

DOCKETED

Docket Number:	21-AFC-02
Project Title:	Willow Rock Energy Storage Center
TN #:	259084
Document Title:	Revised Committee Scheduling Order
Description:	N/A
Filer:	Wendi DuBose
Organization:	California Energy Commission
Submitter Role:	Committee
Submission Date:	9/9/2024 3:22:56 PM
Docketed Date:	9/9/2024

CALIFORNIA ENERGY COMMISSION

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CEC-70 (Revised 7/22)



IN THE MATTER OF:

Willow Rock Energy Storage Center

Docket No. 21-AFC-02

REVISED COMMITTEE SCHEDULING ORDER

This Revised Scheduling Order is prepared by the Committee¹ in this proceeding to revise the schedule for the prehearing and evidentiary phase of the Application for Certification (AFC) proceeding for the Willow Rock Energy Storage Center (Willow Rock) pursuant to California Code of Regulations, title 20, section 1709.7(c) for the benefit of the parties, partner agencies, interested persons, and public.

BACKGROUND

On December 1, 2021, GEM A-CAES LLC (Applicant) filed an AFC with the California Energy Commission (CEC) to construct and operate the Gem Energy Storage Center.² On August 5, 2022, Applicant changed the name of the project to the Willow Rock Energy Storage Center.³ Willow Rock is a proposed energy storage center, deploying Hydrostor Inc. (Hydrostor) Advanced Compressed Air Energy Storage (A-CAES) technology. On June 8, 2022, the CEC determined that the project was exempt from the Notice of Intention process under Public Resources Code section 25540.6(a)(3), and it issued an order directing CEC staff (Staff) to process the application as an AFC.⁴

On September 9, 2022, the Committee granted the petition to intervene filed by California Unions for Reliable Energy (CURE).⁵

¹ On March 10, 2023, the CEC amended its designation of a committee consisting of Andrew McAllister, Commissioner and Presiding Member, and Noemí Gallardo, Commissioner and Associate Member, to preside over any proceedings arising from the Application. [TN 249087](#). This and all other documents related to this proceeding may be found in the [online docket](#) at <https://efiling.energy.ca.gov/Lists/DocketLog.aspx?docketnumber=21-AFC-02>.

² See application beginning with [TN 240571-1](#) *et seq.*

³ [TN 244331](#).

⁴ [TN 243536](#).

⁵ [TN 245943](#).

On August 30, 2024, the Committee granted the petition to intervene filed by the Center for Biological Diversity.⁶

A. Original AFC

As originally proposed, Willow Rock was to be a nominal 500-megawatt (MW) facility that would charge at up to 500 MW for up to 14 hours and deliver up to 4,000 MW-hours (MWhs) over an 8-hour period in a facility to be located on two adjoining parcels totaling 71 acres in an unincorporated area of Kern County with the mailing address of 8684 Sweetser Road, Rosamond, California, 93560 (Original AFC).

On July 13, 2022, the CEC adopted the Executive Director's recommendation finding that the Applicant's Original AFC included all the information required for a complete AFC, initiating the 12-month timeline for the CEC to reach a final decision on the Original AFC pursuant to Public Resources Code section 25540.6., unless the Applicant agreed to a later time for the issuance of a decision.⁷

On August 11, 2022, the Committee convened a site visit and informational hearing on the Original AFC.⁸ The Committee also issued a Scheduling Order setting dates for discovery and maximum time limits for the publication of the staff assessments, leaving the schedule for the evidential hearing and final decision to be determined later.⁹

After many months of discovery, exchange of information, and analysis of the feasibility and potential impacts of the project, Staff filed a motion to suspend the proceeding because key project features appeared to require revision.¹⁰ The Applicant did not object to staff's motion,¹¹ and the Committee suspended the Original AFC on August 11, 2023 (Suspension Order).¹² The Suspension Order provided that the suspension would terminate, and the AFC proceeding would resume, after Applicant filed a supplemental AFC and the Executive Director verified the completeness of the supplemental AFC.¹³

B. Supplemental AFC

Beginning March 1, 2024, the Applicant began submitting materials related to a supplemental AFC to the docket,¹⁴ and on March 8, 2024 attested to the completeness of the Supplemental AFC (Supplemental AFC).¹⁵ The attestation provided detailed tables indicating which pre-existing documents

⁶ [TN 258781](#).

⁷ [TN 244093](#).

⁸ [TN 244282](#).

⁹ [TN 245754](#).

¹⁰ [TN 251029](#).

¹¹ [TN 251029](#) & [TN 251186](#).

¹² [TN 251599](#).

¹³ [TN 251599](#), p. 3.

¹⁴ [TN 254774](#) et seq.

