

DOCKETED	
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Project Title:	Darden Clean Energy Project
TN #:	253186
Document Title:	Notice of Receipt of Opt-in Application for Federal, State, Local and Other Agencies
Description:	Notice emailed on November 17, 2023 to Federal, State, Local and other agencies
Filer:	Marichka Haws
Organization:	California Energy Commission
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November 17, 2023

Notice of Receipt of Opt-in Application for Darden Clean Energy Project (23-OPT-02)/
request for comments and information

This letter serves as notification that the California Energy Commission (CEC) has received an Opt-in application for the Darden Clean Energy Project. IP Darden I, LLC and Affiliates (Applicant) propose to construct and operate the Darden Clean Energy Project on approximately 9,500 acres in western Fresno County. The project consists of a 1,150 megawatt (MW) solar photovoltaic (PV) facility, an up to 4,600 megawatt-hour battery energy storage system (BESS), an up to 1,150 MW green hydrogen generator, a 34.5-500 kilovolt (kV) grid step-up substation, a 10- to 15-mile 500 kV generation intertie (gen-tie) line, and a 500 kV utility switching station. The project would interconnect to the existing Pacific Gas and Electric Company (PG&E) Los Banos-Midway #2 500 kV transmission line. The project would be located in an agricultural area of unincorporated Fresno County south of the community of Cantua Creek. Refer to the Project Description at the following website link for more project details: <https://efiling.energy.ca.gov/GetDocument.aspx?tn=252985&DocumentContentId=88135>

In 2022, Assembly Bill 205 established a new Opt-in Certification program for eligible non-fossil-fueled power plants, energy storage, and manufacturing and assembly facilities to optionally seek certification through the CEC. Upon receipt of an application, the CEC has the exclusive authority to certify the site and related facility. With certain exceptions, the issuance of a certificate by the CEC is in lieu of any permit, certificate, or similar document required by any state, local, or regional agency, or federal agency to the extent permitted by federal law, and supersedes any applicable statute, ordinance, or regulation of any state, local, or regional agency, or federal agency to the extent permitted by federal law. The CEC is the lead agency under the California Environmental Quality Act and is required to prepare an environmental impact report for any facility that elects to opt into the CEC's jurisdiction.

The CEC provides the following notice pursuant to Public Resources Code (PRC) section 25545.8, which states that subsections (g) and (k) of PRC section 25519 apply to an Opt-in application. The relevant language from PRC section 25519 is as follows:

(g) The commission shall transmit a copy of the application to each federal and state agency having jurisdiction or special interest in matters pertinent to the proposed site and related facilities and to the Attorney General.

(k) The commission shall transmit a copy of the application to any governmental agency not specifically mentioned in this act, but which it finds has any information or interest in the proposed site and related facilities, and shall invite the comments and

recommendations of each agency. The commission shall request any relevant laws, ordinances, or regulations that an agency has promulgated or administered.

The CEC has set up a webpage for the project at the following link: <https://www.energy.ca.gov/powerplant/solar-photovoltaic-pv/darden-clean-energy-project>

The documents which comprise the Opt-in application can be found in the project docket, which is accessible via the project webpage or directly at the following link: <https://efiling.energy.ca.gov/Lists/DocketLog.aspx?docketnumber=23-OPT-02>.

The Project Description can be accessed directly at the following link: <https://efiling.energy.ca.gov/GetDocument.aspx?tn=252985&DocumentContentId=88135>

Pursuant to PRC section 25519(k), the CEC invites the comments and recommendations of your agency, and requests that you send us any relevant laws, ordinances, or regulations that your agency has promulgated or administered that are applicable to the proposed project.

To stay informed about this project and receive notice of upcoming public meetings, sign up to the project subscription, which can be accessed on the project webpage. Once enrolled, automatic email notifications are sent when documents and notices are posted to the project webpage.

Feel free to reach out to us directly via email if you have any questions about this notice. Thank you.

