



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

DOCKET
08-AFC-9

DATE	NOV 05 2010
RECD.	NOV 08 2010

**APPLICATION FOR CERTIFICATION FOR THE
PALMDALE HYBRID POWER PROJECT**

DOCKET No. 08-AFC-9

COMMITTEE SCHEDULING ORDER

On October 18, 2010, on the Applicant's motion, the Committee held a Committee Conference to discuss the progress of the application for certification (AFC) and revisions to the schedule. During the conference, Commission Staff described the information they require to finish their Final Staff Assessment (FSA) as well as the resource constraints affecting the completion of their assessment. It appears that information may remain outstanding in the following topic areas: Air Quality, Alternatives Analysis, Soil and Water Resources, and Transmission Systems Engineering.

Staff proposed a schedule to complete all but the transmission line alternative analysis of the FSA by November 20, 2010. and additional time to complete the alternatives analysis of the transmission line by December 20, 2010. The Applicant requested a much earlier publication date for the FSA (October 29, 2010) and sought to dispense with any further transmission line analysis.

Staff argued at the October 18, 2010 Status Conference and in their memorandum, filed on October 21, 2010, that the transmission route analysis was incomplete and needed a more comprehensive analysis including information gathered from site visits, ground surveys, document research and feasibility studies and would also include an economic analysis.

Applicant argued at the October 18, 2010 Status Conference and in their comments submitted in response to Staff's memorandum filed on October 28, 2010, that further analysis was unwarranted because:

- 1) All legal requirements related to the analysis of project alternatives have been fully satisfied;
- 2) Staff's proposed analysis is meaningless since the alternative routes identified by Staff are not technically, economically or practically feasible; and

3) undertaking additional analysis that is neither legally required or meaningful at this stage of these proceedings places an unreasonable burden on the municipal Applicant and squanders limited Staff resources.

The Committee is guided by the objectives articulated in Title 20 section 1741 of the California Code of Regulations in the preparation of a hearing schedule. Specifically, section 1741(b)(1) requires the Committee to carry out the following objectives:

(1) To ensure that the applicant incorporates into the project all measures that can be shown to be feasible, reasonably necessary, and available to substantially lessen or avoid the projects significant adverse environmental effects, and to ensure that any facility which may cause a significant adverse environmental effect is certified only if the benefits of such facility outweigh its unavoidable adverse effects. [Tit. 20 C.C.R. sec. 1741(b)(1)]

The Committee is mindful of the protracted nature of these proceedings due to circumstances beyond the control of either party or the Committee. In an effort to expedite the receipt of evidence and the publication of the Presiding Member's Proposed Decision, the Committee must weigh the Applicant's exigencies for certification against Staff's obligation to "ensure a complete assessment of significant environmental issues in the proceeding" [Tit. 20 C.C.R. sec. 1742(c)].

First, we note that our regulations obligate Staff to assess "whether additional or more effective mitigation measures are reasonably necessary, feasible, and available" [Tit. 20 C.C.R. sec. 1742(b)]. Because Staff has averred that their analysis of alternative transmission routes is incomplete, we cannot find that all legal requirements related to the analysis of project alternatives have been fully satisfied.

Secondly, Applicant's assertion that the alternative transmission routes identified by Staff are not technically, economically or practically feasible is a question of fact which must be proven in evidentiary hearings [Tit. 20 C.C.R. sec. 1749(a)].

We do not agree that Staff's fulfillment of their regulatory duties constitutes a squandering of their limited resources. Staff is obligated to provide a complete analysis [Tit. 20 C.C.R. sec. 1742(c)].

Finally, we acknowledge that Applicant is hampered by the delay in the publication of the FSA. However, the additional month sought by Staff to complete their analysis of the proposed alternative transmission routes is not so unreasonably burdensome as to constitute prejudice.

Applying the objectives of the AFC proceedings, we find that the equities weigh in favor of a complete record.

After consideration of the arguments and assertions of the parties, we issue the attached revised schedule. We have adopted Staff's statement that it can produce the Final Staff Assessment (FSA) which includes a complete alternatives analysis by December 20, 2010. The Committee directs Staff to complete all sections of the FSA by December 20, 2010 including the alternative transmission route analysis.

We may modify the schedule at any time upon either our own motion or that of a party. [Cal. Code Regs., tit. 20, § 1709.7(c)].

Dated: November 6, 2010, at Sacramento, California.



JEFFREY D. BYRON
Commissioner and Presiding Member
Palmdale AFC Committee



ANTHONY EGGERT
Commissioner and Associate Member
Palmdale AFC Committee

REVISED COMMITTEE SCHEDULE
FOR THE
PALMDALE HYBRID POWER PROJECT
(CEC DOCKET No. 08-AFC-9)

<u>EVENT</u>	<u>DATE</u>	<u>INTERVAL</u>
Staff files Complete Final Staff Assessment (FSA) including Alternative Transmission Routes	12/20/10	0
Last Day to Petition to Intervene	12/28/10	30 days prior to Evidentiary Hearing
Applicant Files Testimony	1/5/11	16 days after FSA filed
All Parties File Rebuttal Testimony	1/12/11	23 days after FSA filed
All Parties File Prehearing Conference Statements	1/19/11	30 days after FSA filed
Pre Hearing Conference and Evidentiary Hearings	1/27/11 – 1/28/11	38 days after FSA filed
All Parties File Opening Briefs	2/9/11	13 days after Evidentiary Hearings
All Parties File Reply Briefs	2/16/11	20 days after Evidentiary Hearings
Presiding Members Proposed Decision (PMPD)	3/23/11	55 days after Evidentiary Hearings
Committee Hearing on PMPD	4/13/11	21 days after PMPD filed
Close of public comment period on PMPD	4/22/11	30 days after PMPD filed
Addendum/Revised PMPD (if necessary)	TBD*	TBD
Final Adoption Hearing	TBD	TBD

