

<b>DOCKETED</b>	
<b>Docket Number:</b>	23-AFC-03
<b>Project Title:</b>	Black Rock Geothermal Project (BRGP)
<b>TN #:</b>	258774
<b>Document Title:</b>	Black Rock Geothermal Project Status Report No 11
<b>Description:</b>	N/A
<b>Filer:</b>	Amanda Cooley
<b>Organization:</b>	Ellison Schneider Harris & Donlan LLP
<b>Submitter Role:</b>	Applicant Representative
<b>Submission Date:</b>	8/30/2024 3:58:25 PM
<b>Docketed Date:</b>	8/30/2024

**THE STATE OF CALIFORNIA**

**Energy Resources Conservation  
and Development Commission**

In the Matter of: )  
Application for Certification for the )  
Black Rock Geothermal Project )  
 )  
 )  
\_\_\_\_\_ )

Docket No. 23-AFC-03

**BLACK ROCK GEOTHERMAL PROJECT  
STATUS REPORT NO. 11**

Samantha G. Neumyer  
Jessica L. Melms  
Ellison Schneider Harris & Donlan LLP  
2600 Capitol Avenue, Suite 400  
Sacramento, CA 95816  
[sgn@eslawfirm.com](mailto:sgn@eslawfirm.com)  
[jmelms@eslawfirm.com](mailto:jmelms@eslawfirm.com)  
(916) 447-2166

Attorneys for Applicant

**THE STATE OF CALIFORNIA**

**Energy Resources Conservation  
and Development Commission**

In the Matter of: )  
 )  
Application for Certification for the ) Docket No. 23-AFC-03  
Black Rock Geothermal Project )  
 )  
 )

---

**BLACK ROCK GEOTHERMAL PROJECT  
STATUS REPORT NO. 11**

Pursuant to the *Presiding Member’s Scheduling Order for the Black Rock Geothermal Project Proceeding*,<sup>1</sup> Black Rock Geothermal LLC (“the Applicant”) provides this *Status Report No. 11* to update the Committee regarding the status of the Application for Certification proceeding for the Black Rock Geothermal Project (“BRGP” or the “Project”).

**I. SUMMARY OF PROGRESS OF PROCEEDING**

On July 11, 2024, California Energy Commission (“CEC”) Staff docketed the Preliminary Staff Assessment (“PSA”) for the BRGP.<sup>2</sup> The Applicant is in the process of reviewing and preparing comments on the PSA. The Applicant attended the Preliminary Staff Assessment Technical and Mitigation Workshop held on July 31 – August 1, 2024 (“Workshop”). The Applicant will also be attending the Tribal Mitigation Workshop to be held on September 6, 2024.<sup>3</sup> The Applicant anticipates that it will file responses to issues and comments raised at both workshops following the Tribal Mitigation Workshop.

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

Descriptions of the Applicant’s significant communications with other federal, state, and local agencies and tribal governments are provided below.

- Since *Status Report No. 10*, the Applicant has continued to consult with the Kwaaymii Laguna Band of Indians (“Kwaaymii”) regarding the BRGP. On August 20, 2024, representatives of the Applicant met with representatives of the Kwaaymii to discuss the BRGP, Elmore North Geothermal Project, and Morton Bay Geothermal Project. The Applicant also contacted the Agua Caliente Band of Cahuilla Indians and the Fort Yuma Quechan Indian Tribe to provide notice of the upcoming Tribal Mitigation Workshop.
- On August 14, 2024, the Applicant received notice that the Imperial Irrigation District (“IID”) will be implementing new transitional cluster requirements under IID’s Open Access

---

<sup>1</sup> TN#: 252289.

<sup>2</sup> TN#: 257697.

<sup>3</sup> TN#: 258552.

Transmission Tariff (“OATT”) reform, following the Federal Energy Regulatory Commission’s Order 2023, and that the system impact restudy will be delayed as a result.

- On August 15, 2024, the Applicant received confirmation from the United States Marine Corps (“USMC”) that the Project will not impact USMC operations.
- On August 29, 2024, the Applicant received a Stakeholder Notice regarding IID’s OATT reform, along with a draft of the proposed changes to IID’s OATT.
- The Applicant has continued to consult with IID to discuss the Project’s related facilities and IID infrastructure such as water supply canals, drain canals, transmission lines, and power distribution lines.

### **III. OUTCOME OF PUBLIC WORKSHOPS OR MEETINGS**

The Applicant attended the Workshop held on July 31– August 1, 2024. The Applicant thanks CEC Staff for hosting the Workshop and appreciates the stakeholder attendance and participation at the Workshop. The Applicant will participate in the upcoming Tribal Mitigation Workshop, which will be held on September 6, 2024.

### **IV. SCHEDULE**

On August 7, 2024, the Applicant, in addition to Staff and Intervenors, submitted a proposed schedule for the remainder of the proceeding. The Applicant anticipates that its proposed schedule for the BRGP will require adjustment given the notice of IID’s system impact restudy delay and potential outcome of the Tribal Mitigation Workshop.

Within their proposed schedule, Intervenor California Unions for Reliable Energy argued that recirculation of the PSA may be warranted.<sup>4</sup> This is incorrect. CEC Staff is an independent party in this proceeding, separate from the Committee and agency decision makers.<sup>5</sup> The PSA and Final Staff Assessment (“FSA”) comprise CEC Staff’s independent assessment of the Project. Stakeholders will have meaningful opportunities to comment on the FSA, and parties will have an opportunity to provide testimony to address the FSA. Stakeholders will have further opportunities to comment on the BRGP and proposed mitigation measures once a Presiding Member’s Proposed Decision is issued. Recirculation of the PSA is not required by the CEC’s regulations and would only serve to unnecessarily further delay these proceedings.

### **V. CONCLUSION**

While the statutory deadline has already passed, the Applicant continues to work with CEC Staff and stakeholders to advance this important, baseload renewable energy project in a timely manner.

///

///

---

<sup>4</sup> TN#: 258382, p. 3.

<sup>5</sup> 20 CCR § 1710, “Staff as an Independent Party.”

Dated: August 30, 2024

Respectfully submitted,

ELLISON SCHNEIDER HARRIS & DONLAN L.L.P.

By  \_\_\_\_\_

Samantha G. Neumyer  
Jessica L. Melms  
Ellison Schneider Harris & Donlan LLP  
2600 Capitol Avenue, Suite 400  
Sacramento, CA 95816  
[sgn@eslawfirm.com](mailto:sgn@eslawfirm.com)  
[jmelms@eslawfirm.com](mailto:jmelms@eslawfirm.com)  
(916) 447-2166  
*Attorneys for Applicant*