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<b>Project Title:</b>	Abengoa Mojave Compliance
<b>TN #:</b>	260764
<b>Document Title:</b>	Mojave Solar Project (09-AFC-05C) Petition to Amend for OSP Shared Facilities
<b>Description:</b>	N/A
<b>Filer:</b>	Mahnaz Ghamati
<b>Organization:</b>	Abengoa Solar
<b>Submitter Role:</b>	Applicant
<b>Submission Date:</b>	12/20/2024 1:56:30 PM
<b>Docketed Date:</b>	12/20/2024

December 20, 2024

Ashley Gutierrez  
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Siting, Transmission, and Environmental Protection Division (STEP)  
Safety and Reliability Branch  
Compliance Monitoring and Enforcement Unit  
715 P Street, MS-2000,  
Sacramento, CA 95814

**RE: Petition to Amend the Mojave Solar Project (Docket No. 09-AFC-05): Project Modifications to Add Gen-Tie & Accommodate Construction Water Supply Serving the Proposed Overnight Solar Project**

Dear Ms. Gutierrez:

Pursuant to Section 1769(a) of the California Energy Commission (CEC) Siting Regulations, Mojave Solar, LLC hereby submits the attached Petition to Amend the CEC's Final Decision Approving the Application for Certification (AFC) for the Mojave Solar Project.

Please Contact me at (760) 308-0418 if you have any questions regarding this submittal.

Sincerely,

Mahnaz Ghamati  
Quality, Environmental & Compliance Manager  
Mojave Solar Plant

cc: Andrew Fifer  
Frederick Redell  
Ravneet Singh

## **PETITION TO AMEND THE DESIGN AND OPERATION OF THE MOJAVE SOLAR PROJECT TO ACCOMMODATE THE PROPOSED OVERNIGHT SOLAR PROJECT**

Pursuant to Title 20, Section 1769(a) of the California Energy Commission's (CEC or Commission) Siting Regulations, Mojave Solar, LLC (MS), project owner of the Mojave Solar Project (MSP), submits this petition for post certification changes to the MSP Commission Decision, Docket 09-AFC-05.<sup>1</sup> The proposed changes address facilities for the MSP project that will be shared with the adjacent, proposed Overnight Solar Project (OSP), being developed by Overnight Solar, LLC (OS).<sup>2</sup>

### **I. Introduction and Overview of Requested Changes**

The purpose of this Petition to Amend (PTA) is to establish limited sharing of existing and proposed transmission infrastructure and existing onsite wells at MSP to minimize environmental impacts and streamline the integration of carbon free energy projects into the CAISO electrical grid.

MS plans to authorize the use of existing facilities at the MSP for OSP interconnection, to allow the addition of a new gen-tie on the MSP site, and to provide water to OSP for comparatively minimal construction purposes. The use of existing transmission corridors is essential to minimize environmental impacts, enhance efficiency, and streamline the integration of new projects into the electric grid.

By using existing infrastructure, the OSP can minimize new land disturbance and expedite the interconnection process, thereby supporting sustainable development, regulatory compliance, and ultimately, achieving California's renewable energy goals, including reduced reliance on fossil fuels, in a timeframe that addresses California's reliability concerns before the end of the decade.<sup>3</sup>

The Overnight Solar Project, including the Draft Environmental Impact Report (DEIR), is currently under review by San Bernardino County (County), which is the California Environmental Quality Act (CEQA) lead agency analyzing the potential environmental effects associated with OSP. Therefore, environmental impacts of the construction and operation of OSP (such as biological and geotechnical impacts), including the modifications to MSP proposed in this PTA, are also being analyzed and addressed by the County.

MS has reviewed the Commission Decision and amendments thereto (hereinafter, CEC Decision). Based on MSP's review, no changes to the Conditions of Certification in the CEC Decision are necessary in connection with the contemplated shared facility rights to OS by MS and the contemplated use of MS's water rights by OS for construction of OSP. Accordingly, this PTA does not propose any modifications to the language of any

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<sup>1</sup> Abengoa Mojave Solar Project Commission Decision, September 2010, CEC-800-2010-008-CMP, Doc. No. 9-AFC-05.

