

DOCKETED	
Docket Number:	21-AFC-02
Project Title:	Willow Rock Energy Storage Center
TN #:	258692
Document Title:	Willow Rock Energy Storage Center Supplemental Application for Certification Status Report No 1
Description:	N/A
Filer:	Amanda Cooley
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Submitter Role:	Applicant Representative
Submission Date:	8/26/2024 4:12:13 PM
Docketed Date:	8/26/2024

**STATE OF CALIFORNIA
Energy Resources Conservation
and Development Commission**

In the Matter of:)
)
Application for Certification for the) Docket No. 21-AFC-02
Willow Rock Energy Storage Center)
)
_____)

**WILLOW ROCK ENERGY STORAGE CENTER
SUPPLEMENTAL APPLICATION FOR CERTIFICATION
STATUS REPORT NO. 1**

Pursuant to the Committee *Order Terminating the Suspension of the Willow Rock Energy Storage Center Proceeding* issued on July 26, 2024,¹ GEM A-CAES LLC (the “Applicant”) submits this Supplemental Application for Certification Status Report No. 1 to inform the Committee of the progress of the Application for Certification proceeding for the Willow Rock Energy Storage Project (the “WRESC” or the “Project”).²

APPLICANT’S MOTION FOR COMMITTEE SCHEDULING CONFERENCE

On August 12, 2024, pursuant to Section 1211.5 of the California Energy Commission’s (“CEC” or “Commission”) Rules of Practice and Procedure, the Applicant filed its *Motion for Committee Scheduling Conference* requesting that the Committee hold a scheduling conference as soon as possible, consistent with the noticing requirements of the CEC’s regulations, to discuss the schedule for this proceeding.³

On August 9, 2024, Applicant, CEC Staff, and Intervenor California Unions for Reliable Energy (“CURE”) filed their respective Issues Identification Statement and Proposed Schedules.⁴ The Applicant’s Proposed Schedule provides a reasonable and feasible shortening of Discovery as suggested in the Committee’s order, resulting in a Final Decision on this important long-duration energy storage project in May of 2025. CEC Staff’s schedule fails to provide any date certain but almost certainly delays a WRESC decision to, at best, the end of 2025.

The meet and confer did not bring the Parties to a common understanding or agreement. Moreover, 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. It is abundantly clear that given the wide and substantial divergence between Staff and Applicant, the Committee must intervene by setting a Scheduling Conference so that the Parties and the public

¹ TN#: 258022.

² Since this is the first status report since the Committee Order confirming the Executive Director’s Data Adequacy Determination (TN#: 257763), Applicant has renumbered this report to be the first in this reinitiated proceeding.

³ TN #: 258454.

⁴ TNs #: 258428, 258407, and 258444, respectively.

have notice and opportunity to be heard – before issuance of a scheduling order. In its order setting a Scheduling Conference, the Committee should affirm that in the interim, the Parties should continue forward with Discovery and all other aspects of the proceeding.

It is absolutely imperative that the Commission reach its Final Decision in the Second Quarter of 2025.

- It is undisputed that the long-duration energy storage from WRESC will advance the State’s reliability needs and climate policy objectives. A final decision by the Second Quarter of 2025 will advance these important state interests.
- WRESC will satisfy the long-duration energy storage procurement mandate and timelines as set out by the California Public Utilities Commission.
- WRESC has a commercial agreement with Central Coast Community Energy to deliver 200 megawatts of energy.
- A delay could risk eligibility for California to receive its share of federal funding currently available for advanced, clean and renewable energy projects.

ACTIONS TAKEN TO ADVANCE WILLOW ROCK SINCE THE LAST STATUS REPORT

On July 26, 2024, CEC Staff issued Data Requests Set 1.⁵ On August 23, 2024, the Applicant filed its responses.⁶ There are several items related to cultural resources where the Applicant is awaiting further direction from CEC staff related to government-to-government Tribal Consultation so the Applicant can proceed with finalizing the Phase II Testing Plan and conducting the associated field work as soon as possible.

On August 22, 2024, the CEC issued Data Requests Set 2.⁷ The Applicant is reviewing the data requests and will respond within the timeframe provided for in Section 1716 of the CEC’s regulations. The Applicant has also reviewed the comments submitted by the Lahontan Regional Water Quality Control Board (“RWQCB”) and is actively engaged in exchanging information with CEC Staff and the RWQCB to address the questions raised in the comments.

On August 22, 2024, Intervenor CURE issued its Data Requests Set 1, which is comprised of 104 data requests.⁸ The Applicant is reviewing the data requests and will respond within the timeframe provided for in Section 1716 of the CEC’s regulations.

In addition to the discovery items identified above, the Applicant continues to engage stakeholders including Kern County, Defenders of Wildlife, Center for Biological Diversity, and the Bureau of Land Management, among others. In terms of major items submitted since the last Status Report, the Applicant provided the following additional information:

⁵ TN #: 258088.

⁶ TN #: 258681.

⁷ TN #: 258630.

⁸ TN #: 258660.

- Biological Resources Report 2024 Addendum, TN#: 258316
- Burrowing Owl Survey 2024 Addendum, TN#: 258315
- Crotch's Bumble Bee Survey 2024 Addendum, TN#: 258314
- Sensitive Plant Survey 2024 Addendum, TN#: 258313
- Swainson's Hawk Survey 2024 Addendum, TN#: 258312
- Joshua Tree Census 2024 Addendum, TN#: 258311
- Mohave Ground Squirrel Survey, TN#: 258310
- Desert Tortoise Survey 2024 Addendum, TN#: 258309
- Jurisdictional Waters Delineation Report, TN#: 258308
- Traffic Study Report, TN#: 258518

PROJECT SCHEDULE


The Applicant has proposed a schedule that supports a Final Decision in the Second Quarter of 2025. In order to enhance stakeholder engagement and ensure timely achievement of a CEC Final Decision, the Applicant is seeking a Public Workshop on Biological Resources as soon as possible during the Discovery period to address items related to Western Joshua Tree and other issues prior to CEC Staff publishing a Preliminary Staff Assessment for public review.

It is imperative that the CEC and the California Department of Fish and Wildlife educate the public and work with the Applicant on compliance with the new Western Joshua Tree Conservation Act and guidance that has been released during the proceeding. The Applicant also recommends a Public Workshop on Cultural Resources to support CEC in tribal consultation. The Applicant welcomes an Order supporting this schedule and immediate needs.

Dated: August 26, 2024

Respectfully Submitted,

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