

<b>DOCKETED</b>	
<b>Docket Number:</b>	21-AFC-02
<b>Project Title:</b>	Willow Rock Energy Storage Center
<b>TN #:</b>	260752
<b>Document Title:</b>	ORDER GRANTING IN PART AND DENYING IN PART APPLICANT'S MOTION TO AMEND REVISED SCHEDULING ORDER
<b>Description:</b>	***This document supersedes TN260601*** Committee Order and Second Revised Scheduling Order The only change is the Spanish link was added
<b>Filer:</b>	Wendi DuBose
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**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

**ORDER GRANTING IN PART AND DENYING IN PART APPLICANT'S MOTION TO AMEND REVISED SCHEDULING ORDER**

This Order and Second Revised Scheduling Order is prepared by the Committee<sup>1</sup> in this proceeding in response to the Applicant's Motion to Amend the Revised Schedule (Motion to Amend)<sup>2</sup> 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). As discussed below, the Committee grants in part and denies in part Applicant's Motion to Amend.

**RELEVANT BACKGROUND**

On December 3, 2024, GEM A-CAES LLC (Applicant) filed the Motion to Amend, seeking to advance the deadlines for the post-discovery phase of the Willow Rock AFC. Pursuant to the instructions in the Revised Committee Scheduling Order filed on September 9, 2024 (Revised Scheduling Order),<sup>3</sup>

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<sup>1</sup> 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](https://efiling.energy.ca.gov/Lists/DocketLog.aspx?docketnumber=21-AFC-02) at <https://efiling.energy.ca.gov/Lists/DocketLog.aspx?docketnumber=21-AFC-02>.

<sup>2</sup> TN 260431.

<sup>3</sup> TN 259084.

Applicant described its efforts to meet and confer with all Parties<sup>4</sup> prior to seeking relief from the schedule. On December 10, 2024, all Parties timely filed their responses to the Motion to Amend.<sup>5</sup>

## **DISCUSSION**

Applicant's Motion to Amend: 1) observes that the Committee has plenary power to manage and amend the schedule for this AFC; 2) describes the Applicant's satisfaction of its obligation to meet and confer with the other Parties; 3) argues that Applicant's proposed revised schedule will support its efforts to obtain federal incentives and advance its long duration energy storage project to help meet the storage targets and mid-term grid reliability (MTR) deadlines set by the California Public Utilities Commission (CPUC); and 4) argues that the proposed revised schedule retains opportunities for stakeholder participation. The Applicant states: "The CPUC MTR procurement mandates, coupled with associated commercial offtake agreements, currently require WRESC to deliver energy before 2030 without penalty."<sup>6</sup> The Applicant seeks amendments to the schedule to enable the Applicant to begin construction in 2025.

The Parties oppose granting the Motion to Amend. The Parties express concern about their ability to adequately prepare and review the staff assessments and evidentiary briefing and testimony. The Parties note that Applicant's proposed schedule omits key events and opportunities for participating in pre- and post- evidentiary submittal of evidence and argument. The Parties cite factors independent from the CEC's process that will likely push the construction start into 2026 such as other agency approvals and seasonally appropriate pre-construction surveys for biological resources.

The Committee appreciates the Applicant's continued diligence to advance its construction timeline, although it is unfortunate that the Applicant describes the current schedule as reflecting "CEC-induced delays." The record in this proceeding, described in the Revised Scheduling Order, reflects Applicant's lack of opposition to Staff's motion to suspend the AFC while the Applicant relocated and reconfigured Willow Rock due to the lack of geological suitability at the original site. The suspension effectively delayed the proceeding for one year. The significant changes to the proposed Willow Rock Energy Storage Center reflected in the Supplemental AFC filed by the Applicant in March 2024 necessitated restarting the discovery process to facilitate adequate exchanges of information among the Parties.

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<sup>4</sup> The Parties to this proceeding include Applicant, CEC Staff (Staff), California Unions for Reliable Energy (CURE), and the Center for Biological Diversity (the Center).

<sup>5</sup> See TN 260584 (Staff), TN 260582 (CURE), and TN 260578 (the Center).

<sup>6</sup> TN 260431, p.5.

The Committee notes that the motion is not accompanied by any declarations or other documentary evidence sufficient to compel the expedited timeline requested in the motion.<sup>7</sup> Applicant provides no sworn declarations or other documentation that quantify the penalties it might face under its procurement contracts if it does not meet its goal to go live by 2030. Applicant's motion further lacks specific facts that would demonstrate how the current schedule jeopardizes Applicant's ability to access federal incentives.

The Committee also notes that Applicant seeks an order that identifies when a final decision will be issued by the Commission. In AFC proceedings, the Committee may set deadlines and dates for the portions of the proceeding managed by the Committee. However, dates following the evidentiary hearing are not possible to affix with certainty due to the inability to forecast at this time whether post-hearing briefing of any issues will be necessary. Additionally, the Committee lacks the authority to direct the Commission to render a final decision on a date certain.

However, the Committee concludes that Applicant's motion warrants a modest acceleration of the schedule. The Committee sees an opportunity for compression of certain timelines to advance the project through the certification process without sacrificing the analysis and review of the AFC by the CEC, the Parties, and Interested Persons. The Committee appreciates Staff's suggestions for minor adjustments to the schedule and proposed dates for the Evidentiary Hearing.