¹⁵ [TN 254951](#).

remained applicable to the Supplemental AFC and which were “largely superseded.”¹⁶ On April 23, 2024, Staff initially found the Supplemental AFC incomplete, providing a detailed table reflecting its data adequacy review and requesting additional necessary data.¹⁷ After Applicant submitted data responsive to Staff’s review, on July 16, 2024, the CEC Executive Director verified that the Supplemental AFC was complete and recommended that the Committee accept the Supplemental AFC as complete and restart the 12-month timeline to reach a decision on the Supplemental AFC per Public Resources Code, section 25540.6.¹⁸ Based on that recommendation, the Committee terminated the Suspension Order on July 26, 2024, and reinstated the proceeding.¹⁹

The Supplemental AFC proposes a relocated and reconfigured Willow Rock project as a nominal 520 MW gross (500 MW net) and 4,160 MWh gross (4,000 MWh net) compressed air energy storage facility using Hydrostor’s A-CAES technology and related accessories, including without limitation, eight electric-motor-driven air compressors configured in four trains, four air-powered turbine generators with 100-foot-tall air vent stacks, thermal storage systems including six 100-foot-tall hot-water spherical storage tanks, a 21.5-acre, 577-acre-foot hydrostatically compensating surface reservoir with liner and interlocking shape floating cover, a 900,000 cubic yard underground compressed air storage cavern, and all associated operational and safety equipment and piping. The new location is an 88.6-acre portion of an approximately 112-acre parcel, north of Dawn Road and between State Route (SR) 14 and Sierra Highway within unincorporated Kern County, California, approximately 4 miles north of Rosamond, California. Energy stored at Willow Rock would be delivered to Southern California Edison’s (SCE’s) Whirlwind Substation located southwest of the site at the intersection of 170th Street W and Rosamond Boulevard, via a new approximately 19-mile 230-kilovolt (kV) generation-tie (gen-tie) line. Willow Rock would be capable of operating on a 24-hour basis, 365 days a year with an approximately 50-year lifespan.²⁰

DISCUSSION OF SCHEDULE

In the order terminating the suspension, the Committee found it appropriate to convene a subsequent site visit and informational hearing due to the relocation and reconfiguration of the project in the Supplemental AFC. The Committee also directed the parties to submit Issues Identification Statements including proposed schedules after they met and conferred on scheduling of key milestones including: close of supplemental discovery, staff filing of Preliminary Staff Assessment and Final Assessment, last day to file petition to intervene, prehearing conference, evidentiary hearing, and Commission hearing on Final Decision.²¹

¹⁶ *Id.*

¹⁷ [TN 255890](#).

¹⁸ [TN 257763](#).

¹⁹ [TN 258022](#).

²⁰ See Willow Rock Energy Storage Center Supplemental AFC, Volume 1, Part A at [TN 254806](#).

²¹ [TN 258022](#).

All parties timely submitted their respective statements.²² Due to disagreement among the parties on a proposed schedule, the Applicant filed a Motion for Committee Scheduling Conference on August 12, 2024.²³

Based on each of the parties' respective Issues Identification Statements and filings related to the Applicant's Motion for a Scheduling Conference²⁴ and status reports, the Committee finds as follows:

1. There is no objection from the parties to convene a site visit and informational hearing. The Committee will formally notice the site visit and informational hearing in a separate order.
2. Applicant's Motion for Committee Scheduling Conference seeks Committee intervention to resolve the "divergence" in scheduling proposals among the parties, and to provide the parties and public notice and an opportunity to be heard.²⁵ All parties timely responded with substantive recommendations on the schedule by August 26, 2024. Additionally, CBD petitioned to intervene, and the parties submitted their monthly status reports including summaries of their pending discovery and other scheduling priorities. The Committee finds that the parties and public have had ample notice and opportunity to be heard on Applicant's Motion, that the record has sufficient information for the Committee to set a schedule for key dates for the remainder of this proceeding, and that a scheduling conference is not necessary at this time.
3. The Committee acknowledges the four reasons that Applicant cites as reasons to shorten time in this proceeding. The Committee shares conceptually the importance of projects that advance California's climate policy and energy reliability objectives and help to meet the energy storage procurement targets set by the California Public Utilities Commission. The record does not yet establish how the timing of a Final Decision in this proceeding might impact either an agreement that Applicant may have to deliver energy from Willow Rock or California's eligibility for federal funding.
4. The Applicant has proposed a substantially reconfigured and relocated project, thus it is reasonable for the parties to have the opportunity to use the standard 180 days from the date the Supplemental AFC was verified as complete by the Executive Director to submit requests for information, as provided in CEC regulations.²⁶ Among other things, the Committee notes the following as reasons to provide the standard regulatory discovery time frame:
 - a. Although the A-CAES technology for the Supplemental AFC is the same as the Original AFC, there are new engineering, construction, transmission, and operational details

²² [TN 258407](#), [TN 258428](#) & [TN 258444](#).

