

<b>DOCKETED</b>	
<b>Docket Number:</b>	23-AFC-01
<b>Project Title:</b>	Morton Bay Geothermal Project (MBGP)
<b>TN #:</b>	253759
<b>Document Title:</b>	Petition to Intervene of the Imperial Irrigation District
<b>Description:</b>	N/A
<b>Filer:</b>	Sean Neal
<b>Organization:</b>	Duncan, Weinberg, Genzer & Pembroke, P.C.
<b>Submitter Role:</b>	Intervenor Representative
<b>Submission Date:</b>	12/27/2023 2:22:37 PM
<b>Docketed Date:</b>	12/27/2023

**STATE OF CALIFORNIA**  
**STATE ENERGY RESOURCES**  
**CONSERVATION AND DEVELOPMENT COMMISSION**

IN THE MATTER OF: ) Docket No. 23-AFC-01  
MORTON BAY GEOTHERMAL PROJECT )  
APPLICATION FOR CERTIFICATION )

**PETITION TO INTERVENE**  
**OF THE**  
**IMPERIAL IRRIGATION DISTRICT**

December 27, 2023

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Pursuant to the Cal. Code Regs. (“CCR”) 20 § 1211.7 (2023), the Imperial Irrigation District (“IID”), by and through counsel, respectfully tenders for filing this Petition to Intervene in the above-captioned proceeding (“Petition”). This proceeding involves the application of BHE Renewables, LLC’s Application for the California Energy Commission’s (“Commission” or “CEC”) authorization to construct and operate the Morton Bay Geothermal Project (“Morton Bay”) proposed in Imperial County, California. IID states as follows in support of its Petition:

**I. DESCRIPTION OF IID**

IID is an irrigation district, located in Southern California, organized and operating under the laws of the State of California, which undertakes both electric and water operations. IID is the largest irrigation district in the nation.

With regards to its electric operations, IID owns and operates facilities for the generation, transmission, distribution, purchase, and sale of electric power and energy at wholesale and retail. IID is the sixth largest electrical utility in California and serves

more than 150,000 customers in Imperial County and parts of Riverside and San Diego Counties. IID is also the owner of high voltage transmission and the transmission provider for more than 1,000 MW of generation and is its own Balancing Authority Area (“BAA”), providing open access transmission and generation interconnection services, and which neighbors the BAA and transmission system operated by the California Independent System Operator Corporation (“CAISO”). IID has encouraged the development in its BAA and service area of significant renewable resources, including geothermal and solar, and IID’s transmission system is used to export that energy to loads, including those located in the CAISO BAA.

The IID Water Department is responsible for the timely operation and maintenance of the extensive open channel system, and effectively delivers its annual entitlement of 3.1 million acre-feet, less water transfer obligations, to nearly one-half million acres for agricultural, municipal and industrial use. Of the water IID transports, approximately 97 percent is used for agricultural purposes, making possible Imperial County's ranking as one of the top 10 agricultural regions nationwide. IID operates more than 3,000 miles of canals and drains.

## **II. RELEVANT REGULATIONS AND ORDERS**

Section 1211.7(a) of the Commission’s regulations 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)). Further,

“[a]n intervenor is a party to a proceeding.” (Id. § 1211.7(c)).

Pursuant to 20 CCR § 1211.7(b):

A petition for intervention shall be filed no later than the deadline established by the presiding member, or if none is established, at least 30 days before the first evidentiary hearing in the proceeding. If the time period between the notice of the first evidentiary hearing and the hearing is less than 30 days, the notice shall set a deadline for intervention of at least 10 days from the date of this notice.

As the September 15, 2023<sup>1</sup> Scheduling Order did not set an evidentiary hearing date and Commission Staff has not issued a Preliminary Staff Assessment (and no 30-day comment period has been established for the Preliminary Staff Assessment), IID’s Petition is submitted more than 30 days before an evidentiary hearing may occur. Moreover, the September 15, 2023 Scheduling Order specified that the last day to file a Petition to Intervene is ten (10) days after filing of the Final Staff Assessment, and such Assessment has not been filed. Accordingly, IID’s Petition is timely.

### **III. POSITION AND INTEREST STATEMENT**

IID supports the construction and authorization of Morton Bay and has indicated support for the project in comments submitted earlier in this proceeding.<sup>2</sup> As a baseload electric generating project, Morton Bay will support the reliability of the interconnected electric grid. The project will help California meet its carbon-free and renewable energy goals. Additionally, IID anticipates that the project will bring significant benefits to the local economy, including jobs in support of the construction of the facility, as well as long-term employment for position to support the operations and maintenance of the

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<sup>1</sup> The Scheduling Order was signed September 12, 2023.

