

DOCKETED	
Docket Number:	21-AFC-02
Project Title:	Gem Energy Storage Center
TN #:	243351
Document Title:	NOTICE OF AVAILABILITY OF THE PROPOSED JOINT DECISION REGARDING EXEMPTION FROM THE NOTICE OF INTENTION PROCESS; NOTICE OF PUBLIC
Description:	Notice of Availability of the Proposed Joint Decision regarding Exemption from the Notice of Intention Process; Notice of Public Comment Period; Notice of Intent to Prepare Hearing Record; and Notice of California Energy Commission Hearing
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Organization:	California Energy Commission
Submitter Role:	Committee
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Docketed Date:	5/27/2022

Pecho en español: <https://efiling.energy.ca.gov/GetDocument.aspx?tn=243348>

Gem en español: <https://efiling.energy.ca.gov/GetDocument.aspx?tn=243349>

CALIFORNIA ENERGY COMMISSION

715 P Street
Sacramento, California 95814

energy.ca.gov

CEC-70 (Revised 11/2021)



IN THE MATTER OF:

PECHO ENERGY STORAGE CENTER

Docket No. 21-AFC-01

IN THE MATTER OF:

GEM ENERGY STORAGE CENTER

Docket No. 21-AFC-02

NOTICE OF AVAILABILITY OF THE PROPOSED JOINT DECISION REGARDING EXEMPTION FROM THE NOTICE OF INTENTION PROCESS; NOTICE OF PUBLIC COMMENT PERIOD; NOTICE OF INTENT TO PREPARE HEARING RECORD; AND NOTICE OF CALIFORNIA ENERGY COMMISSION HEARING

I. NOTICE OF AVAILABILITY

On May 27, 2022, the Committees¹ appointed by the California Energy Commission (CEC) to conduct proceedings on the Applications for Certification (AFC) for the Pecho Energy Storage

¹ On March 26, 2022, the CEC appointed a Committee consisting of Andrew McAllister, Commissioner and Presiding Member, and Kourtney Vaccaro, Commissioner and Associate Member, to preside over the Pecho proceeding, and appointed Kourtney Vaccaro, Commissioner and Presiding Member, and Andrew McAllister, Commissioner and Associate Member, to preside over the Gem proceeding. (TN 242448, TN 242449).

Center (Pecho)² and the Gem Energy Storage Center (Gem)³ filed a Proposed Joint Decision Regarding Exemption from the Notice of Intention Process (Proposed Decision). The Proposed Decision was filed with the CEC's Docket Unit and a link to the internet-posted document was emailed to the Proof of Service list and the listservs for both Pecho and Gem.

For Pecho, the [Proposed Decision](#) may be viewed on the CEC's website at:

<https://efiling.energy.ca.gov/GetDocument.aspx?tn=243346>

For Gem, the [Proposed Decision](#) may be viewed on the CEC's website at:

<https://efiling.energy.ca.gov/GetDocument.aspx?tn=243347>

For a printed copy, please call the CEC's Publications Unit at (916) 654-5200.

II. NOTICE OF PUBLIC COMMENT PERIOD

The CEC and the Committees invite interested persons, public agencies, and other entities to submit written comments on the Proposed Decision prior to the CEC hearing where it will be considered for adoption. The CEC requests that written comments on the Proposed Decision be received by **5:00 p.m. on June 6, 2022**.

To ensure that your comments are considered, they must be electronically uploaded to the e-filing system, or received by the Docket Unit via email, or physically delivered via mail on or before that date.

For Pecho, comments may be submitted electronically at the [Pecho Docket Log](#) found at <https://efiling.energy.ca.gov/Lists/DocketLog.aspx?docketnumber=21-AFC-01>.

For Gem, comments may be submitted electronically at the [Gem Docket Log](#) found at <https://efiling.energy.ca.gov/Ecomment/Ecomment.aspx?docketnumber=21-SPPE-02>.

² The Application and all filed documents related to the Pecho proceeding are available via the "Docket Log (21-AFC-01)" link on the [Pecho proceeding's web page](#) at <https://www.energy.ca.gov/powerplant/caes/pecho-energy-storage-center>. The Application comprises many separate documents filed in the docket beginning November 23, 2021, e.g., the introduction is TN 240712-1.

³ The Application and all filed documents related to the Gem proceeding are available via the "Docket Log (21-AFC-02)" link on the [Gem proceeding's web page](#) at <https://www.energy.ca.gov/powerplant/caes/gem-energy-storage-center>. The Application comprises many separate documents filed in the docket beginning December 1, 2021, e.g., the introduction is TN 240751-2.

Otherwise, written comments may be submitted for posting on the proceeding docket by emailing them to docket@energy.ca.gov, or by U.S. Mail to:

California Energy Commission
Docket Unit
Docket number: 21-AFC-01 (Pecho)
715 P Street, MS-14
Sacramento, CA 95814

California Energy Commission
Docket Unit
Docket number: 21-AFC-02 (Gem)
715 P Street, MS-14
Sacramento, CA 95814

For all comments, please include the respective docket number and proceeding name “**Pecho Energy Storage Center, Docket Number 21-AFC-01**” and/or “**Gem Energy Storage Center, Docket Number 21-AFC-02**” in the subject line and on the cover page, to indicate which of the two proceedings the comments refer to.

