

UNITED STATES OF AMERICA
BEFORE THE
FEDERAL ENERGY REGULATORY COMMISSION

Pacific Gas and Electric Company	)	FERC Project No. 77-332
	)	
	)	
Application for Surrender of	)	
License and Non-Project Use of	)	
Project Lands	)	

**THE CITY OF UKIAH’S
OPPOSITION
TO INFRASTRUK GROUP LLC’S
MOTION TO INTERVENE LATE
(POTTER VALLEY PROJECT NO. 77-332)**

Pursuant to 18 C.F.R section 385.214, the City of Ukiah (“Ukiah”) hereby submits its opposition to Infrastruk Group, LLC’s Motion to Intervene Late (the “Delinquent Motion”), filed July 23, 2026.

The law, any conceivable notion of fair play, and any sense of propriety, decency, and respect for the people the instant proceeding affects demand the Delinquent Motion be denied. Depending on how one attempts to make sense of the Delinquent Motion, it fails, either by a surprising seven months or an astonishing seven years, to meet the deadline by which any motion was to be filed. If it is an attempt to file as a successor licensee, it is seven years late. If it is an attempt to intervene in the surrender proceedings, it is seven months late.

For a company purporting to offer a viable alternative to PG&E’s Surrender – emphasizing its combined experience of over fifty years – slithering in with its sophistry to “save the day,” such a long-belated motion is surprising, at best. At worst, it is but the latest effort to turn the instant proceedings into a circus. As the Commission’s recent denial of

another interloper's motion to intervene late indicated, such fatuous theatrics distract all concerned from the very real consequences PG&E's Surrender presents to people's lives, livelihoods, and well-being in the Eel and Russian Rivers community. Or perhaps its delinquency simply confirms the patent hollowness and latent subversive intent of its unwelcome, unwanted, and unwarranted incursion.

Let's begin with the hollowness. On the face of its Delinquent Motion it is clear Infrastruk does not specialize, or even have significant experience in, managing the many complexities of a trans-basin water project. A review of its website indicates it has made "TWO STRATEGIC LAND AND WATER & MINERAL RIGHTS ACQUISITIONS." (ALL CAPS in original.) Two. Further, it makes no effort to go into detail about the Potter Valley Project's various components, nor what its "alternative" looks like other than to offer its reluctant readers what amounts to nothing at all: "a qualified successor entity [which one, a decent respect to the opinions of mankind may ask?] would seek to acquire and/or assume the Project interests [which interests?] for continued operation, obtain Commission approval of a transfer or other appropriate authorization [such as and to whom?], and repair, rehabilitate, replace, modernize, operate, maintain, and finance the Project facilities necessary to continue providing the historic public benefits and services associated with the Project [all for nearly free, surely], subject to all applicable federal and state requirements [one wonders how this alternative will survive the avalanche of ESA, NEPA, CWA, Potter-Cologne, Public Trust, and Article X, Section 2 lawsuits that will ensue and whether Infrastruk has considered the dire consequences of that inevitability to the people of the Upper Russian River]." Delinquent Motion, at 1.

Indeed, the Delinquent Motion lacks any appreciation for the details that would otherwise convince the discerning reader of its authenticity and the honesty of its intent. It

reads rather as if it were written by a large language model, pulling down the shallow details from the internet, borrowing the right words if not the correct context, and not even bothering with things like paragraph formation (indentation, topic sentence, support). Whether it was written by a person or not is beside the point. The point is that this effort already labors in an environment where intelligence risks becoming artificial – facts that are unmoored from reality and transmuted into an artifice, conclusions that are illogical and unfounded, and false hopes whispered to people who are rightly afraid of their future should Eel River diversions into the Russian wholly cease, or, as the Delinquent Motion suggests, should the Eel River continue to be strangled by an artifact whose time has simply come. The last thing we need is more artificial, impersonal intelligence. Rather, we need information grounded in reality; a process informed by the sound of salmon running up a riffle on the Eel, the sight of our children playing in the sprinklers at Alex Thomas Plaza, and the scent of Crush; and a path forward that amounts to more than automated tautologies that would leave our discourse hollow and our futures impoverished.

