

## Notice of Decision by the California Energy Commission

**To: California Natural Resources Agency**  
**715 P Street, 20<sup>th</sup> Floor**  
**Sacramento, CA 95414**

**From: California Energy Commission**  
**715 P Street, 3<sup>rd</sup> Floor**  
**Sacramento, CA 95814**

**Subject:** Filing of Notice of Decision in compliance with Public Resources Code section 21080.5 and California Code of Regulations, title 20, section 1749.

**Project Name:** Border Project

**Docket Number:** 01-EP-14C

**Contact Person:** Mary Dyas

**Phone #:** (916) 628-5418

**Project Location:** San Diego, San Diego County

**Project Description:** The Border Project is a 49.5-MW simple-cycle, natural gas-fired peaking facility that was certified by the 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.

**Project Modification:** The approved Petition to Amend the Border Project final Commission Decision is 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.

On December 14, 2022, the CEC approved the above-described project change pursuant to a regulatory program certified by the Secretary of the Natural Resources Agency under section Public Resources Code section 21080.5, finding 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.
- 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.

The Commission docket files containing the Final Commission Decision, the staff analysis, and other information regarding the project are open to the public at: California Energy Commission, 715 P Street, Sacramento, California, 95814. This information is also available on the Energy Commission's project webpage <https://www.energy.ca.gov/powerplant/simple-cycle/border-project>.



Signature

12/19/2022

Date

Project Manager

Title

CNRA: