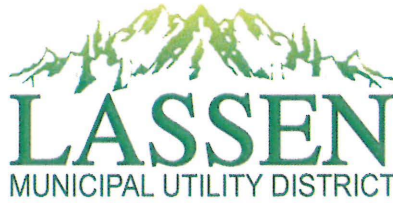


DOCKETED	
Docket Number:	24-EPS-01
Project Title:	Emission Performance Standard
TN #:	260791
Document Title:	LMUD SB 1368 Fish Lake Geothermal Baseload Compliance Filing
Description:	N/A
Filer:	Sean Neal
Organization:	Duncan, Weinberg, Genzer & Pembroke, P.C.
Submitter Role:	Intervenor Representative
Submission Date:	12/23/2024 10:41:48 AM
Docketed Date:	12/23/2024



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Daren Hagata, President * Fred Nagel, V.P. * Dave Ernaga, Treasurer * Jess Urionaguena, Director * H.W. "Bud" Bowden, Director

Via Overnight Mail and Electronic Mail

California Energy Commission
EPS Compliance
715 P Street
Sacramento, CA 95814
Attention: Compliance Filing
EPS@energy.ca.us

Re: SB 1368 Emission Performance Standards Compliance Filing for the Fish Lake Power Purchase Agreement

Pursuant to California Code of Regulations (CCR) 20 CCR § 2909, please be advised that the Lassen Municipal Utility District (LMUD), at a publicly noticed meeting on December 19, 2024, approved and authorized the compliance filing of the Fish Lake Power Purchase Agreement (Agreement) with Fish Lake Geothermal, LLC for geothermal renewable energy, capacity, ancillary services, resource adequacy benefits, and associated environmental attributes, which Agreement had been approved by the LMUD Board on September 27, 2022 and executed on September 28, 2022.

The Agreement information is as follows:

Name of Counterparty: Fish Lake Geothermal, LLC

Facility Name: Fish Lake Geothermal

Facility Location: Esmeralda County, Dyer, Nevada

Technology/Fuel: Geothermal Energy

Nameplate Capacity of Facility: A design capacity of at least 16 MW (up to 20 MW) in capacity.

Product Description: 3.0 MW (net) of renewable energy, capacity, ancillary services, resource adequacy benefits, and associated environmental attributes. LMUD has the option but not obligation to purchase excess energy generated from the facility that is generated above 105% of the Contract Quantity.

Substitute energy allowed: No substitute energy is allowed under this agreement.

Delivery Start Date: The expected Commercial Operation Date for the plant is December 31, 2025 with March 31, 2026 as a Guaranteed Commercial Operation Date.

Delivery End Date: Fifteen (15) years following the first day of the calendar month after the Commencement Date, which is the later of the In-Service Date and the Commercial Operation Date.

Consistent with the LMUD Board's approval at its public meeting on December 19, 2024, LMUD is making this compliance filing requesting the California Energy Commission (Commission) find that this geothermal energy contract is compliant with the Greenhouse Gases Emission Performance Standards (EPS) set forth in 20 California Code of Regulations (CCR) § 2900, *et seq.* and, more specifically, 20 CCR § 2903(b)(1). 20 CCR § 2906 is not applicable since no substitute energy is allowed under this Agreement. As required by 20 CCR § 2909, information required under 20 CCR § 2908(b)(3) is attached to this compliance filing.

LMUD notes that the original Power Purchase Agreement was approved by the LMUD Board on September 27, 2022 and executed on September 28, 2022. LMUD acknowledges that the Emission Performance Standards (EPS) filing requirement was triggered when the Agreement was executed, and even though LMUD's commitment is 3.0 MW (net), the intended plant size was greater than the applicability of the EPS for powerplants 10 MW and larger. LMUD apologizes that it did not submit a Compliance Filing after LMUD Board approval of the Agreement promptly after execution of the Agreement as set forth in the regulations, and respectfully asks that the Commission approve the instant Compliance Filing, taking into account that construction of the project has not begun.

Sincerely,



Nicholas Dominguez
General Manager
Lassen Municipal Utility District

California Energy Commission Emission Performance Standards Compliance Filing

The Lassen Municipal Utility District (LMUD) is asking that the California Energy Commission (Commission) find that this Power Purchase Agreement (Agreement) is compliant with the greenhouse gases emissions performance standard set forth in Chapter II of Title 20 of the California Code of Regulations. Specifically, LMUD asserts herein that the facility under contract is compliant pursuant to Section §2903(b) of the regulations. 20 CCR Section §2906 is not applicable since no substitute energy is allowed under this Contract.

I, the official named below, certify under penalty of perjury, the following:

- I. The LMUD Board of Directors has reviewed and approved in noticed public meetings both the covered procurement and the compliance filing;
2. Based on LMUD's knowledge, information or belief, the compliance filing does not contain a material misstatement or omission of fact; and
3. Based on LMUD's knowledge, information or belief, the covered procurement complies with this Article.