If Infrastruk has any honest intent to offer us all a better alternative – one that somehow improves upon the elegant balance already struck by the Two Basin Partnership and the Solution it crafted over years of hard and honest discussion – a Solution to which Ukiah remains unequivocally committed – then, by all means, out with it. Let Infrastruk travel to our town halls, walk our streets, and talk to our neighbors and present its solution in the light of day. And let it do so right now – not after some hypothetical evaluation or after Infrastruk is done “prepar[ing] to investigate” the work required to form the basis of any purported interest.

Let one thing be perfectly clear: this, despite the current theatrics, is not a game. Infrastruk, or whatever group, company, or water district which next considers treating our future so callously to advance their own political or financial gain should understand this:

PG&E's Surrender directly calls into question our survival as a community. Our future depends on getting this right, and we have spent years developing a solution for both basins that extricates us from the small thinking of the past, balances competing interests, and provides security for our communities.

We appeal to any sense of decency and honor the principals at Infrastruk may have to spare us further sophistry and empty tautologies, and to FERC's established rules and its commitment to fair play and due process to spare us the insult of further theatrics from interlopers who have absolutely no discernable interest in a durable solution for the people who live here. This is not a game – our lives depend on getting this right. Ukiah will conduct itself accordingly, and we implore FERC to do the same.

DESCRIPTION OF THE CITY OF UKIAH

Ukiah is an incorporated municipality in, and the County Seat of, Mendocino County. Ukiah's ability to provide water to its residents and those outside the City is fundamental to the future of the Greater Ukiah Valley. As a member of the Mendocino Inland Water & Power Commission ("IWPC"), which is itself a member of the Eel-Russian Project Authority ("ERPA"), Ukiah has invested tremendous time, money, and resources into the successful integration of the New-Eel Russian Facility ("NERF") into PG&E's Surrender, and remains an unflinching supporter of the Two Basin Solution and the terms and stated intentions of the Water Diversion Agreement.

Description of the City of Ukiah

Ukiah was incorporated in 1886. As an incorporated municipality, Ukiah has the powers to provide a variety of municipal services, including water services for domestic and municipal and industrial purposes. There are approximately 16,000 people who reside within Ukiah, though the number of people inside Ukiah swells to around 50,000 every day as our neighbors in the

surrounding area migrate here to work, go to school, shop, play, and gather. These people and the businesses, schools, and parks in the City receive their water from Ukiah, which delivers that water by exercising water rights that rely in part on abandoned flows from the Potter Valley Project. Ukiah also owns and operates a hydroelectric facility at Coyote Valley Dam, the dam that creates Lake Mendocino on the East Branch Russian River. Ukiah relies on releases of water at Coyote Valley Dam to generate this power.

Ukiah provides water service to its residents and businesses through the exercise of rights to water under California water law. These rights to water include rights to groundwater and rights to surface water. Ukiah diverts surface water through the exercise of water rights, which include the right to divert Russian River underflow. Ukiah's rights to surface water include a pre-1914 appropriative right to water that dates at least as far back as 1872 and long before either the Potter Valley Project or Lake Mendocino were constructed, a 1954 appropriative right to water, and a 1978 appropriative right to water. In addition, Ukiah owns and operates a recycled water plant, which allows it to reuse treated water for certain purposes, which include offsetting demand that would otherwise be placed on the Russian River.

Ukiah also provides water service to residents, businesses, and communities outside its city limits in the Greater Ukiah Valley. Ukiah's water services have been called upon to fight fires outside the city limits when local agency supplies have failed. Ukiah's water services have also been called upon to provide water to residents and businesses well outside the city limits during the drought of 2021. Ukiah's ability to continue to divert water is fundamental to the future health, safety, and welfare of the Greater Ukiah Valley.

Ukiah has also invested significantly in improving the ecology of the Russian River, including improving water quality and quantity for listed species of salmonids, in part through the development and operation of its state-of-the-art water recycling facility, which recently

celebrated its one billionth gallon of recycled water.

