

<b>DOCKETED</b>	
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<b>Project Title:</b>	Willow Rock Energy Storage Center
<b>TN #:</b>	259714
<b>Document Title:</b>	Willow Rock Energy Storage Center Supplemental AFC Status Report No 3
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**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 )  
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**WILLOW ROCK ENERGY STORAGE CENTER  
SUPPLEMENTAL APPLICATION FOR CERTIFICATION  
STATUS REPORT NO. 3**

Pursuant to the *Revised Committee Scheduling Order* issued on September 9, 2024,<sup>1</sup> GEM A-CAES LLC (the “Applicant”) submits this Supplemental Application for Certification Status Report No. 3 to inform the Committee of the progress of the Application for Certification proceeding for the Willow Rock Energy Storage Center (the “WRESC”).

**ACTIONS TAKEN TO ADVANCE THE WILLOW ROCK ENERGY STORAGE  
CENTER SINCE THE LAST STATUS REPORT**

On September 27, 2024, the Applicant filed its responses to Intervenor California Unions for Reliable Energy (“CURE”) Data Requests Set 1.<sup>2</sup> Also on September 27, 2024, the Applicant docketed its Repeated Application for Confidential Designation of Biological Resources Information in response to CURE’s Data Requests Set 1.<sup>3</sup> On this same date, the Applicant docketed responses to Data Request numbers 26-1, 33-1, 74-1, and 75-1.<sup>4</sup> On October 2, 2024, the Applicant docketed two biological surveys related to plants and the Swainson’s Hawk.<sup>5</sup> On October 9, 2024, the California Energy Commission (“CEC”) Executive Director granted the Repeated Application for Confidential Designation.<sup>6</sup>

On September 11, 2024, the Applicant filed its Notice Pursuant to 20 CCR § 1716(f) Regarding CEC Staff’s Data Request Set 2, in which Applicant objected to CEC Staff’s Data Request (“DR”) 34.<sup>7</sup> After reviewing Applicant’s objection, Staff issued Data Requests Set 4 to clarify the information sought by DR 34.<sup>8</sup> Additionally, Counsel for the Applicant and Staff met on October 9, 2024 to discuss the Applicant’s objection to DR 34. On October 11, 2024, Staff

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<sup>1</sup> TN #: 259084.

<sup>2</sup> TN #: 259338.

<sup>3</sup> TN #: 259339 and 258660, respectively.

<sup>4</sup> TN #: 259490, 259491, 259492, and 259493.

<sup>5</sup> TN #: 259423 and 259424.

<sup>6</sup> TN #: 259494.

<sup>7</sup> TN #: 259124.

<sup>8</sup> TN #: 259326.

issued a Response to the Applicant's September 11, 2024, Notice effectively withdrawing DR 34, and instead noting that the Applicant could respond to Staff's DR Set 4.<sup>9</sup> The Applicant is also reviewing the comments submitted by the California Department of Fish and Wildlife ("CDFW").<sup>10</sup>

At the request of the Hearing Officer, the Applicant has been coordinating on logistics for the Site Visit and Informational Hearing. Pursuant to an order docketed on October 2, 2024, the Site Visit is scheduled for the Rosamond Community Services District boardroom on November 6, 2024.<sup>11</sup> On October 11, 2024, the Notice was re-docketed with minor corrections for improved public access.<sup>12</sup>

On October 11, 2024, the Applicant docketed a Letter Response to the Revised Committee Scheduling Order.<sup>13</sup> Among other things, the Letter Response noted that further delay to the WRESC's review is impacting efforts to secure California's fair share of available federal clean energy incentives. As noted, a CEC Final Decision by July 2025 is also necessary to satisfy California's long-duration energy storage needs pursuant to the State's Mid-Term Reliability goals.

