

DOCKETED

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**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
*ALAMITOS ENERGY CENTER***

Docket No. 13-AFC-01

COMMITTEE SCHEDULING ORDER

Background

On December 27, 2013, AES Southland Development, LLC (Applicant) submitted an Application for Certification (AFC) to the California Energy Commission (Energy Commission) seeking approval to construct the Alamitos Energy Center (AEC). The AEC would replace the existing Alamitos Generating Station (AGS) located in Long Beach, California.

The AFC was deemed “data adequate” on March 12, 2014. The Energy Commission designated a Committee of two Commissioners¹ to conduct proceedings on the AFC. On April 29, 2014, the Committee conducted a public Site Visit, Informational Hearing and Environmental Scoping Meeting in Long Beach, California. On May 6, 2014, the Committee issued a Committee Scheduling Order containing a list of events that needed to occur to complete the certification process. At the December 16, 2014 Status Conference, the Applicant stated that they would be filing a supplemental AFC (SAFC) in the third quarter of 2015 which would reduce the proposed nominal generating capacity from 1,995 MW to 1,040 MW.

On October 26, 2015, the Applicant filed the SAFC, which identified the changes to the design of the proposed AEC project. The revised AEC would be located on an approximately 21-acre site within the larger 71.1-acre AGS site. The currently proposed AEC would consist of two gas turbine power blocks. Power Block 1 would consist of two natural-gas-fired combustion turbine generators in a combined-cycle configuration, with two unfired heat recovery steam generators, one steam turbine generator, an air-cooled condenser, an auxiliary boiler, and related ancillary equipment. Power Block 2 would consist of four simple-cycle combustion turbine generators with fin-fan coolers and ancillary facilities.

The Committee held a public Status Conference at the Energy Commission in Sacramento, California, on Thursday, December 17, 2015, to discuss the review

¹ The Energy Commission designated Karen Douglas, Commissioner as Presiding Member, and Janea A. Scott, Commissioner as Associate Member, to the Committee at its March 12, 2014 Business Meeting.

process and to identify issues that could affect the schedule. Pursuant to California Code of Regulations, title 20, section 1709.7(c), the attached Committee Schedule is based on Applicant's and Energy Commission Staff's (Staff) proposed schedules and related discussions with all parties at the Status Conference.

Scheduling Order

The Committee hereby adopts the attached Committee Schedule. The parties are to consider this schedule an outer boundary and make their best efforts to complete the milestones ahead of these dates. Some deadlines may be contingent upon reviews to be conducted by federal, state, and local agencies. The Applicant must provide sufficient review time for the responsible agencies to meet the deadlines specified in the schedule.

The Committee may modify the schedule at any time upon either its own motion or that of a party. If there are scheduling delays, the Committee may adopt a performance approach resulting in a commensurate lengthening of the schedule. In the event of a delay in the publication of the South Coast Air Quality Management District's (SCAQMD) Preliminary or Final Determination of Compliance or the California Independent System Operator's cluster study, the Committee may bifurcate the schedule to accommodate delays in the analysis of some technical areas, such as air quality or transmission system engineering.

Committee Guidance Regarding Analysis of Decommissioning of AGS Facility

At the December 17, 2015 Status Conference, there was discussion of how the currently proposed project affects the Energy Commission's responsibility to assess the demolition of existing AGS units 1 through 6.

Whereas the original AFC indicated that Units 1-6 would be demolished as part of the proposed project (TN 201620-7 page 2-2), the SAFC indicates that "the demolition of the existing AGS units is not necessary for construction of AEC" and is not part of the currently proposed project for which the applicant is seeking a license from the Energy Commission.² (TN 206428-1 page 1-3.) However, the SAFC does provide information about the future of AGS Units 1-6, indicating that "Units 1, 2, and 5 will be retired after the AEC CCGT commences operation while, units 3, 4, and 6 will likely operate through at least December 31, 2020." (TN 206428-1 page 1-3). The SAFC further indicates that the City and Applicant "have entered into a Memorandum of Understanding (MOU) for the demolition of the existing units [and that] demolition of Units 1-6 will be conducted in accordance with the MOU once all necessary regulatory approvals to retire and decommission the existing units are received." (TN 206428-1 page 1-3).

² The SAFC indicates that AEC will occupy land formerly used by AGS Unit 7. The generating unit and many of the related facilities for former Unit 7 have been decommissioned and removed from the site. See TN 206428-1 page 1-3.

In light of the information contained in the SAFC, the Committee agrees that the demolition of Units 1-6 falls within the permitting jurisdiction of the City of Long Beach, rather than the Energy Commission. However, it appears that demolition of AGS Units 1-6 is a reasonably foreseeable consequence of construction and operation of the AEC, and has the potential to change the scope or nature of the environmental impacts of the currently proposed project. Therefore, Staff's environmental assessment should consider the environmental effects of these activities³. For example, in analyzing the impacts to visual resources, the staff assessment should consider the effects of the proposed project in comparison to both the pre-demolition and post-demolition viewsheds.