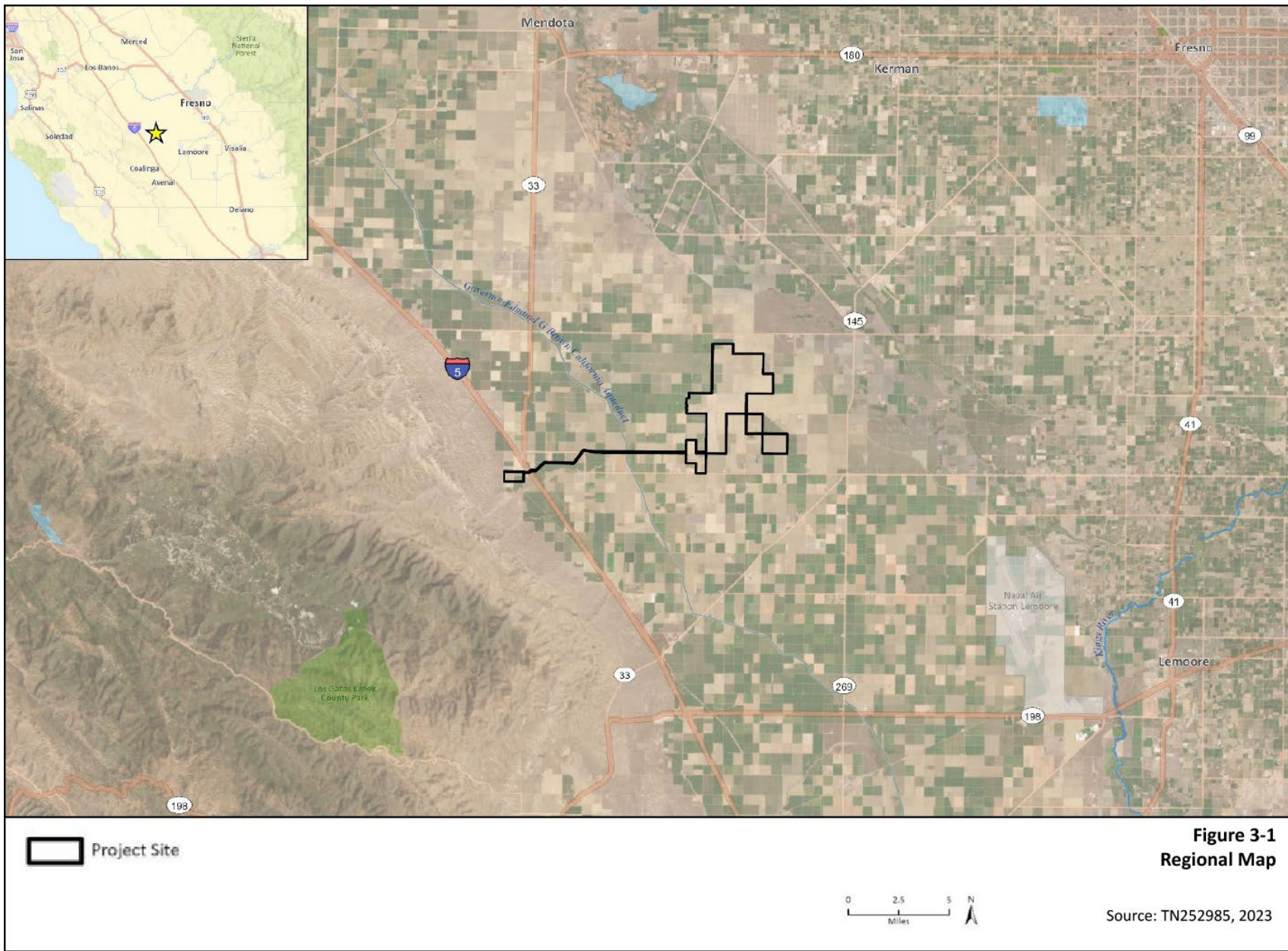
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Enclosure: Figure 3-1 Regional Map (from application Project Description)





