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THE STATE OF CALIFORNIA

**Energy Resources Conservation
and Development Commission**

In the Matter of:)
Application for Certification for the)
Morton Bay Geothermal Project)
)
)
_____)

Docket No. 23-AFC-01

**MORTON BAY GEOTHERMAL PROJECT
STATUS REPORT NO. 4**

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MORTON BAY GEOTHERMAL PROJECT
STATUS REPORT NO. 4

Pursuant to the *Presiding Member’s Scheduling Order for the Morton Bay Geothermal Project Proceeding*,¹ Morton Bay Geothermal LLC (“the Applicant”) provides this *Status Report No. 4* to update the Committee regarding the status of the Application for Certification proceeding for the Morton Bay Geothermal Project (“MBGP”).

I. SUMMARY OF PROGRESS OF DISCOVERY

Since the submission of *Status Report No. 3*, the Applicant continues to diligently respond to informal and formal data requests from parties and stakeholders in this proceeding. A brief summary of the data requests received from parties to this proceeding is provided below. Pursuant to the *Presiding Member’s Scheduling Order for the Morton Bay Geothermal Proceeding*, discovery ended on January 22, 2024.²

- On January 9, 2024, the Applicant submitted a notice of objection to Data Request 246, which was submitted as part of California Unions for Reliable Energy’s (“CURE”) *CURE Data Requests Set 3 for Morton Bay Geothermal Project*.³
- On January 12, 2024, California Energy Commission (“CEC”) docketed *Data Requests Set 4*.⁴
- On January 19, 2024, the Applicant docketed responses to *CURE Data Request Set 2*.⁵
- On January 22, 2024, in three separate filings, the Applicant docketed responses to CURE’s *CURE Data Requests Set 3 for Morton Bay Geothermal Project*.⁶
- On January 22, 2024, CURE docketed *Data Requests Set 4*.⁷

The Applicant is reviewing CEC Staff and CURE’s data requests and will respond within the timeframes provided for in Section 1716 of the CEC’s regulations.

¹ TN#: 252284.
² *Id.*
³ TN#: 253839.
⁴ TN#: 253870.
⁵ TN#: 254015.
⁶ TN#: 254046, 254047, 254048.
⁷ TN#: 254077.

II. DESCRIPTION OF SIGNIFICANT COMMUNICATIONS WITH OTHER FEDERAL, STATE, LOCAL AGENCIES, AND TRIBAL GOVERNMENTS

A brief description of the Applicant's communications with other federal, state, local agencies, and tribal governments is provided below.

- On January 5, 2024, the Applicant met with staff from the Army Corps of Engineers South Pacific Division Technical Regional Execution Center to discuss their comments on the Approved Jurisdictional Determination docketed on October 24, 2023.⁸
- On January 26, 2024, the Applicant filed the Imperial Irrigation District's updated System Impact Study for the MBGP, along with a repeated application for confidential designation.⁹

III. OUTCOME OF PUBLIC WORKSHOPS OR MEETINGS

No public workshops or meetings were held during the month of December 2023.

IV. SCHEDULE

The Applicant continues to work with parties and stakeholders to move this proceeding forward. Once the Preliminary Determination of Compliance is docketed for the MBGP, the Applicant looks forward to the publication of the Preliminary Staff Assessment ("PSA") by CEC Staff.

The Applicant has reviewed the Status Reports filed by CEC Staff and CURE to date, particularly with respect to the comment period for the PSA. While the 30-day comment period currently provided for in the Committee's Scheduling Order is consistent with the CEC's regulations¹⁰ and the provisions of the California Environmental Quality Act applicable to certified regulatory programs,¹¹ the Applicant does not object to CEC Staff's proposal for a 45-day comment period on the PSA for MBGP.

Dated: January 31, 2024

Respectfully submitted,

ELLISON SCHNEIDER HARRIS & DONLAN L.L.P.

By



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⁸ TN #: 252694.

⁹ TN#: 254207.

¹⁰ 20 C.C.R. § 1742.

¹¹ In particular, Public Resources Code § 21080.5(d)(3) provides that the documentation prepared by an agency pursuant to its approved certified regulatory program must be available "for a reasonable time for review and comment by other public agencies and the general public."

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