

## DOCKETED

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# Memorandum

Date: May 26, 2017  
Telephone: (916) 651-0966

To: Karen Douglas, Commissioner and Presiding Member  
Janea A. Scott, Commissioner and Associate Member

From: California Energy Commission – Leonidas Payne  
1516 Ninth Street Project Manager  
Sacramento, CA 95814-5512



Subject: **HIGH DESERT POWER PROJECT—STATUS UPDATE**

On May 17, 2017, the California Energy Commission Committee (Committee) assigned to conduct proceedings on the Project Owner's Petition for Modification to Drought-Proof the High Desert Power Plant filed a Notice of Committee Conference and Related Orders (Committee Order), requiring all parties to file a status report on or before May 26, 2017. Staff's responses to the Committee Order are as follows:

*1. A brief summary of the agreements, if any, that the parties may have reached at the Staff Workshop.*

The parties discussed all items on the May 2, 2017 Staff Workshop<sup>1</sup> agenda, but did not come to any final agreements on compliance condition of certification language at the workshop. Discussions have continued among the parties following the workshop regarding a potential agreement on terms of percolation and recycled water use.

*2. A summary of the subject areas that remain disputed and require adjudication, and the precise nature of the dispute for each issue.*

The subject areas under discussion are: establishing the source and quantity of recycled water for use at the plant and removing the interim status of a percolation agreement. Progress towards final compliance condition language is being made, and an agreement among the parties is being actively pursued—these issues won't require adjudication if the parties are able to reach an agreement.

*3. Proposals for briefing deadlines, impact of scheduling conflicts, or other scheduling matters, including the amount of time required for any evidentiary hearing.*

At the Staff Workshop, parties agreed to share written compliance condition proposals with each other by the end of May. A draft party stipulation is currently in progress. Staff hopes to have a party agreement to the conditions of certification, whether partial or complete, ready for presentation at the June 5 Committee Conference. If an agreement is reached, staff does not believe evidentiary hearings will be necessary. If the parties are unable to reach an agreement, one day of evidentiary hearings should be sufficient to address any remaining areas of dispute. Legal briefs, if required by the Committee, should be due no earlier than fourteen days after the publication of the evidentiary hearing transcripts.

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<sup>1</sup> TN #217254 Notice of Staff Workshop on Petition for Modification to Drought-proof the High Desert Power Project 97-AFC-01C, April 21, 2017.