<sup>2</sup> The OSP is owned by Overnight Solar LLC, a wholly owned subsidiary of Atlantica, and affiliate of Mojave Solar, LLC.

<sup>3</sup> With the proposed interconnection efficiencies, OSP will add capacity that will be counted towards the mid-term reliability goals established by the California Public Utilities Commission.

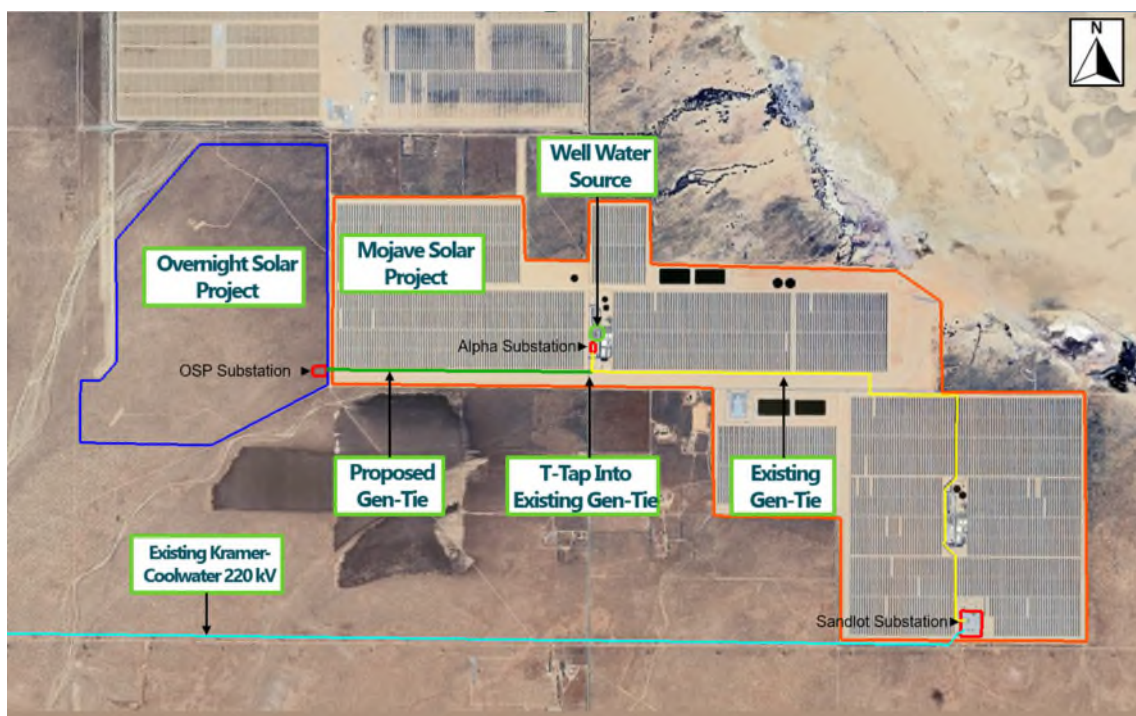
Conditions of Certifications. For purposes of assuring transparency regarding the water supplied for OSP construction, the PTA does incorporate a proposed modification of SOIL&WATER-5’s verification language, which pursuant to the commission decision can be approved by the CPM and does not require a modification to the conditions of certification. Besides this minor verification language change, MS can accommodate the project modifications requested in this PTA by adhering to the processes and obligations set forth in the existing conditions of certification in the CEC Certification.

