

DOCKETED	
Docket Number:	23-AFC-03
Project Title:	Black Rock Geothermal Project (BRGP)
TN #:	258081
Document Title:	JOINT ORDER EXTENDING AND CONSOLIDATING PUBLIC COMMENT PERIODS ON PRELIMINARY STAFF ASSESSMENTS AND FURTHER ORDERS - Black Rock
Description:	N/A
Filer:	Wendi DuBose
Organization:	California Energy Commission
Submitter Role:	Committee
Submission Date:	7/26/2024 2:52:05 PM
Docketed Date:	7/26/2024

CALIFORNIA ENERGY COMMISSION

715 P Street
Sacramento, California 95814
energy.ca.gov

CEC-70 (Revised 7/2022)



*APPLICATION FOR CERTIFICATION
FOR THE:*

Morton Bay Geothermal Project

Docket No. 23-AFC-01

*APPLICATION FOR CERTIFICATION
FOR THE:*

Elmore North Geothermal Project

Docket No. 23-AFC-02

*APPLICATION FOR CERTIFICATION
FOR THE:*

Black Rock Geothermal Project

Docket No. 23-AFC-03

JOINT ORDER EXTENDING AND CONSOLIDATING PUBLIC COMMENT PERIODS ON PRELIMINARY STAFF ASSESSMENTS AND FURTHER ORDERS

PLEASE TAKE NOTICE that the Presiding Member for the Committees¹ appointed by the California Energy Commission (CEC) to conduct proceedings on the applications for certification

¹ For documents, see the "Availability of Documents" section, below. On May 31, 2023, the CEC adopted orders appointing the following committees:

- For Morton Bay, Commissioner Noemí Gallardo as Presiding Member and Commissioner Andrew McAllister as Associate Member. (TN 250451.)
- For Elmore North, Commissioner Gallardo as Presiding Member and Commissioner McAllister as Associate Member. (TN 250452.)
- For Black Rock, Commissioner Gallardo as Presiding Member and Chair David Hochschild as Associate Member. (TN 250454.)

(AFC) of the Morton Bay Geothermal Project,² Elmore North Geothermal Project,³ and Black Rock Geothermal Project,⁴ (collectively, Proposed Projects), extends and consolidates the deadline to submit public comment for the Preliminary Staff Assessment (PSA) for each of the Proposed Projects to September 2, 2024 and issues further orders as set forth below.

Background

CEC procedure requires CEC Staff (Staff) to publish its initial technical and environmental evaluation of an AFC in a PSA and make it available for a comment period of at least 30 days or such additional time as required by the presiding member.⁵ By order on April 12, 2024, the Presiding Member of each Committee (Committee) ordered the comment period to be 45 days.⁶ On June 13, 2024, Staff filed the Elmore North PSA.⁷ On June 27, 2024, Staff filed the Morton Bay PSA.⁸ On July 11, 2024, Staff filed the Black Rock PSA.⁹ Pursuant to the Presiding Member's April 12 orders, the deadline to file public comment for each project was as follows:

- Elmore North: July 29, 2024
- Morton Bay: August 12, 2024
- Black Rock: August 26, 2024

On July 19, 2024, Staff gave notice of a public Staff workshop for the Proposed Projects to be held on July 31, 2024 at Imperial Valley College in Imperial, California.¹⁰ The purpose of the workshop is to allow the Staff, project applicants, and other parties to discuss the PSAs for the Proposed Projects, to identify and resolve areas of disagreement, to modify or refine mitigation measures, as necessary, and to receive comments from interested government agencies, California Native

² The AFC and all filed documents related to the Morton Bay proceeding are available via the "Docket Log (23-AFC-01)" link on the [Morton Bay proceeding's web page](https://www.energy.ca.gov/powerplant/steam-turbine/morton-bay-geothermal-project-mbpg) at <https://www.energy.ca.gov/powerplant/steam-turbine/morton-bay-geothermal-project-mbpg>. The AFC comprises many separate documents filed in the docket beginning April 18, 2023, e.g., Volume 1 is TN 249723.

³ The AFC and all filed documents related to the Elmore North proceeding are available via the "Docket Log (23-AFC-02)" link on the [Elmore North proceeding's web page](https://www.energy.ca.gov/powerplant/steam-turbine/elmore-north-geothermal-project-engp) at <https://www.energy.ca.gov/powerplant/steam-turbine/elmore-north-geothermal-project-engp>. The AFC comprises many separate documents filed in the docket beginning April 18, 2023, e.g., Volume 1 is TN 249737.

