

**DOCKETED**

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**STATE OF CALIFORNIA**

**State Energy Resources Conservation  
and Development Commission**

In the Matter of: )  
)  
Application for Certification for the )  
Willow Rock Energy Storage Center )  
\_\_\_\_\_ )

Docket No. 21-AFC-02

**WILLOW ROCK ENERGY STORAGE CENTER  
STATUS REPORT NO. 1**

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**STATE OF CALIFORNIA  
Energy Resources Conservation  
and Development Commission**

In the Matter of: )  
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Application for Certification for the ) Docket No. 21-AFC-2  
Willow Rock Energy Storage Center )  
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**WILLOW ROCK ENERGY STORAGE CENTER  
STATUS REPORT NO. 1**

Pursuant to the *Committee Scheduling Order* (“Scheduling Order”) docketed August 31, 2022<sup>1</sup>, GEM A-CAES LLC (“the Applicant”) hereby submits this status report to inform the Committee regarding the progress of the Application for Certification (“AFC”) proceeding for the Willow Rock Energy Storage Center (“Willow Rock”).<sup>2</sup>

The Applicant thanks the Committee, the Staff, Kern County officials, other entities, and the general public for the positive and productive dialogue at the August 11, 2022 Informational Hearing. As discussed below, the Applicant has received a number of useful recommendations and suggestions that will, ultimately, improve the project. By design, the Commission’s AFC process results in the positive dialogue and feedback being used to improve the project and optimize its design, as described in this Status Report.

**I. SWAINSON’S HAWK AND SPECIAL STATUS PLANT SURVEYS**

The Scheduling Order directs the Applicant and Staff to provide a revised timeframe for data submittal and impact on the overall schedule for the proceeding resulting from the seasonal surveys for Swainson’s hawk and special status plant species that will be conducted by the Applicant. The Applicant and Staff have agreed to the survey timeframes, number of surveys, and timing for submission of survey reports for Swainson’s hawk and special status plant surveys.

The Applicant and Staff do not have an agreement on the overall schedule for the proceeding, particularly the issue of whether the period for discovery should be extended and if so, to what extent. The Applicant has proposed that this issue, in addition to overall schedule, be discussed at the upcoming workshops for this proceeding.

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<sup>1</sup> TN#: 245754.

<sup>2</sup> TN#: 244313.

## **II. STAFF'S DATA REQUEST SET 1**

The Applicant submitted Data Response Set 1<sup>3</sup> in response to Staff's Data Request Set 1. Additional responses to Staff's Data Request Set 1B are being submitted on September 26, 2022, concurrent with this Status Report. Data Response Set 1C, which includes responses that are contingent upon the project optimization activities currently underway, will be submitted on October 31, 2022.

Counsel for the Applicant and CEC Staff also participated in a meet and confer on September 6, 2022 to discuss Applicant's objections to certain data requests and potential resolution of issues. The parties agreed that discovery issues could not be resolved without input from technical experts and that a workshop would be beneficial to potentially resolve certain discovery issues.

As described in the agreement between Staff and the Applicant docketed on September 9, 2022<sup>4</sup>, the parties have agreed to extend the date for Staff to file a petition to compel responses to Data Request Set 1 pending the outcome of workshop discussions. The Applicant is hopeful that workshop discussions will be productive and will obviate the need to litigate discovery disputes. The Applicant looks forward to the expeditious scheduling of this workshop.

At this point, before this workshop is held, the Applicant declines to waive its rights pursuant to Public Resources Code section 25540.6, but is open to working with all parties and the public to craft a schedule that advances this important project in an efficient and timely manner.

## **III. LAND USE**

The Applicant appreciates the clear direction and valuable recommendations proffered by the County of Kern related to zoning issues. The Applicant met with Kern County to discuss rezoning of the project site to Agriculture (A) Zone District and other land use matters. The Applicant is in the process of preparing the application for the rezoning and will continue to coordinate with the County with respect to submittal and the timing for processing the application. The Applicant looks forward to working cooperatively to address any issues that remain outstanding.

## **IV. PROJECT OPTIMIZATION**

The Commission's process, by design, envisions that the suggestions, recommendations, and insights of the public, Staff, local officials, and others will be considered toward the common goal of a safe, reliable, and environmentally beneficial project, especially a long duration energy storage project like Willow Rock. Indeed, as a nominal 500-megawatt ("MW"), 4,000 MW-hour ("MWh"), advanced compressed air energy storage ("A-CAES") facility capable of charging and discharging daily, Willow Rock has the potential to change the game with respect to maximizing energy storage potential, a keystone of California's renewable energy and climate policy goals and objectives.

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<sup>3</sup> TN#: 245698.

<sup>4</sup> TN#: 245938.

As described in the Applicant's *Response to CEC Staff's Issues Identification Report and Proposed Schedule*<sup>5</sup>, the Applicant has been reaping the benefits of the process to date to optimize the project's design. That optimization is rooted in the positive and productive feedback to date, as well as the important, ongoing geotechnical data collection activities and engineering enhancements. The Applicant has also reviewed the recent comments submitted by Kern County<sup>6</sup> with respect to noise, site access, construction laydown, and road improvements, and is mindful of the comments made by members of the public and other stakeholders at the Informational Hearing regarding the proximity of the project to certain residences. Therefore, to address the concerns articulated, the Applicant is exploring the possibility of acquiring additional acreage as part of project optimization activities. Of course, if additional acreage is deemed beneficial, those parcels will be subject to the appropriate environmental review and surveys, and any affected AFC sections and technical reports updated accordingly.

Notwithstanding the ongoing optimization, given the substantial amount of project information that has already been submitted, the substantial baseline information and environmental analyses supplied in the AFC and data responses, and the fact that remaining biological resources surveys at issue will be conducted in Spring consistent with Applicant's discussions with Staff as described above, the Applicant does not anticipate that the optimization can, should, or will substantially delay the schedule for this important project. As stated above, the Applicant intends to raise the issue of schedule for discussion at the workshops.

California's leadership in climate policy and renewable energy resources is without a doubt a model for national and international change. As part of that experience, California has learned the lesson that renewable energy and sustainability projects do come with their own potential environmental effects. However, California has also proven that those potential effects are known or knowable and can be mitigated with careful planning and a sound public process. The potential effects of this project are known and knowable as the project's fundamental design builds on and combines in sequence a number of proven technologies and processes. Willow Rock's unique combination of proven technologies is appealing, captivating, and compelling. To be of service, the schedule for this AFC proceeding of first impression should not be delayed.

The challenge in this proceeding is to advance this important project in a timely manner by recognizing the known and knowable potential effects and by making its review a priority, given the potential for this long duration energy storage to play a central role in addressing the Climate challenges we all face collectively.

Dated: September 26, 2022

Respectfully Submitted,

ELLISON, SCHNEIDER HARRIS & DONLAN LLP

By \_\_\_\_\_/s/\_\_\_\_\_

Jeffery D. Harris

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<sup>5</sup> TN#: 244399.

<sup>6</sup> TN#: 245911.

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