

DOCKETED

Docket Number:	21-AFC-02
Project Title:	Gem Energy Storage Center
TN #:	244476
Document Title:	CURE Petition to Intervene Willow Rock Energy Center Storage
Description:	CURE Petition to Intervene Willow Rock Energy Center
Filer:	Alisha Pember
Organization:	Tara Rengifo
Submitter Role:	Intervenor
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STATE OF CALIFORNIA

State Energy Resources Conservation
and Development Commission

In the Matter of:

WILLOW ROCK ENERGY STORAGE
CENTER (FORMERLY GEM ENERGY
STORAGE CENTER)

Docket No. 21-AFC-02

**PETITION TO INTERVENE BY
CALIFORNIA UNIONS FOR RELIABLE ENERGY**

August 10, 2022

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Attorneys for California Unions for
Reliable Energy

**PETITION TO INTERVENE BY
CALIFORNIA UNIONS FOR RELIABLE ENERGY**

Pursuant to section 1211.7 of Title 20 of the California Code of Regulations, California Unions for Reliable Energy (“CURE”) files this Petition to Intervene (“Petition”) in the Willow Rock Energy Storage Center, Docket No. 21-AFC-02 proceeding.

Section 1211.7(a) grants “any person” the right to file a petition to intervene which sets forth “the grounds for the intervention, the position and interest of the petitioner in the proceeding, the extent to which the petitioner desires to participate in the proceedings, and the name, mailing address, e-mail address, and telephone number of the petitioner.” Section 1211.7(c) provides that the “presiding member may grant intervention....”

This Petition is timely. The Commission has not promulgated a scheduling order with a deadline to file a petition to intervene. In the absence of a scheduling order, the deadline default is 30 days before the first evidentiary hearing. (Cal. Code Regs., tit. 20, § 1211.7 (b).) The Commission has not yet set a date for an evidentiary hearing on this matter. Thus, this Petition is timely.

CURE has an interest in the Willow Rock Energy Storage Center proceeding. CURE is a coalition of unions whose members' environmental and economic interests are affected by the Project. Union members live in the communities that suffer the impacts of projects that are detrimental to human health and the environment. Unions have a corresponding interest in acting to minimize the impacts of projects that would degrade the environment, and in enforcing environmental laws to protect their members.

The Project also affects the union members' longer term economic and environmental interests. CURE's coalition members construct, maintain, and operate conventional and renewable power plants, energy storage facilities, and other industrial facilities in California where the coalition members live, work, and recreate. CURE is equally committed to building both a strong economy and a healthy environment. Environmental degradation jeopardizes future jobs by causing construction moratoriums, depleting limited air pollutant emissions offsets, consuming limited freshwater resources, and imposing other stresses on the environmental carrying capacity of the state. This in turn reduces future employment opportunities. In contrast, well designed projects that reduce environmental impacts improve long-term economic prospects. Thus, the Project directly affects the union members' long term economic and environmental interests.

Finally, union members are concerned about projects that cause serious environmental harm without providing countervailing economic benefits. The Commission's siting process requires the Commission to determine whether the Project will have a substantial adverse impact on the environment. The Commission's process also provides for a balancing of the Project's socioeconomic and environmental impacts. CURE's ultimate position and participation in this proceeding will be determined based on all of the factors that will be considered by the Commission.

CURE has been granted intervention in all prior siting cases and small power plant exemption cases in which CURE has sought to intervene since the enactment of AB 1890. The Commission rejected the only challenge to CURE's participation in those cases, finding CURE's interests "undeniably relevant" to the proceedings. (In the Matter of Application for Certification for the High Desert Power Project, Docket No. 97-AFC-1, Order Granting Petition to Intervene at 2 (Dec. 24, 1997).) Most recently on February 14, 2020, CURE was granted intervenor status In the Matter of Application for Small Power Plant Exemption for the San Jose City Backup Generating Facility, Docket No. 19-SPPE-04. The same decision should be reached here.

