

**DOCKETED**

<b>Docket Number:</b>	23-OPT-02
<b>Project Title:</b>	Darden Clean Energy Project
<b>TN #:</b>	263114
<b>Document Title:</b>	Statement that the Record of Proceedings is Complete
<b>Description:</b>	N/A
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<b>Organization:</b>	California Energy Commission
<b>Submitter Role:</b>	Commission Staff
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<b>Docketed Date:</b>	5/15/2025



## **MEMORANDUM**

TO: Docket 23-OPT-02 (Darden Clean Energy Project)  
FROM: Staff  
SUBJECT: Statement that the Record of Proceedings is Complete  
DATE: May 15, 2025

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### **I. Introduction**

Public Resources Code section 25545.13 provides that a project filed with the California Energy Commission (CEC) under Public Resources Code section 25545.1 is deemed an environmental leadership development project and subject to expedited judicial review if, among other things, the CEC "prepares the record of proceedings concurrently with its review of the application and certifies the record of proceedings within five days of certification."

To support the CEC's certification of the record of proceedings through an order, California Code of Regulations, title 20, section 1880.5(b) directs CEC staff to file a statement within five days of the publication of the updated Staff Assessment that the record of proceedings is complete. This memorandum represents staff's statement that the record of proceedings is complete and staff's recommendation to the CEC that the record be certified in accordance with the timeline for environmental leadership development projects.

### **II. Record of Proceedings**

California Code of Regulations, title 20, section 1208, requires that all documents submitted in any proceeding, whether by a party, committee, the commission, or any other individual or entity, shall be filed with the docket. California Code of Regulations, title 20, section 1880.5 further identifies the proceeding's docket as containing all the documents comprising the record of proceedings and meeting the requirements of Public Resources Code sections 21167.6(e) and 21186. The docket is the CEC's reliable and accurate repository kept in the ordinary course of business for each CEC powerplant licensing case and acts as a public interface with the CEC and is populated with documents on a continuous basis filed by CEC staff, the applicant, other agencies, and the public. Each docket has a unique docket number and each document in the docket receives a unique transaction number to facilitate document identification and citation. The docket page is an index and displays the list of documents filed in the docket and includes key, word-searchable information, such as the transaction number, date of docketing, a description of the document, the number of pages of the document, and the name of the person or entity filing the document. Documents in the

docket are in a PDF or other acceptable non-editable format and are word searchable. Each document contains a system generated transmittal cover page that provides the following information: Docket Number; Project Title; Transaction Number; Document Title; Description; Filer; Organization; Submitter Role; Submission Date; and Docket Date.

If it becomes necessary to submit the record of proceedings to a court, the documents contained in the docket may be reordered or uploaded into a different document handling system to comport with California Rules of Court, Rule 3.2205, *Form and format of administrative record lodged in a CEQA proceeding*, or any other local court rules, but the certified content would remain the same as the docket can be closed so that no additional documents can be added.

Under Public Resources Code section 21167.6(e), documents required to be in the record of proceedings, include but are not limited to, the following: Project application materials; staff data requests, notices and transcripts of public events; public and agency comments; draft and final environmental assessments, correspondence between CEC staff and the applicant and correspondence with other public agencies; and other relevant reports and studies. Upon issuance of a final decision, the CEC's order certifying the project and record of proceedings and the transcripts of the business meeting considering the project will also become part of the record of proceedings and added to the docket.

All documents in the docket are publicly accessible in real time except those designated as confidential consistent with the California Public Records Act, Government Code section 7920.000 et seq. Documents subject to copyright protection and not required to be electronically available under Public Resource Code section 21186(g) are not filed into the docket. To the extent copyrighted material is relied on by the CEC, an index of such materials is in the docket and part of the record of proceedings. Documents such as layered maps and modeling files that are not compatible with the docketing system or exceed the maximum file size are identified in a docketed index and incorporated into the record of proceedings.

### **III. Recommendation**

Staff has reviewed the contents of docket 23-OPT-02 (Darden Clean Energy Project) and finds that all key documents staff relied on to develop the environmental analysis are contained in docket 23-OPT-02 or cited to in the environmental analysis and publicly available, and that docket 23-OPT-02 contains all other required records under Public Resources Code section 21167.6(e) once the CEC's order, transcripts of the business meeting, and other documents are added as directed by the CEC. Based on CEC's regulations requiring documents to be filed in the docket and designating the docket as the record of proceedings for projects filed under Public Resources Code section 25545.1, and staff's review of the contents of docket 23-OPT-02 for this proceeding, staff finds the record of proceedings complete and recommends the CEC certify the record at the time a decision on the project is issued with the subsequent addition of the CEC order, hearing transcript and other documents as directed by the CEC.