Please note: Your written and oral comments, attachments, and associated contact information (e.g., your address, phone, e-mail, etc.) become part of the viewable public record. Additionally, this information may become available via search engines.

Following the end of the comment period, the Committees, if appropriate, may prepare errata describing changes to the Proposed Decision it recommends after its consideration of comments from the parties and the public.

III. NOTICE OF INTENT TO PREPARE HEARING RECORD

In preparing the Proposed Decision, the Committees relied on facts, opinions, and other information contained in the dockets for both the Pecho and Gem proceedings. The Committees hereby inform the public and the parties that the Committees consider the dockets in Pecho and Gem to be the hearing record⁴ for the Proposed Decision.

⁴ Under the CEC’s regulations, the hearing record consists of: (1) all documents, filed comments, materials, oral statements, or testimony received into evidence by the committee or commission at a hearing; (2) public comment, including comments from other government agencies, offered orally at a hearing, or written comments received into the record at a hearing; (3) any materials or facts officially noticed by the committee or commission at a hearing; and (4) all transcripts of evidentiary hearings. (Cal. Code Regs., tit. 20, § 1212(b)(1).)

Any party⁵ may file an objection to the inclusion of one or more documents from the Pecho and Gem dockets. The parties are **ORDERED** to file any objection no later than **5:00 p.m. on June 6, 2022**. The objection shall identify the document being objected to by reference to its TN and shall specify the grounds for the objection. Failure to object to the inclusion of a document in the hearing record shall be deemed a waiver of objections to the admissibility of the information and its use by the Committees and the CEC in deciding whether Pecho and Gem are exempt from the Notice of Intention process.

IV. NOTICE OF CEC HEARING AT THE BUSINESS MEETING

PLEASE TAKE NOTICE that the CEC will conduct a public hearing at the June 8, 2022 Business Meeting to consider the Proposed Decision (which recommends finding that Pecho and Gem are exempt from the Notice of Intention process and shall proceed as applications for certification), any errata, and comments. The Business Meeting will be held on:

Wednesday, June 8, 2022

10:00 a.m. (Pacific Time)

Instructions for participating in person or remotely at the Business Meeting will be provided in the Business Meeting notice, available on the CEC's [Business Meeting webpage](https://www.energy.ca.gov/proceedings/business-meetings) at <https://www.energy.ca.gov/proceedings/business-meetings>.

PURPOSE OF THE CEC HEARING

The purpose of this hearing is to consider whether the CEC should adopt, modify, or reject the Proposed Decision and any errata. Parties and members of the public may participate and offer oral and written comments on the Proposed Decision.

If the Proposed Decision is adopted, the CEC will compile a Final Commission Decision that incorporates the CEC Adoption Order, the Proposed Decision, any errata, and any modifications made by the CEC during the Business Meeting into a single document for the convenience of the parties and the public.

[Subscribe to Electronic Mail Lists](https://www.energy.ca.gov/proceedings/business-meetings) found at <https://www.energy.ca.gov/proceedings/business-meetings>. To have the Business Meeting agenda emailed to you, enter your contact information under "Subscribe."

⁵ At this time, there are two parties to these proceedings: Applicant and Staff (pursuant to California Code of Regulations, title 20, section 1937).

PUBLIC ADVISOR AND OTHER CALIFORNIA ENERGY COMMISSION CONTACTS

The CEC's Public Advisor's Office assists the public in participating in CEC proceedings. For information on participation or to request interpreting services or reasonable accommodations, please contact the Public Advisor's Office at publicadvisor@energy.ca.gov, or by phone at (916) 654-4489, or toll free at (800) 822-6228.

Direct questions of a procedural nature related to the Pecho Application to Ralph Lee, Hearing Officer, at ralph.lee@energy.ca.gov or (916) 776-3408 or related to the Gem Application to Reneé Webster-Hawkins, Hearing Officer, at renee.webster-hawkins@energy.ca.gov or (916) 237-2507.

Direct technical subject inquiries concerning the Pecho Application to Lisa Worrall, Project Manager, at lisa.worrall@energy.ca.gov or (916) 661-8367, or for the Gem Application to Leonidas Payne, Project Manager, at leonidas.payne@energy.ca.gov or (916) 838-2124.

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

AVAILABILITY OF DOCUMENTS

Information regarding the status of the Pecho Application, as well as notices and other relevant documents, is available on the [Pecho Energy Storage Center](https://www.energy.ca.gov/powerplant/caes/pecho-energy-storage-center) webpage found at: <https://www.energy.ca.gov/powerplant/caes/pecho-energy-storage-center>.

Information regarding the status of the Gem Application, as well as notices and other relevant documents, is available on the [Gem Energy Storage Center](https://www.energy.ca.gov/powerplant/caes/gem-energy-storage-center) webpage found at: <https://www.energy.ca.gov/powerplant/caes/gem-energy-storage-center>.

Dated: May 23, 2022

Dated: May 26, 2022

APPROVED BY:

APPROVED BY:

Andrew McAllister
Commissioner and Presiding Member for
the Pecho Energy Storage Center
Committee, and Associate Member for
the Gem Energy Storage Center
Committee

Kourtney Vaccaro
Commissioner and Presiding Member for
the Gem Energy Storage Center
Committee, and Associate Member for
the Pecho Energy Storage Center
Committee

Mailed to mailing list numbers: 7543 (Pecho) and 7544 (Gem).