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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)
)
_____)

**WILLOW ROCK ENERGY STORAGE CENTER
SUPPLEMENTAL APPLICATION FOR CERTIFICATION
STATUS REPORT NO. 5**

Pursuant to the *Order Granting In Part and Denying In Part Applicant’s Motion to Amend Revised Scheduling Order* issued on December 11, 2024,¹ as revised (the “Revised Order”),² GEM A-CAES LLC (the “Applicant”) submits this Supplemental Application for Certification Status Report No. 5 to inform the Committee of the progress of the Application for Certification proceeding for the Willow Rock Energy Storage Center (the “WRESC”).

On December 3, 2024, the Applicant filed a *Motion To Amend The Revised Scheduling Order For The Willow Rock Energy Storage Center* pursuant to Section 1211.5 of the California Energy Commission’s (“CEC”) Rules of Practice and Procedure³ and in response to the *Hearing Officer Memorandum Regarding Requests for Relief from the Revised Scheduling Order for Willow Rock Energy Storage Center (21-AFC-02)*.⁴ The Parties filed their timely responses,⁵ and the Committee thereafter issued the Revised Order.

With respect to the Revised Order, the Applicant would like to thank the Committee, the CEC Staff, the Center for Biological Diversity (“CBD”), California Unions for Reliable Energy (“CURE”), and the public for your collective professionalism and willingness to work toward a compromise on schedule.

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

On December 10, 2024, CEC Staff filed a *Memorandum in Response to Motion for Expedited Schedule*,⁶ which suggested the Lahontan Regional Water Quality Control Board required additional information to complete their analysis.⁷ Since that filing, the Applicant and

¹ TN #: 260601.

² TN #: 260752.

³ As set forth in Title 20, Division 2, Chapter 2 of the California Code of Regulations (“C.C.R.”).

⁴ TN #: 260133.

⁵ TN #: 260578, TN # 260582, and TN #: 260584.

⁶ TN #: 260584.

⁷ *Id.* at p. 3.

the Lahontan Regional Water Quality Control Board have been in communication, and the Board replied on December 16 that sufficient information has been received to determine Report of Waste Discharge requirements.

It is the Applicant's understanding that CEC Staff is working diligently to file a Data Requests Set 6 with this and other jurisdictional waters and biological resources items as soon as possible. The Applicant has been working on preparing a revised mapbook with all jurisdictional and non-jurisdictional drainages as discussed in the field with CEC Staff, as well as all biological resources including Western Joshua Tree census data.

The Applicant met with CBD on their Data Request Set 1 submittal that also requested a consolidated map of biological resources. This consolidated mapbook of resources will be docketed and provided to the Parties imminently, prior to the Applicant's deadline of December 26 for responding to CEC Data Requests Set 5 and Center for Biological Diversity Data Request Set 1 and the forthcoming CEC Data Requests Set 6.

In addition, the CEC Staff *Memorandum in Response to Motion for Expedited Schedule* indicates the Applicant, "has delayed filing a complete archaeological test excavation plan, and did not file a Cultural Resources Phase II Testing Plan until November 26, 2024;" however, there are nuances to this statement, additional facts, and status updates the Applicant wishes to clarify. Specifically, the Applicant filed a Cultural Resources Phase II Testing Plan in June 2024 as part of Data Adequacy for the Supplemental Application for Certification. During Discovery in July, the Applicant received CEC Data Requests Set 1 that addressed this plan, and the Applicant responded with the information that would be included in a Final Cultural Resources Testing Plan to be docketed after receipt of input from tribal stakeholders.

In September, the Applicant met with CEC Staff to discuss tribal consultation and testing implementation; CEC Staff told the Applicant to send a revised testing plan with comments from the tribes included, and that no additional review or edits from CEC would delay field work. By October 18, 2024, the Applicant had received all comments from tribal stakeholders and a Final Cultural Resources Phase II Testing Plan was sent to CEC Staff on November 7 prior to the kick-off meeting with the tribes in the field on November 12. The Applicant's consultants and representatives from all interested tribes participated in the field meeting during which the tribal representatives clarified their requests to leave potential resources in place. Although CEC Staff did not attend the field visit with the tribal entities, the tribal entities' additional clarification was resubmitted to CEC in a revised Final Phase II Testing Plan on November 21. CEC Staff responded with additional minor modifications to the testing plan such as figure changes and references. The Applicant addressed these comments, and another revised Final Testing Plan was emailed on November 25 and docketed confidentially the next day. Initial testing of one cultural resource that is not a tribal cultural resource was initiated November 18-20 and testing for the remaining tribal resources was initiated with tribal monitors on December 2. Cultural Resources Phase II Testing work is anticipated for completion in January 2025. The Applicant is pleased to provide this additional important context.

In summary, the two outstanding potential issue areas identified by CEC in the Public Informational Hearing and Site Visit on November 6 – namely, biological resources and cultural

resources – are being addressed by the Applicant and all Parties to the proceeding in an expeditious and thorough manner. The Applicant appreciates the close coordination and effective collaboration with CEC Staff and all Parties during Discovery to advance work on this important project.

The Applicant also has the following updates to report:

- Continued charitable giving and participation in community events and meetings with stakeholders including Antelope Valley College, California Jobs First - Los Angeles County Collaborative, Antelope Valley Economic Development & Growth Enterprise, Kern County Taxpayers Association, Rosamond Community Services District, Tehachapi Economic Development Council, Bakersfield Chamber of Commerce, Tehachapi Chamber of Commerce, and Southern Kern Unified School District, among others
- Obtained Kern County Planning Commission approval on Zone Change Application
- Reviewing Kern County Comments and Requested Conditions of Approval⁸
- Continued stakeholder engagement to advance siting of the transmission line preferred pathway including private easements from landowners and Kern County right-of-way sharing with Southern California Edison (“SCE”)
- Continued collaboration with SCE on the point of change of ownership of the transmission line interconnection into Whirlwind Substation
- Continued collaboration with Southern California Edison on temporary construction power delivery
- Continued engagement with California Public Utilities Commission on the Mid-Term Reliability and Long-Duration Energy Storage procurement requirements decided as part of the Integrated Resource Planning proceeding
- Conducted informal information exchange with Center for Biological Diversity
- Continued cultural resources field work with tribal monitors

CONCLUSIONS

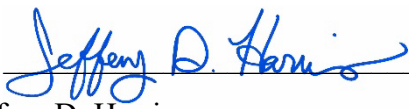
The Applicant looks forward to continued collaboration with the CEC and other Parties on the certification of this important long-duration energy storage project, which is key to meeting California’s climate goals while maintaining the reliability of the grid.

Dated: December 23, 2024

Respectfully Submitted,

ELLISON SCHNEIDER HARRIS & DONLAN LLP

⁸ TN # 259786.

By  _____

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