

DOCKETED

Docket Number:	23-AFC-03
Project Title:	Black Rock Geothermal Project (BRGP)
TN #:	261551
Document Title:	SECOND REVISED JOINT SCHEDULING ORDER AND ORDER GRANTING STAFF'S MOTION TO EXTEND DUE DATES
Description:	Presiding Member's Order
Filer:	Renee Webster-Hawkins
Organization:	California Energy Commission
Submitter Role:	Hearing Office
Submission Date:	2/5/2025 10:59:39 AM
Docketed Date:	2/5/2025

Se publicará una traducción al español de la orden en unos 7 días.

STATE OF CALIFORNIA — NATURAL RESOURCES AGENCY

Gavin Newsom, *Governor*

CALIFORNIA ENERGY COMMISSION

715 P Street
Sacramento, California 95814
energy.ca.gov

CEC-70 (Revised 7/2022)



*APPLICATION FOR CERTIFICATION
FOR THE:*

Morton Bay Geothermal Project

Docket No. 23-AFC-01

*APPLICATION FOR CERTIFICATION
FOR THE:*

Elmore North Geothermal Project

Docket No. 23-AFC-02

*APPLICATION FOR CERTIFICATION
FOR THE:*

Black Rock Geothermal Project

Docket No. 23-AFC-03

SECOND REVISED JOINT SCHEDULING ORDER AND ORDER GRANTING STAFF'S MOTION TO EXTEND DUE DATES

This Second Revised Joint Scheduling Order and Order Granting Staff's Motion to Extend the Due Dates for the Final Staff Assessments (Second Revised Scheduling Order) is prepared by the Presiding Member¹ for the Committees² appointed by the California Energy Commission (CEC) to

¹ Pursuant to Cal. Code Regs., tit. 20, § 1203.

² For documents related to these proceedings, see the "Availability of Documents" section, below. On May 31, 2023, the CEC adopted orders appointing the following Committees:

- For Morton Bay, Commissioner Noemí Gallardo as Presiding Member and Commissioner Andrew McAllister as Associate Member. (TN 250451.)
- For Elmore North, Commissioner Gallardo as Presiding Member and Commissioner McAllister as Associate Member. (TN 250452.)
- For Black Rock, Commissioner Gallardo as Presiding Member and Chair David Hochschild as Associate Member. (TN 250454.)

conduct proceedings on the applications for certification (AFCs) for the Morton Bay Geothermal Project, Elmore North Geothermal Project, and Black Rock Geothermal Project (collectively, Proposed Projects).

BACKGROUND

A. Proposed Projects and Parties

On April 18, 2023, the CEC received the following three AFCs³ seeking to construct and operate geothermal electrical generating and related facilities to use geothermal resources to generate renewable energy, all located southeast of the Salton Sea in unincorporated Imperial County, California near the towns of Niland and Calipatria:

- Morton Bay Geothermal LLC, an indirect, wholly owned subsidiary of BHE Renewables, LLC, filed an AFC to construct and operate the Morton Bay Geothermal Project⁴ (Morton Bay), which would have a maximum continuous electrical output rating of approximately 157 megawatts (MW) gross and an expected net output of approximately 140 MW. Morton Bay would be located on 51 acres of a 160-acre parcel approximately four miles southwest of the town of Niland bounded by McDonald Road to the north, Davis Road to the east, and Schrimpf Road to the south.
- Elmore North Geothermal LLC, an indirect, wholly owned subsidiary of BHE Renewables, LLC, filed an AFC to construct and operate the Elmore North Geothermal Project⁵ (Elmore North), which would have a maximum continuous rating of approximately 157 MW gross and an expected net output of approximately 140 MW. Elmore North would be located on 51 acres of a 140-acre parcel approximately six miles northwest of the town of Calipatria and six miles southwest of the town of Niland bounded by an unnamed dirt road to the north, Cox Road to the west, Garst Road to the east, and West Sinclair Road to the south.
- Black Rock Geothermal LLC, an indirect, wholly owned subsidiary of BHE Renewables, LLC, filed an AFC to construct and operate the Black Rock Geothermal Project⁶ (Black Rock).

