

DOCKETED	
Docket Number:	21-AFC-02
Project Title:	Willow Rock Energy Storage Center
TN #:	258691
Document Title:	CURE Response Brief to Appl Mtn for Sch Conf
Description:	N/A
Filer:	Alisha Pember
Organization:	California Unions for Reliable Energy
Submitter Role:	Intervenor
Submission Date:	8/26/2024 4:02:12 PM
Docketed Date:	8/26/2024

STATE OF CALIFORNIA

**State Energy Resources Conservation
and Development Commission**

In the Matter of:

**WILLOW ROCK ENERGY STORAGE
CENTER**

Docket No. 21-AFC-02

**CALIFORNIA UNIONS FOR RELIABLE ENERGY
RESPONSE TO MOTION FOR COMMITTEE
SCHEDULING CONFERENCE**

August 26, 2024

Tara C. Rengifo
Adams Broadwell Joseph & Cardozo
601 Gateway Boulevard, Suite 1000
South San Francisco, CA 94080
(650) 589-1660 Voice
(650) 589-5062 Facsimile
tregifo@adamsbroadwell.com

Attorneys for California Unions for
Reliable Energy

INTRODUCTION

California Unions for Reliable Energy (“CURE”) responds to GEM A-CAES, LLC’s (“Applicant”) *Motion for Committee Scheduling Conference* (“Motion”) filed on August 12, 2024.¹ In its Motion, the Applicant requests that the Committee hold a scheduling conference as soon as possible to discuss the schedule for this proceeding.² The Motion explains that the proceeding schedule proposed by California Energy Commission (“CEC”) Staff in its filing submitted on August 9, 2024³ “reflects previously unarticulated positions on timing,” and its Issues Identification Statement included “purported new, substantive issues not in alignment with the record in this proceeding.”⁴ The Applicant requests an opportunity to be heard before the Committee issues a Scheduling Order.⁵ Pursuant to Title 20 of the California Code of Regulations section 1211.5, subsection (a) and the *General Orders Regarding Motions, Electronic Filing, Service of Documents, and Other Matters*⁶ for the proceeding, CURE has fourteen (14) days to submit a Response to the Motion, which is set forth herein.

DISCUSSION

While CURE does not oppose the Motion, it does not find a Scheduling Conference to be necessary at this time. On August 2, 2024, an all-party meet

¹ TN 258454.

² *Ibid.*

³ TN 258407.

⁴ TN 258454.

⁵ *Ibid.*

⁶ TN 243235.

and confer was held to discuss the schedule and dates for the proceeding, and on August 9, 2024, the Parties submitted their respective Issues Identification Statements and Proposed Schedules⁷ pursuant to the Committee’s *Order Terminating the Suspension of the Willow Rock Energy Storage Center Proceeding 21-AFC-02* (“Order”) filed on July 26, 2024.⁸ The Parties’ submissions summarized the major issues presented by the Supplemental Application for Certification (“SAFC”) for the reconfigured and relocated Willow Rock Energy Storage Center Project (“WRESC” or “Project”) and discussed a proposed schedule for the pre-hearing and evidentiary phases of the proceeding.⁹ The Parties have therefore been given a meaningful opportunity to be heard prior to the Committee issuing its Scheduling Order.

In its Issues Identification Statement, CURE discussed its ongoing evaluation of issues related to biological resources, geologic resources, public health, air quality, greenhouse gas (“GHG”) emissions, and noise, but noted that its review of the SAFC and other documents filed to the docket is continuing and additional issues may arise in these and other resource areas.¹⁰ With regards to its proposed schedule, CURE detailed its reasons for why a shortened discovery period would not be reasonable or feasible.¹¹

CURE also recommended that the schedule for the filing of the FSA and

⁷ TN 258444; TN 258428; TN 258407.

⁸ TN 258022.

⁹ TN 258444; TN 258428; TN 258407.

¹⁰ TN 258444.

evidentiary hearing phase of the proceeding be evaluated after the close of the comment period on the PSA.¹² Based on CURE’s Issues Identification Statement and Proposed Schedule, as well as the other Parties’ submissions, the Committee has sufficient information to inform its Scheduling Order in this proceeding, particularly if the Committee agrees with CURE’s recommendation to defer issuance of its schedule for the filing of the FSA and evidentiary hearing phase of the proceeding.

The Motion also asserts that “Staff’s August 9, 2024 filing reflects previously unarticulated positions on timing and purported new, substantive issues not in alignment with the record in this proceeding.”¹³ A Scheduling Conference is not an appropriate forum for the Committee to adjudicate substantive issues in this proceeding and a hearing on the issues in this proceeding is entirely premature as discovery is ongoing. Nevertheless, to the extent that the Applicant intends to have a substantive discussion with Staff about Staff’s positions identified in its Issues Identification Statement, this discussion must be properly noticed pursuant to Title 20 of the California Code of Regulations section 1711.

For the foregoing reasons, CURE maintains that a Scheduling Conference is not necessary but does not oppose the Applicant’s Motion.

¹¹ *Ibid.*

¹² *Ibid.*

Dated: August 26, 2024

Respectfully submitted,

/s/ Tara C. Rengifo

Tara C. Rengifo
Adams Broadwell Joseph & Cardozo
601 Gateway Boulevard, Suite 1000
South San Francisco, CA 94080
(650) 589-1660 Voice
(650) 589-5062 Facsimile
tregifo@adamsbroadwell.com

Attorneys for California Unions for
Reliable Energy

¹³ TN 258454.