**II. Petition to Amend**

**A. Pursuant to CCR Title 20, Section 1769 (a)(1)(A) and (B), a description of the proposed modifications, including new language for any affected conditions, and the necessity for and explanation as to why the modifications should be permitted.**

1. Construction of a Generation Interconnection Corridor and T-Tap into MSP’s Existing Transmission Facilities

Pursuant to a Co-Tenancy and Shared Facilities Agreement between MS and OS (Agreement), MSP proposes to construct a 230 kV generation interconnect (gen-tie) corridor, approximately 1.1 miles in length that will run east across the southern portion of the MSP and connect to an existing gen-tie line located at the MSP south of the alpha substation, utilizing a t-tap. From this intertie location, MSP’s gen-tie line carries electrical power output to Southern California Edison’s (SCE) Sandlot Substation, which then interconnects to the 230 kV SCE Kramer-Coolwater Radial Line, and ultimately ties into the Kramer Junction Substation at the point of interconnection (POI). See Figure 1, below.



The current line rating for MSP's Alpha Unit is 360 MVA. MSP is utilizing only 137.5 MVA of this capacity, resulting in a 222.5 MVA surplus. The OSP will utilize up to 150 MVA of the existing unutilized transmission capacity, providing a reserve of 70 MVA after the OSP's interconnection into MSP's existing transmission facilities.

The new gen-tie poles on the MSP site will be consistent with the design and specifications of the existing transmission line on the MSP site. This means that the pole height will be up to 95 feet tall, matching the existing alpha east gen-tie poles. OS is obtaining a height variance for the new gen-tie poles from the County. Approximately 11 new poles will be needed for the new gen-tie. The gen-tie corridor would temporarily be 120 feet wide during construction and would ultimately be 80 feet wide once operational. The gen-tie poles would also carry the telecommunication lines for the Project and tie into the existing telecommunication lines at the proposed t-tap location.

Access to the gen-tie line would be provided via the existing entrance to MSP near the intersection of Lockhart Ranch Road and Harper Lake Road. The gen-tie will be constructed on an unutilized portion of MSP, and the poles will be erected on previously disturbed ground. The layout and setback requirements for the gen-tie poles will be consistent with the gen-tie located on the eastern portion of the MSP, currently in operation. The design and construction of the gen-tie line and t-tap will comply with all existing Conditions of Certification of MSP's CEC Decision for transmission system engineering and transmission line safety and nuisance.

No expansion of the existing Alpha or Sandlot Substations' footprints is anticipated. SCE would conduct a limited scope of work within and surrounding the existing substations, as needed, to facilitate connection of the solar project to the SCE system. The proposed gen-tie corridor is located within an area already fenced off by the existing MSP with permanent desert tortoise exclusion fencing.

Overnight Solar selected the OSP project site based on its proximity to existing electrical transmission infrastructure to minimize the need for costly new transmission infrastructure that would otherwise be required. The proposed gen-tie on the MSP site should be permitted as it is consistent with sound policy that encourages the use of existing transmission infrastructure when technically and economically justifiable.<sup>4</sup>

## 2. OSP Construction Water Supplied by MSP Wells

Water rights are owned by MS pursuant to that stipulated judgment by the Superior Court in January of 1996 (Superior Court, Judgment after Trial for City of Barstow, et al. vs. City of Adelanto, et al. Case No. 208568, January 10, 1996) (the "Judgment"). As mandated by the Judgment, the Mojave Water Agency is the appointed Basin Watermaster, and is therefore the sole authority responsible for sustainably managing water supplies in the basin. On or around October 8, 2024, the Mojave Water Agency exercised its authority and approved the Project's proposed water use.

MS intends to allow OS to supply water for OSP construction from an MSP onsite well (either the A-1 or A-2 well). OSP construction water is mainly needed for dust control

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<sup>4</sup> See *SB 100 Joint Agency Report: Charting a path to a 100% Clean Energy Future*, Mar. 15, 2021, CEC TN #. 237167, at p. 112 (discussing the Garamendi Principals).

and does not require further treatment at MSP water treatment facilities. During the approximately 26-month construction period, an MSP well would supply an estimated 200 acre-feet of water for Project construction activities. By comparison, MSP produces and uses water at an average rate of 1,532 acre-feet per year (AFY), much below the water use limit of 2,160 AFY under the MSP Commission Decision.<sup>5</sup> While the CEC Decision limits project water use by MSP, and arguably the water supplied to OSP falls outside this limitation, it is also true that any water supplied by the MSP to the Project will be well within the permissible water use limits set forth in MSP's CEC Decision.

