

DOCKETED

Docket Number:	97-AFC-01C
Project Title:	High Desert Power Plant
TN #:	220543
Document Title:	Orders After July 10, 2017, Committee Conference
Description:	Orders
Filer:	Darlene Burgess
Organization:	Energy Commission Hearing Office
Submitter Role:	Committee
Submission Date:	8/3/2017 4:30:34 PM
Docketed Date:	8/3/2017



**Before the Energy Resources Conservation and Development
Commission of the State of California**

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**PETITION TO AMEND THE:
HIGH DESERT POWER PLANT**

Docket No. 97-AFC-01C

ORDERS AFTER JULY 10, 2017, COMMITTEE CONFERENCE

Background

The High Desert Power Plant (HDPP) was certified by the Energy Commission on May 3, 2000. It began commercial operation in April 2003. The HDPP is an 830 Megawatt (MW) natural gas-fired, combined-cycle electric generating facility located in the City of Victorville in San Bernardino County. At the time of its certification in 2000 (2000 Decision),¹ the HDPP was limited to using water obtained from the State Water Project (SWP) for plant cooling requirements.

In 2008, the High Desert Power Project, LLC (Project Owner) submitted a petition to the Energy Commission to amend the original conditions of certification to allow it to use reclaimed water for a portion of its water needs.² The Energy Commission granted the request on November 18, 2009, authorizing HDPP to use reclaimed water to meet up to one-third of its project cooling water needs (2009 Amendment Order).³

In 2015, the Project Owner filed a “Petition to Drought Proof” (Petition) that proposed a “Loading Sequence” for the sources of water to be blended with reclaimed water at the facility, maximizing the use of reclaimed water as the primary supply, in order to operate the facility reliably. The other sources are 1) water directly from the SWP; 2) banked SWP water; and 3) adjudicated groundwater from the Mojave Basin; they would be blended in that order of preference.⁴

Since that time, the Project Owner has refined its request to drought-proof the HDPP. The Committee⁵ held a conference on June 5, 2017, to discuss the status of the proceedings (June 5 Conference) with the public and the Project Owner, Energy Commission staff (Staff), and Intervenor California Department of Fish and Wildlife (CDFW) (collectively, the Parties). During

¹ TN 32572 (not available on line).

² TN 47547.

³ TN 54277.

⁴ TN 206468.

⁵ The Committee consists of Commissioner Karen Douglas, Presiding Member, and Commissioner Janea A. Scott, Associate Member. The full Energy Commission made this Committee assignment at an Energy Commission Business Meeting on January 13, 2016.

the June 5 Conference, the Parties indicated that they had made substantial progress toward resolving the issues presented by the Petition as subsequently modified.⁶ The Parties indicated that additional time could produce complete resolution of the issues.⁷

On July 10, 2017, the Committee held a conference to ascertain whether the parties had resolved the issues outlined at the June 5 Conference. The Parties stated that, while they had made progress in resolving the Petition's issues, there were still some outstanding issues. The Parties stated that additional time to further develop conditions of certification would be beneficial.⁸

One area of dispute is the continued applicability of Condition of Certification Soil & Water-6.d. This condition, included in the 2000 Decision, states:

The project shall not operate for longer than thirty (30) years unless the Commission has approved an amendment to its license that specifically evaluates the water resources impacts of continued operation and imposes any mitigation necessary to ameliorate any identified impacts.

The Project Owner proposes to delete this Condition, contending that it was satisfied when the Energy Commission adopted the 2009 Amendment Order.⁹ Staff argues that the necessary evaluation of water resources impacts has not been conducted.¹⁰ CDFW asserts that the Condition has not been satisfied and further argues that an open-ended license for a gas-fired power plant is not in the public interest.¹¹

ORDERS

As a result of the discussions at the July 10, 2017, Conference, the Committee orders:

1. LEGAL BRIEFING

The Project Owner and Staff shall, and CDFW may, docket briefs responding to the following question:

Has Condition of Certification Soil & Water-6.d been satisfied so that it is no longer relevant to the proceedings? Please provide citation to records in the docket that support any facts supporting arguments presented.

Opening briefs on this issue shall be filed no later than August 25, 2017. Reply briefs, if desired, shall be filed no later than September 8, 2017.

⁶ TNs 217745, 217756.

⁷ Transcript of June 5, 2017, Committee Conference (TN 218802), 13:21-16:2.

⁸ Transcript of July 10, 2017, Committee Conference (TN 220246), 27:17-24.

⁹ TN 220068.

¹⁰ TN 220064.

¹¹ TN 220006.

2. SCHEDULING

The Committee adopts the following schedule to provide notice to the public and the Parties of future processing for the Petition. The Committee still desires for the Parties to provide proposed resolutions to the issues as discussed at the June 5 and July 10 Conferences. As a result, the Committee may modify the schedule at any time upon either its own motion or that of a party. Formal notice of any Committee events shall be provided later.

Status Reports

The attached Committee Schedule continues the requirement for all parties to submit status reports for determining whether case development is progressing satisfactorily and to bring potential schedule delays or other relevant matters to the Committee's attention. Each party's status report shall include complete language for proposed changes to the Soil and Water Conditions of Certification as would be adopted.

<u>Event:</u>	<u>Date:</u>
Status Reports from all Parties	August 15, 2017
Opening Briefs on Condition of Certification Soil & Water-6.d	August 25, 2017
Reply Briefs on Condition of Certification Soil & Water-6.d	September 8, 2017
Prehearing Conference (if needed, to be held in Sacramento)	September 11, 2017
Evidentiary Hearings (if needed, to be held in Sacramento)	September 20, 2017

Public Adviser and Other Commission Contacts

The Energy Commission's Public Adviser's Office provides the public assistance in participating in Energy Commission proceedings. If you would like information on how to participate in this proceeding, please contact Alana Mathews, Public Adviser, at PublicAdviser@energy.ca.gov or (916) 654-4489, or toll free at (800) 822-6228.

If you have a disability and need assistance to participate in any upcoming Committee events, contact Poneh Jones at least five days prior to the event at poneh.jones@energy.ca.gov or (916) 654-4425.

Questions of a procedural nature should be directed to Susan Cochran, Hearing Officer, at susan.cochran@energy.ca.gov or (916) 654-3965.

Technical questions concerning the Petition should be addressed to Leonidas Payne, Project Manager, at leonidas.payne@energy.ca.gov or at (916) 651-0966.

Media inquiries should be sent to the Media and Public Communications Office at Mediaoffice@energy.ca.gov or at (916) 654-4989.

Information regarding the status of the project, as well as notices and other relevant documents pertaining to this proceeding, may be viewed on the Energy Commission's web page at <http://www.energy.ca.gov/sitingcases/highdesert/index.html>.

Dated: August 3, 2017, at Sacramento, California

ORIGINAL SIGNED BY:

KAREN DOUGLAS
Commissioner and Presiding Member
High Desert Amendment Committee

ORIGINAL SIGNED BY:

JANEA A. SCOTT
Commissioner and Associate Member
High Desert Amendment Committee