

DOCKETED

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CALIFORNIA ENERGY COMMISSION

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CEC-70 (Revised 07/22)



IN THE MATTER OF:

MORTON BAY GEOTHERMAL PROJECT

Docket No. 23-AFC-01

**GENERAL ORDERS REGARDING MOTIONS,
ELECTRONIC FILING, SERVICE OF DOCUMENTS,
AND OTHER MATTERS IN THE MORTON BAY PROCEEDING**

The Committee¹ for the Application for Certification (AFC) for the Morton Bay Geothermal Project (Morton Bay) **ORDERS** the following requirements to apply to this proceeding. Many of these requirements are set forth in the regulations of the California Energy Commission (CEC) guiding the conduct of proceedings.² Additional requirements are adopted pursuant to the Presiding Member's authority to regulate the conduct of proceedings.³

Management of Proceedings

The CEC appointed a committee of two Commissioners to preside over this proceeding on June 1, 2023.⁴ The designation of the committee pursuant to section 1204 of Title 20 of the California Code of Regulations includes specific powers enumerated in the Public Resources Code and Title 20 of the California Code of Regulations, including the ability for the Presiding Member or committee to make orders that are ultimately subject to subsequent consideration by the CEC. The designation of the committee, however, does not delegate any authority that is otherwise reserved

¹ On June 1, 2023, the California Energy Commission (CEC) assigned a committee to this proceeding to consist of Noemí Gallardo, Commissioner and Presiding Member, and Andrew McAllister, Commissioner and Associate Member, to preside over any proceedings arising from the Application, pursuant to Public Resources Code section 25211. (TN 250451.) Instructions for accessing documents in this proceeding are listed below in the "Document Filing, Deadlines, and Service of Documents" section.

² See California Code of Regulations, title 20, division 2, chapter 2, articles 2 & 3 (commencing with sections 1200 and 1210, respectively.) All subsequent citations are to title 20 of the California Code of Regulations unless otherwise specified.

³ See § 1203.

⁴ See footnote 1.

for the CEC; therefore, the committee is not, and will not be treated as, a state body under section 11121, subdivision (b), of the Government Code.

Presiding Member's Absence

If the Presiding Member is unavailable during any portion of a committee meeting, the Presiding Member may delegate responsibilities for the meeting to the second (Associate) member of the Committee.⁵

Motions

Written motions may only be submitted by a party. The document's title shall include the word "motion," and the first paragraph of the document shall include a statement of all relief or action requested. In addition, the document shall include the legal and factual grounds for the requested relief or action, including citation to a rule, law, or other authority authorizing the Committee or CEC to grant the motion. Failure to follow the requirements of this order shall result in a denial of the motion with no further order or notice by the Committee or CEC.

Unless the Presiding Member sets forth a different schedule, responses to a motion shall be filed within 14 days of the filing of the motion. No replies to the responses are allowed unless ordered by the Presiding Member.⁶

Document Filing, Deadlines, and Service of Documents

All parties to this proceeding are required to submit documents and provide service of documents using the CEC's e-filing system.⁷ Unless a "hardship waiver"⁸ is granted, all non-CEC parties to this proceeding are required to subscribe for automated email notifications either by entering a valid email in the subscribe section of the proceeding's web page, or by visiting the [CEC's subscription management page](https://www.energy.ca.gov/subscriptions) at <https://www.energy.ca.gov/subscriptions>, and then following the subsequent instructions to confirm the email address and finalize the subscription. A Declaration of Service is not required for a document filed using the e-filing system, subject to the following instructions in this paragraph. Prior to filing using the e-filing system, parties shall review the Proof of Service list to determine if a paper copy of a document has been ordered pursuant to the "Hardship Waiver for Paper Copy Filers/Recipients" section, below. If paper copies are required, a Declaration of Service, in or similar to the form that would be attached to the order granting the hardship waiver, shall be filed with, or separately filed, to confirm that the paper copies were provided. If no paper copies are required, no Declaration of Service need be filed.

