

UNITED STATES OF AMERICA
FEDERAL ENERGY REGULATORY COMMISSION

Pacific Gas and Electric Company

Project No. 77-332

NOTICE DENYING LATE INTERVENTION

(August 12, 2026)

On October 31, 2025, the Commission issued public notice of Pacific Gas and Electric Company's application to surrender the license for and decommission the Potter Valley Project No. 77-332, located on the Eel River and East Fork of the Russian River, near Lake and Mendocino counties, California. The notice established December 1, 2025, as the deadline to file motions to intervene.

On July 23, 2026, Infrastruk Group LLC (Infrastruk) filed an untimely motion to intervene and comments. On July 30, 2026, Friends of the Eel River, California Trout, Trout Unlimited, and, on August 4, 2026, Round Valley Indian Tribe opposed Infrastruk's late motion to intervene. The City of Ukiah, California also opposed Infrastruk's late motion on August 10, 2026, to which Infrastruk responded.

Movants for late intervention are required to "show good cause why the time limitation should be waived."¹ Infrastruk states that it filed an untimely intervention because it claims that the Commission's May 22, 2026 notice initiating the scoping process (Scoping Notice) commenced an "alternatives-focused environmental review" that materially changed and clarified the issues. Infrastruk states that it has a direct and substantial interest in evaluating and developing an alternative to the proposed project decommissioning.

The purpose of the Scoping Notice is to gather input from the public and interested agencies about issues regarding the proposal to focus the Commission's environmental analysis on important environmental issues. The Scoping Notice solicited comments on staff's preliminary list of issues and alternatives to be addressed in the NEPA document but did not establish a new intervention deadline. A person who has actual or constructive notice that his interests might be adversely affected by a proceeding, but

¹ 18 C.F.R. § 385.214(b)(3) (2025).

who fails to intervene in a timely manner, lacks good cause under Rule 214.² Therefore, Infrastruk failed to demonstrate that good cause exists to grant the motion to intervene out of time and the late motion is denied.³

This notice constitutes final agency action. Requests for rehearing of this notice must be filed within 30 days of the date of its issuance, as provided in section 313(a) of the Federal Power Act⁴ and section 385.713 of the Commission's regulations.⁵

Debbie-Anne A. Reese,
Secretary.

² *Broadview Solar, LLC*, 174 FERC ¶ 61,199, at P 14 (2021) (entities interested in becoming a party to Commission proceedings may not “sleep on their rights” and wait to see how issues might evolve before deciding whether to intervene to protect their interests). *See, e.g., Cal. Trout v. FERC*, 572 F.3d 1003, 1022 (9th Cir. 2009).

³ The Commission will consider the comments filed by the Infrastruk on July 23, 2026.

⁴ 16 U.S.C. § 825l.

⁵ 18 C.F.R. § 385.713 (2025).