*TBD: to be determined



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 *PALMDALE HYBRID*
POWER PROJECT

Docket No. 08-AFC-9

PROOF OF SERVICE

(Revised 10/6/2010)

APPLICANT

Thomas M. Barnett
Executive Vice President
Inland Energy, Inc.
3501 Jamboree Road
South Tower, Suite 606
Newport Beach, CA 92660
tbarnett@inlandenergy.com

Antonio D. Penna Jr.
Vice President
Inland Energy
18570 Kamana Road
Apple Valley, CA 92307
tonypenna@inlandenergy.com

Laurie Lile
Assistant City Manager
City of Palmdale
38300 North Sierra Highway, Suite A
Palmdale, CA 93550
llile@cityofpalmdale.org

APPLICANT'S CONSULTANTS

Sara J. Head, QEP
Vice President
AECOM Environment
1220 Avenida Acaso
Camarillo, CA 93012
sara.head@aecom.com

COUNSEL FOR APPLICANT

Michael J. Carroll
Marc Campopiano
Latham & Watkins, LLP
650 Town Center Drive, Ste. 2000
Costa Mesa, CA 92626
michael.carroll@lw.com
marc.campopiano@lw.com

INTERESTED AGENCIES

Ronald E. Cleaves, Lt. Col, USAF
Commander ASC Det 1 Air Force
Plant 42
2503 East Avenue P
Palmdale, CA 93550
Ronald.Cleaves@edwards.af.mil

Erinn Wilson
Staff Environmental Scientist
Department of Fish & Game
18627 Brookhurst Street, #559
Fountain Valley, CA 92708
E-mail preferred
ewilson@dfg.ca.gov

Richard W. Booth, Sr. Geologist
Lahontan Regional
Water Quality Control Board
2501 Lake Tahoe Blvd.
South Lake Tahoe, CA 96150-2306
rbooth@waterboards.ca.gov

Rick Buckingham
3310 El Camino Avenue, LL-90
State Water Project
Power & Risk Office
Sacramento, CA 95821
E-mail preferred
rbucking@water.ca.gov

Manuel Alvarez
Southern California Edison
1201 K Street
Sacramento, CA 95814
Manuel.Alvarez@sce.com

Robert C. Neal, P.E.
Public Works Director
City of Lancaster
44933 Fern Avenue
Lancaster, CA 93534-2461
rneal@cityoflanasterca.org

California ISO
E-mail Preferred
e-recipient@caiso.com

Robert J. Tucker
Southern California Edison
1 Innovation Drive
Pomona, CA 91768
Robert.Tucker@sce.com

Christian Anderson
Air Quality Engineer
Antelope Valley AQMD
43301 Division St, Suite 206
Lancaster, CA 93535
E-mail preferred
canderson@avaqmd.ca.gov

Keith Roderick
Air Resources Engineer
Energy Section/Stationary Sources
California Air Resources Board
P.O. Box 2815
Sacramento, California 95812
E-mail preferred
kroderic@arb.ca.gov

ENERGY COMMISSION

JEFFREY D. BYRON

Commissioner and Presiding Member

jbyron@energy.state.ca.us

ANTHONY EGGERT

Commissioner and Associate Member

aeggert@energy.state.ca.us

*Ken Celli

Hearing Officer

kcelli@energy.state.ca.us

Kristy Chew

Advisor to Commissioner Byron

E-mail preferred

kchew@energy.state.ca.us

Lorraine White

Advisor to Commissioner Eggert

E-mail preferred

lwhite@energy.state.ca.us

Felicia Miller

Project Manager

fmiller@energy.state.ca.us

Lisa DeCarlo

Staff Counsel

ldecarlo@energy.state.ca.us

Jennifer Jennings

Public Adviser

E-mail Preferred

publicadviser@energy.state.ca.us

DECLARATION OF SERVICE

I, Maggie Read, declare that on, November 8, 2010, I served and filed copies of the attached Palmdale Scheduling Order, dated November 5, 2010. The original document, filed with the Docket Unit, is accompanied by a copy of the most recent Proof of Service list, located on the web page for this project at: [<http://www.energy.ca.gov/sitingcases/palmdale/index.html>]. The document has been sent to both the other parties in this proceeding (as shown on the Proof of Service list) and to the Commission's Docket Unit, in the following manner:

(Check all that Apply)

For service to all other parties:

sent electronically to all email addresses on the Proof of Service list;

by personal delivery;

by delivering on this date, for mailing with the United States 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 "email preferred."

AND

For filing with the Energy Commission:

sending an original paper copy and one electronic copy, mailed and emailed respectively, to the address below (preferred method);

OR

depositing in the mail an original and 12 paper copies, as follows:

CALIFORNIA ENERGY COMMISSION

Attn: Docket No. 08-AFC-9

1516 Ninth Street, MS-4

Sacramento, CA 95814-5512

docket@energy.state.ca.us

I declare under penalty of perjury 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.

Original signed by: _____

Maggie Read

Hearing Adviser's Office