

DOCKETED

Docket Number:	21-AFC-02
Project Title:	Willow Rock Energy Storage Center
TN #:	260310
Document Title:	Willow Rock Energy Storage Center Supplemental Application for Certification Status Report No 4
Description:	N/A
Filer:	Amanda Cooley
Organization:	Ellison Schneider Harris & Donlan LLP
Submitter Role:	Applicant Representative
Submission Date:	11/26/2024 3:11:34 PM
Docketed Date:	11/26/2024

**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. 4**

Pursuant to the *Revised Committee Scheduling Order* issued on September 9, 2024,¹ GEM A-CAES LLC (the “Applicant”) submits this Supplemental Application for Certification Status Report No. 4 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 November 6, 2024, the Site Visit and Informational Hearing took place at the Rosamond Community Services District Board Room. By all objective measures, the Site Visit and Informational Hearing were productive, substantive, civil, and positive. The Applicant thanks the Committee, the public, and the Parties for their contributions to a successful exchange of views and information. The presence, support, and engagement from the local stakeholders meant a great deal to the Applicant because it will help ensure the project benefits everyone in the community. The Applicant appreciates connecting with new community members through the Informational Hearing and looks forward to their involvement.

On October 28, 2024, the Applicant filed its responses to the California Energy Commission’s (“CEC”) Data Requests Set 4.² Also on October 28, 2024, the Applicant docketed its Repeated Application for Confidential Designation of Biological Resources Information in response to the CEC’s Data Requests Set 4.³ On October 30, 2024, in preparation for the Site Visit and Informational Hearing, the Applicant docketed its presentation slides.⁴ On the same date, the Applicant docketed its response to the Issue Identification Reports filed by the CEC, intervenor California Unions for Reliable Energy (“CURE”), and the Center for Biological Diversity (“CBD”).⁵ On November 26, concurrent with this filing, the Applicant also docketed

¹ TN #: 259084.

² TN #: 259736.

³ TN #: 259737 and 259326, respectively.

⁴ TN#: 259775.

⁵ TN#: 259795.

the Cultural Resources Phase II Testing Plan with a Repeated Application for Confidential Designation as required by applicable law.⁶

The Applicant also has the following updates to report:

- The Applicant has conducted two informal informational exchanges with the Parties regarding biological resources. On November 7th, the Applicant hosted a site walk focused on observing and affirming the biological surveys and wetland delineation mapping with representatives of CEC Staff and CURE attending. The California Department of Fish and Wildlife (“CDFW”) and CBD were also invited but did not participate.
- On November 18th, representatives of the Applicant, CEC Staff, CURE, CBD, and Lahontan Regional Water Quality Control Board (“LRWQCB”) met by conference call to discuss CEC Staff’s findings from the Nov 7th visit. CDFW representatives were also invited but did not participate. It was agreed that a subsequent biological resources informational exchange should be conducted in the field along the transmission line, specifically including involvement from both CDFW and LRWQCB representatives, if possible, to ensure agency agreement on which water features should be included in project mapping as jurisdictional. CEC Staff agreed to coordinate with the Parties to arrange this field visit.
- The Applicant also conducted a field visit on November 12th with Tribal monitors from the Tejon Indian Tribe, Kern Valley Indian Community, and Yuhaaviatam of San Manuel Nation to review and discuss implementation of the Cultural Resources Phase II Testing Plan. CEC Staff originally confirmed attendance but notified the Applicant the morning of the field visit that they would not be attending. Tribal representatives expressed general satisfaction with the proposed testing but were unified in their request that any artifacts discovered during the testing be left in place rather than being collected and stored. The Applicant subsequently communicated the “no collection and storage” during testing direction from the Tribal representatives to CEC Staff and modified the test plan accordingly. Per CEC Staff request, the Applicant is obtaining confirmation from the Tribal representatives that the test plan satisfies applicable laws, ordinances, regulations and standards.
- The Applicant commenced testing in accordance with the revised Cultural Resources Phase II Testing Plan on November 18-20 and anticipates continued testing with Tribal monitor oversight for approximately the next 4 to 6 weeks. Following completion of the testing, the Applicant will prepare and submit a confidential report summarizing its findings to the docket.
- The Applicant continues to prepare technical materials in response to the U.S. Environmental Protection Agency’s request for an Underground Injection Control Program Class V Permit Application so the agency can formally determine if the

⁶ TN #: 260303.

project can be authorized by rule. The Applicant is working toward submitting the materials by the end of Q4.

- The Applicant continues to conduct community engagement and community giving efforts as noted on the record during the Informational Hearing on November 6th, including participating in Safe Haven’s “A Giving Resource Spectacular Event,” community meetings with various Chambers of Commerce, a toy drive led by the Mojave Air and Space Port, and the Rosamond Christmas Parade, among others.
- The Applicant is preparing a response to Kern County Comments and Requested Conditions of Approval⁷ per CEC Staff request.
- The Applicant has reviewed the Hearing Officer Memo Regarding Requests for Relief from Schedule⁸ and is in the process of completing the Meet and Confer requirements in anticipation of filing a motion. The Applicant is ready to file the motion but wishes to hold until after the Thanksgiving break to allow for Parties to have the full 7 days to respond.

CONCLUSIONS

At the Informational Hearing and in its Response to Parties’ Issues Identification Reports,⁹ the Applicant acknowledged the “quirk” in scheduling that required the other Parties to file their Reports before they had received the Applicant’s Responses to CEC Staff Data Requests Sets 3 and 4. Without purporting to speak for any Party, we believe that CEC Staff indicated that Responses to Sets 3 and 4 along with other docketed materials had addressed their concerns in two of the three issue areas Staff identified. We understand CBD remains focused on Biological Resources, and the Applicant remains committed to helping all Parties navigate the robust record. While CURE is still reviewing several subjects, we similarly remain committed to cooperative support of their review.

While the other Parties are still reviewing information cited in the Applicant’s Response and other docketed materials, there appear to be very few open issues. These facts in light of the Hearing Officer’s Memo afford the opportunity to advance the schedule for this important long-duration energy storage project, which is key to meeting California’s climate goals while maintaining the reliability of the grid.

Dated: November 26, 2024

Respectfully Submitted,

ELLISON SCHNEIDER HARRIS & DONLAN LLP

⁷ TN #: 259786.

⁸ TN #: 260133.

⁹ TN #: 259795.

By Jeffery D. Harris

Jeffery D. Harris

Samantha G. Neumyer

Jessica Melms

jdh@eslawfirm.com

sgn@eslawfirm.com

jlm@eslawfirm.com

Attorneys for Applicant