Ukiah is an active member of IWPC and represents the greatest number of residents as between its sister members. IWPC is itself a member of ERPA, a joint powers authority formed in 2023 by agreement between County of Sonoma, Sonoma County Water Agency (“Sonoma Water”), and IWPC. ERPA’s Board includes these entities and Round Valley Indian Tribes (“RVIT”), a federally recognized tribe based in the Eel River watershed. ERPA proposes to construct the New Eel-Russian Facility as a non-project use of project lands adjacent to Cape Horn Dam. After the Commission removes such lands and related project works from the license, ERPA proposes to operate NERF to continue diversion into the Russian River Basin for the benefit of its members.

Support For Co-Equal Goals Of The Two Basin Solution

Ukiah, acting through IWPC and ERPA, has significant interest in the outcome of PG&E’s Surrender. Ukiah’s interests include: the continued diversion of reasonable quantities of water into the Russian River Basin and improving long-term storage to support sustainable diversions for municipal, domestic, agricultural, and industrial purposes not only within Ukiah but also in the Greater Ukiah Valley; improving fish migration, habitat, and water quality within the Eel River to achieve naturally reproducing, self-sustaining, and harvestable native anadromous fish populations; and the recovery of listed species of salmonids and improved water quality in both the Russian and Eel Rivers.

Ukiah understands these interests to be in direct alignment with the co-equal goals of the Two Basin Solution as articulated in the Water Diversion Agreement between RVIT, California Department of Fish and Wildlife, ERPA, Humboldt County, Sonoma County, IWPC, Sonoma Water, California Trout, and Trout Unlimited (the “Co-Equal Goals”). Ukiah’s support for and

commitment to the Two Basin Solution and the terms and intentions of the Water Diversion Agreement and to realizing the Co-Equal Goals remain complete and unqualified.

ARGUMENT

FERC's established rules make clear that Infrastruk's Delinquent Motion must be denied, as it completely fails to meet the minimum showing necessary to be granted party status at this point in the proceeding.

I. Infrastruk Has Failed To Satisfy The Requirements For Intervention

FERC's rules make clear that movants to intervene must "state, to the extent known, the position taken by the movant and the basis in fact or law for that position" (18 C.F.R. §385.214 (b)(1)); and "state the movant's interest in sufficient factual detail" to show that the movant has a statutory or regulatory right to participate, has an interest directly affected by the outcome of the proceeding, or its participation is in the public interest (*id.*, at § 385.214 (b)(2)). These rules and their consistent application provide all concerned, including Parties and members of the public, with the requisite degree of certainty so that they may engage effectively, plan accordingly, and invest appropriately. Infrastruk has failed to meet either requirement above.

Infrastruk's Position Is No Position At All

Rule 214 (b)(1) requires a movant to "state, to the extent known, the position taken by the movant and the basis in fact or law for that position." 18 C.F.R. § 385.214 (b)(1). Here, and on this element alone, the Delinquent Motion fails.

The position Infrastruk purports to take is to proffer a "CONTINUED OPERATION AND SUCCESSOR LICENSEE ALTERNATIVE" (Caps in original). While this is technically a "position" it is best understood perhaps as a concept of a plan. Even then, it is unsupported by the law or facts, as required by Rule 214 (b)(1). There is no discussion of who the successor licensee would be – only to make clear, adding to the opacity of its position, that Infrastruk is not

requesting FERC to transfer the license to it. *See*, Delinquent Motion, at 3. There is no discussion about financial or operational capabilities to succeed to the license – only that “[t]he principals of the company collectively possess more than fifty (50) years of professional award winning, Presidential project dedication” in areas covering “water supply, wastewater management, stormwater management, hydropower generation, conventional and renewable electric generation, transmission and distribution systems, conventional and un-conventional [sic] oil/gas and related infrastructure projects.” *Id.* Fifty years may sound like a lot, though it fails to meet the combined years of experience represented by the four people most involved in this project on behalf of Ukiah – which is itself but a member of a member of ERPA. Indeed, it may not be possible to calculate the combined experience of all the people across the Two Basin Partnership who have dedicated years to this effort.

