

## DOCKETED

<b>Docket Number:</b>	15-AFC-02
<b>Project Title:</b>	Mission Rock Energy Center
<b>TN #:</b>	215674
<b>Document Title:</b>	Revised Scheduling Order
<b>Description:</b>	Order
<b>Filer:</b>	Darlene Burgess
<b>Organization:</b>	Energy Commission Hearing Office
<b>Submitter Role:</b>	Committee
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<b>Docketed Date:</b>	1/31/2017



BEFORE THE ENERGY RESOURCES CONSERVATION AND DEVELOPMENT  
COMMISSION OF THE STATE OF CALIFORNIA  
1516 NINTH STREET, SACRAMENTO, CA 95814  
1-800-822-6228 – WWW.ENERGY.CA.GOV

**APPLICATION FOR CERTIFICATION FOR THE  
MISSION ROCK ENERGY CENTER**

**Docket No. 15-AFC-02**

## REVISED SCHEDULING ORDER

### Background

On December 30, 2015, Mission Rock Energy Center, LLC (Applicant) submitted an Application for Certification (Application) to the California Energy Commission (Energy Commission) seeking permission to construct and operate a 275-megawatt (MW) natural-gas-fired power generation facility, the Mission Rock Energy Center (Proposed Project).<sup>1</sup>

The Application and all documents that have been filed in the project docket may be viewed at:

<https://efiling.energy.ca.gov/Lists/DocketLog.aspx?docketnumber=15-AFC-02>

The Energy Commission assigned a committee of two Commissioners<sup>2</sup> (Committee) to conduct proceedings on the Application.

### Summary

On December 19, 2016, the Committee held a public Status Conference to discuss the progress of the case with the parties and to hear from the parties and the public.<sup>3</sup>

During the Status Conference, the Committee, Applicant, and Energy Commission Staff (Staff) reviewed the existing schedule from the Committee Scheduling Order.<sup>4</sup> The discussion also turned to substantive matters. For example, the Ventura County Air Pollution Control District (District) requires that the Applicant identify emissions reduction credits before it will issue the Preliminary Determination of Compliance

<sup>1</sup> The Application can be found at <http://www.energy.ca.gov/sitingcases/missionrock/documents/afc.php>.

<sup>2</sup> The Energy Commission appointed a Committee consisting of Karen Douglas, Commissioner and Presiding Member, and Janea A. Scott, Commissioner and Associate Member, at its Business Meeting on May 17, 2016 (TN 211537).

<sup>3</sup> TN 214729, TN 215153.

<sup>4</sup> TN 212756.

(PDOC). The PDOC is a necessary document that Staff relies on when preparing its Preliminary Staff Assessment (PSA). Neither Applicant nor Staff could provide the Committee with definitive timing for the issuance of the PDOC.

Finally, the timing of existing and additional data requests by Staff and responses by the Applicant was discussed. In addition, both Staff and Applicant made additional comments about the schedule in their January 2017 status reports.<sup>5</sup> Staff requested that discovery end 30 days after Applicant files responses to all data requests and that the PSA be due no earlier than 45 days after the receipt of the PDOC. Applicant requests that the PSA be due 30 days after the PDOC “and other proceeding milestones.” Given the issues in this case and the number of public comments received on the Proposed Project, the Committee will provide Staff with the requested 45 days to prepare the PSA following receipt of the PDOC.

For the discovery deadline, during the Status Conference the parties had agreed to a cut-off date of February 23, 2017. However, in its January 2017 status report, Staff requested that the deadline be extended to 30 days after the last data responses are received from Applicant. The Committee will continue with the cut-off date of February 23, 2017, as agreed upon at the Status Conference. In the event that additional discovery is necessary, or if a discovery dispute arises, the parties are free to bring a motion to extend discovery.

Based on the foregoing, the Committee adopts a new schedule as set forth below. This schedule supersedes all prior schedules. The parties are to consider this schedule an outer boundary and make their best efforts to complete the milestones ahead of these dates. The Committee may modify the schedule at any time upon either its own motion or that of a party.

### **Status Reports**

The attached Committee Schedule continues the requirement for all parties to submit monthly 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. The burden is on the Applicant to produce the necessary data according to the schedule. If there are delays, the Committee may adopt a performance-based approach resulting in a commensurate lengthening of the schedule.

Parties must file (docket) and serve Status Reports and documents on or before the first of each month, using the e-filing system on the California Energy Commission’s website by clicking on the “Submit e-Filing” link in the “Original Proceeding” box at:

<http://www.energy.ca.gov/sitingcases/missionrock/index.html>

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<sup>5</sup> TN 215143 and TN 215145.

## Public Participation

Members of the public are welcome to attend and offer oral or written comments throughout the proceedings. It is not necessary to be an intervenor to participate in the public process. Written comments may also be submitted electronically by visiting the website at:

<http://www.energy.ca.gov/sitingcases/missionrock/>

and clicking on the “Submit e-Comment” link in the “Original Proceeding” box. Otherwise, written comments may be submitted by e-mailing them to [docket@energy.ca.gov](mailto:docket@energy.ca.gov), or by mailing them by U.S. Mail to:

California Energy Commission - Docket Unit  
Docket No. 15-AFC-02  
1516 Ninth Street, MS-4  
Sacramento, CA 95814

For all comments, please include the docket number and proceeding name (“15-AFC-02 Mission Rock Energy Center”) in the subject line and on the cover page.

