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STATE OF CALIFORNIA
STATE ENERGY RESOURCES
CONSERVATION AND DEVELOPMENT COMMISSION

IN THE MATTER OF:

MORTON BAY GEOTHERMAL PROJECT
APPLICATION FOR CERTIFICATION

Docket No. 23-AFC-01

PETITION TO INTERVENE BY
CALIFORNIA UNIONS FOR RELIABLE ENERGY

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Pursuant to Cal. Code Regs., tit. 20, § 1211.7, California Unions for Reliable Energy (CURE) respectfully files this Petition to Intervene (“Petition”) in the Morton Bay Geothermal Project (“Project” or “MBGP”) Application for Certification (“AFC”) proceeding, Docket No. 23-AFC-01. Section 1211.7(a) grants “any person” the right to file a petition to intervene which sets forth “the grounds for intervention, the position and interest of the petitioner in the proceeding, the extent to which the petitioner desires to participate in the proceedings, and the name, mailing address, e-mail address, and phone number of the petitioner.” The presiding member may grant intervention and impose reasonable conditions on an intervenor’s participation. (*Id.* § 1211.7(c)). “An intervenor is a party to a proceeding.” (*Id.* § 1211.7(c)).

This Petition is timely because the Presiding Member of the California Energy Commission Committee designated to conduct proceedings in this matter has not promulgated a scheduling order with a deadline to file a petition to

intervene or set an evidentiary hearing. In the absence of a scheduling order, the default deadline is 30 days before the first evidentiary hearing. (*Id.* § 1211.7(b)). The Committee has not yet set a date for an evidentiary hearing on this matter. An evidentiary hearing on application for certification cannot be set earlier than 90 days after the acceptance of the application. (*Id.* § 1745). Since the Commission deemed the application complete on July 26, 2023 (Order No. 23-0726-03b, TN# 251219), an evidentiary hearing for the Project cannot be set earlier than October 24, 2023. Absent a scheduling order that sets an evidentiary hearing or a specific deadline for intervention, a petition to intervene is timely if filed prior September 24, 2023. Therefore, this Petition is timely.

I. POSITION AND INTEREST STATEMENT

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

The Project also affects the union members' longer term economic and environmental interests. CURE's coalition members construct, maintain and operate conventional and renewable power plants, energy storage facilities, and other industrial facilities in California where the coalition members live, work, and recreate. CURE is equally committed to building both a strong economy and a healthy environment. Environmental degradation jeopardizes future jobs by

causing construction moratoriums, depleting limited air pollutant emissions offsets, consuming limited freshwater resources, and imposing other stresses on the environmental carrying capacity of the state. This in turn reduces future employment opportunities. In contrast, well designed projects that reduce environmental impacts improve long-term economic prospects.

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

II. GROUNDS FOR INTERVENTION AND EXTENT OF PARTICIPATION

The Commission has granted CURE's intervention in all prior siting cases and small power plant exemption cases in which CURE has sought intervention since the enactment of Assembly Bill 1890. The Commission rejected the only challenge to CURE's participation in those cases, finding CURE's interests "undeniably relevant" to the proceedings. (In the Matter of Application for Certification for the High Desert Power Project, Docket No. 97-AFC-01, Order Granting Petition to Intervene at 2 (Dec. 24, 1997). Most recently, the Commission granted CURE's intervention in the Willow Rock Energy Storage Center proceeding. (In the Matter of Willow Rock Energy Storage Center, Docket No. 21-AFC-02,

Committee Order Granting Petition to Intervene Filed by California Unions for Reliable Energy, TN # 245943 (Sept. 9, 2022)). The same decision should be reached here.

CURE has participated in permit proceedings for power plant projects throughout California. In those cases CURE identified deficiencies in the project description and environmental setting that prevented adequate assessments of impacts to the environment and public health. CURE also identified underestimated, unanalyzed, and unmitigated impacts related to construction air emissions, operational air emissions, public health, greenhouse gas emissions, biological resources, cultural and tribal resources, energy use, geology and soils, hazards, hydrology and water quality, land use and planning, noise, public services, transmission system engineering, recreation transportation, utilities, wildfire, cumulative impacts, and alternatives, among other topics. For those projects, CURE provided evidence, including expert testimony, regarding potentially significant impacts and feasible mitigation measures to reduce impacts to less than significant.

If granted intervention, CURE intends to participate fully in all phases of this proceeding. CURE intends to participate in all topics relevant to the Commission's consideration of the Project including, but not limited to, environmental setting, air quality, alternatives, biological resources, compliance with laws, ordinances, regulations and standards, cultural resources, cumulative impacts, efficiency, demonstration, facility design, geologic hazards and resources,

greenhouse gas emissions, hazardous materials, land use, noise and vibration, paleontological resources, project description, project overview, project schedule, public health, public services, recreation, reliability, socioeconomics, soil and agricultural resources, traffic and transportation, transmission line safety and nuisance, transmission system design, tribal resources, visual resources, waste management, water resources, wildfire, and worker safety. CURE reserves the right to participate in other topics should CURE identify any issues which warrant participation. CURE may participate in all aspects of this proceeding, including, but not limited to, discovery, workshops, testimony, briefing, and cross-examination of witnesses.

III. CONTACT INFORMATION

All filings in this proceeding should be served on CURE's representative at:

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IV. CONCLUSION

For the foregoing reasons, CURE respectfully requests that the Committee grant its petition to intervene in this proceeding and allow CURE to participate as a party without limitation.

Dated: August 3, 2023

Respectfully submitted,

Original Signed By

/s/ Andrew J. Graf

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