

Motion for Intervention and Request for Extension of Time and Rehearing

Subject: Failure of Public Notice and Request for Rehearing Regarding the Preliminary Permit Application, **Kinetic Energy Storage, LLC, Barber Springs Pumped Storage Project, FERC Project No. P-15402-000**

To: Debbie-Anne A. Reese, Secretary, Federal Energy Regulatory Commission (FERC)

Docket No.: P-15402-000

The Carrizozo Soil and Water Conservation District (CSWCD), representing the interests of agricultural, commercial, and domestic water users in Lincoln County, New Mexico, hereby files this **Motion for Intervention** and a **Request for Extension of Time, Clarification, and/or Rehearing** concerning the above-referenced Preliminary Permit Application.

I. Motion to Intervene

The CSWCD has a direct, substantial interest in this proceeding. The proposed Barber Springs Pumped Storage Project will rely entirely on groundwater withdrawal from the same sole-source aquifer that supplies all of the District's constituents. The project's proposed depletion of water resources poses an unacceptable risk of **impairment to existing senior water rights** and is therefore a matter of critical local concern. For these reasons, we request status as an Intervenor.

II. Request for Rehearing and Extension of Time Due to Failure of Notice

The CSWCD Board of Directors has reason to believe that the residents, water users, and directly affected stakeholders of Lincoln County, New Mexico, did **not receive adequate and timely notice** of the application filing for FERC Project No. P-15402.

A. Factual Basis for Failure of Notice:

1. **Limited Local Publication:** The initial and subsequent notices appear to have been published solely through the Federal Register [Source B] and internal FERC channels. This method is inadequate for notifying the general public and stakeholders in a rural New Mexico county who are not subscribers to Federal publications.
2. **Lack of Traditional Outreach:** The Applicant appears to have failed to use traditional or local media outlets—such as local newspapers, County websites, or

direct mailings to adjacent property owners and known water rights holders—that are essential for public awareness in this region.

3. **Timing of Awareness:** The community, including the local officials and stakeholders represented by this District, became fully aware of the true scope and potential impact of this project only after the initial public comment period had substantially closed or was nearly closed. This severely hindered the community's ability to prepare and file timely, substantive comments or to secure necessary legal/technical expertise.

B. Argument for Relief:

The purpose of a preliminary permit application notice is to inform the public and ensure a fair opportunity to participate. When residents of the affected county and key local agencies are not informed in a timely manner, the principle of meaningful public participation is violated.

Therefore, the CSWCD respectfully requests that the Commission:

1. **Grant an Extension of Time** for the filing of additional comments, protests, and motions to intervene by the local public.
2. **Order a Rehearing** to ensure a fresh public notice process that requires the Applicant to engage in effective local publication and stakeholder outreach within Lincoln County.
3. **Acknowledge the attached comments** (our hydrogeologic analysis, filed concurrently) and allow them to be considered in the docket as a formal protest of the application.

We urge the Commission to recognize that a fair and transparent process requires robust local notice, particularly for a project that threatens the sole source of water in an arid environment.

Submitted By:

The Board of Directors

Carrizozo Soil and Water Conservation District (CSWCD)

Lincoln County, New Mexico

(Date of Submission: [Insert Actual Date of Submission Here])

Source References

Citation	Source Type	Description
Source B	Federal Register Notice	Federal Register : Kinetic Energy Storage, LLC; Notice of Preliminary Permit Application Accepted for Filing... (FERC Project No. P-15402-000).
<i>Note: All other source references filed with the CSWCD's official comment regarding hydrogeology apply.</i>		