For the OSP construction period, water is planned to be drawn from well A-1 or A-2 at MSP, which MS owns, and which MS will maintain operational control. The typical reporting requirements currently in place at MSP will remain unaffected by the water supplied for OSP construction. OS will transport water from the MSP site to the OSP site. No new permanent facilities will be constructed at the MSP site for this water use. A temporary water tank will need to be placed next to the A-1 or A-2 well to facilitate the delivery of water to the Project with water trucks during construction. The tank will be located in an existing graded and graveled area, and therefore no ground disturbance is required to accommodate the temporary water tank.

The cooperation between MS and OS eliminates the need to establish significant new water infrastructure to supply and deliver water to OSP. Such additional infrastructure would be wasteful where both MSP and OSP are (or would be) supplied by water drawn from the Harper Valley Groundwater Basin. In addition, by deferring to the Mojave Water Agency's approval of the Project's proposed water use, the CEC is promoting consistency within the basin regarding the adjudication of water rights. In the aggregate, this approach manifestly aligns with broad policy goals to reduce environmental impacts and encourage economic efficiencies by avoiding the development of new water service infrastructure.

While this PTA does not propose changes to the condition language of any CEC Decision Condition of Certification, MS incorporates into this PTA a request for a change to the verification language for SOIL&WATER-5. (Verification procedures unlike Conditions, may be modified as necessary by the CPM). This condition limits MSP's use of groundwater to 2,160 AFY, and is therefore specific to the MSP water use and does not require revision. Furthermore, the additional water drawn from the MSP well to supply OSP construction needs will not result in MSP exceeding the 2,160 AFY limit.

**SOIL&WATER-5** The proposed project's use of groundwater for all construction and operations activities shall not exceed 2,160 acre-feet per year. The quantity of the groundwater used for project construction and operation shall be reported to ensure compliance with this condition. Prior to the use of groundwater for construction, the project owner shall install and maintain metering devices as part of the water supply and distribution system to document project water use and to monitor and record in gallons per day the total volume(s) of water

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<sup>5</sup> See Commission Decision at p. 339, Condition of Certification SOIL&WATER-5.

supplied to the project from this water source. The metering devices shall be operational for the life of the project.

**Verification:** Beginning six (6) months after the start of construction, the project owner shall prepare a semi-annual summary report of the amount of water used for construction purposes. The summary shall include the monthly range and monthly average of daily water usage in gallons per day.

At least sixty (60) days prior to the start of construction of the proposed project, the project owner shall submit to the CPM a copy of evidence that metering devices have been installed and are operational.

The project owner shall prepare an annual summary report, which will include maximum daily and monthly usage in gallons per day and the total monthly and annual usage in acre-feet. **The report shall describe and quantify any groundwater supplied by project wells for non-project purposes.** Following the first year of operation, the annual summary report will summarize the annual usage in tabular form. For calculating the total water use, the term "year" will correspond to the date established for the annual compliance report submittal.

**B. Pursuant to CCR Title 20, Section 1769 (a)(1)(C), a description of any new information or change in circumstances that necessitated the change is required.**

Mojave Solar is requesting this change in support of the adjacent proposed OSP and in furtherance of MS's obligations under the Co-tenancy and Shared Facilities Agreement to share certain interconnection facilities between the two project owners. The proposed changes to MSP should be permitted because the use of existing transmission corridors is essential to minimize environmental impacts, enhance efficiency, and streamline the integration of vital, new renewable projects into the California electric grid.

According to state policy, utilizing existing transmission infrastructure should be favored whenever possible.<sup>6</sup> The same reasoning supporting avoidance of overbuilding the transmission infrastructure should similarly be applied to water supply facilities. With the measures requested by this PTA to share certain transmission and water facilities, MS minimizes new land disturbances and allows the interconnection process for OSP to be expedited, thereby supporting more sustainable and economic development of preferred capacity in California. Moreover, the installation of the transmission line and utility poles at the MSP is crucial for integrating the renewable energy generated by OSP into the electric grid. This is fundamental to California's renewable energy goals and pursuit of a zero-carbon electricity supply.