If granted intervention in this proceeding, CURE wishes to participate fully in all phases of this proceeding. CURE has participated in permit proceedings for power and energy storage projects throughout California. In those cases, CURE identified informational deficiencies in the project

descriptions and environmental setting that prevented adequate assessments of impacts to the environment and public health. CURE also identified underestimated, unanalyzed, and unmitigated impacts related to construction air emissions, operational air emissions, public health, greenhouse gas emissions, biological resources, cultural and tribal resources, energy use, geology and soils, hazards, hydrology and water quality, land use and planning, noise, public services, transmission system engineering, recreation, transportation, utilities, wildfire, cumulative impacts on resources, and alternatives. For those projects, CURE has provided evidence, including expert testimony, regarding potentially significant impacts and feasible mitigation measures to reduce impacts to less than significant.

If granted intervention in this proceeding, CURE would like to participate in the topics of air quality, public health, greenhouse gas emissions, biological resources, energy use, geology and soils, hazards, hydrology and water quality, land use and planning, noise, public services, transmission system engineering, power plant reliability and efficiency, recreation, transportation, utilities, worker safety and fire protection, wildfires, cumulative impacts on resources, and alternatives. CURE respectfully reserves the right to participate in other topics, such as cultural and tribal cultural resources and mineral resources, should issues be identified warranting such participation. CURE may provide testimony, briefing, and cross-examination of witnesses.

Filings should be served on CURE as follows:

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For the foregoing reasons, CURE respectfully requests that the Commission grant its petition to intervene in this proceeding and allow CURE to participate as a party.

Dated: August 10, 2022

Respectfully submitted,

Original Signed by:

Tanya A. Gulesserian
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Attorneys for California Unions for
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STATE OF CALIFORNIA

State Energy Resources Conservation
and Development Commission

In the Matter of:

WILLOW ROCK ENERGY STORAGE
CENTER (FORMERLY GEM ENERGY
STORAGE CENTER)

Docket No. 21-AFC-02

DECLARATION OF SERVICE

I, Alisha C. Pember, declare that on August 10, 2022, I served and filed copies of the attached PETITION TO INTERVENE BY CALIFORNIA UNIONS FOR RELIABLE ENERGY, dated August 10, 2022, via email or U.S. mail to the addresses listed in the attached Proof of Service List. The most recent Proof of Service List, which I copied from the web page for this project at <https://efiling.energy.ca.gov/Lists/POSList.aspx?docketnumber=21-AFC-02>, is attached to this Declaration.

For service to all other parties and filing with the Docket Unit at the Energy Commission: [check one]

I successfully uploaded the document to the Energy Commission's e-filing system and I personally delivered the document or deposited it in the US mail with first class postage to those persons for whom a physical mailing address but no e-mail address is shown on the on the attached interim Proof of Service List [The e-filing system will serve the other parties and Committee via e-mail when the document is approved for filing.] **or**

I e-mailed the document to docket@energy.ca.gov and I personally delivered the document or deposited it in the US mail with first class postage to those persons for whom a physical mailing address but no e-mail address is shown on the attached Proof of Service List. [The e-filing system will serve the other parties and Committee via e-mail when the document is approved for filing.] **or**

Instead of e-filing or e-mailing the document, I personally delivered it or deposited it in the US mail with first class postage to all of the persons on the attached interim Proof of Service List for whom a mailing address is given and to the

California Energy Commission – Docket Unit
Attn: Docket No. 21-AFC-02
1516 Ninth Street, MS-4
Sacramento, CA 95814-5512

[The e-filing system will serve an additional electronic copy on the other parties and Committee via e-mail when the paper document or CD is received, scanned, uploaded, and approved for filing. The electronic copy stored in the e-filing system is the official copy of the document.]

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and that I am over the age of 18 years.

Executed at South San Francisco, California, on August 10, 2022.