After an uploaded document is approved for filing by the CEC's Docket Unit, the e-filing system will send automated email notifications⁹ with a link to the document. Documents submitted into the

⁵ § 1204(d).

⁶ See § 1211.5.

⁷ See §§ 1208 and 1211(b).

⁸ See "Hardship Waiver for Paper Copy Filers/Recipients" section, below.

⁹ As described in the "Automated Email Notifications" section, below.

CEC's e-filing system are considered to be filed at the time and date they are uploaded and accepted by the e-filing system, except those documents uploaded after 5:00 p.m. on business days or at any time on a Saturday, Sunday, holiday, or other days the CEC is closed, are deemed filed on the next business day.¹⁰

Unless a different deadline is specified in a notice, order, or other document issued by the Presiding Member or Committee, the deadline to file shall be 5:00 p.m. Pacific Time on the day specified. If the Committee sets an earlier time as a filing deadline, the document must be uploaded by the specified time.

All documents filed in this proceeding are available via the "Docket Log (23-AFC-01)" link on the [proceeding's web page](https://www.energy.ca.gov/powerplant/steam-turbine/morton-bay-geothermal-project-mbgrp) at <https://www.energy.ca.gov/powerplant/steam-turbine/morton-bay-geothermal-project-mbgrp> or scan (use the camera on your mobile device and hold it over the QR code) the following QR code:



Applications for confidentiality may be filed pursuant to the CEC's regulations.¹¹ If a document has an approved confidentiality designation, it will not be available to the parties or the public, except as provided for in the CEC's regulations.¹²

Hardship Waiver for Paper Copy Filers/Recipients

The Presiding Member may grant a waiver of e-filing requirements upon a showing that a party does not have reasonably efficient access to e-file documents. A party that is granted a waiver to file paper copies of documents shall mail or deliver a compliant¹³ paper copy to the CEC's Docket Unit and any other party(ies) on the Proof of Service that require paper copies. Filing is complete when a document has been accepted by Docket Unit staff or by the commission's automated electronic filing or commenting system.¹⁴ The Docket Unit will convert all accepted paper copies to electronic files and e-file the documents for delivery to the other parties, for automated email notifications, and for posting to the website.

Any person on the proof of service list may request permanent service of all documents in paper form. The Presiding Member may order such service only upon a showing that a person or party

¹⁰ See § 1208(b).

¹¹ See § 2505.

¹² See § 2507.

¹³ See §§ 1208, 1208.1.

¹⁴ § 1208(a).

does not have reasonably efficient access to equipment that would allow the person to receive electronic notice of documents, or to view information on the proceeding's website.¹⁵ If a recipient waiver is granted, other parties will be made aware by a ruling. Parties submitting documents to the e-filing system shall, at the time of uploading, provide by mail or personal delivery a paper copy of the documents to any party who received a waiver and requires printed copies. If the document is larger than 50 pages, they may provide it to the waiver recipient in an alternative format, provided they obtain advance consent from the waiver recipient for the alternate format. If an alternative format is used, the Declaration of Service shall state the format of service and state that consent was given.

Exhibits

Documents that are intended to be presented as exhibits during a hearing shall, unless an exception is granted by the Presiding Member or Committee, be filed in advance of the hearing and referred to by Transaction Number (TN) or Exhibit Number during the hearing. Exhibits must be filed as separate documents in order to assign separate Exhibit Numbers to them. Do not combine two or more exhibits into a single document. The e-filing system allows the uploading of multiple documents in a single upload transaction.

When asked to identify exhibits in advance of a hearing, the parties shall provide a table identifying each document by TN and an Exhibit Number from the range assigned to each party by the Committee. If the document is already filed in the docket for this proceeding, it should not be re-filed; documents not yet filed in the docket must be filed and assigned a TN before the party identifies them as proffered exhibits so that the assigned TN can be specified in the exhibit table. If a party wishes to use a document filed in another proceeding's docket, it must re-file the document in this proceeding; exhibit numbers cannot be assigned to documents filed in another proceeding.

