

## DOCKETED

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<b>Project Title:</b>	Huntington Beach Energy Project
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<b>Document Title:</b>	Applicant's Status Conference Statement, dated April 7, 2014
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**STATE OF CALIFORNIA**

**Energy Resources Conservation  
and Development Commission**

**In the Matter of:**

**AES SOUTHLAND DEVELOPMENT, LLC  
HUNTINGTON BEACH ENERGY PROJECT  
APPLICATION FOR CERTIFICATION**

**Docket No. 12-AFC-02**

**AES SOUTHLAND DEVELOPMENT, LLC'S STATUS CONFERENCE STATEMENT  
FOR THE HUNTINGTON BEACH ENERGY PROJECT**

April 7, 2014

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On March 18, 2014, the assigned committee ("Committee") for the Huntington Beach Energy Project ("HBEP") Application for Certification ("AFC") proceeding issued a Notice of Status Conference and Order to File Status Conference Statements ("Order"). Therein, the Committee ordered all parties to file Status Conference Statements outlining each party's "proposed schedule, along with any other issues that may impact the schedule." (Order at p. 2.) In that regard, Applicant AES Southland Development, LLC provides the following Status Conference Statement, which includes Applicant's concerns about issues that may impact the schedule, along with Applicant's proposed schedule.

## **I. ISSUES THAT MAY IMPACT SCHEDULE**

Applicant's primary concern has been and continues to be the unnecessary delays in this proceeding. In order to maintain a determined path forward, it is critical that all parties meet specified deadlines set forth by the Committee in a revised Scheduling Order issued in response to Applicant's July 26, 2013 Request for Scheduling Conference and/or Scheduling Order, which Applicant filed to raise concerns about the ongoing delays by Staff in this proceeding. Applicant remains concerned about this proceeding diligently moving toward a Final Decision.

Based on the April 3, 2014 PSA Part B workshop, Applicant believes that issues related to Biological Resources, Air Quality, and Soil & Water Resources are likely resolved or will be resolved once Applicant provides additional details via docketed post-workshop comments. Specifically, Applicant has committed to providing additional information on issues related to Biological Resources (development of a condition of certification addressing construction noise levels), Air Quality (construction PM<sub>10</sub> and PM<sub>2.5</sub> from fugitive dust) and Soil & Water Resources (as related to the feasibility of the use of "recycled" water) on or before April 22, 2014. If additional information is needed for these or any other topic, Applicant is happy to have discussions with Staff so as to resolve any issues without further delay.

The City of Huntington Beach City Council is scheduled to consider architectural screening and a height limit variance for the HBEP on Monday, April 7, 2014. Although Applicant is confident that HBEP as proposed does not have any significant impacts to Visual Resources, Applicant and City Staff have worked diligently on HBEP aesthetics over the course of many months. Applicant will be able to update the Committee and the parties regarding the City Council's action(s) during the April 8 Status Conference.

Lastly, the South Coast Air Quality Management District issued a revised Preliminary Determination of Compliance and published the accompanying public notice last week. The 30-

day public comment period ends on May 5, 2014. Staff indicated in its April 3, 2014 Status Report that “receipt of the FDOC will not delay publication of the Final Staff Assessment (FSA)” and states that Staff is “staging for publication of a FSA on [May 30, 2014].”

Applicant welcomes the opportunity to discuss the issues outlined herein, as well as any other issues that the Committee or Hearing Officer wish to address, during the April 8 Status Conference.

## **II. APPLICANT’S PROPOSED SCHEDULE**

<b>EVENT</b>	<b>DATE</b>
Final Staff Assessment (FSA) Published	May 30, 2014
Last day to file Petitions to Intervene	June 23, 2014
Applicant’s opening testimony, witness list, and identification of contested issues filed	June 24, 2014
Staff and other parties file opening testimony, witness lists, and identification of contested issues	July 1, 2014
All parties file rebuttal testimony, identify which materials referenced in other parties’ opening testimony they want copies of, and file Prehearing Conference Statements	July 8, 2014
Prehearing Conference	July 17, 2014
Evidentiary Hearing	July 23, 2014
Presiding Member’s Proposed Decision (PMPD) Published	September 2, 2014
Comments due on PMPD	October 2, 2014
Final Decision on Commission Business Meeting Agenda	October 8, 2014

## **III. CONCLUSION**

As noted in Applicant’s Status Reports, Applicant is gravely concerned that this AFC proceeding is not progressing in a manner consistent with CEC regulations. Applicant is confident, however, that additional delays can be avoided. As has been demonstrated and

repeatedly stated, Applicant is fully invested in HBEP and eager to obtain a Final Decision and license to construct and operate this project, which is critical to maintaining electrical system reliability in southern California. To that end, Applicant requests that the Committee issue a Revised Scheduling Order incorporating the schedule proposed by Applicant herein.

Dated: April 7, 2014

By:



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