

**UNITED STATES OF AMERICA
BEFORE THE
FEDERAL ENERGY REGULATORY COMMISSION**

In the Matter of	)	
	)	
Pacific Gas & Electric's	)	
	)	FERC Project No. 77-332
Application for Surrender of License	)	
and Non-Project Use of Project Lands	)	

**FRIENDS OF THE RIVER'S ANSWER IN OPPOSITION TO
THE MOTION TO INTERVENE LATE OF
ELSINORE VALLEY MUNICIPAL WATER DISTRICT**

Pursuant to Rule 214 of the Federal Energy Regulatory Commission's Rules of Practice and Procedure (18 C.F.R. § 385.214), Friends of the River submits this answer in opposition to Elsinore Valley Municipal Water District's Motion to Intervene Late filed July 7, 2026 in the license surrender proceeding for the Potter Valley Hydroelectric Project, Project No. 77; hereinafter, "Late Motion." ([Accession No. 20260709-5244](#)).

Friends of the River is party to the above-captioned proceeding after filing timely and unopposed Motion to Intervene on December 19, 2025. ([Accession No. 20251219-5550](#)).

I. Elsinore Valley Municipal Water District's Motion Is Deficient

Elsinore Valley Municipal Water District's (EVMWD) Motion to Intervene Late is absent of any showing of good cause as required by 18 C.F.R. § 385.214(b)(3).

EVMWD previously filed formal comments on the application for surrender in this proceeding on December 16, 2025, raising similar concerns as it now raises in its Late Motion. ([Accession No. 20251219-0003](#)). Motions to intervene were due three days later, on December 19, 2025. Despite having an awareness of the project and articulating its general concerns, EVMWD did not submit a timely motion to intervene. It now seeks to intervene nearly eight months late. Its motion, however, provides no explanation of the significant delay, and does not "show good cause why the time limitation should be waived." (18 C.F.R. § 385.214(b)(3)).

The Commission should deny the Motion on this basis.

II. Movant Does Not Have an Interest Which May Be Directly Affected by the Outcome of the Proceeding

Any motion to intervene must state the movant's interest in sufficient factual detail to demonstrate that the movant "has or represents an interest which may be directly affected by the outcome of the proceeding." (18 C.F.R. § 385.214(b)(2)(ii)). EVMWD's motion fails to do so. Instead, it articulates vague and general concerns about water supply in the greater American West and California.¹

It makes implausible claims of "direct and significant interests in the outcome of this proceeding,"² including claiming that the removal of two relatively small dams on the north coast will impact agricultural and residential communities within its District, though its District has never received water from the project. In fact, it provides no argument, factual basis, or evidence to support the claim of direct impacts to its District. EVMWD is located 600 miles from the project, in a region of the state that is completely hydrologically disconnected from the project. The Late Motion even fails to articulate a basic vision of how this project is relevant at all to the District's business operations. If EVMWD wishes to purchase water from the project, or to purchase the project, it has failed to demonstrate that it could bear the financial burden of constructing water conveyance infrastructure, cost of the project, or cost of the necessary rehabilitation, including but not limited to the seismic issues with the project. EVMWD has failed to demonstrate that it is even aware of these potential financial risks.

Further, movant is not a consumer, customer, competitor, or security holder of a party. (18 C.F.R. § 385.214(b)(2)(ii)(A) through 385.214(b)(2)(ii)(D)).

The Commission should deny the Motion on the basis of failing to meet criteria as outlined in 18 C.F.R. § 385.214(b)(2)(ii) [no interest that may be directly affected by the project].

III. Movant's Motion Makes no Showing that its Participation Would be in the Public Interest

EVMWD's Late Motion expresses general concerns regarding Western water supply and California's water security, but these vague concerns are not an adequate surrogate for the public interest basis of its participation. 18 C.F.R. § 385.214(b)(2)(iii) requires that a motion to intervene "state the

¹ Elsinore Valley Municipal Water District's July 9, 2026 Motion to Intervene Late in the license surrender proceeding for the Potter Valley Hydroelectric Project, P-77 at 2. Hereinafter, "Late Motion." Available online at: https://elibrary.ferc.gov/eLibrary/filelist?accession_number=20260709-5244&optimized=false&sid=070524d4-109d-4c59-84bd-85ace4224b88

"The greater American West is experiencing a critical water crisis driven by a 22-year megadrought, rising temperatures, and chronic overuse of the Colorado River, among others... California, in particular, faces a complex water landscape, balancing temporary relief from irregular heavy winter storms against systemic, long-term supply shortages."

² Late Motion at 4.

movant's interest in sufficient factual detail to demonstrate that the movant's participation is in the public interest." The Motion fails to do so, and instead asserts a vague and unsupported connection between the project, the District's service area, and water security in California. These concerns are not supported by facts or even reasoned analyses as to the quantity of water that could feasibly be available for additional diversion or export. Generalized concerns about water supply do not justify participation of a distant water district on the basis of public interest.

Further, the public interest is already adequately represented in this proceeding by (1) the real affected parties that are undergoing negotiations for a water sharing agreement; (2) the contemplated diversion infrastructure to support water the water sharing agreement; and (3) ongoing water supply needs in the region, including support of Tribal and commercial fisheries.

For these reasons, the Commission should deny the motion pursuant to 18 C.F.R. § 385.214(b)(2)(iii) [EVMWD's participation is not in the public interest].

IV. Conclusion

For the foregoing reasons, Friends of the River respectfully requests that the Commission deny Elsinore Valley Municipal Water District's Late Motion to Intervene. EVMWD's Motion has failed to demonstrate good cause for its untimely filing or establish that it has an interest that may be directly affected by the outcome of this proceeding, as required by 18 C.F.R. § 385.214. Accordingly, the Motion should be denied.

Sincerely,



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Certificate of Service

I hereby certify that the foregoing Opposition to Elsinore Valley Municipal Water District's Motion to Intervene Late of Friends of the River in the above-captioned proceeding has this day been filed online with the Federal Energy Regulatory Commission and served, via electronic mail or surface mail, upon each person designated on the Service List compiled by the Commission Secretary for this Project.

Dated at Sacramento, California, this 23rd July 2026.

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