

DOCKETED

Docket Number:	15-AFC-02
Project Title:	Mission Rock Energy Center
TN #:	222358
Document Title:	Initial Comments Regarding Schedule and Informational Needs
Description:	N/A
Filer:	Deric Wittenborn
Organization:	Ellison Schneider Harris & Donlan LLP
Submitter Role:	Applicant
Submission Date:	1/25/2018 8:46:35 AM
Docketed Date:	1/25/2018



January 25, 2018

Commissioner Karen Douglas, Presiding Member
Commissioner Janea A. Scott, Associate Member
California Energy Commission
1516 Ninth Street
Sacramento, California 95814-5512

Re: Mission Rock Energy Center (15-AFC-02): Initial Comments Regarding Schedule and Informational Needs

Dear Commissioners Douglas and Scott:

In accordance with the *Order Suspending Comment Period On Preliminary Staff Assessment Published November 27, 2017*¹ (the “Order”), Mission Rock Energy Center, LLC (the “Applicant”) files these initial comments regarding schedule and informational needs for the Mission Rock Energy Center (“Project”) proceeding.

The Applicant understands that circumstances beyond the control of the Committee and the parties (primarily the regional wildfires and resulting mudslides) have affected the schedule for these proceedings. Given these circumstances, the Applicant supports a reasonable extension, but not an indefinite one, for comments on the Preliminary Staff Assessment.

The Order requests that Staff, the other parties, and the public “provide a list or description of the most important pieces of information needed to supplement and reissue” the Preliminary Staff Assessment on or before February 28, 2018. While Applicant believes the Preliminary Staff Assessment does not require supplementation or reissuance, Applicant nevertheless also believes that a workshop on the Preliminary Staff Assessment may be more productive after receipt of the information requested by the Order on February 28, 2018. This information should be used to guide discussions at the workshop. Accordingly, the Applicant suggests that the Preliminary Staff Assessment Workshop be scheduled in mid-March after receipt of the submittals requested in the Order. Applicant believes that the comment period on the Preliminary Staff Assessment should close within a reasonable time thereafter.

In response to the Committee’s request for comments relating to information needed to supplement and reissue the Preliminary Staff Assessment, Applicant submits that there is no

¹ TN#: 222270, p. 3.

reason to supplement or reissue the Preliminary Staff Assessment. Applicant acknowledges that additional information is required in order for the Committee to ultimately make a decision on the Project.² However, the Commission's process for licensing power plants is deliberately iterative and allows for additional information to be gathered and analyzed throughout this process. The issuance of the *Preliminary* Staff Assessment is not the final opportunity for the parties, the public, or the Committee to weigh in on the Project, and indeed the process is designed to, and provides for, ample subsequent opportunity to evaluate the Project through workshops, the Final Staff Assessment, evidentiary hearings, the Presiding Member's Proposed Decision, and eventually, the Final Decision. By suggesting that the Preliminary Staff Assessment requires supplementation or reissuance ignores the lengthy process still to come, which ultimately could result in unnecessary delays.

The Applicant appreciates the Committee's continuing efforts on this Application.

Sincerely,

A handwritten signature in blue ink that reads "Jeffery D. Harris". The signature is written in a cursive style and is positioned above a horizontal line.

Jeffery D. Harris
Samantha G. Neumyer
Attorneys for the Applicant

² Four of the eight subjects are cited in the PSA as "indeterminate", thereby requiring additional input from Applicant, are related to Applicant's need to identify Emissions Reduction Credits prior to the issuance of the Final Determination of Compliance and the Final Staff Assessment. Another subject area will be resolved by the California Independent System Operator's Phase I study, which the Applicant expects to submit imminently. The "indeterminate" conclusion for the final two subject areas, soil and water resources and power plant reliability, relate to feasibility issues, rather than information availability, which will be further evaluated in the Final Staff Assessment. Finally, while the Preliminary Staff Assessment acknowledges that consultations are ongoing, no specific informational needs are identified as outstanding for the cultural resources analysis.