

<b>DOCKETED</b>	
<b>Docket Number:</b>	23-AFC-03
<b>Project Title:</b>	Black Rock Geothermal Project (BRGP)
<b>TN #:</b>	259370
<b>Document Title:</b>	CURE Status Report 12
<b>Description:</b>	N/A
<b>Filer:</b>	Alisha Pember
<b>Organization:</b>	California Unions for Reliable Energy
<b>Submitter Role:</b>	Intervenor
<b>Submission Date:</b>	9/30/2024 5:05:36 PM
<b>Docketed Date:</b>	10/1/2024

**STATE OF CALIFORNIA**

**STATE ENERGY RESOURCES CONSERVATION  
AND DEVELOPMENT COMMISSION**

IN THE MATTER OF:  MORTON BAY GEOTHERMAL PROJECT APPLICATION FOR CERTIFICATION	Docket No. 23-AFC-01
IN THE MATTER OF:  ELMORE NORTH GEOTHERMAL PROJECT APPLICATION FOR CERTIFICATION	Docket No. 23-AFC-02
IN THE MATTER OF:  BLACK ROCK GEOTHERMAL PROJECT APPLICATION FOR CERTIFICATION	Docket No. 23-AFC-03

**CALIFORNIA UNIONS FOR RELIABLE ENERGY  
STATUS REPORT NO. 12**

September 30, 2024

Andrew J. Graf  
Tara C. Rengifo  
Kelilah D. Federman  
Adams Broadwell Joseph & Cardozo  
601 Gateway Blvd., Suite 1000  
South San Francisco, CA 94080  
(650) 589-1660  
[agraf@adamsbroadwell.com](mailto:agraf@adamsbroadwell.com)  
[trengifo@adamsbroadwell.com](mailto:trengifo@adamsbroadwell.com)  
[kfederman@adamsbroadwell.com](mailto:kfederman@adamsbroadwell.com)  
Attorneys for California Unions for Reliable  
Energy

## INTRODUCTION

California Unions for Reliable Energy (“CURE”) submits this status report in the Morton Bay Geothermal Project (“MBGP”), Elmore North Geothermal Project (“ENGP”), and Black Rock Geothermal Project (“BRGP”) proceedings pursuant to the Presiding Member’s Scheduling Order issued on September 12, 2023 (TN 252284, 252285, 252289).

## DISCUSSION

### **I. Summary of the Progress of Discovery**

The Committee’s deadline for the parties to conduct discovery was January 22, 2024.

### **II. Significant Communications with Tribal Governments and Federal, State, and Local Agencies**

Pursuant to the Presiding Members’s Joint Order Directing Parties to Meet and Confer and to Submit a Proposed Schedule (TN 259195, 259193, 259194), counsel for CURE met with the attorneys for all parties on September 24, 2024 to confer regarding the schedule for the three Application for Certification (“AFC”) proceedings. On September 25, 2024 and September 26, 2024, counsel for CURE continued to corresponded with counsel for Applicant and counsel for CEC Staff regarding CEC Staff and Applicants’ Joint Proposed Schedules (TN 259331, 259330, 259332).

CURE is also in discussion with various local, state, and federal agencies regarding its requests for public records related to the proposed projects. CURE has been corresponding with the Imperial Irrigation District (“IID”) regarding its

refusal to disclose BHE Renewables, LLC's ("BHE") submission of its Salton Sea impact assessment to IID and related records in response to CURE's Public Records Act ("PRA") request dated August 1, 2024. BHE's Salton Sea impact assessment is described in IID's letter dated July 23, 2024 from IID to CEC on the ENGP Preliminary Staff Assessment ("PSA") (TN 257957). IID's letter expressly recommends to CEC staff that the assessment be incorporated into the PSA for the ENGP (*Ibid.*). CURE's PRA request seeks access to a document which IID has already advised CEC staff to include in the CEC's publicly available staff assessment for the proposed ENGP.

To date, CURE and IID have exchanged several written communications about the August 1 PRA request. However, IID claims that the assessment is exempt from disclosure. IID has not addressed whether records related to the assessment are exempt from disclosure, but has not produced any such records.

On August 16, 2024, CURE also submitted a PRA request to the CEC for a copy of BHE's Salton Sea impact assessment. CEC responded on August 19, 2024 that it did not have any responsive records.

### **III. Factors That May Impact the Schedule**

Pursuant to the Presiding Members's Joint Order Directing Parties to Meet and Confer and to Submit a Proposed Schedule (TN 259193, 259194, 259195), CURE submitted proposed schedules for the remainder of the three proceedings, which details the factors that may impact the schedule.

In order to promote efficiency for the three AFC proceedings, CURE recommends that the Committee consolidate the three proceedings after the staggered filing of FSAs. Further, CURE strongly urges that the Committee provide adequate time for parties and the public to review and evaluate significant new information on the project description, impacts analysis, and mitigation measures that may be added for the first time to the FSAs. Sufficient time must also be provided for parties and the public to review and address highly technical and other responses to comments. CURE recommends the Committee set an intervention deadline that is consistent with due process and the policy underlying the applicable regulation. Moreover, CURE recommends the Committee defer the details of the format and length of consolidated evidentiary hearings until after rebuttal testimony is submitted, any further petitions to intervene are docketed and a robust meet-and-confer process is completed. Finally, CURE recommends ensuring that all mandatory public comment periods are included in the proceeding schedules.

Dated: September 30, 2024

Respectfully submitted,

/s/

---

Andrew J. Graf  
Tara C. Rengifo  
Kelilah D. Federman  
Adams Broadwell Joseph & Cardozo  
601 Gateway Blvd., Suite 1000  
South San Francisco, CA 94080  
(650) 589-1660  
[agraf@adamsbroadwell.com](mailto:agraf@adamsbroadwell.com)  
[trengifo@adamsbroadwell.com](mailto:trengifo@adamsbroadwell.com)  
[kfederman@adamsbroadwell.com](mailto:kfederman@adamsbroadwell.com)

Attorneys for California Unions for Reliable  
Energy