

DOCKETED

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April 27, 2015

Commissioner Karen Douglas, Presiding Member
Commissioner Janea Scott, Associate Member
Redondo Beach Energy Project (12-AFC-03)
California Energy Commission
1516 Ninth Street
Sacramento, CA 95814

RE: Redondo Beach Energy Project (12-AFC-03) Comments on Schedule

Dear Commissioner Douglas and Commissioner Scott:

The Applicant would like to comment briefly on the Status Reports of Staff and the City of Redondo Beach filed on April 24, 2015.

The Staff's April 24, 2015 status report proposes a schedule that would provide for publication of the Final Staff Assessment ("FSA") 45 days after issuance of the Final Determination of Compliance ("FDOC") by the South Coast Air Quality Management District ("SCAQMD"). The District has informed you that the FDOC will be submitted 30 days after the close of the public comment period on the PSA. Therefore, the Staff's suggestion would result in issuance of the FSA 75 days or more after the close of the public comment period on the PSA, rather than the 30 days after the close of the public comment period presented in the proposed schedule for the Alamitos Energy Center proceeding (13-AFC-01).

The issuance of the FSA should not be tied to the receipt of the FDOC, because any delay in the FDOC should not cause a complete hold on the FSA, which contains over 20 topics not related to Air Quality. The FSA should be required to be published 45 days after close of the public comment period on the PSA. If the FDOC is not received in time to meet this deadline, Staff can issue a supplement to the FSA to address this single issue, at such time as it is received if necessary.

In its status report of April 24, 2015, the City of Redondo Beach requests a 60-day delay in the Committee's issuance of a revised scheduling order to allow for "significant changes to the PSA" and for a FDOC to be issued by SCAQMD. Neither ground has any merit. There are no significant changes to the project; therefore, there should be no significant changes to the PSA. It is simply illogical to delay a scheduling order pending the occurrence of future events when in fact the occurrence of such activities will be governed by a scheduling order.

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Further, the City of Redondo Beach claims that additional time is required to incorporate “material changes” and “new information” into the PSA. (City of Redondo Beach Status Report, p. 5.) This argument reflects a fundamental misunderstanding of the Energy Commission’s licensing process. The PSA, as the name suggests, is a preliminary document. If the City believes that new or revised information should be considered in the FSA, the City is free to offer this information during the public comment period on the PSA.

Finally, the Staff’s status report states the Staff plans to meet with the City of Redondo Beach to discuss land use issues. Land use is an issue relevant to the proceeding that is of interest to many parties. Therefore, we ask the Committee to direct the Staff to conduct this meeting in a publicly noticed workshop that is open to all parties. This meeting could be included in the soon-to-be scheduled PSA workshop or noticed separately. Particularly where the City is a formal intervenor in this proceeding, there is nothing that could be said by the Staff or the City behind closed doors that should not be said in public. In the interest of fairness and transparency, we ask that the meeting occur in a publicly noticed workshop.

Sincerely,



Greggory L. Wheatland
Samantha G. Pottenger

Attorneys for Applicant

cc: Hearing Officer Cochran