Furthermore, this local experience is especially focused on those areas that are specific to PG&E’s operation of the Potter Valley Project: Lake Pillsbury operations and releases, Van Arsdale operations, minimum instream flow needs in both the Eel and Russian, discreet financing and fiscal needs, hydroelectric generation, and operations at Coyote Valley Dam which affect approximately 600,000 people on the Russian River. This experience Infrastruk does not even attempt to address. Nor does it state with any specificity how it will resource this purported Alternative – there is no discussion of whether it would use private investment, public financing, or other strategies available and necessary to successfully operate a public works project of this scale over the long-term. It therefore fails even as a proforma.

The proffered legal bases for the Delinquent Motion are even weaker. In 2017, PG&E filed a Notice of Intent and Pre-Application Document to relicense the Potter Valley Project. PG&E’s final license application, and any competing applications, were due on April 14, 2020. But the Potter Valley Project became an orphaned project when PG&E withdrew its Notice of

Intent and Pre-Application Document in January 2019. *See*, 18 C.F.R. § 16.25. Pursuant to section 16.25 and PG&E’s withdrawals in January 2019, the Commission issued a notice soliciting any potential applicants to succeed to PG&E’s license to file by July 1, 2019 – over seven years ago. *See*, Notice Soliciting Applications, 84 Fed. Reg. 8324 (March 1, 2019), at Accession No. 20190301-3038. No one filed an application to succeed to PG&E’s license, PG&E’s license expired on April 14, 2022, and FERC directed PG&E to file a license surrender application. Crucially, PG&E’s License Surrender Application includes NERF – an identified, modeled, legal, and technically-feasible project within the vision of the Two Basin Solution to provide for continued diversion of Eel River water into the Russian River watershed. Infrastruk does not even attempt to explain away its failure to apply as a successor licensee – though even that is not what it purports to do. Infrastruk does not provide a legal basis for the Commission to resuscitate the orphaned project proceeding. Nor does it provide a legal basis for how to transfer the license of an orphaned project during a license surrender application proceeding.

Indeed, and despite its fifty years of experience, Infrastruk’s lack of sophistication is only further demonstrated by its recent attempt to file a “Reply” to our partners’ Opposition (*see*, Reply by Infrastruk, filed August 1, 2026). Rule 202 provides an illustrative list of types of pleadings allowed, which include applications, complaints, petitions, protests, notices of protest, answers, motions, and amendments or withdrawals of pleadings. 18 C.F.R. § 385.202. Further, Rule 213 (a)(2) prohibits answers to an answer unless otherwise ordered, effectively prohibiting replies. *See, id.*, § 213 (a)(2). Ukiah recognizes that rules are frustrating for those who do not know them or who want to subvert them for their own purposes. But the rules are there in part to ensure that any potential interested parties have the requisite capacity, knowledge, and sophistication to engage effectively in matters affecting people’s lives, as the instant proceeding certainly does. The Commission should strike Infrastruk’s proffered “Reply” from the record and

any arguments it makes in that document should be barred so that the process may proceed accordingly. Infrastruk's failures to provide any legal basis for its position compounds its failures to offer a position grounded in fact and are fatal to its attempt.

Nowhere in the Delinquent Motion does Infrastruk explain how its proffered "Alternative" would be applied to the factual, operational, financial, or legal environments of the Potter Valley Project or PG&E's Surrender. The Delinquent Motion is, at best, seven years too late and for a process that is no longer available. While FERC should deny the Delinquent Motion based on Rule 214 (b)(1) alone, it fails for other, equally obvious, reasons.

Infrastruk's Interests Are Unavailing, Unnecessary, And Irrelevant

Rule 214 (b)(2) requires any motion to "state the movant's interest in sufficient factual detail" to show that the movant has either: (a) a statutory or regulatory right to participate, (b) an interest directly affected by the outcome of the proceeding, or that (c) its participation is in the public interest (18 C.F.R. § 385.214 (b)(2)). Here, too, the Delinquent Motion fails.

