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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'S
STATUS REPORT NO. 14**

November 27, 2024

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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

CURE has outstanding requests to state and federal agencies for public records related to the proposed projects. CURE is reviewing records received from the California Energy Commission (“CEC”) in response to its Public Records Act (“PRA”) requests for communications between the CEC and other entities, including the project applicants and responsible agencies, since the release of the Preliminary Staff Assessments. CURE has been in discussions with the U.S. Fish and Wildlife Service and the California Department of Fish and Wildlife regarding records related to the Desert Pupfish Habitat Connectivity Plan.

III. Factors That May Impact the Schedule

Since the close of discovery in January 2024, significant new information and analyses have emerged and are anticipated, including substantial changes to the

projects' configurations and the corresponding environmental impacts. CURE only recently became aware of the proposed project changes and new analyses after submitting an October 9, 2024 PRA request to the CEC for access to CEC Staff's request(s) to the applicants for additional information. Since October 10, CEC Staff has docketed four sets of such additional data requests in each proceeding. (MBGP (TN 259517, TN 259522, TN 259921, TN 260000); ENGP (TN 259516, TN 259521, TN 260001); BRGP (TN 259518, TN 259523, TN 260002)).

CEC Staff's recent data requests pertain to several proposed changes to the project descriptions, as well as substantial new analyses affecting a variety of impact areas. For example, the Applicant may change the MBGP and ENGP's cooling tower orientation/location and the size of the freshwater pond. (TN 260018; TN 260017). The Applicant may also move the BRGP further south within the current parcel. (TN 260016). Due to the proposed reconfiguration of the projects, as well as omissions in the cumulative air quality analysis in the Preliminary Staff Assessments, the Applicant is remodeling the three projects' air quality and public health impacts. (TN 260018, 260016, 260017). These changes are likely to alter the project descriptions as well as the scope and nature of the environmental impacts and regulatory issues under review.

Compounding the issue, the Applicants have yet to provide critical studies and analyses necessary to evaluate the Project's environmental impacts, such as the Revised System Impact Study related to reliability/transmission impacts and Salton Sea impact assessment concerning water resources and biological resources. CURE

understands that the Imperial Irrigation District (“IID”) is working on both analyses, but no timing estimate has been provided by the applicants or IID for when this information will be docketed. Additionally, a Biological Assessment for Yuma Ridgway’s Rail is anticipated in the MBGP proceeding, which will contain critical information about the MBGP’s potential impacts on this federally protected species. (TN 260000, TN 260001, TN 260002). This assessment is essential for evaluating the Project’s compliance with environmental laws and determining appropriate mitigation measures. This information should have been included in the AFCs for each project before the discovery period began, as required to ensure a complete and thorough environmental review from the outset of the proceedings. (20 C.C.R. § 1704, Appendix B).

Presently, only CEC Staff has been engaged in these ongoing discovery efforts with the applicants. Given that discovery is closed, CURE is unable to fully evaluate the potential impacts of the revised data, hindering its ability to timely prepare factual and legal analyses and meaningfully contribute to the decisionmaking process.

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Respectfully submitted,

/s/

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