³ The information in this section is based on the AFC documents, TN 249723 for Morton Bay, TN 249737 for Elmore North, and TN 249752 for Black Rock.

⁴ The AFC and all filed documents related to the Morton Bay proceeding are available via the "Docket Log (23-AFC-01)" link on the [Morton Bay proceeding's web page](https://www.energy.ca.gov/powerplant/steam-turbine/morton-bay-geothermal-project-mbgp) at <https://www.energy.ca.gov/powerplant/steam-turbine/morton-bay-geothermal-project-mbgp>. The AFC comprises many separate documents filed in the docket beginning April 18, 2023, e.g., Volume 1 is TN 249723.

⁵ The AFC and all filed documents related to the Elmore North proceeding are available via the "Docket Log (23-AFC-02)" link on the [Elmore North proceeding's web page](https://www.energy.ca.gov/powerplant/steam-turbine/elmore-north-geothermal-project-engp) at <https://www.energy.ca.gov/powerplant/steam-turbine/elmore-north-geothermal-project-engp>. The AFC comprises many separate documents filed in the docket beginning April 18, 2023, e.g., Volume 1 is TN 249737.

⁶ The AFC and all filed documents related to the Black Rock proceeding are available via the "Docket Log (23-AFC-03)" link on the [Black Rock proceeding web page](https://www.energy.ca.gov/powerplant/steam-turbine/black-rock-geothermal-project-brgp) at [https://www.energy.ca.gov/powerplant/steam-turbine/black-](https://www.energy.ca.gov/powerplant/steam-turbine/black-rock-geothermal-project-brgp)

Black Rock is a proposed geothermal power plant with a maximum continuous electrical output rating of approximately 87 MW gross and an expected net output of approximately 77 MW. Black Rock would be located on a 51-acre portion of a 160-acre parcel approximately eight miles to the southwest of the town of Niland bounded by McKendry Road to the north, Boyle Road to the east, and Severe Road to the west.

The entities submitting each of the individual AFCs are referred to collectively as Applicants (Applicants). The Committees have granted intervenor status to several entities in each of the proceedings including California Unions for Reliable Energy (CURE), United Automobile, Aerospace and Agricultural Implement Workers of America, Region 6 (UAW), Supporters Alliance for Environmental Responsibility (SAFER), and Jobs to Move America (JMA) (collectively, Intervenors).⁷ The parties to each of these proceedings include the project Applicant, Staff, and Intervenors (collectively, Parties).

B. Existing Schedules

On September 15, 2023, the Presiding Member issued separate scheduling orders for the pre-evidentiary phase of the AFC proceeding for each of the Proposed Projects.⁸ These scheduling orders were subsequently amended to extend the time for Staff to publish its Preliminary Staff Assessment (PSA) for each Proposed Project.⁹

Staff published its PSAs for Elmore North on June 13, 2024,¹⁰ for Morton Bay on June 27, 2024,¹¹ and for Black Rock on July 11, 2024.¹² The public comment periods for the three PSAs were consolidated and extended until September 4, 2024.¹³

On September 17, 2024, the Presiding Member of the Committees directed the Parties to meet and confer regarding a proposed schedule for the remainder of the proceedings and directed Staff and

rock-geothermal-project-brgp. The AFC comprises many separate documents filed in the docket beginning April 18, 2023, e.g., Volume 1 is TN 249752.

⁷ The various orders granting intervention can be found in the respective dockets at: TN 251919, TN 254840, TN 256297 & TN 260088 for Morton Bay; TN 251917, TN 254841, TN 256298 & TN 260089 for Elmore North; and TN 251916, TN 254842, TN 256299 & TN 260090 for Black Rock.