To partially achieve Applicant's goals, the Committee finds it appropriate to shorten the time for Applicant to respond to the final data requests so that Staff has adequate time to prepare the preliminary staff assessment. The Committee will also take this opportunity to schedule the Evidentiary Hearing and a few key procedural dates to provide additional certainty about the schedule. While this order does not create an obligation for the Commission to render a final decision by a date certain, it does sketch out a tentative schedule after the Evidentiary Hearing for the benefit of the Parties and Interested Persons.

## **SCHEDULING ORDER**

1. The Applicant's Motion to Amend **is GRANTED in part and DENIED in part.**
2. The Committee hereby adopts the Second 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.

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<sup>7</sup> Applicant cites an exhibit submitted by CURE on October 18, 2024 which explains the intent of the United States Department of Energy "to keep the NEPA and CEQA processes aligned" in its consideration of Applicant's request for an incentive through the federal Loan Program Office. See TN 259605.

3. The Committee herein sets the due dates for deliverables or key events up through the Evidentiary Hearing. Formal notice and instructions for the Parties' Opening and Reply Briefs, Prehearing Conference, and Evidentiary Hearing will issue separately.
4. Dates and timelines following the Evidentiary Hearing reflect all minimum public comment and review periods for the CEC's certified regulatory program. The dates indicated for the release of the Presiding Member's Proposed Decision (PMPD), Commission hearing, and adoption of Commission's Final Decision are tentative only and are not binding on the Committee or Commission.
5. The Committee may further 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 Revised Scheduling Order or as otherwise required 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. Prior to filing any motions for extensions or relief from this Second 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.
6. Notwithstanding the CEC regulations providing for responses to motions within 14 days of the service of motions, any and all responses to motions for modification of schedules or petitions to intervene to shall be filed within 7 days.
7. 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](mailto: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](mailto:renee.webster-hawkins@energy.ca.gov) or (916) 237-2507.
- Ralph Lee, at [ralph.lee@energy.ca.gov](mailto: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](mailto:leonidas.payne@energy.ca.gov) or (916) 838-2124.

**Direct media inquiries** to [mediaoffice@energy.ca.gov](mailto: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:



**IT IS SO ORDERED.**

Dated: December 11, 2024

*APPROVED:*

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

Dated: December 11, 2024

*APPROVED:*

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

**WILLOW ROCK ENERGY STORAGE CENTER  
(21-AFC-02)  
SECOND REVISED SCHEDULING ORDER  
DECEMBER 11, 2024**

EVENT	SECOND REVISED SCHEDULE
Discovery closes: Last day for any party to request information in a Data Request	<b>January 13, 2025<sup>8</sup></b>
Last day for Applicant to submit Data Responses	<b>January 27, 2025</b> 15 days after last Data Request <sup>9</sup>
Staff deadline to file Preliminary Staff Assessment	<b>March 13, 2025</b> 45 days after last day for Applicant to submit Data Responses
Public Comment Period Closes on Preliminary Staff Assessment	<b>April 28, 2025</b> 45 days after deadline for the Preliminary Staff Assessment <sup>10</sup>
Last Day to File Petition to Intervene	<b>May 5, 2025</b> 7 days after deadline for comments on the Preliminary Staff Assessment <sup>11</sup>
Last Day to File Objection to any Petition to Intervene	<b>May 12, 2025</b> 7 after filing of Petition to Intervene <sup>12</sup>
Staff Files Final Staff Assessment	<b>May 28, 2025</b> 30 days after deadline for comments on the Preliminary Staff Assessment <sup>13</sup>

<sup>8</sup> "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).)

<sup>9</sup> The usual 30-day timeframe to submit data responses may be changed by committee order. (Cal. Code Regs., tit. 20, § 1716(f).)

<sup>10</sup> 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).)

<sup>11</sup> 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).)

<sup>12</sup> 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.)

<sup>13</sup> After the close of the public comment period, Staff shall file the Final Staff Assessment. (Cal. Code Regs., tit. 20, § 1742(c).)

Parties File Opening Testimony	<b>June 4, 2025</b>
Parties File Rebuttal Testimony	<b>June 11, 2025</b>
Parties File Prehearing Conference Statements	<b>June 16, 2024</b>
Prehearing Conference	<b>June 23, 2025</b>
Evidentiary Hearing	<b>June 30, 2025 and July 1, 2025<sup>14</sup></b>
Closing Briefs (if needed)	To be determined
Committee Files Presiding Member's Proposed Decision (PMPD)	Tentatively September 2025 <sup>15</sup>
Public Comment Period Closes on PMPD	30 days after filing of the PMPD <sup>16</sup>
Commission Hearing on the Final Decision	To be determined
PMPD Errata filed if necessary	To be determined
Final Decision Issued	Tentatively November 2025

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

<sup>15</sup> All dates and timelines following the Evidentiary Hearing are tentative only, and not binding on the Committee or Commission, with the exception of the minimum 30-day public comment period following the filing of the PMPD.

<sup>16</sup> 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).)