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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

CALIFORNIA UNIONS FOR RELIABLE ENERGY
STATUS REPORT NO. 3

December 29, 2023

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INTRODUCTION

California Unions for Reliable Energy (“CURE”) submits this status report in the Morton Bay Geothermal Project (“MBGP”) proceeding (Docket No. 23-AFC-01) pursuant to the Committee Scheduling Order issued on September 12, 2023 (TN 252284).

DISCUSSION

I. Summary of the Progress of Discovery

CURE submitted its second set of data requests to the Applicant on November 28, 2023 (TN 253340). On December 18, 2023, the Applicant requested an extension of time to respond to CURE’s Data Request Set 2 (TN 253654). The Applicant will provide responses to that set on or before January 19, 2024 (*Id.*). The Applicant also objected to Data Requests Nos. 122, 124-126, 131-134, 154, 156, 158, 160, 162, 166, 169, 173, 175, 180, 185-85, 191, 200, 226, 232-34, 243 (*Id.*) CURE is currently evaluating the responses with the assistance of its technical experts. 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 third set of data requests to the Applicant on December 20, 2023, requesting redacted versions of the MBGP System Impact Study (“SIS”) and other transmission-related records (TN 253696). California Energy Commission (“CEC”) Staff previously requested information related to the ENGP’s SIS in its Data Requests Set 1, Nos. 93 through 98 (TN 252095). CEC Staff’s Status Report No. 3 dated December 21, 2023 explains that “[p]otential impacts to the

California Independent System Operator-controlled grid will be determined through the previously requested Affected System Study. Impacts identified through the study have the potential to trigger additional review under the California Environmental Quality Act (CEQA) and therefore affect the project schedule.” (TN 253708). The 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 December 4, 2023, December 13, 2023, and December 18, 2023, counsel for CURE and counsel for the Applicant discussed the production of records related to transmission, air quality, geology, and injection wells previously designated confidential in this proceeding. Counsel for CURE will continue to confer with Applicant’s counsel to obtain these records.

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

CURE is in discussion with various local, state, and federal agencies regarding its requests for public records related to MBGP. CURE also submitted a request to the Imperial Irrigation District for records related to the Project’s transmission system.

III. Factors that May Impact the Schedule

On December 18, 2023, counsel for CURE emailed counsel for CEC Staff to schedule a meeting to discuss the anticipated schedule for the proceeding. On December 19, 2023, CEC counsel responded that the relevant information may be

provided in CEC Staff's December status report. No meeting has been scheduled with counsel for CEC at this time.

CEC Staff's Status Report No. 3 for the MBGP notes it has been unable to obtain updated information or a new estimated submittal date for the Preliminary Determination of Compliance from the Imperial County Air Pollution Control District ("ICAPCD") for the release of the Preliminary Determination of Compliance ("PDOC"). (TN 253708). CURE has also been unable to obtain updated information or a new estimated date from ICAPCD for release of the PDOC. CURE continues to support CEC staff's request in its Status Report No. 3 for the MBGP that the Committee consider ordering a forty-five (45) day comment period for the MBGP Preliminary Staff Assessment (*Id.*).

Dated: December 29, 2023

Respectfully submitted,

Original Signed by:

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