⁸ The Scheduling Orders can be found in the respective dockets at TN 252284 for Morton Bay, TN 252285 for Elmore North, and TN 252289 for Black Rock.

⁹ TN 255664 (Morton Bay); TN 255667 (Elmore North); TN 255668 (Black Rock).

¹⁰ TN 256843.

¹¹ TN 257470.

¹² TN 157697.

¹³ The Joint Orders Extending and Consolidating Public Comment can be found in the respective dockets at: TN 258079 & TN 258708 for Morton Bay; TN 258080 & TN 258709 for Elmore North; and TN 258081 & TN 258710 for Black Rock.

Applicants to submit a joint proposed schedule for each Proposed Project.¹⁴ After the Parties met and conferred on September 24, 2024, and submitted a joint proposed schedule with comments,¹⁵ the Presiding Member issued a Revised Joint Scheduling Order on December 5, 2024.¹⁶

Among other things, the Revised Joint Scheduling Order directed staff to post Final Staff Assessments (FSAs) for Elmore North on February 5, 2025, for Morton Bay on February 19, 2025, and for Black Rock on March 5, 2025. The Revised Joint Scheduling Order also scheduled all three matters for a joint Prehearing Conference on June 9, 2025, and for joint Evidentiary Hearings the week of June 23, 2025. As stated in this order, these dates are vacated.

C. Staff's Motion to Extend Due Dates for the Final Staff Assessments

On January 24, 2025, Staff filed a motion to extend the due dates for posting the Final Staff Assessments (Staff's Motion) as it awaits critical data and information it needs to prepare and update its analysis for each of the Proposed Projects.¹⁷ Specifically, Staff indicates that there are still outstanding requests for information in the areas of Air Quality, Biological Resources, and Water Resources. Staff is also awaiting the Applicants' revised project descriptions. Some of this outstanding information is due from the Applicants. Other important information is due from other agencies including the Imperial County Air Pollution Control District, the California Department of Fish and Wildlife (CDFW), United States Fish and Wildlife Service (USFWS), and the Colorado River Basin Regional Water Quality Control Board. Staff seeks the following changes to the schedule: (1) publication of the FSA for Elmore North to five weeks following Staff's receipt of all outstanding data and information, (2) publication of the FSA for Morton Bay two weeks after Elmore North, and (3) publication of the FSA for Black Rock two weeks after Morton Bay.

In a response filed on January 31, 2025, the Applicants state that they do not object to Staff's Motion.¹⁸ The Applicants acknowledge that the extension is "effectively indefinite at this time."

In its January 31, 2025, response, CURE supports Staff's motion.¹⁹ CURE provides a list and greater specificity for the data and information it believes is still outstanding and necessary for the Commission's analysis of the environmental and public health impacts of the projects. CURE also requests enhanced reporting and notice requirements to provide clarity on the status of the proceedings.

¹⁴ The Joint Order to meet and confer can be found in the respective dockets at TN 259193 for Morton Bay, TN 259195 for Elmore North, and TN 259194 for Black Rock.

¹⁵ The Parties' proposed schedules and related comments can be found in the respective dockets at: TN 259330, TN 259364, 259363 for Morton Bay; TN 259331, 259365, TN 259361 for Elmore North; and TN 259332, TN 259371, TN 259362 and TN 259359 for Black Rock.

¹⁶ TN 260569 (Morton Bay), TN 260570 (Elmore North), and TN 260571 (Black Rock).

¹⁷ TN 261286 (Morton Bay), TN 261288 (Elmore North), and TN 261302 (Black Rock).

¹⁸ TN 261501 (Morton Bay), TN 261502 (Elmore North), and TN 261503 (Black Rock).

¹⁹ TN 261508 (Morton Bay), TN 261509 (Elmore North), and TN 261510 (Black Rock).

The other Intervenors did not file responses to Staff's Motion.