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<sup>6</sup> See *supra* footnote 6.



**C. Pursuant to CCR Title 20, Section 1769 (a)(1)(D), an analysis of the effects that the proposed change to the project may have on the environment and proposed measures to mitigate any significant environmental effects is required.**

The proposed modifications either represent no adverse change to the environment or do not require additional mitigation measures to avoid significant impacts to the environment beyond those already provided in the Conditions of Certification of the CEC decision.

Soil and Water Resources

As discussed above, the water supplied to OSP for construction needs will be minimal compared to the annual use by MSP. MSP water use will remain within the 2,160 AFY limit set by the Commission Decision. Even where the Commission chose to add the OSP water use to the MSP water use, MSP still would not exceed the CEC Decision use limit. The proposed modifications do not require changes to the soil and water resource analysis in the CEC Decision, and the project modifications will not create significant impacts on soil or water resources that required additional or revised mitigation measures. In the discussion above, MS proposes a modification to the verification in SOIL&WATER-5 to ensure transparency regarding the operation of wells at the MSP site.

Transmission Line Safety & Nuisance and System Engineering

MSP will ensure that the gen-tie will be constructed consistent with the TSE and TSLN Conditions of Certification. With the existing mitigation measures, the addition of the proposed gen-tie will not affect the reliable operation of the MSP, and will ensure continued conformity will all LORS relating to transmission line safety, nuisance and system engineering.

Visual Resources

The California Environmental Quality Act (CEQA) guidelines define a "significant effect" on the environment to mean a substantial, or potentially substantial, adverse change in any of the physical conditions in the area affected by the project including...objects of historic or aesthetic significance. (Cal. Code Regs., tit. 14, subsection 15382). As discussed above, the gen-tie design will be duplicative of other transmission facilities on site. The proposed change will occur inside the MSP facility site and will not affect any of the findings, conclusions, or conditions of certification in the visual resources section of the Final Decision. Any potentially necessary variances for the height of the poles will be obtained from the County.

Cultural Resources

The modifications proposed for the MSP site in this petition would not cause significant impacts to cultural resources. The proposed modifications do not require changes to the cultural resources information discussed in the CEC Decision. The 1.1-mile



generation interconnect corridor does not require resurvey as it is located along an existing road within the fully developed MSP site that was previously surveyed and monitored for cultural resources during MSP construction. The proposed modifications do not require changes to the cultural resources Conditions of Certification.

#### Geological and Paleontology Resources

The changes proposed for the MSP site in this petition would not cause significant impacts to geological or paleontological resources. The 1.1-mile generation interconnect corridor does not require resurvey as it is located along an existing road within the fully developed MSP site that was previously surveyed and monitored for geological hazards and paleontological resources during MSP construction. The proposed modifications do not require changes to the geological and paleontological Conditions of Certification.

#### Air Quality

The changes proposed for the MSP site in this petition would not cause significant air quality impacts. No amendments to the MSP permit with the Mojave Desert Air Quality Management District are required for the construction of the OSP gen-tie line or associated with providing water to the OSP project from MSP's well. Construction of the gen-tie line will be temporary, and MSP shall follow the applicable measures provided in the Air Quality Construction Mitigation Plan (see Condition of Certification AQ-SC3).

#### Biological Resources

The changes proposed for the MSP site in this petition would not cause significant impacts to biological resources. The proposed modifications do not require changes to the biological resource's information discussed in the Commission Decision. The gen-tie transmission poles will be located on previously graded ground within the fenced area of the MSP site. Pre-construction surveys will be conducted as required by the Commission Decision. The proposed modifications do not require changes to the biological resources Conditions of Certification.

#### Hazardous Materials Management

The proposed modifications do not affect MSP's hazardous materials management and will not change the amount of stored hazardous materials. The Proposed modifications do not present a significant impact to hazardous materials management.