In order, Infrastruk has failed to show it has a right based on statute or regulation to participate. This is in part because, as observed above, Infrastruk is seven years late to a process long-ended. No such right exists. Its attempt to get around this by leveraging the NOP Scoping phase under NEPA is equally unavailing. If Infrastruk has comments to offer on the NOP Scoping phase, it is of course free to do so in accordance with NEPA and its regulations. But Infrastruk purports to conflate FERC's Surrender process with NEPA's requirements. Purporting to offer FERC "a unique technical perspective" – so long as that technical perspective matures into something intelligible – is entirely appropriate inside the framework of NEPA. Offering it in the context of a long-passed process cannot now resurrect that process and grant Infrastruk party status. The implications for due process, efficiency, and prejudice for PG&E's Surrender as well

as untold other similar processes would be dire and unworkable and render government paralyzed.

Second, Infrastruk has shown no interest in this proceeding that will be directly affected. That is simply because it has none. In comparison, and as shown above, Ukiah has an intimate and direct interest in the outcome of PG&E's Surrender for the simple reason that, without sufficient water for its residents and the tens of thousands of people who flow into the City on a daily basis, it will simply cease to operate as a community.

This is a future Ukiah cannot abide, hence its significant investment of time and resources into the Two Basin Solution and its commitment to the vision it establishes for our community. This is where Ukiah's interests align with our partners on the Eel River, including Round Valley Indian Tribes: true water security for our residents requires a deep appreciation for the operating environment. Ukiah's interests are thus moral and practical. They are moral in that Ukiah is motivated to participate in repenting from over one hundred years of injustice done to our neighbors and friends at Round Valley Indian Tribes and earnestly seeks a true reconciliation. Further, the people of Round Valley Indian Tribes and the people of Ukiah go to school together, work together, worship together, and live together. Our interests are also practical: any notion that Ukiah or the Upper Russian River can truly achieve water security without also securing the future of our friends on the Eel is foolish. Our success necessitates their success; their success is our success – our futures are the same future.

Without speaking for them, Ukiah imagines and expects the same to hold true for most of its fellow members in IWPC: that without the continued diversion of a sufficient amount of water into the Russian River and additional long-term storage for that water, the communities and farms – our families, friends, and neighbors – surrounding the City will simply cease to function and lives will be impoverished, and that avoiding that future requires driving toward

shared interests with our partners. Again without speaking for others, Ukiah imagines the same to hold for the members of ERPA and our other partners in the Two Basin Solution.

Infrastruk, to its credit, does not even pretend to advance such an interest.

Finally, Infrastruk claims an interest in the “protection of communities and customers historically affected by [Potter Valley Project] operations...”. Delinquent Motion, at 3. However, it provides no bases for this alleged interest on behalf of “communities and customers”. It offers no explanation for how it would protect them – it cannot even name them. Indeed, it does not purport to demonstrate any relationship of any kind with these impersonal “communities and customers”. It is, once again, a mere tautology. It is also insulting. These people are our families, our friends, and our neighbors – they have names and dreams of the future for their children – they are not merely “communities and customers”.

Ukiah will continue, as it has for years, to advocate for the interests of its 16,000 residents and the tens of thousands who flow into the City every day. Together with Ukiah, the members of IWPC and ERPA and our partners in the Two Basin Solution represent the entire area directly affected by Eel River flows and diversions into the Russian: every interest is represented from clean water to endangered salmon to water coming out of faucets and irrigating vineyards, and all across a geography that spans two entire watersheds and a combined community of well over 600,000 people. We have no interest in an interloper – especially not one slithering in with its sophistry at this point. That a company based out of Southern California and Spain represent a public interest in this proceeding is itself laughable – that it purports to represent a public interest not already represented is absurd.

Infrastruk has failed to show a statutory or regulatory right to intervene. It has failed to articulate a direct interest in the proceeding. And it has failed to show its participation is in the public interest. It therefore fails to meet the requirements of Rule 214 (b)(2).

These failures only compound with others to render the Delinquent Motion fatal. FERC should deny the Delinquent Motion on this basis alone.

II. Infrastruk Has Failed To Show Good Cause To Waive The Time Limitations

FERC's established rules require that motions to intervene filed after the time period must show "good cause why the time limitation should be waived." 18 C.F.R. 385.214. (b)(3). Infrastruk has failed to show good cause and its attempted incursion should be denied.