DISCUSSION AND ORDERS ON STAFF'S MOTION

The Presiding Member of the Committees has considered Staff's Motion and the responses, and grants the motion as stated herein. In addition, the dates set in the Revised Joint Scheduling Order²⁰ for the FSAs and following evidentiary proceedings will be vacated at this time to allow for the receipt of the outstanding information prior to publication of the FSAs. The Presiding Member agrees with CURE that, due to the indefinite postponement of the proceedings, greater specificity about what Staff deems to be outstanding will benefit the Committees, Parties, and interested persons in monitoring the status of the AFC proceedings. Therefore, the orders below direct Staff to provide an itemized list describing the outstanding information in its monthly status reports.

The Presiding Member appreciates that Intervenor has identified information that should be included in the list. However, Staff is best situated to determine when the information received is sufficient to provide substantial evidence for its FSAs. If other Parties disagree, there will be ample opportunity for the Parties to note any perceived gaps in their Prehearing Conference Statements and introduce additional evidence during the Evidentiary Hearings.

Pursuant to California Code of Regulations, title 20, sections 1203 and 1709.7(c), the Presiding Member of the Committees hereby orders as follows regarding the schedule:

1. [The Second Revised Joint Schedule for the Morton Bay, Elmore North, and Black Rock AFCs](#), attached below, is hereby established and supersedes all prior schedules.
2. The Parties shall continue filing monthly status reports according to the Second Revised Joint Schedule, attached below. Status reports from all Parties shall include at minimum: a summary of any significant communications with other Parties and other federal, state, or local agencies, and tribal governments; a description of the outcome of any public workshop or other coordination meetings held during that month; and discussion of any factors it is aware of that impact the schedule of the proceeding, including the availability of the outstanding data and information that Staff requires to complete its FSAs. Staff, in its status reports, shall additionally provide an itemized list and description of all outstanding information needed to complete the FSA, who the information is expected from, and the expected date staff will receive the information, as follows:

Title or Brief Description of Missing Information	Entity Expected to Provide the Missing Information	Expected date of Receipt of Information	Additional Description or Comments

²⁰ TN 260569 (Morton Bay), TN 260570 (Elmore North), and TN 260571 (Black Rock).

3. Promptly after receipt of all outstanding information, Staff shall file a Notice of Final Receipt of All Outstanding Information (Staff Notice), in which Staff shall confirm that it has received all outstanding information needed to complete the FSA and shall identify for the public the FSA publication schedules in conformance with the Second Revised Joint Schedule set forth below.
4. The Presiding Member will follow the Staff Notice with a Third Revised Joint Scheduling Order specifying the schedule for the remainder of the proceeding.
5. The Presiding Member or Committees may 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 a Scheduling Order or as otherwise required in CEC regulations, the Party shall notify the Committee or Committees 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.
6. Notwithstanding the CEC regulations providing for responses to motions within 14 days of the service of motions, the Presiding Member hereby shortens that time to 7 days for any responses to motions for modification of schedules or petitions to intervene.

PUBLIC ADVISOR AND OTHER CEC CONTACTS

The CEC's Office of the Public Advisor, Energy Equity and Tribal Affairs (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, or (916) 957-7910.

Parties and members of the public may contact the assigned Hearing Officers for each AFC for clarifications about this order or general procedural questions:

Morton Bay: Ralph Lee, (916) 776-3408, ralph.lee@energy.ca.gov
Chad Oliver, (916) 891-8569, chad.oliver@energy.ca.gov

Elmore North: Reneé Webster-Hawkins, (916) 237-2507, renee.webster-hawkins@energy.ca.gov
Deborah Dyer, (916) 931-5041, deborah.dyer@energy.ca.gov

Black Rock: Chad Oliver, (916) 891-8569, chad.oliver@energy.ca.gov
Deborah Dyer, (916) 931-5041, deborah.dyer@energy.ca.gov

Direct media inquiries to mediaoffice@energy.ca.gov or (916) 654-4989.

