

Memorandum

Date: August 15, 2012
Telephone: (916) 651-0966

California Energy Commission

DOCKETED
11-AFC-3

TN # 66684

AUG 15 2012

To: Commissioner Karen Douglas, Presiding Member
Commissioner Andrew McAllister, Associate Member

From: California Energy Commission - Eric Solorio
1516 Ninth Street Siting Project Manager
Sacramento, CA 95814-5512

Subject: **QUAIL BRUSH GENERATION PROJECT (11-AFC-3), STAFF'S STATUS REPORT #5**

Per the Committee's Scheduling Order dated March 5, 2012, staff hereby submits its Status Report #5 regarding the proposed Quail Brush Generation Project (QBGP).

Ongoing Discovery

Staff is continuing to conduct discovery to further its analysis of the proposed QBGP. Since staff filed its last status report on June 15, 2012, staff has issued data requests (#75 and #76) in the area of Alternatives, data requests (#77 through #85) to further staff's cumulative impact(s) analysis and a data request (#86) to address the need for a Fire Protection and Emergency Services Needs Assessment.

The applicant has since filed responses to staff's data requests #75 and #76, and also filed a Supplemental Cultural Resources Survey Report, a Gnatcatcher Survey Report and a comprehensive Biological Resources Survey Report. The applicant is expected to file additional data responses during September 2012.

The applicant has informed staff that it will file Supplement #3 by August 31, 2012. Staff plans to file additional data requests following applicant's submittal of Supplement #3.

Cooperation with the City of San Diego

Staff continues to coordinate its review of the Application for Certification (AFC) for the proposed QBGP with the City of San Diego's staff. This coordination is intended to ensure that all aspects of the proposed project's compliance with laws, ordinances, regulations and standards (LORS) are considered by CEC staff, and to obtain any analysis, comments, and recommendations the City may have regarding matters within the City's jurisdiction. (Cal. Code Regs., tit. 20, §§ 1714, subd. (c), and 1744).

On July 19, 2012, the City of San Diego's Planning Commission denied the applicant's request for the city to accept and review the QBGP's application to amend the East Elliot Community Plan. To clarify, the City of San Diego has not yet

accepted, reviewed or considered the application for a community plan amendment, but rather the Planning Commission denied the applicant the opportunity to apply in the first instance. On August 9, 2012 the applicant filed an appeal of the Planning Commission action with the City Council. The City Council will possibly hear the appeal sometime during September 2012.

In the interim, staff continues to cooperate with City staff to ensure the City has the information it needs to consider the pending appeal and, if the Council decides to accept a plan amendment application, to consider the applicant's proposed community plan and zoning changes, and any other actions that would be required to address QBGP's compliance with City land use designations.

Future Staff Workshops

Staff is planning to hold several workshops after the applicant's submittal of Supplement #3. Please see staff's attached, proposed schedule for the tentative workshop dates. Staff will develop each workshop agenda in consultation with the parties and also consult with the Public Adviser regarding the venue and times for each workshop.

Elected Officials

In response to staff's standard notice to elected officials, staff was contacted by Assembly Member Brian Jones. Member Jones' district includes the proposed QBGP site. On August 15, 2012, at the request of Member Jones, Executive Director Robert Oglesby, Deputy Director Roger Johnson, and Project Manager Eric Solorio briefed Member Jones and his staff on the proposed QBGP.

Schedule

Based upon the Committee's Order granting an extension of the discovery period and the applicant's intention to file its AFC Supplement #3 by August 31, 2012, staff is proposing the Committee adopt the attached, revised project schedule.

Cc: Proof of Service list

	ACTIVITY	Calendar Day
1	Application for Certification determined to be "Data Adequate"	11-16-11
2	Staff holds a public outreach workshop	03-22-12
3	Status Conference	04-30-12
4	Staff files data requests (round 4)	05-14-12
5	Status Conference	05-29-12
6	Applicant files data responses (round 4)	06-04-12
7	All parties file Status Reports by 3:00 p.m.	06-15-12
8	Status Conference	06-25-12
9	Applicant submits Comprehensive Biological Survey(s) Report	08-07-12
10	Staff files data requests (round 6)	08-15-12
11	Status Reports due by 3:00 p.m.	08-15-12
12	Applicant files Supplement #3 to the AFC	08-31-12
13	Applicant files data responses (round 6)	09-17-12
14	*Staff workshop (Air Quality, Fire Protection and Cultural Resources)	09-17-12
15	Applicant files outstanding data responses	09-17-12
16	Staff files data requests (round 7)	09-21-12
17	*Staff workshop (Biological Resources, Noise and Visual Resources)	09-24-12
18	Staff files data requests (round 8) if needed	10-01-12
19	SDAPCD issues Preliminary Determination of Compliance (PDOC)	10-15-12
20	*Staff workshop (Land Use and any follow up needed for other topic areas)	10-22-12
21	Applicant files data responses (round 7)	10-22-12
22	Applicant files data responses (round 8) if needed	10-31-12
23	Discovery phase ends	10-31-12
24	Preliminary Staff Assessment (PSA) filed	12-14-12
25	SDAPCD issues Final Determination of Compliance (FDOC)	12-14-12
26	Status Conference (if needed)	TBD
27	PSA workshop(s)	01-03-13
28	Public and agency comments on PSA are due	01-14-13
29	Final Staff Assessment filed	02-01-13
30	Prehearing Conference**	TBD
31	Evidentiary hearings**	TBD
32	Committee files Presiding Member's Proposed Decision (PMPD)**	TBD
33	Hearing on the PMPD**	TBD
34	Committee files errata or revised PMPD (if necessary)**	TBD
35	Full Commission issues its Final Decision	TBD
	*Staff workshop dates are tentative and subject to change **Items 26 and 30 thru 34 are scheduled by the Committee	



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

**APPLICATION FOR CERTIFICATION
FOR THE *QUAIL BRUSH GENERATION PROJECT***

DOCKET NO. 11-AFC-03
PROOF OF SERVICE
(Revised 8/14/2012)

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DECLARATION OF SERVICE

I, Diane L. Scott, declare that on August 15, 2012, I served and filed copies of the attached **QUAIL BRUSH GENERATION PROJECT (11-AFC-3), STAFF'S STATUS REPORT #5**, dated August 15, 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/quailbrush/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 marked ***"hard copy required"** or where no e-mail address is provided.

AND

For filing with the Docket Unit at the Energy Commission:

- by sending an 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. 11-AFC-03
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.

Originally Signed By:

Diane L. Scott
Siting, Transmission and Environmental Protection Division