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STATE OF CALIFORNIA
STATE ENERGY RESOURCES
CONSERVATION AND DEVELOPMENT COMMISSION

IN THE MATTER OF:

***Morton Bay Geothermal Project
Elmore North Geothermal Project
Black Rock Geothermal Project***

**Docket Nos.: 23-AFC-01, 23-AFC-02,
23-AFC-03**

**Staff's Reply to Applicants' Motions
to Suspend the Application for
Certification Proceedings**

I. INTRODUCTION

On February 7, 2025, Morton Bay Geothermal LLC, Elmore North Geothermal LLC, and Black Rock Geothermal LLC (applicants) filed motions to suspend the Application for Certification (AFC) Proceedings in each of the three geothermal cases. (TNs 261639, 261640, 261641.) California Code of Regulations, title 20, section 1211.5, provides that any party may reply to a motion within 14 days of the motion's filing. By Committee orders, dated February 5, 2025, reply periods in these proceedings were modified to seven days. (TNs 261551, 261552, 261553.) On February 12, 2025, intervener California Unions for Reliable Energy (CURE) filed its replies to the motions in the three proceedings. (TNs 261713, 261714, 261715.) California Energy Commission staff (staff) timely files this reply to applicants' motions.

II. DISCUSSION

In its motion, the applicants seek an order from the Committees directing the following:

- Suspension of the AFC proceedings, including immediate suspension of CEC staff's activities relating to the projects;
- Filing of quarterly status reports by the applicants;
- Filing by staff of the itemized list of outstanding information needed to produce the Final Staff Assessment (FSA);
- Resumption of the proceeding upon the docketing of notice by the applicants to resume AFC proceedings; and
- Confirmation that the applicants may continue to file the informational items identified in the itemized list submitted by CEC Staff.

Staff does not object to the proceedings' suspensions and the cessation of staff's work on these three projects, as requested by the applicants in their motions, with the

following recommendations. Staff concurs with CURE, as set forth in its replies, that the applicants' status report should be filed more frequently than quarterly to keep the CEC informed on matters. Staff suggests bimonthly as a reasonable frequency to allow for the committees and parties to monitor the applicants' efforts to diligently address project barriers. (Cal. Code Regs., tit. 20, §1720.2.)

Regarding the itemized list of outstanding information needed to produce the FSA, staff intends to file the list as directed by the Committees' February 5, 2025, order.

Staff does not object to the proceedings resuming upon filing by the applicants of a notice to end the suspensions.

In its reply, CURE recommends the applicants not file outstanding project information on a continuous basis but be required to file all outstanding informational items as a single, comprehensive filing with their notice to resume proceedings. Staff concurs with CURE. During the suspension, staff will not be performing any work on these cases, including reviewing data submittals or filing status reports. Thus, filing one comprehensive submittal with all outstanding data and any other information due to project changes, will result in a cleaner record, make information easier to find, and avoid confusing the public as to whether any partial filings in some way indicate the proceedings have restarted.

Finally, staff also recommends that applicants be required to provide in their status report at least a 30-day notice of their intent to file a request to the Committees to end the suspension and resume the proceedings. This will allow staff and interveners to plan for the allocation of resources required once the proceedings become active.

III. CONCLUSION

Staff does not oppose the applicants' motions to suspend the three geothermal proceedings as well as staff's work on these projects. Staff recommends the applicants be ordered to file bimonthly reports with at least a 30-day advance notice when the applicants will be filing notices to restart the proceedings. Staff concurs with CURE's recommendation that a comprehensive filing with all outstanding information be submitted for each project at the time the applicants are ready to reactivate the proceedings rather than filing outstanding information on a rolling basis as the applicants' request.

Dated: 2/14/25

/s/ Jared Babula

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