**PLEASE NOTE:** Written and oral comments, attachments, and associated contact information (e.g., your address, phone, e-mail, etc.) become part of the viewable public record. Additionally, this information may become available via search engines, such as Google and Yahoo.

## Public Adviser and Other Commission Contacts

The Energy Commission’s Public Adviser’s Office provides the public with assistance in participating in Energy Commission proceedings. If you want information on how to participate in this forum, please contact Alana Mathews, Public Adviser, by e-mail at [PublicAdviser@energy.ca.gov](mailto:PublicAdviser@energy.ca.gov) or at (916) 654-4489, or toll free at (800) 822-6228.

Questions of a legal or procedural nature should be directed to Susan Cochran, Hearing Officer, by e-mail at [susan.cochran@energy.ca.gov](mailto:susan.cochran@energy.ca.gov) or at (916) 654-3965.

Technical questions concerning the Proposed Project should be addressed to Mike Monasmith, Project Manager, by e-mail at [mike.monasmith@energy.ca.gov](mailto:mike.monasmith@energy.ca.gov) or (916) 654-4894.

Media inquiries should be sent to the Media and Public Communications Office by e-mail at [mediaoffice@energy.ca.gov](mailto:mediaoffice@energy.ca.gov) or at (916) 654-4989.

Information concerning the status of the Proposed Project, as well as notices and other relevant documents, may be viewed on the Energy Commission's web page at:

[www.energy.ca.gov/sitingcases/missionrock/](http://www.energy.ca.gov/sitingcases/missionrock/).

Dated: January 31, 2017, at Sacramento, California

*ORIGINAL SIGNED BY:*

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KAREN DOUGLAS  
Commissioner and Presiding Member  
Mission Rock Energy Center Committee

*ORIGINAL SIGNED BY:*

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JANEA A. SCOTT  
Commissioner and Associate Member  
Mission Rock Energy Center Committee

**MISSION ROCK ENERGY CENTER  
JANUARY 2017 SCHEDULE**

<b>ACTIVITY</b>	<b>DATE COMPLETED OR DUE</b>
Application for Certification filed by Applicant	December 30, 2015
Application found Data Adequate	May 17, 2016
Staff files first round of Data Requests	June 24, 2016
Site Visit, Informational Hearing, and Environmental Scoping Meeting in Santa Paula	June 28, 2016
Second Informational Hearing and Environmental Scoping Meeting in Santa Paula	July 28, 2016
Status Report from all parties due on the 1 <sup>st</sup> of each month	September 1, 2016 and the 1 <sup>st</sup> of each month thereafter
Applicant files Data Responses	September 1, 2016
Data Response and Issue Resolution Workshop	Mid-September 2016
Committee Status Conference	December 19, 2016
Staff files Data Requests Set 2A	December 30, 2016
Applicant files Data Responses to Data Requests Set 2A	January 30, 2017
Applicant files Data Responses to Data Request #115	February 9, 2017
Discovery closes	February 23, 2017 <sup>6</sup>
Ventura County Air Pollution Control District (VCAPCD) issues Preliminary Determination of Compliance (PDOC)	TBD
Preliminary Staff Assessment (PSA) Published	PDOC plus 45 days
PSA Staff Workshop	Within 30 days after publication of the PSA
Public Comment Period for the PSA closes	30 days after publication of the PSA
VCAPCD Issues Final Determination of Compliance (FDOC)	TBD
Final Staff Assessment Published (FSA)	FDOC plus 45 days

<sup>6</sup> Discovery closes 180 days after the determination of data adequacy unless otherwise ordered by the Presiding Member. (Cal. Code Regs., tit. 20, § 1716.)

All Parties File Opening Testimony	TBD
All Parties File Rebuttal Testimony	TBD
Last day to file Petition to Intervene <sup>7</sup>	30 days before first Evidentiary Hearing
All Parties File Prehearing Conference Statements with Exhibit Lists	TBD
Prehearing Conference (PHC)	TBD
Evidentiary Hearings (EH)	TBD
All Parties File Opening Briefs (if determined to be necessary)	TBD
All Parties File Reply Briefs (if determined to be necessary)	TBD
Committee Files Presiding Member's Proposed Decision (PMPD)	TBD
Committee Conference on PMPD	TBD
Close of Public Comment Period on PMPD	TBD
Committee Files Errata or Revised PMPD (if necessary)	TBD
Energy Commission Final Decision	TBD

\*TBD = To Be Determined

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<sup>7</sup> "A petition for intervention shall be filed no later than the deadline established by the presiding member, or if none is established, at least 30 days before the first evidentiary hearing in the proceeding." Cal. Code Regs., tit. 20, § 1211.7, subd. (b).