

DOCKETED

Docket Number:	23-AFC-01
Project Title:	Morton Bay Geothermal Project (MBGP)
TN #:	253409
Document Title:	CURE Status Report 2 - Morton Bay Geothermal Project
Description:	N/A
Filer:	Alisha Pember
Organization:	California Unions for Reliable Energy
Submitter Role:	Intervenor
Submission Date:	11/30/2023 4:13:40 PM
Docketed Date:	11/30/2023

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

CALIFORNIA UNIONS FOR RELIABLE ENERGY
STATUS REPORT NO. 2

November 30, 2023

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INTRODUCTION

California Unions for Reliable Energy (“CURE”) submits this status report in the Morton Bay Geothermal Project (“MBGP”) proceeding pursuant to the Committee Scheduling Order issued on September 12, 2023 (TN 252284).

DISCUSSION

I. Summary of the Progress of Discovery

Discovery is ongoing. CURE submitted its first set of data requests to the Applicant on October 25, 2023 (TN 252740). On November 14, 2023, the Applicant requested an extension of time to respond to CURE’s Data Request Set 1 (TN 253112). The Applicant will provide responses on or before December 1, 2023 (*Id.*). The Applicant also objected to Data Requests Nos. 22, 41-56, 58-59, 73-76, 78, 81, 84, 88, and 97 (*Id.*) On November 29, 2023, the Applicant provided responses to some of CURE’s data requests (TN 253374). CURE is currently evaluating the responses. CURE is also evaluating the Applicant’s objections and whether to petition the committee for an order to provide the requested information.

CURE submitted its second set of data requests to the Applicant on November 28, 2023 (TN 253340). Applicant must notify CURE and the Committee within 20 days of receiving the request if it is unable to provide or objects to providing the information requested and, absent such an objection, provide the information requested within 30 days (20 C.C.R. § 1716(f)).

On November 3, 2023, counsel for CURE, the Applicant, and California Energy Commission (“CEC”) staff discussed the production of records related to

biological resources previously designated confidential by the Committee to CURE. That same day, counsels for CURE and Applicant discussed production of transmission-related records previously designated confidential to CURE. Applicant's counsel advised that Imperial Irrigation District ("IID") may produce these records in response to CURE's pending California Public Records Act ("CPRA") request, which it did not. Counsel for CURE will continue to confer with Applicant's counsel to obtain these records.

On November 9, 2023, CURE attended a biological resources site visit with the Applicant and CEC staff. The Applicant advised that records related to agricultural resources, land use and biological resources would be produced following the site visit.

II. Significant Communications with Tribal Governments and Federal, State, and Local Agencies

CURE continues to be in discussions with various local, state and federal agencies regarding its requests for public records related to MBGP. CURE also submitted a request to the IID for public records related to the Salton Sea Transmission Project, which includes a new transmission line and associated infrastructure upgrades for the MBGP. On November 16, 2023, IID produced a few email records, but notified CURE that it would withhold certain records related to the Salton Sea Transmission Project from disclosure pursuant to the CPRA.

III. Factors that May Impact the Schedule

CURE is currently evaluating the Applicant's November 14, 2023 objections and November 29, 2023 responses to CURE's First Set of Data Requests and

whether to petition the committee for an order to provide the requested information. CURE continues to support CEC staff's request in its Status Report No. 1 for the MBGP that the Committee consider ordering a forty-five (45) day comment period for the MBGP Preliminary Staff Assessment (TN 252856).

Dated: November 30, 2023

Respectfully submitted,

Original Signed by:

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