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California Energy Commission <b>DOCKETED</b> <b>08-AFC-8A</b>
TN # 67835 OCT. 18 2012

STATE OF CALIFORNIA  
ENERGY RESOURCES  
CONSERVATION AND DEVELOPMENT COMMISSION

IN THE MATTER OF: ) DOCKET NO. 08-AFC-08A  
)  
APPLICATION FOR CERTIFICATION, ) STATUS REPORT NO. 2  
FOR THE HYDROGEN ENERGY )  
CALIFORNIA PROJECT BY HYDROGEN )  
ENERGY CALIFORNIA LLC )  
\_\_\_\_\_ )

Pursuant to the Revised Committee Scheduling Order for the Hydrogen Energy California Project (Project), issued on October 5, 2012, we hereby file this Status Report No. 2 on behalf of Hydrogen Energy California LLC (HECA or Applicant). This Status Report provides an overview of key activities by HECA since August 31, 2012, when HECA submitted Status Report No. 1.

As shown below, the Applicant is actively engaged in public outreach and agency coordination to facilitate review of the Project. The Applicant is quickly resolving all outstanding Data Requests by Staff for the California Energy Commission (CEC) and other parties. The Applicant expects that Staff will have adequate information to prepare the Preliminary Staff Assessment by December 19, 2012, as provided by the Revised Committee Scheduling Order.

**I. RESPONSES TO DATA REQUESTS**

On September 6, 2012, Applicant received Staff's Data Requests A124-A180. *See* Docket No. 67037. On September 26, 2012, Applicant filed timely objections and requests for additional time to respond to certain of these Data Requests. *See* Docket No. 67319.

On September 12, 2012, on behalf of Occidental of Elk Hills, Inc. (OEHI), Applicant submitted Responses to CEC Data Requests Set One: OEHI Extension. *See* Docket No. 67096. On September 12, 2012, Applicant submitted documents from OEHI in response to Data Request No. A62. *See* Docket No. 67146. On September 21, 2012, Applicant filed responses to the

Staff's Data Requests A1-123 for which Applicant had requested 30 days additional time to respond. *See* Docket No. 67238.

On September 4, 2012, Applicant filed timely responses to the Sierra Club's Data Requests 1-97, except as noted in the stated objections and requests for additional time, which were submitted on August 22, 2012. *See* Docket No. 66979. On October 3, 2012, Applicant filed additional responses to the Sierra Club's Data Requests 1-97 for which Applicant had requested 30 days additional time to respond. *See* Docket No. 67515. On October 12, 2012, Applicant submitted Supplemental Responses to Sierra Club Data Requests 1-97. *See* Docket No. 67706.

On September 10, 2012, Applicant received a letter from the Sierra Club that set forth the Sierra Club's responses to Applicant's objections and asked that Applicant reconsider its objections. On September 18, 2012, Applicant and Sierra Club participated in a conference call to discuss the data requests to which Applicant had objected. As a result of that conversation, on September 20, 2012, Applicant informed Sierra Club that it would provide responses to an additional 15 data requests. On September 21, 2012, Sierra Club filed its Motion to Compel Production of Information in Response to Data Requests. *See* Docket No. 67239. On October 8, 2012, Applicant filed response to Sierra Club's Motion to Compel Production of Information in Response to Data Requests. *See* Docket No. 67596. On October 15, 2012, Applicant received a Reply to Sierra Club's Motion to Compel from the Sierra Club, which withdrew its motion for four of the eight requests. On October 16, 2012, Applicant responded to the Reply to Sierra Club's Motion to Compel.

On October 17, 2012, Applicant facilitated a tour of the project site for CEC biologists, U.S. Fish and Wildlife Service, and California Department of Fish and Game.

## **II. AGENCY COORDINATION**

On July 2, 2012, Applicant received Notice of Incomplete Application for the San Joaquin Valley Air Pollution Control District (SJVAPCD). On August 1, 2012, Applicant responded to SJVAPCD's requests from the July 2<sup>nd</sup> letter. On August 30, 2012, Applicant received a Notice of Receipt of Complete Application from SJVAPCD. On September 5, 2012, a copy of this correspondence was submitted to the CEC. *See* Docket No. 67016.

On September 14, 2012, Applicant submitted its General Conformity Evaluation to SJVAPCD and the United States Department of Energy (DOE). A copy was provided to the CEC. *See* Docket No. 67140. Applicant is in the process of discussing the General Conformity Evaluation with the SJVAPCD and DOE in an effort to arrive at a mutually acceptable approach to completing the General Conformity Evaluation for the Project.

## **III. COORDINATION OF HECA AND OXY CO2 EOR PROJECTS**

On September 19, 2012, Occidental of Elk Hills, Inc. (OEHI) provided to the CEC the Draft and Final Supplemental Environmental Impact Statement for the sale of the Naval Petroleum Reserve No.1 to Occidental Petroleum. *See* Docket No. 67219-67221.

On September 19, 2012, Applicant facilitated a site visit of OEHI's site for CEC Cultural Resources staff.

On September 27, 2012, OEHI participated via phone in a CEC-sponsored Data Response Workshop in Sacramento, CA.

OEHI submitted responses to Data Requests provided by the Department of Conservation, Division of Oil, Gas, and Geothermal Resources (DOGGR) in October 15, 2012. Part of this filing included an Underground Injection Control (UIC) application for EOR wells.

#### **IV. PUBLIC OUTREACH**

A number of public outreach activities have been completed by HECA since the filing of Applicant's Status Report No. 1, including the following:

- On September 15, 2012, Applicant was a sponsor of the City of Buttonwillow's Fall Farm Festival. Applicant also hosted an educational booth at the event to provide information to local residents and to answer questions about the project.
- Also on September 15, 2012, Applicant was a sponsor of the Buttonwillow School Parents Club 5K Run.
- On October 2, 2012, Applicant met with Michael Picker, Senior Energy Advisor to Governor Jerry Brown, to provide an overview of the project.
- On October 4, 2012, Applicant met with Buttonwillow civic leaders to discuss community needs, local concerns about the project, and ways in which HECA can beneficially participate in the community.
- HECA has a feature article and full page advertisement in the Renewable Energy Issue of the Kern Business Journal, which was published on October 8, 2012.
- On October 16-17, 2012, Applicant attended the West Coast Regional Carbon Sequestration Partnership (WESTCARB) annual meeting in Bakersfield, CA. Applicant was a sponsor of the meeting and presented, providing project updates. The meeting also featured a site tour of OEHI's oil field.

DATED: October 18, 2012

Respectfully submitted,

*/S/ Michael Carroll*

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Michael Carroll  
LATHAM & WATKINS LLP  
Counsel to Applicant

**STATE OF CALIFORNIA  
ENERGY RESOURCES  
CONSERVATION AND DEVELOPMENT COMMISSION**

In the Matter of:	)	Docket No. 08-AFC-08A
	)	
REVISED APPLICATION FOR	)	<b>PROOF OF SERVICE</b>
CERTIFICATION FOR THE HYDROGEN	)	
ENERGY CALIFORNIA POWER PLANT	)	(October 9, 2012)
PROJECT (“HECA”)	)	
_____	)	

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HYDROGEN ENERGY CALIFORNIA PROJECT  
CEC Docket No. 08-AFC-08A

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HYDROGEN ENERGY CALIFORNIA PROJECT  
CEC Docket No. 08-AFC-08A

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**DECLARATION OF SERVICE**

I, Paul Kihm, declare that on October 18, 2012, I served and filed copies of the attached:

**STATUS REPORT NO. 2**

to all parties identified on the Proof of Service List above in the following manner:

**California Energy Commission Docket Unit**

Transmission via electronic mail to:

**CALIFORNIA ENERGY COMMISSION**  
Attn: DOCKET NO. 08-AFC-08A  
1516 Ninth Street, MS-4  
Sacramento, California 95814-5512  
[docket@energy.state.ca.us](mailto:docket@energy.state.ca.us)

**For Service to All Other Parties**

Transmission via electronic mail to all email addresses on the Proof of Service list.

I declare under penalty of perjury that the foregoing is true and correct. Executed on October 18, 2012, at Costa Mesa, California.

*/S/ Paul Kihm*

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Paul Kihm