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The CEC provides the following notice pursuant to Public Resources Code (PRC) section 25545.8, which states that certain subsections of PRC § 25519 are applicable. Section 25519(g) of the PRC states, in part: "The commission shall transmit a copy of the application to each federal and state agency having jurisdiction or special interest in matters pertinent to the proposed site and related facilities *and to the Attorney General.*" (emphasis added)

The CEC has set up a web page for the project at the following link:
<https://www.energy.ca.gov/powerplant/solar-photovoltaic-pv/darden-clean-energy-project>

The documents which comprise the Opt-in application can be found in the project docket, which is accessible via the project webpage or directly at the following link:
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Feel free to reach out to us directly via email if you have any questions about this notice. Thank you.

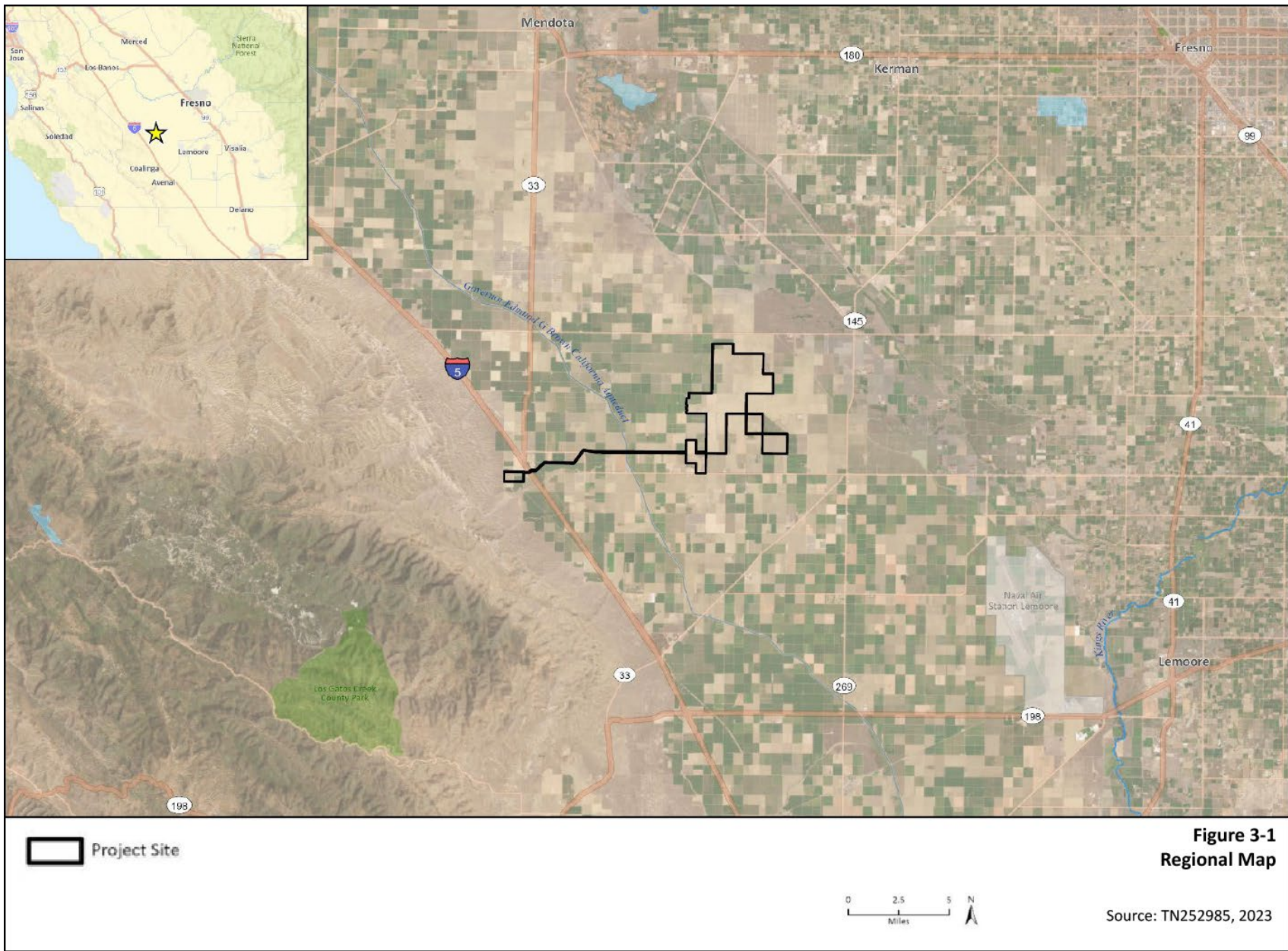
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In 2022, Assembly Bill 205 established a new Opt-in Certification program for eligible non-fossil-fueled power plants, energy storage, and manufacturing and assembly facilities to optionally seek certification through the CEC. Upon receipt of an application, the CEC has the exclusive authority to certify the site and related facility. With certain exceptions, the issuance of a certificate by the CEC is in lieu of any permit, certificate, or similar document required by any state, local, or regional agency, or federal agency to the extent permitted by federal law, and supersedes any applicable statute, ordinance, or regulation of any state, local, or regional agency, or federal agency to the extent permitted by federal law. The CEC is the lead agency under the California Environmental Quality Act and is required to prepare an environmental impact report for any facility that elects to opt into the CEC's jurisdiction.

