



BEFORE THE ENERGY RESOURCES CONSERVATION AND DEVELOPMENT  
 COMMISSION OF THE STATE OF CALIFORNIA  
 1516 NINTH STREET, SACRAMENTO, CA 95814  
 1-800-822-6228 – WWW.ENERGY.CA.GOV

California Energy Commission  
**DOCKETED**  
**08-AFC-8A**  
 TN # 70163  
 MAR 27 2013

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

**Docket No. 08-AFC-08A**

**REVISED COMMITTEE SCHEDULING ORDER**

**Background**

On July 31, 2008, Hydrogen Energy International, LLC (HEI) filed an Application for Certification (AFC) seeking authority to construct and operate the Hydrogen Energy California Project (HECA), an integrated gasification combined cycle (IGCC) power generating facility rated at a nominal gross generating capacity of 390 megawatts (MW). To avoid conflict with habitat for endangered species, HEI retracted the original AFC and filed a revised application on May 28, 2009, for the same project to be built at a different location. An Informational Hearing and Site Visit were conducted on September 16, 2009. The proposed HECA would be located near the unincorporated community of Tupman in western Kern County, California, seven miles west of the city limit of Bakersfield.

SCS Energy California, LLC acquired 100 percent ownership of HECA, LLC in September 2011, undertook the re-design of some aspects of the project, and submitted an amended AFC in May 2012. The Energy Commission assigned a Committee of two Commissioners to conduct proceedings on the AFC. The Committee held a Public Site Visit and Informational Hearing at the Elk Hills School in Tupman on July 12, 2012, to discuss the amended AFC, the Energy Commission review process and to identify issues that could affect the schedule. Pursuant to Title 20, of the California Code of Regulations, section 1709.7(c), the Committee issued a Scheduling Order based on Staff’s proposed schedule and related discussions at the Informational Hearing.

The attached revised schedule is based upon information submitted by the parties in recent status reports. Commission staff’s March 2013 status report emphasized the necessity for interagency coordination between the Energy Commission and the U.S. Department of Energy (DOE) in the preparation of the joint Preliminary Staff Assessment/Draft Environmental Impact Statement (PSA/DEIS). According to both Staff and the DOE, a publication date of April 30, 2013 would provide the needed time.

Applicant has voiced concern over the requested six-week extension and has requested assurance that no further extensions of the schedule will be granted. While we cannot predict what unforeseeable events could occur that might cause further delay, we are confident that both agencies will proceed with diligence to meet the April 30, 2013 PSA/DEIS publication date we establish herein.

### **Status Reports and Status Conferences**

The attached schedule requires status reports to be submitted by all parties. Status reports shall inform the Committee whether or not case development is progressing satisfactorily, and bring potential schedule delays and other relevant matters to the Committee's attention. In addition, the Committee may schedule one or more status conferences to discuss any issues that may arise.

The reports shall be received by the other parties and the Commission's Docket Unit, 1516 Ninth Street, MS-4, Sacramento, California 95814-5512, **and must be filed no later than 3:00 p.m.** on the due date. Status reports must contain "Docket No. 08-AFC-08A" in the caption or heading. The parties shall e-mail their status reports to those with e-mail addresses as indicated on the Service List.

### **Public Adviser and Public Participation**

The Energy Commission invites members of the public and other interested parties to participate either on an informal basis or by intervening in the proceeding. Both types of participation allow written and oral comments. At the informal participation level, written and oral public comments are considered by the Commissioners and are part of the record, but are not part of the formal evidentiary record. Intervenors have the right to introduce evidence into the evidentiary record and cross-examine the other parties' witnesses.

The Energy Commission's Public Adviser's Office is available to provide the public with an understanding of a proceeding and to make recommendations for meaningful participation. For assistance, contact Blake Roberts, the Assistant Public Adviser, at (916) 654-4489 or (800) 822-6228 or e-mail at: [publicadviser@energy.ca.gov](mailto:publicadviser@energy.ca.gov).

### **Contact Information**

Questions of a legal or procedural nature should be directed to Raoul Renaud, the Hearing Adviser, at (916) 651-2020 or e-mail: [raoul.renaud@energy.ca.gov](mailto:raoul.renaud@energy.ca.gov).

Technical questions concerning the project should be addressed to Robert Worl, the Staff Project Manager, at (916) 651-8853 or e-mail: [robert.worl@energy.ca.gov](mailto:robert.worl@energy.ca.gov).

Media inquiries should be directed to the Energy Commission's Media Office at (916) 654-4989 or e-mail at: [mediaoffice@energy.ca.gov](mailto:mediaoffice@energy.ca.gov).

If you have a disability and need assistance to participate, please contact Lourdes Quiroz at (916) 654-5146 or e-mail at: [lou.quiroz@energy.ca.gov](mailto:lou.quiroz@energy.ca.gov).

Information concerning the status of the project, as well as notices and other relevant documents, may be viewed on the Energy Commission's Internet webpage at: [http://www.energy.ca.gov/sitingcases/hydrogen\\_energy/](http://www.energy.ca.gov/sitingcases/hydrogen_energy/).

Dated: March 27, 2013, at Sacramento, California.

***Original Signed By:***

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KAREN DOUGLAS  
Commissioner and Presiding Member  
Hydrogen Energy California Project  
AFC Committee

***Original Signed By:***

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ANDREW McALLISTER  
Commissioner and Associate Member  
Hydrogen Energy California Project  
AFC Committee

**MARCH 2013  
REVISED HECA COMMITTEE SCHEDULE**

	ACTIVITY	DATE
1	Amended Application for Certification was submitted	05-02-12
2	Informational Hearing and Site Visit	07-12-12
3	San Joaquin Valley Air Pollution Control District (SJVAPCD) issued Preliminary Determination of Compliance (PDOC)	02-07-13
4	Status Reports filed	03-01-13
5	<b>Parties file Status Reports</b>	04-09-13
6	Preliminary Staff Assessment/ Draft Environmental Impact Statement (PSA/DEIS) filed	04-30-13
7	SJVAPCD issues Final Determination of Compliance (FDOC)	TBD
8	PSA/DEIS workshop to be held in Buttonwillow (to be noticed)	TBD
9	Committee Conference on the PSA/DEIS (to be noticed)	TBD
10	Comments on PSA/DEIS are due; <b>Parties file Status Reports</b>	06-15-13
11	Final Staff Assessment/Final Environmental Impact Assessment FSA/FEIS filed	07-15-13
12	Prehearing Conference*	TBD
13	Evidentiary Hearings*	TBD
14	Committee files Presiding Member's Proposed Decision*	TBD
15	Hearing on the PMPD*	TBD
16	Commission issues final Decision*	TBD

**\*Items 12 through 16 will be scheduled by the Committee  
TBD – to be determined**



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**Docket No. 08-AFC-08A  
PROOF OF SERVICE  
(Revised 3/4/13)**

**SERVICE LIST:**

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**INTERESTED AGENCIES**

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\*Indicates Change

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PUBLIC ADVISER**

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**COMMISSION DOCKET UNIT**

CALIFORNIA ENERGY  
COMMISSION – DOCKET UNIT  
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docket@energy.ca.gov

**OTHER ENERGY COMMISSION  
PARTICIPANTS (LISTED FOR  
CONVENIENCE ONLY):**

*After docketing, the Docket Unit  
will provide a copy to the persons  
listed below. Do not send copies of  
documents to these persons  
unless specifically directed to do  
so.*

KAREN DOUGLAS  
Commissioner and Presiding Member

ANDREW McALLISTER  
Commissioner and Associate Member

Raoul Renaud  
Hearing Adviser

Galen Lemei  
Adviser to Presiding Member

Jennifer Nelson  
Adviser to Presiding Member

\*Hazel Miranda  
Adviser to Associate Member

David Hungerford  
Adviser to Associate Member

Patrick Saxton  
Adviser to Associate Member

Eileen Allen  
Commissioners' Technical  
Adviser for Facility Siting

**DECLARATION OF SERVICE**

I, Maggie Read, declare that on March 27, 2013, I served and filed copies of the attached REVISED COMMITTEE SCHEDULING ORDER, dated March 27, 2013. This document is accompanied by the most recent Proof of Service, which I copied from the web page for this project at: [http://www.energy.ca.gov/sitingcases/hydrogen\\_energy/](http://www.energy.ca.gov/sitingcases/hydrogen_energy/).

The document has been sent to the other persons on the Service List above in the following manner:

*(Check one)*

**For service to all other parties and filing with the Docket Unit at the Energy Commission:**

  x   I e-mailed the document to all e-mail addresses on the Service List above and personally delivered it or deposited it in the US mail with first class postage to those persons noted above as "hard copy required";  
**OR**

       Instead of e-mailing the document, I personally delivered it or deposited it in the US mail with first class postage to all of the persons on the Service List for whom a mailing address is given.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and that I am over the age of 18 years.

Dated: March 27, 2013

***Original Signed By:***

\_\_\_\_\_  
Maggie Read  
Hearing Office