Nicholas Dominguez
General Manager
Lassen Municipal Utility District

Date: 12/20/24

Attachment

Documentation for the Covered Procurement under CCR § 2908(b)(3)

The Lassen Municipal Utility District (LMUD or Buyer) has authorized execution of a Power Purchase Agreement (Agreement) with Fish Lake Geothermal, LLC (Fish Lake or Seller). The Agreement provides for the purchase of power from Fish Lake produced by a geothermal electric generating plant to be developed and located in Esmeralda County, Dyer, Nevada. The original Agreement was entered into on September 28, 2022. The power plant is intended to be designed to produce at least 16 MW (and up to 20 MW) in capacity.

Pursuant to the California Code of Regulations (CCR) Title 20, § 2908(b)(3), the Agreement provides for the procurement of electricity from a baseload generating plant with a term of five years or greater, and the information associated with the Agreement identified in subsections (A) through (E), is provided below:

(A) A Description of the Terms of the Contract and Option(s) to Extend the Contract: The Agreement approved by the LMUD Board of Directors was reflected in the following Board minutes (Item No. 15): <https://www.lmud.org/wp-content/uploads/09.27.22-Minutes.pdf> (Open Mountain Energy is referenced as the project developer; Fish Lake Geothermal, LLC is the project company). The December 19, 2024 Board agenda for approval of the Compliance Filing is available at: <https://www.lmud.org/wp-content/uploads/Agenda-12.19.24-SBM.pdf>.

The Agreement provides for the purchase of power by LMUD from a geothermal generating plant to be developed and located in Esmeralda County, Dyer, Nevada. The expected Commercial Operation Date for the plant is December 31, 2025 with March 31, 2026 as a Guaranteed Commercial Operation Date. The Agreement provides for the purchase of power from a geothermal generating facility for fifteen (15) years following the first day of the calendar month after the Commencement Date, which is the later of the In-Service Date and the Commercial Operation Date. The Agreement does not contain provisions for the extension of the purchase and sale term.

(B) A Description and Identification of the Powerplant(s) Providing Energy Under the Contract, Including, but not Limited to, Power Generation Equipment and Fuel Type:

The geothermal facility will include construction and installation of a geothermal electric generating powerplant with a design capacity of at least 16 MW (up to 20 MW), of which 3.0 MW (net) will be made available for sale to LMUD. LMUD has the option but not obligation to purchase excess energy generated from the facility that is generated above 105% of the Contract Quantity.

(C) A Description of the Design or Operation of the Powerplant(s) so as to Indicate Whether or not the Powerplant(s) Operates to Supply Baseload Generation:

It is intended that the powerplant will operate as baseload load at an annualized plant capacity factor of greater than 60 percent, as defined under 20 CCR § 2901(b).

(D) An Explanation as to how the Contract is Compliant with the Emission Performance Standards (EPS):

The plant will generate geothermal power, which, according to 20 CCR § 2903(b)(1) “meets the criteria of a renewable electricity generation facility as defined in Chapter 8.6 of Division 15 of the Public Resources Code and as specified by guidelines adopted thereunder”. *See also* Cal. PRC § 25741.

(E) Supporting Documents or Information that Allow for Assessment of Compliance with the Standard, Including, but not Limited to, Staff Assessments and Reports to the Local Publicly Owned Electric Utility's Governing Body, Planned or Historical Production and Fuel Use Data, and Applicable Historical Continuous Emissions Monitoring Data: Because the generating plant has yet to be constructed, there is no historical production and fuel use data, or continuous emissions monitoring data for the plant. However, for purposes of planned production, LMUD intends that the facility will be operated to provide renewable, geothermal power, in full compliance with the EPS and other applicable regulations.

Although LMUD does not consider the Agreement to constitute a “new ownership investment,” as defined under 20 CCR § 2901(j), as LMUD will not own, or have an option under the Agreement to purchase, the generating facility, LMUD provides the following information requested under § 2908(b)(4):

(A) For New Construction or Purchase of an Existing Generating Unit or Powerplant, a Description and Identification of the Planned Powerplant or the Purchased Asset Specifying the Power Generating Equipment, Power Source, Such as Fuel Type, Wind, or Biomass, all Supplemental Fuel Sources, and all Available Historical Production and Fuel Use Data: The geothermal facility will include construction and installation of a geothermal electric generating powerplant with a design capacity of at least 16 MW (up to 20 MW), 3.0 MW (net) of which will be made available for sale to LMUD. LMUD has the option but not obligation to purchase excess energy generated from the facility that is generated above 105% of the Contract Quantity. The generating plant will be developed and located in Esmeralda County, Dyer, Nevada. No supplemental fuel sources are contemplated. As the plant has yet to be fully constructed and placed into operation, no historical production or fuel use data is available.