The CEC provides the following notice pursuant to Public Resources Code (PRC) section 25545.8, which states that subsections (f) and (k) of PRC section 25519 apply to an Opt-in application. The relevant language from PRC section 25519 is as follows:

(f) Upon receipt of an application, the commission shall forward the application to local governmental agencies having land use and related jurisdiction in the area of the proposed site and related facility. Those local agencies shall review the application and submit comments on, among other things, the design of the facility, architectural and aesthetic features of the facility, access to highways, landscaping and grading, public use of lands in the area of the facility, and other appropriate aspects of the design, construction, or operation of the proposed site and related facility.

(k) The commission shall transmit a copy of the application to any governmental agency not specifically mentioned in this act, but which it finds has any information or interest in the proposed site and related facilities, and shall invite the comments and recommendations of each agency. The commission shall request any relevant laws, ordinances, or regulations that an agency has promulgated or administered.

Pursuant to Title 20, California Code of Regulations section 1877, subsection (f), staff shall provide information to the local government for review and comment. The relevant language from Title 20, California Code of Regulations section 1877 is as follows:

(f) The opt-in application shall contain preliminary information demonstrating overall net positive economic benefit to the local government that would have had permitting authority over the site and related facility, consistent with Public Resources Code section 25545.9. Staff shall provide the submitted information to the local government for review and comment.

The CEC webpage for the project can be found at the following link: <https://www.energy.ca.gov/powerplant/solar-photovoltaic-pv/darden-clean-energy-project>

The documents which comprise the Opt-in application can be found in the project docket, which is accessible via the project webpage or directly at the following link: <https://efiling.energy.ca.gov/Lists/DocketLog.aspx?docketnumber=23-OPT-02>

Please note the review and commenting obligations placed on Fresno County to comply with PRC section 25519(f). We look forward to receiving your comments at your earliest convenience.

Pursuant to PRC section 25519(k), the CEC invites the comments and recommendations of Fresno County, and requests that you send us any relevant laws, ordinances, or regulations that Fresno County has promulgated or administered that are applicable to the proposed project.

The CEC also wishes to make Fresno County aware that PRC section 25545.8 also states that PRC section 25538 applies to an Opt-in application. The relevant language is as follows:

PRC section 25538

Upon receiving the commission's request for review under subdivision (f) of Section 25519 and Section 25506, the local agency may request a fee from the commission to reimburse the local agency for the actual and added costs of this review by the local agency. The commission shall reimburse the local agency for the added costs that shall be actually incurred by the local agency in complying with the commission's request.