²³ [TN 258454](#).

²⁴ [TN 258407](#), [TN 258428](#), [TN 258444](#), [TN 258454](#).

²⁵ [TN 258454](#).

²⁶ California Code of Regulations, title 20, § 1716(e).

unique to the new site and design. New data and surveys related to natural and cultural resources are needed. Most if not all resource, engineering, reliability, and safety analyses for the proceeding are substantively impacted by the reconfigured and relocated project.

- b. One important deliverable, the Eastern Kern Pollution Control District Notice of Final Determination of Compliance (FDOC), is complete for the emergency diesel-fueled generators and emergency fire pump.²⁷
 - c. The Lahontan Regional Water Quality Control Board is requesting additional data to determine whether: a Report of Waste Discharge is needed; General Waste Discharge Requirements may be applicable to the project; a National Pollutant Discharge Elimination System permit or individual stormwater permit is necessary; and/or an Underground Injection Control Program permit is required.²⁸
 - d. The parties' Issues Identification Statements and August status reports forecasted significant substantive work related to the new Western Joshua Tree Conservation Act, as well as cultural resources, to aid in the education and understanding among the parties, partner agencies, and the public of the potential impacts and mitigation for the Supplemental AFC. Additionally, site access may be impeding the ability to conduct resource surveys.
5. The Committee finds that the ability for staff to initiate meetings with the applicant, other parties, interested agencies, stakeholders, or the public on matters relevant to a proceeding, including workshops, site visits, or other information exchanges,²⁹ is an efficient approach to resolve data requests, and encourages the parties to convene as needed prior to the end of the discovery period per the Applicant's recommendations.
 6. Although Staff proposes to stagger the parties' monthly status reports so that staff and intervenors can evaluate the Applicant's information, the Committee finds that the current schedule calling for simultaneous reports satisfactorily provides the Committee with the information it needs to independently assess the status of the proceeding from each party's perspective.
 7. While Applicant's proposed schedule recommends that the Preliminary Staff Assessment (PSA) be filed before discovery closes, the Committee finds that it will be more efficient and less

²⁷ [TN 256372](#).

²⁸ [TN 258495](#).

²⁹ CCR, tit. 20, § 1207.5.

confusing for the parties, interested persons, and the public if Staff files a single, comprehensive PSA after the close of discovery that reflects all data requests and responses.

8. The Committee finds that if Applicant responds as required no later than 30 days after the last requests for information, then it is reasonable for the PSA to be filed no later than 60 days thereafter, and for the Final Staff Assessment (FSA) to be filed within 45 days after the close of public comment on the PSA.
9. The Committee may modify the schedule at any time for good cause. If any party determines after making a good faith effort that they cannot meet a deadline specified in this Scheduling Order or elsewhere in CEC regulations, the party shall notify the Committee as soon after reaching that conclusion as possible and file a written request as a stand-alone motion asking for modification of the schedule that explains the reasons the deadline cannot be met.
10. Notwithstanding the CEC regulations requiring responses to motions within 14 days of the service of motions³⁰, the Committee finds it reasonable to require any responses to motions for modification of schedules or petitions to intervene to be filed within 7 days.
11. The Committee will establish the schedule and dates for the evidentiary phase of the proceeding upon Staff's filing of the FSA.

SCHEDULING ORDER

1. The Applicant's Motion for Committee Scheduling Order is **DENIED**.
2. The Committee hereby adopts the revised schedule for the Supplemental AFC for the Willow Rock proceeding as attached below. The Committee encourages the Parties to make their best efforts to complete the deliverables ahead of these dates.
3. The Committee herein sets the due dates for deliverables or activities up through the Final Staff Assessment. Additionally, the Committee sets the maximum time frames for certain events during the evidentiary phase.
4. Prior to filing any motions for extensions or relief from this Revised Scheduling Order, the parties shall use best efforts to first meet and confer to resolve the moving party's dispute; failing that, the motion shall describe the attempt to meet and confer and recommend a resolution.

³⁰ CCR, tit. 20, § 1211.5.

5. Any and all responses to motions for modification of schedules or petitions to intervene to shall be filed within 7 days.
6. The parties are hereby ordered to continue submitting monthly status reports no later than the 26th day of every month as set forth in the attached schedule. Status reports shall inform the Committee whether the case is progressing satisfactorily and bring potential delays and other relevant matters to the Committee's attention.

PUBLIC ADVISOR AND OTHER CEC CONTACTS

The CEC's Public Advisor assists members of the public with 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 questions of a procedural nature to the assigned Hearing Officers:

- Reneé Webster-Hawkins, at renee.webster-hawkins@energy.ca.gov or (916) 237-2507.
- Ralph Lee, at ralph.lee@energy.ca.gov or (916) 776-3408.

