

**December 14, 2022, California Energy Commission Business Meeting**  
**Item 2h. Border Project (01-EP-14C) Petition to Amend and Staff Analysis**

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Part 1

<https://efiling.energy.ca.gov/GetDocument.aspx?tn=245506-1&DocumentContentId=79550>

Part 2

<https://efiling.energy.ca.gov/GetDocument.aspx?tn=245506-2&DocumentContentId=79551>

**Staff Analysis**

<https://efiling.energy.ca.gov/GetDocument.aspx?tn=247483&DocumentContentId=81880>

**STATE OF CALIFORNIA**  
**STATE ENERGY RESOURCES**  
**CONSERVATION AND DEVELOPMENT COMMISSION**

***IN THE MATTER OF:***

***Border Project***

**Docket No.: 01-EP-14C**

**Order Approving Post Certification  
Petition to Amend**

**I. BACKGROUND**

The Border Project is a 49.5-MW simple-cycle, natural gas-fired peaking facility that was certified by the California Energy Commission (CEC) on July 11, 2001 and began commercial operation on October 26, 2001. The facility is located on Otay Mesa at 2060 Sanyo Avenue in San Diego, San Diego County.

On August 19, 2022, CalPeak Power Border LLC on behalf of Hermes BESS LLC filed a petition for a post-certification change with the CEC for the Border Project. The project owner is seeking approval to amend the CEC Final Decision for the Border Project to change the project description to include the interconnection of a battery energy storage system, the Border BESS, at the low side of the existing generator step-up unit/main power transformer and the use of the common facilities and to identify Hermes BESS LLC as the party that will have legal responsibility for the operation of the Border BESS and responsibility for compliance with the CEC conditions of certification and applicable laws, ordinances, regulations, and standards for the Border BESS Project.

The battery system will be located on the existing Border Project site. While the Border natural gas facility and BESS will have separate ownership and obligations under the conditions of certification, the two facilities will share some common infrastructure sufficient for the project to appropriately be subject to a petition for project change under California Code of Regulations, title 20, section 1769. Such integration includes the natural gas peaking plant and BESS sharing the generator step-up transformer, Gen-Tie, and a common point of interconnect with the CAISO controlled/SDG&E owned transmission system. In addition, the battery system will be controlled by an Energy Management System controller, which will be connected to the existing Power Plant Control system at the Border Project. The proposed BESS project would not increase the output of the existing natural gas plant beyond the CEC licensed capacity and would not exceed the CAISO Aggregate Capability Constraint of 52 MW at the point of interconnection.

## **II. STAFF RECOMMENDATION**

The CEC staff reviewed all project related information and, on November 16, 2022, issued a staff analysis assessing the impacts on the environment from the project and recommended mitigation. The staff analysis concludes that the petition complies with the requirements of Title 20, section 1769 (a) of the California Code of Regulations, the proposed changes would not result in any significant adverse environmental impacts, and would comply with all applicable laws, ordinances, regulations, and standards with adoption of the staff proposed additions and changes to the conditions of certification. No comments on the proposed changes have so far been received.

Further, staff finds that the project change does not meet any of the criteria set forth in Public Resources Code section 21166, or implementing CEQA regulation title 14, Cal. Code of Regulations section 15162 that would necessitate the preparation of a subsequent or supplemental environmental document. Staff recommends approval of the petition to modify the Border Project and amend related Cultural Resources, Transmission System Engineering and Worker Safety and Fire Protection Conditions of Certification.

## **III. ENERGY COMMISSION FINDINGS**

[Based on the entire record, including staff's analysis, the CEC concludes that the proposed modifications will not result in any significant impacts to public health and safety, or to the environment. The CEC finds that:

- The petition meets all the filing criteria of Title 20, section 1769(a), of the California Code of Regulations, concerning post-certification project modifications;
- The Border BESS is sufficiently connected to the existing natural gas facility to appropriately be the subject of a petition for project change.
- The project will remain in compliance with all applicable laws, ordinances, regulations, and standards, subject to the provisions of Public Resources Code, section 25525;
- The modified project would not have a significant impact on the environment with the addition of conditions of certification applicable to the Border Bess in the areas of Cultural Resources, Transmission System Engineering and Worker Safety and Fire Protection Conditions of Certification;
- Hermes BESS LLC will be responsible for implementing and complying with the conditions of certification and all laws related to the Border BESS project.
- None of the criteria in California Code of Regulations, title 20, section 1748(b) applies to this project amendment; and

This project change does not meet any of the criteria set forth in Public Resources Code section 21166, or its implementing regulations, California Code of Regulations, title 14, section 15162, that would trigger preparation of a subsequent or supplemental environmental document.

#### **IV. CONCLUSION AND ORDER**

The California Energy Commission hereby approves CalPeak Power Border LLC on behalf of Hermes BESS LLC Petition for Post-Certification License Amendment filed on August 19, 2022 and adopts staff's proposed additions and changes to the project's conditions of certification as set forth in the staff analysis.

**IT IS SO ORDERED.**

#### **CERTIFICATION**

The undersigned Secretariat to the CEC does hereby certify that the foregoing is a full, true, and correct copy of an order duly and regularly adopted at a meeting of the CEC held on December 14, 2022.

AYE:

NAY:

ABSENT:

ABSTAIN:

Dated:

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Liza Lopez  
Secretariat