⁴ The AFC and all filed documents related to the BRGP proceeding are available via the "Docket Log (23-AFC-03)" link on the [Black Rock proceeding web page](https://www.energy.ca.gov/powerplant/steam-turbine/black-rock-geothermal-project-brgp) at <https://www.energy.ca.gov/powerplant/steam-turbine/black-rock-geothermal-project-brgp>. The AFC comprises many separate documents filed in the docket beginning April 18, 2023, e.g., Volume 1 is TN 249752.

⁵ Cal. Code Regs., tit. 20, § 1742, subd. (c).

⁶ TN 255664 (Morton Bay); TN 255667 (Elmore North); TN 255668 (Black Rock).

⁷ TN 256843.

⁸ TN 257470.

⁹ TN 257697.

¹⁰ TN 257850 (Morton Bay); TN 257851 (Elmore North); TN 257852 (Black Rock).

American tribes, and the public.

On July 24, 2024, intervenor, United Automobile, Aerospace, and Agricultural Implement Workers of America (UAW), filed a comment in the Elmore North proceeding seeking an extension of the public comment period on the Elmore North PSA until a reasonable period after the Staff workshop and seeking a postponement of the Staff workshop by at least two weeks to allow parties to prepare for and attend the workshop.¹¹ Moreover, UAW's comment noted that the deadline to file public comment on the Elmore North PSA is before the Staff workshop, so, unless the comment period is extended, comments on the Elmore North PSA could be missing analyses of any new information discussed during the Staff workshop.

Also, on July 24, 2024, a representative of the Imperial Valley Equity and Justice Coalition (IVEJC) filed a comment letter in the docket for each Proposed Project requesting the CEC extend the public comment period on the PSAs to 75 days and postpone the Staff workshop until at least 35 days after notice is provided, stating, among other things, that more time is required for robust community engagement regarding the Proposed Projects.¹² On July 25, 2024, similar comments were filed in the dockets for each proceeding, additionally noting that the Imperial region is experiencing extreme heat and that the workshop is some distance from the sites of the Proposed Projects.

Discussion

A. Extending and consolidating comment deadlines on the PSAs to September 2, 2024

The 45-day public comment period on the PSAs is already longer than legally required.¹³ However, it is reasonable to extend the deadline to comment on the Elmore North PSA to a date after Staff's workshop to permit comments to address any new information discussed during the workshop. Moreover, it is reasonable to extend the deadlines because the PSAs are long (over 3,000 pages collectively), technical, and involve significant and unavoidable impacts.

It also is reasonable to consolidate the deadlines because the Proposed Projects affect the same general geographic area and therefore share similarities in several, though not all, issues discussed. Additionally, consolidating the comment deadlines would allow the public to develop more synchronized and thorough comments after reviewing all the PSAs simultaneously.

Thus, the deadline to file public comment on the Morton Bay, Elmore North, and Black Rock PSAs is

¹¹ TN 257983. The request is not a valid motion because it did not comply with the requirements to file motions set forth in the general orders filed October 30, 2023. (TN 252840.) However, this order considers the substance of the request sua sponte. (See Cal. Code Regs., tit. 20, §§ 1203(c) and 1742, subd. (c).)

¹² TN 257980 (Morton Bay); TN 257981 (Elmore North); TN 257982 (Black Rock).

¹³ Cal. Code Regs., tit. 20, § 1742, subd. (c).

extended and consolidated to **September 2, 2024**.

B. Staff workshop timing

We decline to direct Staff to postpone its workshop scheduled for July 31, 2024 in Imperial, California. While the Committees appreciate the request for additional notice of the workshop, notice of the workshop was legally sufficient and postponement could unduly burden parties or others who have already arranged to appear in Imperial on July 31, 2024. To ensure that anyone interested may benefit from the workshop prior to submitting comments, this order requires Staff to publish a recording of the workshop on the CEC's website as soon as possible and **no later than seven days after** its conclusion, and to file notice of the same in the docket for each Proposed Project. Thus, members of the public will have the opportunity to view the workshop online, at any time of day, and file written comments on the PSAs until the PSA comment deadline, which is extended by the orders herein.