#### Land Use

The proposed modifications do not affect the conditions of use presented in the Land Use analysis nor the Findings of the Final Decision. The proposed modifications do not present a significant impact related to land use.

#### Noise and Vibration

During construction of the gen-tie, noise is expected to be less than significant and within the predicted construction noise levels of the Commission Decision. The closest and only noise-sensitive receptors within several miles are six to eight residential homes at four widely separated locations between approximately 460 feet and 3,510 feet from the

plant. Because of the distance of the nearest residents no vibration effects would be likely during the construction.

#### Public Health

The proposed modifications do not affect any of the findings, conclusions, or conditions of certification in the Public Health section of the Final Decision.

#### Socioeconomic Resources

The proposed modifications will not have a significant impact on housing, employment, schools, public services, or utilities.

#### Traffic and Transportation

The proposed modifications do not affect the conditions of use presented in the Traffic and Transportation analysis nor the Findings of the Final Decision. The proposed modifications do not present a significant impact related to traffic and transportation.

#### Waste Management

The proposed modifications do not affect the conditions of certification presented in the Waste Management analysis nor the findings of the Final Decision. The proposed modifications do not impact waste management.

**D. Pursuant to CCR Title 20, Section 1769 (a)(1)(E), an analysis of how the proposed change would affect the project's compliance with applicable laws, ordinances, regulations, and standards is required.**

The proposed modifications will not impact MSP's ability to comply with the applicable conditions of certification in the CEC decision.

**E. Pursuant to CCR Title 20, Section 1769 (a)(1)(F), a discussion of how the proposed change would affect the public is required.**

The proposed modifications have no effect on the public.

**F. Pursuant to CCR Title 20, Section 1769 (a)(1)(G), a list of property owners potentially affected by the modification is required.**

Consistent with privacy considerations, a list of current assessor's parcel numbers and owners' names and addresses for all parcels within 1000 feet of the project site will be provided directly to the Compliance Project Manager.

**G. Pursuant to CCR Title 20, Section 1769 (a)(1)(H), a discussion of the potential effect of the proposed change on nearby property owners, residents, and the public is required.**

The proposed modifications will have no impact on property owners, residents, the public or any other parties.

**H. Pursuant to CCR Title 20, Section 1769 (a)(1)(I), a discussion of any exemptions from the California Environmental Quality Act, commencing with section 21000 of the Public Resources Code, that the project owner believes may apply to approval of the proposed change is required.**

This modification to the facility is categorically exempt pursuant to the Class 4 "minor alterations to land" exemption, found in Title 14, Section 15304 of the California

Environmental Quality Act regulations. This exemption should apply as the installation of the transmission lines involves minor trenching and backfilling and complies with Section 15304 (a)-(i).

With regards to the use of Mojave's water rights, this modification is categorically exempt pursuant to the "common sense" exemption test, found in Title 14, Section 15061 of the California Environmental Quality Act Regulations and/or the Class 1 "minor alterations to public utilities" exemption, found in Title 14, Section 15304 of the California Environmental Quality Act regulations. This exemption should apply as the proposed change has no potential for causing significant effects on the environment.

### **III. Request for Staff Approval of the Petition's Proposed Modifications**

MSP respectfully requests this petition be considered for approval pursuant to Title 20, Section 1769(a)(3) of the Commission's Siting Regulations, which allows staff approval of the changes requested in a petition to amend. As provided herein, this petition does not represent project modifications that may have a significant effect on the environment, or the change is exempt from CEQA (Sec. 1769(a)(3)(i)). The proposed modifications will not cause the project to fail to comply with any laws, ordinances, regulations, or standards, which is especially the case here where the project modifications are also being considered by the CEQA lead agency for the proposed OSP (Sec. 1769(a)(3)(ii)). Additionally, the proposed MSP modifications do not require a change to, or deletion of, any Condition of Certification in the CEC Decision, and this petition only requests change to verification language in SOIL&WATER-5, which is distinct from condition language and may be granted without amendment of the CEC Decision (Sec. 1769(a)(3)(iii)).<sup>7</sup>

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<sup>7</sup> CEC Decision at p. 52.