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STATE OF CALIFORNIA — NATURAL RESOURCES AGENCY

Gavin Newsom, *Governor*

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

COMMITTEE’S FOURTH REVISED SCHEDULING ORDER

This Fourth Revised Scheduling Order is prepared by the Committee¹ in this proceeding following the Committee Status Conference convened on April 14, 2025, to discuss the dates set in the Third Revised Scheduling Order² for the prehearing and evidentiary phase of the Application for Certification (AFC) proceeding for the Willow Rock Energy Storage Center (Willow Rock). As discussed below, the Committee establishes this revised schedule pursuant to California Code of Regulations, title 20, sections 1203 and 1709.7(c) with the firm expectation that the Parties meet all dates and deadlines.

RELEVANT BACKGROUND

On December 3, 2024, GEM A-CAES LLC (Applicant) filed a Motion to Amend, seeking to advance the deadlines for the post-discovery phase of the Willow Rock AFC. Pursuant to the instructions in the Order Granting in Part and Denying in Part Applicant’s Motion to Amend and Revised Scheduling Order filed on December 11, 2024 (Second Revised Scheduling Order),³ the Committee set dates and deadlines for the remainder of this proceeding, including dates for the publication of the Preliminary

¹ 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>.

² See attachment to TN 262562.

³ TN 259084.

and Final Staff Assessments, for public comment and written testimony by the Parties, and for the Evidentiary Hearing on June 30, 2025 and July 1, 2025. On March 13, 2025 – the due date for the Preliminary Staff Assessment (PSA) – the CEC Staff (Staff) published a “partial” PSA. On April 2, 2025, the Committee issued the Third Revised Scheduling Order to reset the near-term dates while retaining the schedule for the Evidentiary Hearing.⁴ That order prompted Staff to file a Motion Seeking a New Scheduling Order to extend most of the due dates and Evidentiary Hearing.⁵ The other Parties each filed a response to the Motion, with Applicant opposed⁶ and Intervenors California Unions for Reliable Energy (CURE) and the Center for Biological Diversity (The Center) generally in support.⁷

DISCUSSION

At the Status Conference, the Presiding Member guided the Parties in a discussion to assess the status of any outstanding data or information necessary to support Staff’s ability to: describe the Willow Rock project; analyze any potential impacts of the project on the environment and public health and safety; and prepare staff assessments that provide the Parties and the public a meaningful opportunity to understand and comment on the project. The Parties engaged in earnest conversation to seek consensus or common ground on the schedule.

After consideration of the objectives and perspectives presented by each of the Parties, as well as Staff’s confirmation that it has all the information it needs to prepare the PSA, the Committee will adjust the schedule once again. The Fourth Revised Scheduling Order (attached) will provide additional time for the publication of the staff assessments, restore the period for public comment on the PSA to 45 days, and carve a path to propose a final decision to the full Commission before the end of 2025.

The Committee reminds the Parties to abide by the dates and deadlines in this Fourth Revised Scheduling Order. While preparing the PSA and FSA, if Staff is aware of outstanding information from third parties that may bear upon the impacts analysis or conditions of certification for the Willow Rock project, the discussion in the assessment shall identify what information is expected, describe the chronology of Staff’s attempts to obtain the information, and explain the impact of the expected information on Staff’s ability to determine whether there are significant impacts from the project or mitigation to lessen the impacts to a level below significant.

⁴ TN 262562.

⁵ TN 262571.

⁶ TN 262639 (Applicant),

⁷ TN 262638 (CURE) and TN 262631 (The Center).

SCHEDULING ORDER

1. The Committee hereby adopts the Fourth Revised Scheduling Order 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.
2. **The CEC Staff shall publish the Preliminary Staff Assessment and Final Staff Assessment no later than 5:00 p.m. on the dates set herein.** If the Staff is aware of outstanding information germane to any resource analysis, the discussion in the assessment shall identify what information is expected, describe the chronology of Staff's attempts to obtain the information, and explain the impact of the expected information on Staff's ability to determine whether there are significant impacts from the project or mitigation to lessen the impacts to a level below significant.
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. Any dates indicated for the release of the Presiding Member's Proposed Decision (PMPD), Commission hearing, and adoption of Commission's Final Decision are suggestions 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 Fourth 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 Fourth 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 shall be filed within seven days.
7. The Parties are hereby ordered to continue submitting monthly status reports no later than the 26th day of every month. 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, 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 or (916) 237-2507.
- Ralph Lee, at ralph.lee@energy.ca.gov or (916) 776-3408.

Direct technical subject inquiries concerning the proceeding to the Project Manager:

- Eric Veerkamp, at STEPsiting@energy.ca.gov or (916) 661-8458.

Direct media inquiries to 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: April 15, 2025

APPROVED

J. Andrew McAllister, PhD
Commissioner and Presiding Member
Willow Rock Energy Storage Center
AFC Committee

**WILLOW ROCK ENERGY STORAGE CENTER
(21-AFC-02)
FOURTH REVISED SCHEDULING ORDER⁸
April 15, 2025**

EVENT	<i>Fourth Revised Schedule</i>
Discovery closes	January 13, 2025⁹
Last day for Applicant to submit Data Responses	January 27, 2025 15 days after last Data Request ¹⁰
Staff Files Preliminary Staff Assessment	April 30, 2025 Staff shall publish a complete document.
Public Comment Period Closes on Preliminary Staff Assessment	June 16, 2025 45 days after deadline for the Preliminary Staff Assessment ¹¹
Last Day to File Petition to Intervene	June 23, 2025 7 days after deadline for comments on the Preliminary Staff Assessment ¹²
Last Day to File Objection to any Petition to Intervene	June 30, 2025 7 days after filing of Petition to Intervene ¹³
Staff Files Final Staff Assessment	July 16, 2025 30 days after deadline for comments on the Preliminary Staff Assessment

⁸ This Fourth Revised Scheduling Order documents past events and dates for a complete record of key events germane to the discovery, evidentiary, and decisional timelines.

⁹ "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).)

¹⁰ The usual 30-day timeframe to submit data responses may be changed by committee order. (Cal. Code Regs., tit. 20, § 1716(f).)

¹¹ Staff's preliminary environmental assessment shall be subject to at least a 30-day public comment period. This and prior schedules which included a 45-day public comment period reflects the Committee's discretion to extend the public comment period. (Cal. Code Regs., tit. 20, § 1742(c).)

¹² 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).)

¹³ 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.)

Parties File Opening Testimony	July 30, 2025
Parties File Rebuttal Testimony	August 6, 2025
Parties File Prehearing Conference Statements	August 13, 2024
Prehearing Conference	August 15, 2025
Evidentiary Hearing	August 18 and 19, 2025¹⁴
<i>Closing Briefs (if needed)</i>	<i>To be determined</i>
Committee Files Presiding Member's Proposed Decision (PMPD)	Tentatively October 2025 ¹⁵
Public Comment Period Closes on PMPD	30 days after filing of the PMPD ¹⁶
Commission Hearing on the Final Decision	To be determined
PMPD Errata filed if necessary	To be determined
Final Decision Issued	Tentatively December 2025

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

¹⁵ All dates and timelines following the Evidentiary Hearing are estimates 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.

¹⁶ 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).)