As discussed above, Infrastruk attempts to conflate the license surrender process with the environmental review process, describing the recent NOP Scoping process as a "unique procedural opportunity." Infrastruk, as is any other member of the public, is free to engage in the environmental review process. But the idea that engaging in the NEPA comment process somehow is a hook to grant party status in the instant Surrender proceedings is nonsense. There is no law to support it, and Infrastruk offers none. Further, such a conflation of regimes would risk constantly resetting timelines, throwing the process and the record into utter confusion. Indeed, that may be its intent, as, given the substance of the Delinquent Motion, it is difficult to ascertain any other.

Further, Infrastruk fails to explain why it missed the deadline by at least seven months (if the Delinquent Motion is read as an intervention) or seven years (if the Delinquent Motion is read as an effort to succeed to PG&E's License). It does not even try to offer an explanation, without which the Commission cannot exercise its discretion under Rule 214 (b)(4) as there is nothing in the record upon which to base that discretion.

Infrastruk has failed to show why its interests will not be adequately represented by other parties. Given that its proffered "Alternative" is "continued operation," this interest has been well-voiced by others who are Party to this proceeding. Given Infrastruk's failure to provide any details about what "continued operation" looks like, who would perform those operations, or

how they would be financed, Infrastruk has nothing new to offer other than a tautology predicated on how things used to be.

To say that granting Infrastruk intervention at this point would prejudice existing Parties is an understatement. To be clear and echo the observation of our friends at Round Valley Indian Tribes: Infrastruk's incursion here is a direct attack on the Two Basin Solution, the Co-Equal Goals, the Water Diversion Agreement, and the intentions of the Parties to that Agreement. The vision these efforts create was deliberated, negotiated, and agreed to by locally-elected representatives of the people in Mendocino and Sonoma Counties, including city councilpersons, water district directors, and county supervisors. The New Eel-Russian Facility, the infrastructure that will effect the Co-Equal Goals, has already been incorporated into PG&E's License Surrender. Technical investigations are underway. Modelling to support the significant investment in this lifeline has already been performed, showing that diversions can be made to the Russian River that protect the Eel River's fisheries. Infrastruk, and the energy it represents, is in fact a direct assault on the future – the bright future – available to the people of the Eel and Russian River watersheds under the Two Basin Solution. This is the path the Two Basin Solution presents us and to which Ukiah remains committed.

“Prejudice” is too kind a word for the effect granting Infrastruk intervention would have on the efforts of those involved – and this is true regardless of the fact that it has failed entirely to articulate an actual position, identify a successor, or describe a viable alternative. The path Infrastruk offers is the path to conflict, failure, and impoverishment.

Ukiah urges the Commission in the strongest possible terms to deny Infrastruk intervention, as it has failed entirely to meet the minimum standards established by the Commission.

Given the recent attempts by interlopers to frustrate our progress toward a durable solution for both the Eel and the Russian following PG&E's Surrender, FERC's reliance on and commitment and citation to the rules in denying the Delinquent Motion will hopefully have the added benefit of avoiding further insult and wasted time. Should that message go unheeded, Ukiah shall remain a steadfast partner in our shared vision for a brighter future for us all and shall continue to meet such incursions with all the resources available to it.

CONTACT INFORMATION

Pursuant to FERC Rule 203(b), Movant-Intervenor Ukiah requests that all communications and service in this matter be directed to:

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Dated: August 5, 2026

Respectfully submitted,

/ s / Philip A. Williams
Philip A. Williams

Attorney for Intervenor City of Ukiah

UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Pacific Gas and Electric Company	)	
	)	
	)	FERC Project No. 77-332
Application for Surrender and	)	
Non Project Use of Project Lands	)	

CERTIFICATE OF SERVICE

I hereby certify that I have this day served by electronic mail, the **Opposition to Infrastruk Group, LLC’s Motion to Intervene Late (Potter Valley Project No. 77-332)**, on each person designated on the official Service List compiled by the Commission in the above-captioned proceedings.

Dated this 5th day of August, 2026, at Ukiah, California.

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