AVAILABILITY OF DOCUMENTS

The AFC for each Proposed Project contains the engineering and environmental details of the Proposed Project. Please refer to this section for information on how to electronically access the AFCs and all related documents submitted to the CEC Docket Unit for each AFC in their respective by selecting the following:

- The “Docket Log (23-AFC-01)” link on the [Morton Bay proceeding’s web page](#) at <https://www.energy.ca.gov/powerplant/steam-turbine/morton-bay-geothermal-project-mbgp>, or scan (use the camera on your mobile device and hold it over the QR code) the following QR code:



- The “Docket Log (23-AFC-02)” link on the [Elmore North proceeding’s web page](#) at <https://www.energy.ca.gov/powerplant/steam-turbine/elmore-north-geothermal-project-engp>, or scan the following QR code:



- The “Docket Log (23-AFC-03)” link on the [Black Rock proceeding web page](#) at <https://www.energy.ca.gov/powerplant/steam-turbine/black-rock-geothermal-project-brgp>, or scan the following QR code:



Automated Email Notifications

Any person may subscribe to receive an automated email when a document is filed in a proceeding. The web page for each proceeding, listed above, provides a link to subscribe for automated email notifications, or you may [manage automated email subscriptions](#) at <https://www.energy.ca.gov/subscriptions>, or scan the following QR code:



If you need assistance in accessing an application or any other project document, please contact the Public Advisor at public.advisor@energy.ca.gov or (916) 957-7910.

IT IS SO ORDERED.

Dated: February 05, 2025

APPROVED

Noemí Otilia Osuna Gallardo
Commissioner and Presiding Member
Morton Bay Geothermal Project
Elmore North Geothermal Project
Black Rock Geothermal Project
AFC Committees

Mailed to: List Number 7550

**SECOND REVISED JOINT SCHEDULE FOR
MORTON BAY (23-AFC-01), ELMORE NORTH (23-AFC-02), AND BLACK ROCK (23-AFC-03)
FEBRUARY 5, 2025**

Activity	Approximate Interval²¹	Elmore North	Morton Bay	Black Rock
Monthly Status Reports	Monthly	The last business day of every month	The last business day of every month	The last business day of every month
Staff Notice of Receipt of Outstanding Information	—	TBD by Staff	TBD by Staff	TBD by Staff
Final Staff Assessment Filed	---	Five weeks after Staff Notice	Two weeks after Elmore North FSA	Two weeks after Morton Bay FSA
Last Day to file petition to intervene	10 days after filing of the Final Staff Assessment ²²	10 days after Elmore North FSA	10 days after Morton Bay FSA	10 days after Black Rock FSA
Opening Testimony filed	30 days after last FSA	30 days after Black Rock FSA	30 days after Black Rock FSA	30 days after Black Rock FSA
Reply Testimony filed	21 days after Opening Testimony	21 days after Opening Testimony	21 days after Opening Testimony	21 days after Opening Testimony
Meet and Confer	10 Days after Reply Testimony	10 Days after Reply Testimony	10 Days after Reply Testimony	10 Days after Reply Testimony
Prehearing Conference (PHC) Statement filed	4 weeks before Evidentiary Hearing	TBD	TBD	TBD
Prehearing Conference	1 week after PHC Statement	TBD	TBD	TBD
Evidentiary Hearings (EH)	Approximately 2-3 weeks after PHC	TBD	TBD	TBD
Presiding Member Proposed Decision (PMPD) filed	---	TBD	TBD	TBD
Hearing on PMPD	---	TBD	TBD	TBD
PMPD Errata filed if necessary	---	TBD	TBD	TBD
Final Decision Issued	---	TBD	TBD	TBD

²¹ Where the calculated date would fall on a weekend or state holiday, the date due is the next business day.

²² 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).) At this point in the proceedings the Presiding Member will not entertain a petition for intervention that requests reopening discovery or modification to the dates set in this Revised Scheduling Order.