<sup>2</sup> See Aug. 16, 2023 Letter, submitted by S. Quiroz, Support for the Morton Bay Geothermal Project (23-AFC-01) (submitted Aug. 28, 2023).

project. The local economy likely will also receive additional tax revenue and the benefit of purchases of services, supplies, and materials from local and regional companies. Accordingly, IID has an interest in this proceeding to support the approval and subsequent development of the Morton Bay facility.

As explained in comments submitted previously by IID in this proceeding,<sup>3</sup> IID Water Department facilities will be impacted by the Morton Bay project. IID owns, manages, and operates numerous canals, drains, and respective rights-of-way adjacent to, and in the vicinity of, the proposed project site. IID property more generally may be impacted, and construction or operation of Morton Bay may require encroachment permits<sup>4</sup>.

As noted in the same comments, the Morton Bay project is required to be processed through IID's Customer Project Application process for purposes of assessing technical requirements for IID's provision of service for project loads.<sup>5</sup> Likewise, the IID Energy Department must process Morton Bay's generator interconnection request and associated transmission service requests for the project to be able to transmit power to off-takers.<sup>6</sup> IID has an interest in this proceeding to ensure that the authorizations granted facilitate the effective and safe service to and interconnection of Morton Bay.

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<sup>3</sup> See Aug. 24, 2023 Comments of IID, submitted by D. Vargas, re: CEC Request for Agency Participation in the Review of the Morton Bay Geothermal (23-AFC-01), Elmore North Geothermal (23-AFC-02), and Black Rock Geothermal (23-AFC-03) Projects at 1.

<sup>4</sup> See *id.* at 3.

<sup>5</sup> See *id.* at 1 (citing Customer Project Application process document at: <https://www.iid.com/home/showdocument?id=12923>).

<sup>6</sup> See IID Open Access Transmission Tariff, including Generator Interconnection Procedures, found here: [https://www.oasis.oati.com/woa/docs/IID/IIDdocs/IID\\_OATT\\_Effective\\_12.01.2020.pdf](https://www.oasis.oati.com/woa/docs/IID/IIDdocs/IID_OATT_Effective_12.01.2020.pdf).

Further, IID is interested in ensuring that the project creates no adverse impact on the environment of the site and surrounding areas. In order to obtain a water supply for the project, Morton Bay would be required to enter into a water supply agreement and comply with all associated IID policies and regulations. Such policies and regulations require, among other things, that all potential water supply impacts of the project be adequately assessed, and appropriate mitigation developed, if warranted, including any approval conditions required by relevant land use and permitting agencies. A Salton Sea Impact Assessment is also required, assessing, *inter alia*, any loss or reduction of runoff caused by the proposed industrial use of the project.<sup>7</sup> IID has an interest in ensuring that the authorizations granted in this proceeding do not adversely impact IID's water and irrigation facilities and associated rights.

#### **IV. GROUNDS FOR INTERVENTION AND EXTENT OF PARTICIPATION**

IID intends to participate in all topics relevant to the Committee's consideration of the Morton Bay project, including in the topics of environmental setting, air quality, alternatives, biological resources, compliance with laws, ordinances, regulations and standards, cultural resources, electric interconnection and service, demonstration, efficiency, facility design, geologic hazards and resources, greenhouse gas emissions, hazardous materials, land use, noise and vibration, paleontological resources, project description, project overview, project schedule, property rights, public health, public services, recreation, reliability, Salton Sea impacts, socioeconomics, soil and agricultural resources, traffic and transportation, transmission line safety and nuisance, transmission system design, tribal resources, visual resources, waste management, water resources and

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<sup>7</sup> See Aug. 24, 2023 Comments of IID, submitted by D. Vargas at 2.

supply, wildfire, cumulative impacts and worker safety. IID reserves the right to take any position on any other topics raised by the Commission or other parties or otherwise that are relevant to this proceeding.

IID requests the right intervene in and to participate in all aspects of this proceeding, including but not limited to, submittal of comments to Preliminary Staff Assessment(s), settlement discussions, workshops, technical meetings, public comments, discovery, testimony, briefing, and offering and cross examination of witnesses.

## **V. CONTACT INFORMATION**

IID provides the following contact information for this proceeding and requests that all filings in this proceeding be served on the following representatives:

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**VI. CONCLUSION**

**WHEREFORE**, for the foregoing reasons, the Imperial Irrigation District respectfully requests that the Committee grant its petition to intervene in this proceeding and allow IID to participate as a party without limitation.

Dated: December 27, 2023

Respectfully submitted,

*/s/ Sean M. Neal*

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