Additionally, while the Committee notes that postponing the workshop may not be practicable at this time and may impose hardship on Staff and the other parties, nothing in this order requires or precludes Staff from postponing its workshop. Staff has not filed a response to the request to postpone its workshop as of the time of this Order. Thus, Staff is directed to confirm whether it intends to proceed with its currently scheduled workshop on July 31, 2024, by filing a brief statement in the docket for each Proposed Project no later than **noon, Monday, July 29, 2024**.

C. Filing proposed schedules

The parties are directed to meet and confer. Staff and project applicants are directed to prepare a proposed schedule for the remainder of each proceeding and file it in the respective docket for each Proposed Project **no later than August 7, 2024**. The other parties to each proceeding may file a proposed schedule by the same deadline.

Orders

For the reasons discussed above, the Presiding Member hereby ORDERS as follows:

1. The deadlines to file public comment on the Morton Bay, Elmore North, and Black Rock PSAs are hereby extended and consolidated to **September 2, 2024**.
2. Staff shall file a brief statement confirming whether it intends to proceed with its currently scheduled workshop in the docket for each Proposed Project no later than **1:00 p.m. on July 29, 2024**.
3. Staff shall publish a recording of the workshop on the CEC's website as soon as possible and **no later than seven days after** its conclusion and file notice of the same in the docket for each Proposed Project.

4. The Parties shall meet and confer regarding proposed schedules for the remainder of each proceeding for the Proposed Projects. Staff and project applicants shall separately or jointly file a proposed schedule for the remainder of each proceeding no later than **August 7, 2024**. Other parties to each proceeding may also join or file separate proposed schedules for each proceeding by **August 7, 2024**.

Availability of Documents

All documents filed in these proceedings will be posted in the respective dockets for each proceeding by selecting the following:

- The “Docket Log (23-AFC-01)” link on the [Morton Bay proceeding’s web page](https://www.energy.ca.gov/powerplant/steam-turbine/morton-bay-geothermal-project-mbgp) at <https://www.energy.ca.gov/powerplant/steam-turbine/morton-bay-geothermal-project-mbgp>, or scan (use the camera on your mobile device and hold it over the QR code) the following QR code:



- The “Docket Log (23-AFC-02)” link on the [Elmore North proceeding’s web page](https://www.energy.ca.gov/powerplant/steam-turbine/elmore-north-geothermal-project-engp) at <https://www.energy.ca.gov/powerplant/steam-turbine/elmore-north-geothermal-project-engp>, or scan the following QR code:



- The “Docket Log (23-AFC-03)” link on the [Black Rock proceeding web page](https://www.energy.ca.gov/powerplant/steam-turbine/black-rock-geothermal-project-brgp) at <https://www.energy.ca.gov/powerplant/steam-turbine/black-rock-geothermal-project-brgp>, or scan the following QR code:



Automated Email Notifications

Any person may subscribe to receive an automated email when a document is filed in a proceeding. The web page for each proceeding, listed above, provides a link to subscribe for automated email notifications, or you may [manage automated email subscriptions](#) at <https://www.energy.ca.gov/subscriptions>, or scan the following QR code:



Questions

Parties and members of the public may contact the assigned Hearing Officers for each AFC for clarifications about this order or general procedural questions:

Morton Bay: Ralph Lee, (916) 776-3408, ralph.lee@energy.ca.gov.
Chad Oliver, (916) 891-8569, chad.oliver@energy.ca.gov.

Elmore North: Deborah Dyer, (916) 931-5041, deborah.dyer@energy.ca.gov.
Reneé Webster-Hawkins, (916) 237-2507, renee.webster-hawkins@energy.ca.gov.

Black Rock: Chad Oliver, (916) 891-8569, chad.oliver@energy.ca.gov.
Deborah Dyer, (916) 931-5041, deborah.dyer@energy.ca.gov.

The CEC's Public Advisor provides assistance to members of the public participating in CEC proceedings. For information on how to participate in this proceeding, please contact the [Public Advisor](#) at PublicAdvisor@energy.ca.gov, or (916) 957-7910.

Direct media inquiries to (916) 654-4989 or mediaoffice@energy.ca.gov.

IT IS SO ORDERED.

Dated: July 26, 2024

APPROVED BY:

Noemí Otilia Osuna Gallardo
Commissioner and Presiding Member of the Morton Bay,
Elmore North, and Black Rock AFC Committees

Mailed to List Number: 7550