

UNITED STATES OF AMERICA
BEFORE THE
FEDERAL ENERGY REGULATORY COMMISSION

In Re: Application for Surrender of License and
for Non-Project Use of Project Lands (Pacific
Gas & Electric Company; Potter Valley
Hydroelectric Project No. P-77)

FERC Project No. 77-332

**OPPOSITION TO ELSINORE VALLEY MUNICIPAL WATER DISTRICT'S
RENEWED MOTION FOR LATE INTERVENTION
of
FRIENDS OF THE EEL RIVER, CALIFORNIA TROUT, AND TROUT UNLIMITED**

ALICIA HAMANN
FRIENDS OF THE EEL RIVER
PO Box 4945
Arcata CA 95518
alicia@eelriver.org
Tel: 707-382-8859

WALTER "REDGIE" COLLINS
CALIFORNIA TROUT
435 Pacific Avenue, Suite 200
San Francisco, California 94133
Tel: (415) 392-8887
rcollins@caltrout.org

MATT CLIFFORD
TROUT UNLIMITED
2550 9th Street, Suite 104
Berkeley, CA 94710
Tel: (510) 280-5392
mclifford@tu.org

Friends of the Eel River, California Trout, and Trout Unlimited respectfully oppose the Renewed Motion for Late Intervention (“Renewed Motion”) filed by Elsinore Valley Municipal Water District (“EVMWD”).¹ EVMWD has failed to remedy the deficiencies in its original motion for late intervention, which FERC correctly denied.² Friends of the Eel River, et al., renew their opposition to EVMWD’s untimely attempts to intervene in this proceeding and hereby incorporate their prior opposition by reference.³

Like its original late motion, EVMWD’s Renewed Motion both fails to clearly articulate its position in this proceeding and the factual and legal basis for its position and fails to show good cause for waiving the time limitations all other parties were required to follow. In particular, EVMWD still has not demonstrated any interest that may be directly affected by the outcome of this proceeding, has not shown its participation would be in the public interest, and has failed to show that its participation would not disrupt the proceeding and cause prejudice to other parties. EVMWD’s Renewed Motion thus fails to meet the standards for late intervention under 18 C.F.R. § 385.214 (“Rule 214”) and should be denied.

The Renewed Motion advances some reasons for EVMWD’s failure to submit a timely motion that were not addressed in the original motion. Some of these reasons are misleading, others are objectively false, and all lack merit.

¹ EVMWD, Renewed Motion for Late Intervention, Project No. P-77-332 (Aug. 26, 2026), Doc. Accession No. 20260826-5198.

² FERC, Notice Denying Late Intervention, Project No. P-77-332 (July 27, 2026), Doc Accession No. 20260727-3041.

³ Opposition to Elsinore Valley Municipal Water District’s Motion to Intervene Late, Project No. P-77-332 (July 24, 2026), Doc. Accession No. 20260724-5156 (“Original Opposition”).

First, Renewed Motion states that “EVMWD does not contend *merely* that it was unaware of PG&E’s surrender application.”⁴ By using the word “merely,” EVMWD seems to suggest that it was unaware of the surrender application. This is demonstrably incorrect and substantively misleading. As discussed in the Original Opposition, EVMWD *was* aware of the surrender application and filed timely comments opposing it.⁵ EVMWD simply neglected to file a protest or a motion to intervene before the December 19, 2025 deadline.

Second, EVMWD claims its own water infrastructure is “inextricably linked to the project’s operational output through California’s interconnected, zero-sum water distribution system. Any reduction or systemic timing gap in northern water diversions or supplies directly depletes the aggregate availability of the state’s water supply, forcing severe shifts in supply procurement that would increase rates for EVMWD’s captive customers. EVMWD’s unique interest is to protect its customers from these statistically certain financial and operational harms.”⁶ But EVMWD does not explain how it is even remotely plausible, much less “statistically certain,” that any impacts to its customers will occur when *there is no physical connection* between the Potter Valley Project’s water delivery system and EVMWD’s system. EVMWD’s statements to the contrary are objectively false and fail to demonstrate any cognizable interest in this proceeding.

Third, EVMWD says it has good cause to intervene late because it just recently learned of “potential water-security infirmities” in the NERF and the Two-Basin Solution from

⁴ Renewed Motion at 4 (emphasis added).

⁵ Original Opposition at 3; *see* EVMWD, Comments on Application for Surrender of License and Non-Project Use of Project Lands: Project No. P-77-332 (dated Dec. 16, 2025; filed Dec. 29, 2025).

⁶ Renewed Motion at 2.

conversations with “stakeholders” at the June 2026 scoping meeting.⁷ However, because EVMWD fails to identify what these “infirmities” might be or who these “stakeholders” were, its claims fall well short of demonstrating good cause for late intervention. Any “infirmities” in the NERF or Two Basin Solution should have been obvious to EVMWD well before the June 2026 scoping meeting. PG&E’s surrender application discussed these aspects of the proposed project in detail. EVMWD does not identify any new information that emerged in FERC’s scoping notice, the scoping meetings, or the NEPA process—including any information purportedly learned from unidentified “stakeholders.” Nor has PG&E’s proposal changed. Once again, EVMWD fails to demonstrate good cause for waiving the deadlines all other parties to this proceeding—including parties with genuine and direct interests in its outcome—had to follow.

Third, EVMWD says “this proceeding could set a powerful FERC precedent, signaling to private utilities that they may walk away from aging infrastructure, even if doing so severely impacts regional water security. As the Two Basin Agreement’s facts are more fully analyzed, it has become clearer that its primary objective is ecological restoration, not water storage security. Its implementation could fundamentally alter the mechanics of regional water management, creating a cascading effect that directly affects statewide water conditions across California.”⁸ Again, EVMWD offers general speculation about the “precedent” this proceeding might set, but fails to identify any other projects or proposed dam removals where any such “precedent” might apply. Accordingly, EVMWD fails to identify *any* “direct” effect of this proceeding on “statewide water conditions across California,” much less any direct effect on EVMWD. And

⁷ Renewed Motion at 4 & fn. 2.

⁸ Renewed Motion at 5.

again, EVMWD could have raised all these same concerns in a timely fashion based on the surrender application. Nothing new has occurred to justify late intervention here.

For the foregoing reasons, and for the reasons set forth in the Original Opposition and the other oppositions filed in response to EVMWD's original late motion, Friends of the Eel River, California Trout, and Trout Unlimited respectfully request that the Renewed Motion be denied.

Respectfully submitted,

DATED: September 10, 2026

By: /s/ Alicia Hamann
ALICIA HAMANN
FRIENDS OF THE EEL RIVER

DATED: September 10, 2026

By: /s/ Walter "Redgie" Collins
WALTER "REDGIE" COLLINS
CALIFORNIA TROUT

DATED: September 10, 2026

By: /s/ Matt Clifford
MATT CLIFFORD
TROUT UNLIMITED

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CERTIFICATE OF SERVICE

I hereby certify that I have this day served, by first class mail or electronic mail, the
**OPPOSITION TO ELSINORE VALLEY MUNICIPAL WATER DISTRICT'S
RENEWED MOTION FOR LATE INTERVENTION of FRIENDS OF THE EEL RIVER,
CALIFORNIA TROUT, AND TROUT UNLIMITED.** This Certificate of Service is served
upon each person designated on the official P-77 Service List compiled by the Commission in
the above-captioned proceedings.

Dated this 10th day of September, 2026.

David Weibel
Legal Secretary
Shute, Mihaly & Weinberger LLP