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Project Title:	Black Rock Geothermal Project (BRGP)
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THE STATE OF CALIFORNIA

**State Energy Resources Conservation
and Development Commission**

In the Matter of:)
Application for Certification for the)
Black Rock Geothermal Project)
)
_____)

Docket No. 23-AFC-03

**APPLICANT'S NOTICE PURSUANT TO 20 C.C.R. § 1716(f)
FOR CEC DATA REQUESTS SET 4**

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**STATE OF CALIFORNIA
Energy Resources
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**APPLICANT’S NOTICE PURSUANT TO 20 C.C.R. § 1716(f)
FOR CEC DATA REQUESTS SET 4**

Pursuant to Section 1716(f) of the California Energy Commission’s (“CEC”) regulations, Black Rock Geothermal LLC (the “Applicant”) hereby provides this notice that additional time is required to respond to the CEC’s *Data Requests Set 4*, which was docketed on January 18, 2024 (“*Data Requests Set 4*”).¹

Additionally, the Applicant hereby provides notice of objection to certain data requests set forth in *Data Requests Set 4*, specifically Data Requests 4 through 9 relating to an air-cooled condenser alternative utilizing pre-evaporative cooling. The Applicant has reviewed CEC Staff’s *Status Report #4 for Black Rock Geothermal Project* and understands that CEC Staff believes that the Alternatives analysis for the Preliminary Staff Assessment may be delayed by two to three months pending responses to Data Requests 4 through 9.²

As explained in Section II below, an air-cooled condenser (“ACC”) alternative, with or without pre-evaporative cooling, is infeasible for many reasons, chief among them that there are no commercially available ACC products for geothermal flash power plants. Without waiving any of the objections herein, the Applicant intends to provide limited responses to Data Requests 4 through 9. However, given the importance of both this issue and meeting the overall schedule for this proceeding, the Applicant recommends that CEC Staff schedule an Alternatives workshop within two weeks of the submission of data responses to Data Requests 4 through 9. Without waiving any of the objections herein, the Applicant reserves the right to provide responses, in whole or in part, to some or all of the data requests identified below.

¹ TN#: 253987.

² TN#: 254268, p. 3.

I. NEED FOR ADDITIONAL TIME TO RESPOND

A brief period of additional time is required to respond to *Data Requests Set 4*, Data Request 2 if additional modeling of NO_x emissions is warranted based on the responses to Data Requests 1 and 3. If additional modeling is warranted, the Applicant will provide responses to *Data Requests Set 4*, Data Request 2 on or before March 11, 2024.

II. NOTICE OF OBJECTION

Section 1716(b) of the CEC's regulations provides that any party may request from an applicant information that is both (1) reasonably available to the applicant and (2) relevant or reasonably necessary to make any decision on the application for certification.³ Section 1716 does not require that an applicant "perform research or analysis on behalf of the requesting party."⁴ In evaluating whether a data request involves "discoverable information" or "undiscoverable analysis or research," the CEC typically considers four factors: (1) the relevance of the information; (2) whether the information is available to the applicant, or from some other source, or whether the information has been provided in some other form; (3) whether the request is for data, analysis, or research; and (4) the burden on the applicant to provide the data.⁵ The Applicant objects to those data requests that request information that is not reasonably available to the Applicant, or which ask the Applicant to prepare analyses or conduct research on behalf of the CEC. The Applicant also objects to those data requests that are neither relevant to the proceeding nor reasonably necessary to make any decision on the application for certification ("AFC").

A. Data Requests 4 through 9: Air-Cooled Condensers with Pre-evaporative Cooling Alternatives.

Data Requests 4 through 9 request information regarding an ACC alternative that utilizes pre-evaporative cooling. To respond to these data requests, the Applicant further researched the feasibility of an ACC alternative, specifically, a configuration that utilizes pre-evaporative cooling. Based on the responses received from vendors, there are no commercial air-cooled condensers, with or without pre-evaporative cooling, that are suitable for deployment at the Black Rock Geothermal

³ 20 C.C.R. § 1716(b).

⁴ See *Committee Ruling on Intervenor Center for Biological Diversity's Petition to Compel Data Requests*, Docket No. 07-AFC-6 (Dec. 26, 2008).

⁵ *Id.*

Project (“BRGP”) due to the quality of the geothermal steam, which results in a high corrosion and scaling potential.

As a result, while air-cooled condensers, with or without pre-evaporative cooling, may be a feasible cooling option for power plants with higher quality steam or clean working fluids used in binary geothermal power plants, that is not the case for geothermal flash plants such as the BRGP. Therefore, because there is no commercially available ACC technology, with or without pre-evaporative cooling, that is capable of implementation at the BRGP, the Applicant objects to Data Requests 4 through 9 as requesting information that is neither relevant nor reasonably necessary for a decision in this proceeding. The Applicant further objects to Data Requests 4 through 9 as requesting information that is not reasonably available to the Applicant and would require significant analysis and research of a hypothetical project design, including the relative efficiency, operational water use requirements, and net generating capacity, that cannot actually be implemented. Without waiving this objection, the Applicant reserves the right to provide responses, in whole or in part, in response to Data Requests 4 through 9.

B. Data Request 12: Please provide any scientifically supported information regarding water use requirements for geothermal power production with and without lithium extraction.

As stated in Data Response 35, which was submitted as part of the Applicant’s *Data Response Set 1*, lithium extraction and production are not proposed as part of the Black Rock Geothermal Project.⁶ Therefore, the Applicant objects to Data Request 12 to the extent that it requests information regarding water use requirements for geothermal power production with lithium extraction as neither relevant nor reasonably necessary for any decision in this proceeding. Without waiving this objection, the Applicant reserves the right to provide responses, in whole or in part, regarding the water use requirements for geothermal power production without lithium extraction.

C. Data Request 14: Please explain the rights conveyed by the mineral and geothermal leases for properties in the Salton Sea Geothermal Reservoir compared to those conveyed by site ownership.

Figure 2-3 in the AFC depicts the geothermal leasehold for the BRGP, which is comprised of over 20 lease documents alone, including original mineral leases and subsequent amendments or restatements. There are significantly more mineral and geothermal leases for properties in the Salton Sea Geothermal Reservoir, including many to which neither the Applicant nor its affiliates are

⁶ TN#: 252492-1.

parties. Explaining the rights conveyed by each of the leases, including subsequent amendments or restatements, particularly those to which the Applicant and its affiliates are not parties, is neither relevant nor reasonably necessary for a decision in this proceeding, as well as overbroad and burdensome. Therefore, the Applicant objects to Data Request 14. Without waiving this objection, the Applicant reserves the right to provide responses, in whole or in part, regarding rights that are commonly granted under mineral leases, mineral ownership and surface ownership.

Dated: February 2, 2024

Respectfully submitted,

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