

DOCKETED

Docket Number:	08-AFC-08A
Project Title:	Hydrogen Energy Center Application for Certification Amendment
TN #:	207026
Document Title:	Applicant's letter re supplemental information report in support of Request to Reinststate the AFC
Description:	N/A
Filer:	Paul Kihm
Organization:	Latham & Watkins LLP
Submitter Role:	Applicant Representative
Submission Date:	12/15/2015 2:02:47 PM
Docketed Date:	12/15/2015

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December 15, 2015

Raoul Renaud
Hearing Officer
California Energy Commission
1516 Ninth Street
Sacramento CA 95814-5512

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Re: Hydrogen Energy California Application for Certification (08-AFC-08A)
Request to Reinstate the AFC

Dear Mr. Renaud:

On May 5, 2015, Hydrogen Energy California LLC (“Applicant”) filed a Request for Suspension of the Application for Certification (“AFC”) proceeding for the Hydrogen Energy California Project (08-AFC-08A) (“Project”). On July 3, 2015, the Committee issued an Order denying a Motion to Terminate for the Project and granted the Applicant’s Request for Suspension for a six-month period ending on January 6, 2016. On November 30, 2015, Applicant filed a “Report To Committee And Request To Reinitiate AFC Proceedings.” On December 1, 2015, a memo from the Hearing Officer was issued that gives parties until December 15, 2015 to submit comments on the request to reinitiate the AFC proceeding, as well as notice that the Committee will hold a public hearing.

Consistent with the Committee’s Order, which requires the Applicant to submit reports of information prior to January 6, 2016, the Applicant has been and is continuing to compile the necessary information and intends to docket a supplemental report prior to the end of the suspension period, including related to:

- The partnership established between HECA and the Lawrence Berkeley National Laboratory to facilitate permanent sequestration of Project’s CO2 emissions in the well-studied geologic formation underlying the Project site.
- Data and modeling information, presented by the Lawrence Berkeley National Laboratory, on the sequestration potential of the geologic Southern San Joaquin Basin underlying the Project. This existing data and modeling will help demonstrate that the Project is very far along in the geologic characterization process and developing the monitoring, reporting and verification (MRV) plan.

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- Description of the Class VI permitting process from the U.S. Environmental Protection Agency to permanently sequester the Project's CO2 emissions, including the MRV requirements.
- Discussion of the continued role of carbon, capture and sequestration (CCS) in climate change policy.
- Detailed economic analysis demonstrating the financial feasibility of the Project with permanent sequestration of the Project's CO2 emissions instead of via an off-take agreement, as previously proposed.
- Information about the status of outstanding data requests, including comments from the County of Kern.
- Additional mitigation measures that will be proposed by the Applicant to address outstanding issues.

We very much appreciate the work that staff and the Committee has provided and continues to provide with this proceeding.

Very truly yours,

/s/ Michael Carroll

Michael Carroll
of LATHAM & WATKINS LLP