Direct technical subject inquiries concerning the proceeding to the Project Manager:

- Leonidas Payne, at leonidas.payne@energy.ca.gov or (916) 838-2124.

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

AVAILABILITY OF DOCUMENTS

Information about the Application, as well as notices and other relevant documents pertaining to this proceeding, may be viewed on the [Willow Rock Energy Storage Center webpage](https://www.energy.ca.gov/powerplant/caes/willow-rock-energy-storage-center) at: <https://www.energy.ca.gov/powerplant/caes/willow-rock-energy-storage-center> or scan the following QR code:



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IT IS SO ORDERED.

Dated: September 9, 2024

APPROVED BY:

Andrew McAllister
Commissioner and Presiding Member
Willow Rock Energy Storage Center
AFC Committee

Dated: September 9, 2024

APPROVED BY:

Noemí Otilia Osuna Gallardo
Commissioner and Associate Member
Willow Rock Energy Storage Center
AFC Committee

**WILLOW ROCK ENERGY STORAGE CENTER
(21-AFC-02)
REVISED SCHEDULING ORDER³¹
SEPTEMBER 9, 2024**

EVENT	DATE
SAFC deemed complete	July 16, 2024
Parties' Issues Identification Reports filed	August 9, 2024
Applicant Motion for Committee Scheduling Conference filed	August 12, 2024
Center for Biological Diversity (CBD) Petition to Intervene filed	August 23, 2024
Committee Order Granting Petition to Intervene by CBD	August 30, 2024
Revised Scheduling Order filed	September 9, 2024
Monthly Status Reports filed by all parties	On the 26 th day of every month
Site Visit & Informational Hearing	November 6, 2024
Discovery closes: Last day for any party to request information in a Data Request	January 13, 2025 ³²
Last day for Applicant to submit data responses	February 12, 2025, or 30 days after last Data Request, ³³ whichever is earlier
Staff deadline to file Preliminary Staff Assessment	April 14, 2025, or 60 days after Applicant provides last Data Response, whichever is earlier

³¹ This Revised Scheduling Order documents past events and dates for a complete record of key events germane to the upcoming discovery and decisional timelines.

³² "All requests for information shall be submitted no later than 180 days from the date the commission determines an application is complete, unless the committee allows requests for information at a later time for good cause shown." (Cal. Code Regs., tit. 20, § 1716(e).)

³³ "[T]he party shall provide the information requested within 30 days of the date that the request is made." (Cal. Code Regs., tit. 20, § 1716(f).)

Public Comment Period Closes on Preliminary Staff Assessment	May 29, 2025, or 45 days after filing of the Preliminary Staff Assessment, whichever is earlier ³⁴
Staff Files Final Staff Assessment	July 14, 2025, or 45 days after the Public Comment Period Closes on Preliminary Staff Assessment, whichever is earlier ³⁵
Last Day to File Petition to Intervene	7 days after filing of the Final Staff Assessment ³⁶
Last Day to File Objection to any Petition to Intervene	7 days after a Petition to Intervene is filed ³⁷
Parties File Opening Testimony	To be determined
Parties File Rebuttal Testimony	To be determined
Parties File Prehearing Conference Statements	To be determined
Prehearing Conference	To be determined
Evidentiary Hearing	To be determined, and no sooner than 14 days after filing of the Final Staff Assessment ³⁸
Committee Files Presiding Member's Proposed Decision (PMPD)	To be determined
Public Comment Period Closes on PMPD	30 days after filing of the PMPD ³⁹

³⁴ Staff's preliminary environmental assessment shall be subject to at least a 30-day public comment period. This timeline in this proceeding reflects the Committee's discretion to extend the public comment period. (Cal. Code Regs., tit. 20, § 1742(c).)

³⁵ After the close of the public comment period, Staff shall file the Final Staff Assessment. (Cal. Code Regs., tit. 20, § 1742(c).)

³⁶ The deadline to file a petition for intervention shall be established by the presiding member, or if no deadline is established, at least 30 days prior to the first day of the evidentiary hearing. (Cal. Code Regs., tit. 20, § 1211.7(b).)

³⁷ Motions shall be filed and responded to according to a schedule established by the presiding member. In the absence of such a schedule, responses to motions shall be filed within 14 days of the service of the motions." (Cal. Code Regs., tit. 20, § 1211.5.)

³⁸ The final staff assessment shall be filed at least 14 days before the first evidentiary hearing. (Cal. Code Regs., tit. 20, § 1742(c).)

³⁹ The presiding member shall set a comment period of at least 30 days from the date of filing. (Cal. Code Regs., tit. 20, § 1745.5(c).)

Committee Conference on PMPD	To be determined
Commission Hearing on the Final Decision	To be determined