Dated: August 10, 2022

Original Signed by:

Alisha C. Pember



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ENERGY COMMISSION**

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Proof of Service List

Docket: 21-AFC-02

Project Title: Gem Energy Storage Center

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DOCKETED	
Docket Number:	21-AFC-02
Project Title:	Willow Rock Energy Storage Center
TN #:	245943
Document Title:	Committee Order Granting Petition to Intervene Filed by California Unions for Reliable Energy
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CALIFORNIA ENERGY COMMISSION

715 P Street
Sacramento, California 95814

energy.ca.gov

CEC-70 (Revised 11/2021)



IN THE MATTER OF:

Willow Rock Energy Storage Center

Docket No. 21-AFC-02

**COMMITTEE ORDER GRANTING PETITION TO INTERVENE
FILED BY CALIFORNIA UNIONS FOR RELIABLE ENERGY**

Upon consideration of the Petition to Intervene (Petition) filed by California Unions for Reliable Energy (Petitioner)¹ in the Application for Certification (AFC) for the Willow Rock Energy Storage Center (Project)², the California Energy Commission (CEC) committee designated to conduct proceedings in this matter (Committee)³ makes the following findings:

1. On August 11, 2022, a Petition in the above-captioned proceeding was filed by:

California Unions for Reliable Energy
Tanya A. Gulesserian
Tara C. Rengifo
Adams Broadwell Joseph & Cardozo
601 Gateway Boulevard, Suite 1000
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Telephone: (650) 589-1660
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¹ TN 244476. The Petitioner submitted the Petition after 5:00 p.m. Pacific Time on August 10, 2022 and according to the "General Orders Regarding Motions, Electronic Filing, Service of Documents, and Other Matters" (TN 243235) for this proceeding the Petition is considered filed on August 11, 2022. Documents related to this proceeding may be found in the [online docket](https://efiling.energy.ca.gov/Lists/DocketLog.aspx?docketnumber=21-AFC-02) at <https://efiling.energy.ca.gov/Lists/DocketLog.aspx?docketnumber=21-AFC-02>.

² Information about this proceeding, including a link to the electronic docket, may be found on the CEC's [web page](https://www.energy.ca.gov/powerplant/caes/willow-rock-energy-storage-center) at <https://www.energy.ca.gov/powerplant/caes/willow-rock-energy-storage-center>. The Application consists of various documents filed in the online docket beginning with TN 240751-1.

³ On March 24, 2022, the CEC amended its assignment of a committee to this proceeding to consist of Kourtney Vaccaro, Commissioner and Presiding Member, and Andrew McAllister, Commissioner and Associate Member. (TN 242449.)

Email: tregifo@adamsbroadwell.com

2. The Petition contains the information required by the CEC's regulations.⁴
3. The Petition states that Petitioner intends to participate in the topics of air quality, public health, greenhouse gas emissions, biological resources, energy use, geology and soils, hazards, hydrology and water quality, land use and planning, noise, public services, transmission system engineering, power plant reliability and efficiency, recreation, transportation, utilities, worker safety and fire protection, wildfires, cumulative impacts on resources, and alternatives, and may provide testimony, briefing, and cross-examination of witnesses.⁵
4. The Petition states that if granted intervention in this proceeding Petitioner respectfully requests the right to participate in other topics, including cultural and tribal cultural resources and mineral resources, should issues be identified warranting Petitioner's participation.⁶
5. No opposition to the Petition has been filed, and the deadline for such opposition was August 25, 2022.
6. Petitioner has demonstrated a bona fide interest in the Project and has demonstrated possession of information or expertise that may help the Committee in preparing a proposed decision.
7. Petitioner's stated interests are relevant to the above-captioned proceeding.
8. Intervention is granted at the Committee's discretion to the degree that it finds intervention reasonable and relevant. The Presiding Member or Committee may impose conditions on all intervenors' participation in the hearings to promote the orderly conduct of the proceeding.

THEREFORE, the Committee **ORDERS** that the Petition be **GRANTED** and that Petitioner may participate on the following topic areas as requested:

- **air quality**
- **public health**
- **greenhouse gas emissions**
- **biological resources**
- **energy use**
- **geology and soils**

⁴ Cal. Code Regs., tit. 20 § 1211.7, subd. (a).

