & DONLAN LLP

By  _____

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⁴ TN #: 250856.

⁵ For example, there are several pending data requests issued by both CEC Staff and Intervenor California Unions for Reliable Energy (“CURE”).