

DOCKETED

Docket Number:	12-AFC-02C
Project Title:	Huntington Beach Energy Project - Compliance
TN #:	213812
Document Title:	Project Owner's Motion for Order to Publish Final Staff Assessment
Description:	N/A
Filer:	Ha Nguyen
Organization:	Stoel Rives LLP
Submitter Role:	Applicant
Submission Date:	9/27/2016 1:46:35 PM
Docketed Date:	9/27/2016

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

In the Matter of:

The Petition to Amend the

HUNTINGTON BEACH ENERGY PROJECT

Docket No. 12-AFC-02C

**AES HUNTINGTON BEACH ENERGY,
LLC'S MOTION FOR ORDER TO
PUBLISH FINAL STAFF ASSESSMENT**

**AES HUNTINGTON BEACH ENERGY, LLC'S MOTION FOR ORDER TO PUBLISH
FINAL STAFF ASSESSMENT**

September 27, 2016

Melissa A. Foster, Esq.
Kristen T. Castaños, Esq.
Stoel Rives LLP
500 Capitol Mall, Suite 1600
Sacramento, CA 95814
Phone: (916) 447-0700
Facsimile: (916) 447-4781

Attorneys for AES HUNTINGTON BEACH ENERGY, LLC

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

In the Matter of:

The Petition to Amend the

HUNTINGTON BEACH ENERGY PROJECT

Docket No. 12-AFC-02C

**AES HUNTINGTON BEACH ENERGY,
LLC'S MOTION FOR ORDER TO
PUBLISH FINAL STAFF ASSESSMENT**

**AES HUNTINGTON BEACH ENERGY, LLC'S MOTION FOR ORDER TO PUBLISH
FINAL STAFF ASSESSMENT**

I. INTRODUCTION

Pursuant to Title 20, California Code of Regulations, section 1211.5, Project Owner AES Huntington Beach Energy, LLC ("Project Owner") herein moves that the Amended Huntington Beach Energy Project ("Amended HBEP") Siting Committee issue a revised Scheduling Order requiring Staff's publication of the Final Staff Assessment on or before October 10, 2016.

II. ARGUMENT

On September 9, 2015, Project Owner submitted a Petition to Amend ("PTA") to the California Energy Commission ("CEC" or "Commission") seeking permission to amend the Licensed Huntington Beach Energy Project ("HBEP"). The PTA proposes to reduce the nominal generation capacity of the HBEP from 939 megawatts ("MW") to 844 MW, including 644 MW generated from combined-cycle technology and 200 MW from simple-cycle technologies.

Over a year has passed since the PTA was filed, and three months has passed since Staff published the Preliminary Staff Assessment. More troubling, however, is that almost six weeks has passed since the August 19, 2016 Status Conference, with no change or apparent progress in project schedule. As repeatedly stated throughout this record for the Amended HBEP PTA proceeding¹ and as most recently discussed at the August 19 Status Conference², for the Project

¹ See, e.g., TN#s 212311, 212515, 213457; see also Status Conference transcripts from April 19, 2016 (TN# 212392) and June 22, 2016 (TN# 212393).

² The transcript for the August 19 Status Conference is not yet available in docket for this proceeding.

Owner to keep the progress of the Amended HBEP on schedule, the Amended HBEP must receive a Final Decision in 2016. Since it remains unknown as to when the South Coast Air Quality Management District (“SCAQMD”) will issue the Final Determination of Compliance (“FDOC”), Project Owner requests that the PTA Schedule be further amended to require Staff’s publication of the Final Staff Assessment (“FSA”) on or before October 10, 2016 at the very latest regardless of whether the FDOC is published by the SCAQMD.³ This requested schedule is imperative to maintain a schedule allowing presentation to the full Commission for a final decision by the end of the year.

III. REQUESTED ORDER

For all the reasons set forth herein, Project Owner hereby moves that the Siting Committee order Staff to publish the Final Staff Assessment on or before October 10, 2016. Given the urgency of this matter, Project Owner also requests that the Siting Committee set an expedited schedule for consideration of this motion, pursuant to Title 20, California Code of Regulations, section 1211.5(a).

Date: September 27, 2016

STOEL RIVES LLP



Melissa A. Foster, Esq.
Kristen T. Castaños, Esq.

Attorneys for Project Owner
AES HUNTINGTON BEACH ENERGY, LLC

³ As previously stated in the docket for the Amended HBEP PTA proceeding, in the original HBEP AFC licensing proceeding, the FSA was issued well before the FDOC was issued. Staff published the FSA on May 30, 2014. The SCAQMD issued the FDOC after 5pm on Friday, July 18, 2014 – the Friday before evidentiary hearing held on Monday, July 21, 2014. CEC Staff was amenable to this approach in the AFC proceeding for the Alamitos Energy Center (13-AFC-01). In that proceeding, the Committee ordered publication of the Final Staff Assessment by September 23, 2016 regardless of whether the FDOC was published. Staff agreed with the order and published the FSA Part A, minus the Air Quality and Public Health sections, on September 23, 2016.