To stay informed about this project and receive notice of upcoming public meetings, sign up to the project subscription, which can be accessed on the project webpage. Once enrolled, automatic email notifications are sent when documents and notices are posted to the project webpage.

Feel free to reach out to us directly via email if you have any questions about this notice. Thank you.

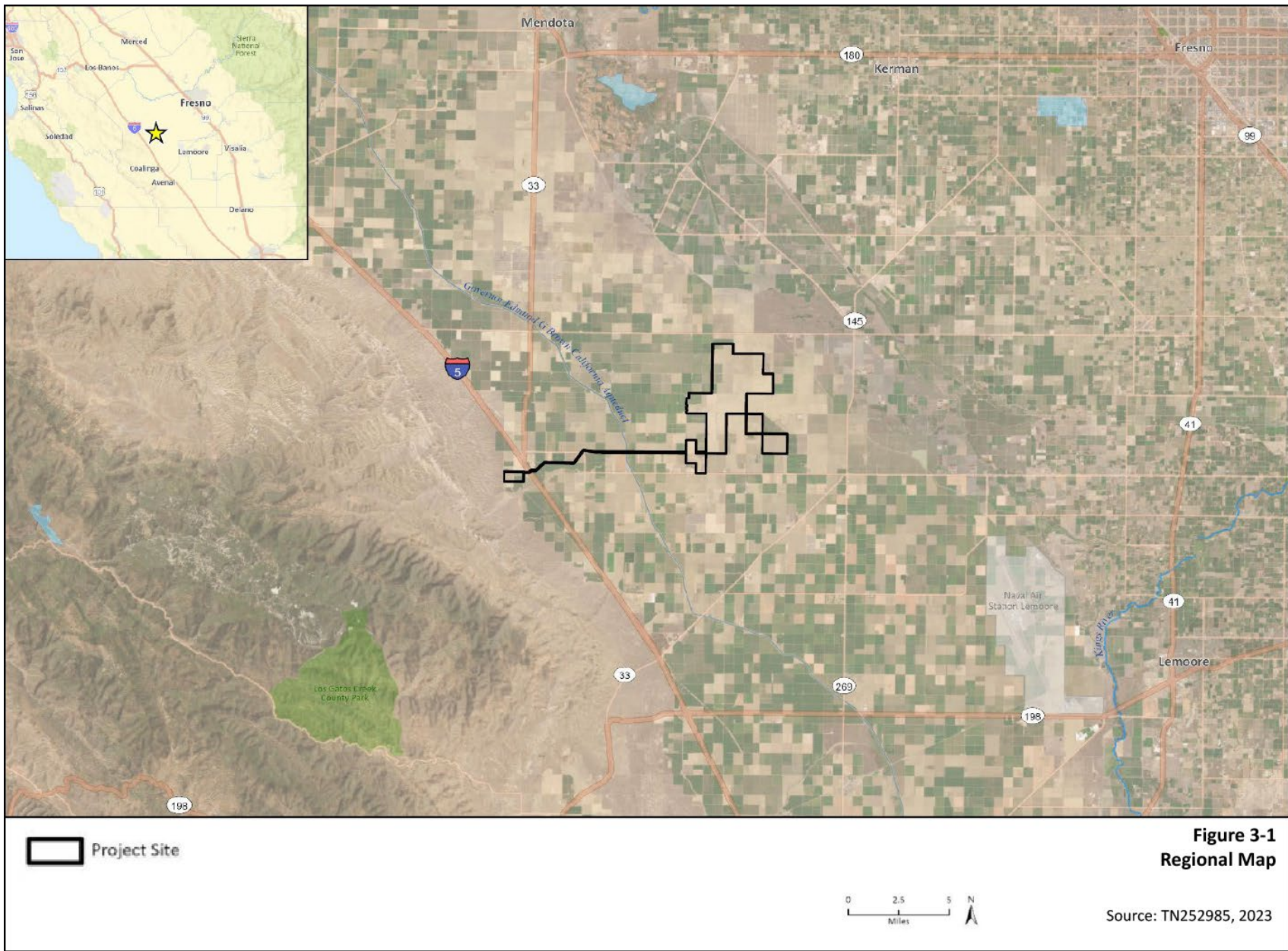
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Enclosure: Figure 3-1 Regional Map (from application Project Description)





