



California Energy Commission

DOCKETED
12-AFC-8A

TN # 66966

AUG 29 2012

The Honorable Karen Douglas
The Honorable Andrew McAllister
Siting Project Committee
California Energy Commission
1516 Ninth Street
Sacramento California 95814

Re: Hydrogen Energy California Project (08-AFC-08A) Sierra Club's Status Report #1

Pursuant to the Committee's August 9, 2012 Scheduling Order, Sierra Club respectfully submits its first status report for the Committee's consideration.

The Proposed Schedule

Staff appears to be committed to a very ambitious schedule for this proceeding based on its order relating the data adequacy of the amended application back to 2009. Given the significant changes in the current project, including the use of coal and a new fertilizer plant, the Commission must allow for a full discovery process in this most recent docket.

The Committee's proposed schedule is infeasible and would potentially burden intervenors. The proposed schedule does not allow staff or parties sufficient time to receive and review data responses before the scheduled workshops.

The Applicant has impeded the process by delaying resolution of data responses. Staff issued its first set of data requests on July 20, and Sierra Club submitted its first set on August 2. So far, the Applicant has not responded to Sierra Club's discovery. For example, the Applicant is refusing to provide essential information on the proposed project's potential air quality impacts and proposed mitigation measures. Instead, it either objected or requested a 30-day extension to all but a very few of Sierra Club's requests. For this reason, Sierra Club will not receive the requested information until October 4, at the earliest. If the Applicant continues to refuse to provide this relevant information, the schedule will be delayed even further. Therefore, the Committee should not schedule the first data response and issue resolution workshop until the end of October.

Because HECA is a complicated and controversial project, the Commission must allow for full discovery and additional technical workshops should they be warranted. We appreciate your attention to these issues. Do not hesitate to call me if you have any questions.

Dated: August 29, 2012

Signed:

A handwritten signature in black ink, appearing to read "Andrea Issod". The signature is fluid and cursive, with the first name "Andrea" written in a larger, more prominent script than the last name "Issod".

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**AMENDED APPLICATION FOR CERTIFICATION
FOR THE HYDROGEN ENERGY
CALIFORNIA PROJECT**

Docket No. 08-AFC-08A
(Revised 7/25/12)

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DECLARATION OF SERVICE

I, Andrea Sanchez, declare that on August 29, 2012, I served and filed a copy of the attached **Status Report #1**, Dated August 29, 2012. This document is accompanied by the most recent Proof of Service list, located on the web page for this project at:

http://www.energy.ca.gov/sitingcases/hydrogen_energy/index.html

The document has been sent to the other parties in this proceeding (as shown on the Proof of Service list) and to the Commission's Docket Unit or Chief Counsel, as appropriate, in the following manner:

(Check all that Apply)

For service to all other parties:

- Served electronically to all e-mail addresses on the Proof of Service list;
- Served by delivering on this date, either personally, or for mailing with the U.S. Postal Service with first-class postage thereon fully prepaid, to the name and address of the person served, for mailing that same day in the ordinary course of business; that the envelope was sealed and placed for collection and mailing on that date to those addresses **NOT** marked "e-mail preferred."

AND

For filing with the Docket Unit at the Energy Commission:

- by sending one electronic copy to the e-mail address below (preferred method); **OR**
- by depositing an original and 12 paper copies in the mail with the U.S. Postal Service with first class postage thereon fully prepaid, as follows:

CALIFORNIA ENERGY COMMISSION – DOCKET UNIT
Attn: Docket No. 08-AFC-08A
1516 Ninth Street, MS-4
Sacramento, CA 95814-5512
docket@energy.ca.gov

OR, if filing a Petition for Reconsideration of Decision or Order pursuant to Title 20, § 1720:

- Served by delivering on this date one electronic copy by e-mail, and an original paper copy to the Chief Counsel at the following address, either personally, or for mailing with the U.S. Postal Service with first class postage thereon fully prepaid:

California Energy Commission
Michael J. Levy, Chief Counsel
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I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, that I am employed in the county where this mailing occurred, and that I am over the age of 18 years and not a party to the proceeding.

/s/Andrea Sanchez
Andrea Sanchez, Sierra Club