The Committee will enter the exhibit numbers into the e-filing system. The exhibits will be available to the parties and public via the "Exhibit List" link on the proceeding's web page listed above, or directly on the [Exhibit List web page](#) at

<https://efiling.energy.ca.gov/Lists/ExhibitList.aspx?docketnumber=23-AFC-01>. An updated Exhibit List is generated each time the link is selected.

If an exception to filing exhibits prior to a hearing is approved, hard copy documents may be submitted at the hearing to the Presiding Member. Additional hard copies for the other committee member, hearing officer, commissioners' advisers, and other parties at the hearing shall be provided. The Presiding Member shall cause a copy of each document to be filed; the filed electronic copies shall become the official copies of the documents.

¹⁵ See § 1211(c).

Proof of Service List

The Hearing and Advisory Unit of the Chief Counsel's Office maintains the Proof of Service List for this proceeding, which is available via the "Proof of Service List" link in the proceeding's web page listed above, or directly at the [Proof of Service page](#) at

<https://efiling.energy.ca.gov/Lists/POSList.aspx?docketnumber=23-AFC-01>.

If you need a printed copy of the Proof of Service List for reference or to attach to a Declaration of Service when service of paper copies is required, print the list from the proceeding or contact the Public Advisor for assistance.

Report any changes to the Proof of Service List to the assigned hearing officer.

Format of Electronic Documents and Signatures

E-filed documents must be word-searchable, if feasible.¹⁶ In some instances, electronic copies created by scanning a printed document are unable to be word searched, read by programs that assist the visually impaired, or easily read on small screen devices such as smart phones. The preferred method for creating a word-searchable document is to create a ".pdf" (Portable Document Format) file.

The CEC's e-filing system also accepts uploads of Microsoft Word formatted files (.doc, .docx) and converts them to .pdf as part of the uploading process. To complete the conversion process this way, click on the link to the file on the filing confirmation page to verify that the converted file accurately represents the uploaded Word file.

Signatures on electronic documents may be electronic; a copy of a wet signature is not required.¹⁷ Signatures may be indicated on electronic copies by embedding a scanned signature graphic, "Original Signed By," "/S/," or similar notation. Cover or transmittal letters that do not add any substantive information to uploaded documents are not necessary.

Transcripts

Parties are responsible for identifying errors in the transcripts of the proceeding. Proposed corrections to transcripts must be filed within 30 days of the filing of a transcript.

Automated Email Notifications

Any person may subscribe to receive an automated email when a document is filed in the proceeding. Parties who are on the Proof of Service List will receive these automated emails and do not need to additionally subscribe for the proceeding. The proceeding's web page listed above provides a box to subscribe for automated email notifications, or [manage automated email subscriptions](#) at <https://www.energy.ca.gov/subscriptions>, or scan the following QR code:

¹⁶ § 1208.1(b).

¹⁷ § 1208.1(e).



Questions

The CEC's [Public Advisor](#) provides assistance to members of the public participating in CEC proceedings. For information on how to participate in this proceeding, or for assistance in understanding and complying with these general orders, please contact the Office of the [Public Advisor, Energy Equity, and Tribal Affairs](#) at PublicAdvisor@energy.ca.gov, or (916) 957-7910.

Further information about electronic filing and commenting is also provided on the [CEC's e-filing and e-commenting information web page](#) at <https://www.energy.ca.gov/proceedings/e-filing-and-e-commenting>, or scan the following QR code:



Dated: October 17, 2023

Noemí Otilia Osuna Gallardo
Commissioner and Presiding Member
Morton Bay Geothermal Project
AFC Committee

Mailed to: List Number: 7550