⁵ TN 244476, p. 5.

⁶ *Ibid.*

- **hazards**
- **hydrology and water quality**
- **land use and planning**
- **noise**
- **public services**
- **transmission system engineering**
- **power plant reliability and efficiency**
- **recreation**
- **transportation**
- **utilities**
- **worker safety and fire protection**
- **wildfires**
- **cumulative impacts on resources**
- **alternatives**

The Committee further **ORDERS** that Petitioner’s name be placed upon the Proof of Service List as an intervenor. Petitioner may exercise the rights and shall fulfill the obligations of a party as set forth in all orders issued in this matter and California Code of Regulations, title 20, section 1212. Deadlines and other matters shall not be extended or changed by the granting of this Petition.⁷

If Petitioner wishes to participate as an intervenor on topics other than those above, including those for which it made a reservation of right, Petitioner must file a motion to intervene on those topics and is subject to any deadline imposed on the time to intervene. Petitioner’s intervention is subject to further modification at the discretion of the Presiding Member or the Committee. These limitations of Petitioner’s participation as an intervenor do not affect Petitioner’s ability to make public comments on other topics in the proceeding.

The CEC welcomes and values intervenor participation in its energy facility siting process. The Public Advisor’s webpage [Public Participation in Siting Cases](https://www.energy.ca.gov/programs-and-topics/topics/power-plants/public-participation-siting-cases) can be found at <https://www.energy.ca.gov/programs-and-topics/topics/power-plants/public-participation-siting-cases>. Portions of the [CEC’s regulations](#) relating to power plant siting cases (Title 20) can be found at <https://www.energy.ca.gov/programs-and-topics/topics/power-plants/power-plant-siting-certification-title-20>.

As an intervenor, Petitioner is required to file and serve documents on other parties and to follow the CEC’s procedures and orders regarding presenting witnesses and evidence. Petitioner is further required to review the “General Orders Regarding Motions, Electronic Filing, Service of Documents,

⁷ Cal. Code Regs., tit. 20, § 1211.7, subd. (d).

and Other Matters,⁸ the rules regarding filings, the rules of evidence that apply at the Evidentiary Hearings, and the rules prohibiting off-the-record contacts with commissioners, their advisors, or the hearing officer(s) about the Project. Petitioner’s failure to fulfill these responsibilities may result in the Committee limiting or precluding Petitioner’s participation in the proceedings.

PUBLIC ADVISOR AND OTHER CEC CONTACTS

The CEC’s Public Advisor assists members of the public with participating in CEC proceedings. For information on how to participate in this proceeding, please contact the Public Advisor at publicadvisor@energy.ca.gov, or (916) 957-7910. Requests for interpreting services, reasonable accommodations, and other modifications should be made at least five days in advance. The CEC will work diligently to accommodate all requests based on the availability of the service or resource needed.

Direct questions of a procedural nature related to the AFC to the Hearing Officer, Reneé Webster-Hawkins, at renee.webster-hawkins@energy.ca.gov or (916) 237-2507.

Direct technical subject inquiries concerning the AFC to the Project Manager, Leonidas Payne, 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 about the Application, as well as notices and other relevant documents pertaining to this proceeding, may be viewed on the [Willow Rock Energy Storage Center webpage](http://www.energy.ca.gov/powerplant/caes/willow-rock-energy-storage-center) at: <https://www.energy.ca.gov/powerplant/caes/willow-rock-energy-storage-center> or scan the following QR code:



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⁸ TN 243235.

IT IS SO ORDERED.

Dated: September 9, 2022

APPROVED BY:

Kourtney Vaccaro
Commissioner and Presiding Member
Willow Rock Energy Storage Center
AFC Committee

Dated: September 9, 2022

APPROVED BY:

Andrew McAllister
Commissioner and Associate Member
Willow Rock Energy Storage Center
AFC Committee

Mailed to: List Number: 7544