November 17, 2023

Notice of Receipt of Opt-in Application for Darden Clean Energy Project (23-OPT-02)/
Question regarding necessity of CPCN

Dear Elaine Sison-Lebrilla,

The purpose of this letter is to serve notice of the California Energy Commission's (CEC) receipt of an application for the proposed Darden Clean Energy Project, which is being processed under the CEC's new Opt-in licensing authority established by Assembly Bill (AB) 205 and the associated emergency regulations. AB 205 added sections 25545-25545.13 to the Public Resources Code, which expanded the CEC's existing power plant licensing authority by allowing specified clean energy projects to optionally seek consolidated permitting at the CEC by June 30, 2029.

To comply with Public Resources Code (PRC), section 25545.8, which states that certain subsections of PRC section 25519 are applicable to Opt-in applications, we need to know whether the CPUC believes that the proposed site and related facility will require a certificate of public convenience and necessity (CPCN). Under the Warren Alquist Act, PRC section 25518, the CPCN cannot be issued until the utility has first obtained a certificate from the CEC. The CEC is the lead agency under the California Environmental Quality Act for the Darden Clean Energy Project.

IP Darden I, LLC and Affiliates (Applicant) propose to construct and operate the Darden Clean Energy Project on approximately 9,500 acres in western Fresno County. The project consists of a 1,150 megawatt (MW) solar photovoltaic (PV) facility, an up to 4,600 megawatt-hour battery energy storage system (BESS), an up to 1,150 MW green hydrogen generator, a 34.5-500 kilovolt (kV) grid step-up substation, a 10- to 15-mile 500 kV generation intertie (gen-tie) line, and a 500 kV utility switching station. The project would interconnect to the existing Pacific Gas and Electric Company (PG&E) Los Banos-Midway #2 500 kV transmission line. The project would be located in an agricultural area of unincorporated Fresno County south of the community of Cantua Creek. Refer to the Project Description at the following website link for more project details: <https://efiling.energy.ca.gov/GetDocument.aspx?tn=252985&DocumentContentId=88135>

The applicant would construct the proposed 500 kV transmission line, step-up substation, and utility switchyard and then transfer these facilities to PG&E to own and operate. As a private company would be constructing these facilities, would a CPCN be necessary?

A Few Project Details

The project would interconnect into and bisect the PG&E Los Banos-Midway #2 line. Project elements include a 1,150 MWac (1,610 MWdc) solar PV facility, onsite step-up substation, a 10-to 15-mile 500 kV gen-tie line, BESS, and green hydrogen generator,

and PG&E owned utility switchyard. If the alternate site for the green hydrogen facility site is selected, the project would include construction and operation of a substation and switchyard.

CEC has set up a webpage for the project at the following link:
<https://www.energy.ca.gov/powerplant/solar-photovoltaic-pv/darden-clean-energy-project>

The documents which comprise the Opt-in application can be found in the project docket, which is accessible via the project webpage or directly at the following link:
<https://efiling.energy.ca.gov/Lists/DocketLog.aspx?docketnumber=23-OPT-02>

The Executive Summary can be accessed directly at the following link:
<https://efiling.energy.ca.gov/GetDocument.aspx?tn=252984&DocumentContentId=88134>

Please consult the relevant materials and let us know the answer to whether you believe this project will need a CPCN at your earliest convenience. Thank you.

Ann Crisp
Project Manager
California Energy Commission

Lisa Worrall
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