

DOCKETED

Docket Number:	08-AFC-09C
Project Title:	Palmdale Energy Project (Formerly Palmdale Hybrid Power Plant) - Compliance
TN #:	217298
Document Title:	Palmdale Energy LLC's Request for Additional Extension of Construction Start Date
Description:	N/A
Filer:	Marie Fleming
Organization:	DayZen LLC
Submitter Role:	Applicant Representative
Submission Date:	4/26/2017 11:48:28 AM
Docketed Date:	4/26/2017

Scott A. Galati
DAYZEN LLC
2501 Capitol Avenue, Suite 201
Sacramento, CA 95816
(916) 441-6574

STATE OF CALIFORNIA

Energy Resources
Conservation and Development Commission

In the Matter of:

DOCKET NO. 08-AFC-09C

Petition For Amendment for the
PALMDALE ENERGY PROJECT

**PALMDALE ENERGY, LLC's REQUEST
FOR ADDITIONAL EXTENSION OF
CONSTRUCTION START DATE**

INTRODUCTION

Pursuant to Section 1720.3 of the California Energy Commission's (Commission) Rules of Practice and Procedure, Palmdale Energy, LLC hereby requests an additional extension of the deadline for the commencement of construction (Deadline) for the Palmdale Energy Project (PEP). Palmdale Energy, LLC requests the additional extension of the Deadline for the sole purpose of allowing the Commission to act upon the current, pending Petition To Amend (PTA). On July 13, 2016, the Commission previously extended the Deadline until June 1, 2017 to allow a Final Decision on its PTA for the PEP. While evidentiary hearings have been completed, the Presiding Member's Proposed Decision (PMPD) has not yet been issued. Once issued the PMPD is required to be circulated for 30-days prior to the full Commission action. Since the PMPD has not yet been issued and circulated, it is not possible for the Commission to consider the PMPD at one of its regularly scheduled Business Meetings before the expiration of the June 1, 2017 Deadline.

Section 1720.3 provides:

Unless a shorter deadline is established pursuant to § 25534, the deadline for the commencement of construction shall be five years after the effective date of the decision. Prior to the deadline, the applicant may request, and the commission may order, an extension of the deadline for **good cause**.

BACKGROUND

Palmdale Energy, LLC established good cause for the original extension in its original Request For Extension filed on May 18, 2016 and incorporates those facts herein. Good

cause exists for an additional extension as Palmdale Energy, LLC has continued to pursue its current PTA in good faith and although it was contemplated that the Commission would complete its review by June 1, 2017, the process has taken additional time. The Commission included the following in its original order extending the Deadline to June 1, 2017,

Since acquiring the project, Palmdale Energy, LLC has worked diligently to develop the project as proposed in the 2015 Petition to Amend (PTA). The requested extension of 9 months is not excessive and is a reasonable amount of time to allow for the Energy Commission to analyze the issues presented in the PTA and either approve or deny the requested modifications. The 9 month extension will take substantially less time, effort, and resources than that required to process a new Application for Certification.

The same conclusion would be applicable now since if Palmdale Energy, LLC would have known that it would not have received a Final Decision before June 1, 2017 it would have requested a longer extension.

TIMELINESS OF FILING

This Petition is timely filed because it is well before the June 1, 2017 Deadline.

CONCLUSION

Therefore the Palmdale Energy, LLC requests, and the Commission should extend, the Deadline to August 1, 2017 to allow a Decision on the PTA because the Palmdale Energy, LLC has demonstrated good cause for the extension.

Dated: April, 26, 2017

Respectfully Submitted,



Scott A. Galati
Counsel to Palmdale Energy, LLC