On October 14, 2024, the Applicant filed its Notice Pursuant to Section 1716(f) of the CEC's regulations objecting to Data Request 66 within Staff's Data Requests Set 3.<sup>14</sup>

On October 23, 2024, the Applicant docketed a Response to CEC Data Requests Set 3 including responses to comments from the Lahontan Regional Water Quality Control Board.<sup>15</sup>

The Applicant also has the following updates to report:

- The Applicant has conducted two informational exchanges on Western Joshua Tree Conservation Act compliance planning with the CEC, California Department of Fish and Wildlife, and the Intervenor in anticipation of docketing a draft Western Joshua Tree Relocation Plan in response to CEC Data Requests Set 4, which will be docketed on October 28.
- The Applicant has connected with Native American Land Conservancy to collaborate on Western Joshua Tree seed collection opportunities.
- The Applicant has obtained comments from Tejon Indian Tribe, Coastal Band of Chumash Nation, Kern Valley Indian Community, and Yuhaaviatam of San Manuel Nation on the Cultural Resources Phase II Testing Plan in anticipation of conducting field work including tribal monitoring starting in October.

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<sup>9</sup> TN #: 259530.

<sup>10</sup> TN #: 259159.

<sup>11</sup> TN #: 259430.

<sup>12</sup> TN #: 259528.

<sup>13</sup> TN #: 259524.

<sup>14</sup> TN #: 259534.

<sup>15</sup> TN #: 259675.

- The Applicant has conducted an informational exchange with CEC and Lahontan Regional Water Quality Control Board on Advanced Compressed Air Energy Storage (“A-CAES”) technology and Plant Reliability to address any outstanding concerns in advance of new Issues Identification Statements and the November 6th informational hearing.
- The Applicant received a letter from the U.S. Environmental Protection Agency requesting an Underground Injection Control program Class V application so the agency can formally determine if the project can be authorized by rule, or a federal permit would be required;<sup>16</sup> the Applicant is working toward submitting an application in November.
- The Applicant has continued to collaborate with Kern County, California Division of Safety of Dams, and other agencies providing review of or input on the project.
- The Applicant has obtained an IPaC Report from the U.S. Fish and Wildlife Service’s system that concludes no impacts to critical habitat or to federally-listed species are expected as a result of the project.
- The Applicant has continued to collaborate with Southern California Edison on advancing design for transmission line interconnection and construction power.
- The Applicant has met with local community members, chambers of commerce, labor groups, non-profits, academia, elected officials, and other stakeholders during the Kern Economic Development Corporation's Kern County Energy Summit and the California Energy Storage Alliance's Market Development Forum.
- The Applicant has connected with the Governor's Office of Business and Economic Development’s Tracking Energy Development Task Force, the California Natural Resources Agency, the California Public Utilities Commission, and other state agencies responsible for advancing long-duration energy storage projects.

As of the date of this Status Report, the Applicant has filed responses to CEC Data Requests Sets 1, 2, and 3, with the response to Set 4 to be docketed on Monday, October 28. The Committee’s Order necessarily required the other Parties to docket revised Issues Identification Statements by October 23, in advance of CEC Staff receiving or reviewing the Applicant’s responses to CEC Data Requests Sets 3 and 4. Data Responses to Sets 3 and 4 include, among other things, responses to comments from the Lahontan Regional Water Quality Control Board and California Department of Fish and Wildlife. Accordingly, the other Parties did not have the benefit of the answers set forth in Data Responses Sets 3 and 4; however the Applicant anticipates none of these topic areas will be cause for delay in environmental review, in part, because of how closely the Applicant, CEC Staff, Parties to the proceeding, and public agencies have been collaborating in real time.

Finally, the Applicant reiterates: the WRESC project is key to meeting California’s climate goals while maintaining reliability of the grid; the Applicant is committed to ensuring the construction and operation of the project brings benefits to Kern County; and that the Applicant

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<sup>16</sup> Attachment DR69-1 of TN # 259675.

is working closely with the CEC, Kern County Board of Supervisors, the Governor's Office, and the local community to get construction started in mid-2025.

Dated: October 25, 2024

Respectfully Submitted,

ELLISON SCHNEIDER HARRIS & DONLAN LLP

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