

DOCKETED

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Project Title:	Huntington Beach Energy Project - Compliance
TN #:	214455
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**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 TO SUBMIT
SUPPLEMENTAL TESTIMONY
AND SUPPLEMENTAL TESTIMONY OF
STEPHEN O'KANE**

**AES HUNTINGTON BEACH ENERGY, LLC'S
MOTION TO SUBMIT SUPPLEMENTAL TESTIMONY
AND SUPPLEMENTAL TESTIMONY OF STEPHEN O'KANE**

November 10, 2016

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I. INTRODUCTION

Pursuant to Title 20, California Code of Regulations, section 1211.5, Project Owner AES Huntington Beach Energy, LLC (“Project Owner”) herein moves to introduce supplemental testimony in support of the Huntington Beach Energy Project (“HBEP” or “Project”) Petition to Amend (“PTA”) (hereinafter referred to as the “Amended HBEP”).

II. ARGUMENT

On October 20, 2016, the Committee assigned to this proceeding issued a Notice of Prehearing Conference and Evidentiary Hearing, Scheduling Order, and Further Orders (“Hearing Order”). Pursuant thereto, Project Owner timely filed Opening Testimony on October 27, 2016 (TN# 214211) and Rebuttal Testimony on November 3, 2016 (TN# 214361). However, since filing Opening and Rebuttal Testimony, Project Owner identified additional schedule issues related to the timing set forth in proposed Condition of Certification LAND-1. To that end, Project Owner herein presents its Motion to Submit Supplemental Testimony (“Motion”)

requesting that the Committee allow Project Owner to introduce the Supplemental Testimony of Stephen O’Kane on this limited topic.¹

As the Evidentiary Hearing is scheduled for November 30, 2016, there remains ample time for Staff to consider and, if necessary, provide rebuttal to the supplemental testimony attached hereto as Attachment A. Allowing supplemental testimony on this very limited topic (LAND-1) will not prejudice the parties to this proceeding.

III. REQUESTED ORDER

For the reasons set forth herein, Project Owner hereby moves that the Siting Committee issue an order allowing Project Owner to introduce supplemental testimony on the limited issue related to the timing set forth in the verification to proposed Condition of Certification LAND-1. 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: November 10, 2016

STOEL RIVES LLP



Melissa A. Foster
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Attorneys for Project Owner
AES HUNTINGTON BEACH ENERGY, LLC

¹ The Supplemental Testimony of Stephen O’Kane, signed under penalty of perjury, is submitted concurrently herewith as **Attachment A**.

ATTACHMENT A
SUPPLEMENTAL TESTIMONY OF STEPHEN O'KANE
LAND USE

LAND USE

Supplemental Testimony of Stephen O’Kane

Project Owner has identified an additional timing constraint related to compliance with proposed Condition of Certification LAND-1 that arises from the demanding construction schedule that is necessary to achieve project deadlines and ensure continued reliable delivery of power in the Los Angeles basin. Specifically, Project Owner has determined that it may be infeasible to obtain a lot line adjustment from the City prior to construction of the combined cycle gas turbine, as Project Owner proposed in Opening Testimony. Because the City’s LORS require that lot line adjustments within the coastal zone that meet the definition of development obtain approval of a Coastal Development Permit, and because the CEC’s exclusive jurisdiction over the Amended HBEP is in lieu of the City issuing a variance, conditional use permit, and coastal development permit for the project, the City cannot approve a lot line adjustment until after the CEC issues a Final Decision on the Amended HBEP. Further, since the South Coast Air Quality Management District has yet to issue a Final Determination of Compliance, it remains unknown as to when a Final Decision will be issued. It may take far longer than the project schedule allows to obtain this City approval. Schedule for construction of the Amended HBEP is critical and any additional possible schedule delay associated with City issuance of a lot line adjustment or other ministerial permit “prior to construction” of the combined cycle gas turbine poses an extreme burden on the project schedule and threatens energy reliability in the region.

For these reasons and as noted in Project Owner’s Prehearing Conference Statement, Project Owner proposes that the timing trigger in the LAND-1 verification be further modified to “prior to commercial operation,” as set forth below.

LAND-1: The project owner shall comply with Appendix B(g)(3)(c) of the Siting Regulations (Title 20, California Code of Regulations) by ensuring that the HBEP site, excluding linear and temporary lay down or staging area, will be located on a single legal parcel.

Verification: ~~Prior to construction~~ **commercial operation** of the **combined cycle gas turbine (CCGT)** power block, the project owner shall submit evidence to the compliance project manager (CPM) indicating approval of a Lot Line Adjustment **or other action** by the city of Huntington Beach, establishing a single parcel for the **CCGT power block and related facilities** ~~30-acre HBEP site~~. The submittal to the CPM shall include evidence of compliance with all conditions and requirements associated with the approval of the Lot Line Adjustment **or other action** by the city. **Prior to construction of the second power block, the project owner shall submit evidence to the CPM indicating approval of a Lot Line Adjustment or other action by the city of Huntington Beach establishing a single parcel for the 30 acre HBEP site. The submittal to the CPM shall include evidence of compliance with all conditions and requirements associated with the approval of the Lot Line Adjustment or other action by the city.**

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

Dated: 11/9/16



Stephen O'Kane