

Application of Moraga Storage, LLC
Pursuant to Chapter 239 of the Acts of 2024,
Section 118 for a Certificate of Environmental
Impact and Public Interest

**MOTION OF MORAGA STORAGE, LLC REQUESTING THAT THE ENERGY
FACILITIES SITING BOARD TAKE OFFICIAL NOTICE AND INCORPORATE THE
RECORD FROM EFSB 25-07**

Moraga Storage, LLC (“Moraga” or the “Company”) hereby requests that, pursuant to 980 C.M.R. § 1.06(7), the Energy Facilities Siting Board (the “Siting Board”) take official notice of the evidentiary record in the underlying proceeding, EFSB 25-07, in considering the Company’s petition for a Certificate of Environmental Impact and Public Interest (“Certificate”). By incorporating the record of the proceeding related to the Siting Board’s approval of the Company’s Zoning Exemption petition, the Siting Board and all parties will be afforded information on the evidence relied upon by the Siting Board related to the Project in detail without the need to reproduce the information separately for review in this proceeding.

The Company is seeking a Certificate that will include all state and local permits, approvals, licenses, certificates or other forms of authorization that are otherwise necessary to construct a 180 megawatt (“MW”), four-hour duration BESS and related infrastructure (collectively, the “Project”). On June 26, 2026, the Siting Board issued a comprehensive zoning exemption pursuant to G.L. c. 40A, § 3. Moraga Storage, LLC, EFSB 25-07 (2025) (the “Final

Decision”). In the Final Decision, the Siting Board found that the Project is time sensitive and that delay could result in the failure to meet an energy storage procurement target of 5,000 MW by 2030 and an additional goal, through Executive Order No. 654, of 5,000 MW of energy storage either online or under development by 2035. Final Decision at 134. Accordingly, Moraga is filing both an Initial Petition and an Application simultaneously with this Motion in order to minimize administrative burdens and allow this proceeding to advance as expeditiously and efficiently as possible. To further expedite Moraga’s petition for a Certificate, the Company seeks to have the record from the underlying proceeding officially noticed and incorporated.

III. ANALYSIS

The Siting Board’s implementing regulations make clear that the Presiding Officer has broad discretion and authority to take all actions necessary to ensure a fair, orderly and efficient proceeding. 980 CMR 1.04(2). The Siting Board is also granted the authority to take notice of “any facts found in any other Board proceeding.” 980 CMR 1.06(7)(b). This serves to streamline proceedings on Projects which have already been considered by the Siting Board and reduce duplicative efforts. For complex Projects, incorporating the record of prior proceedings saves significant staff time and resources where the underlying facts remain the same.

The Siting Board has previously used this authority to grant a similar request by another applicant in similar circumstances in which a Certificate was sought. NSTAR Electric Company d/b/a Eversource Energy, EFSB 22-01, Ruling on Eversource’s (1) Motion Requesting That the Energy Facilities Siting Board Accept Its Application For A Certificate of Environmental Impact and Public Interest And Approve Service and Notice Subsequent to Filing Its Application; and (2) Request to Incorporate Evidentiary Records Into Record of This Proceeding (March 8, 2022).

Allowing the motion to officially notice and incorporate the record from EFSB 25-07 is appropriate here in order to reduce duplicative efforts, prevent confusion over facts which have already been found, and streamline review of the Certificate application.

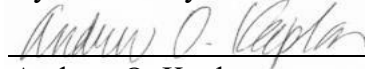
IV. CONCLUSION

For all the foregoing reasons, Moraga respectfully requests that the Siting Board take official notice of the evidentiary record in the underlying proceeding, EFSB 25-07 and incorporate all factual findings from the Final Decision in EFSB 25-07 into this proceeding.

Respectfully submitted,

Moraga Storage LLC

By its attorneys

A handwritten signature in cursive script, appearing to read "Andrew O. Kaplan", is written over a horizontal line.

Andrew O. Kaplan

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Dated: June 30, 2026