Status Reports and Conferences

The attached schedule requires periodic status reports to be submitted by all parties to determine whether case development is progressing satisfactorily and to bring potential schedule delays or other relevant matters to the Committee's attention. The burden is on the Applicant to produce the necessary data according to the schedule.

To facilitate the process, each party shall serve and file a status report on January 15, 2016 and on the 15th day of every month thereafter until directed otherwise by the Committee. Parties must file (docket) documents using the e-filing system on the Energy Commission's website, by selecting the "Submit e-Filing" link in the "Original Proceeding" box at: <http://www.energy.ca.gov/sitingcases/alamitos>.

This Scheduling Order supersedes all prior schedules issued for the AEC.

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 the proceedings and to make recommendations for meaningful participation. For assistance, contact Alana Mathews, Public Adviser, at (916) 654-4489 or (800) 822-6228, or by e-mail at public_adviser@energy.ca.gov.

³ *Laurel Heights Improvement Association v. Regents of the University of California* (1988) 47 Cal. 3d 376, 396 ("[A]n EIR must include an analysis of the environmental effects of future expansion or other action if: (1) it is a reasonably foreseeable consequence of the initial project; and (2) the future expansion or action will be significant in that it will likely change the scope or nature of the initial project or its environmental effects.").

Information

Questions of a legal or procedural nature should be directed to Kenneth Celli, Hearing Officer, at (916) 651-8893, or by e-mail at Ken.Celli@energy.ca.gov.

Technical questions concerning the project should be addressed to Christopher Meyer, Staff Project Manager, at (916) 654-3882, or by e-mail at Christopher.Meyer@energy.ca.gov.

Media inquiries should be directed to the Media and Public Communications Office at (916) 654-4989 or by e-mail at mediaoffice@energy.ca.gov.

Information regarding the status of the project, as well as notices and other relevant documents pertaining to this proceeding, may be found on the Energy Commission's Internet web page at: <http://www.energy.ca.gov/sitingcases/alamitos>.

Dated: January 14, 2016 at Sacramento, California.

Original signed by

KAREN DOUGLAS
Commissioner and Presiding Member
Alamitos Energy Center AFC Committee

Original signed by

JANEA A. SCOTT
Commissioner and Associate Member
Alamitos Energy Center AFC Committee

**COMMITTEE SCHEDULE FOR THE
ALAMITOS ENERGY CENTER**

ACTIVITY	DATE
Application for Certification filed	12/27/13
Application for Certification determined to be Data Adequate at Commission Business Meeting	3/12/14
Informational Hearing and Site Visit	4/29/14
Applicant announced major changes necessitating a Supplemental Application for Certification	12/16/14
Supplemental Application for Certification (SAFC) filed	10/26/15
Staff files first round of Data Requests (DRs).	11/23/15
Status Conference and Data Response and Issue Resolution Workshop	12/17/15
Applicant files Data Responses	12/30/15
Status Reports due on the 15 th of every month until directed otherwise by the Committee	1/15/16
Staff Files Data Requests - Round 2 (if necessary)	1/15/16
Status Conference	2/11/16
Applicant files Data Responses (if necessary)	2/15/16
Discovery closed	3/1/16
Status Conference	3/24/16
Status Conference	4/19/16
SCAQMD issues Preliminary Determination of Compliance (PDOC)	4/20/16*
Preliminary Staff Assessment (PSA) Published	4/29/16
PSA Workshop	5/20/16
Status Conference	5/24/16
SCAQMD Issues Final Determination of Compliance (FDOC)	5/24/16*
Last day to Petition to Intervene	6/3/16
Final Staff Assessment (FSA) Published	6/13/16
All parties file Opening Testimony	6/17/16
All parties file Rebuttal Testimony	6/22/16
Prehearing Conference Statement, Witness List and Exhibit list due	6/27/16
Prehearing Conference	6/30/16
Evidentiary Hearings	Early July 2016
Closing Briefs	Mid July 2016

Committee Files Presiding Member's Proposed Decision (PMPD)	Early September 2016
Committee Hearing on PMPD	Late September 2016
Committee Files Errata or Revised PMPD (if necessary)	Early October 2016
Energy Commission Final Decision	Late October 2016

*As of the date of this Order, AEC's air permit application to SCAQMD has not been found complete by SCAQMD. Therefore, dates for SCAQMD's PDOC and FDOC may vary which may affect the ultimate schedule.

Note: The Committee may modify the schedule at any time upon either its own motion or that of a party, which may include bifurcation of any delayed subject areas to ensure the efficient processing of the AFC. If the Committee finds that some subject areas should be delayed, the non-affected subject areas are expected to still adhere to the schedule.