DOCKETED

Docket Number:	05-AFC-03
Project Title:	Sun Valley Energy Project--Valle del Sol Energy, LLC.
TN #:	205199
Document Title:	Valle Del Sol Energy, LLC Request for Additional Suspension
Description:	Request for additional twelve month suspension of proceeding
Filer:	Lisa A. Cottle
Organization:	Winston & Strawn LLP
Submitter Role:	Applicant Representative
Submission Date:	6/30/2015 4:30:35 PM
Docketed Date:	6/30/2015

BEFORE THE ENERGY RESOURCES CONSERVATION AND DEVELOPMENT COMMISSION OF THE STATE OF CALIFORNIA

Application for Certification for the Sun Valley Energy Project	Docket No. 05-AFC-3

VALLE DEL SOL ENERGY, LLC
REQUEST FOR ADDITIONAL SUSPENSION

June 30, 2015

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Pursuant to Section 1716.5 of the regulations of the California Energy Commission ("Commission") and the Order Extending Suspension of Proceedings dated June 30, 2014 ("Suspension Order"), Valle Del Sol Energy, LLC ("Valle Del Sol") respectfully submits this request for an additional twelve-month suspension of this proceeding. This proceeding addresses Valle Del Sol's application for certification ("AFC") of the Sun Valley Energy Project (the "Sun Valley Project"), a proposed 500 megawatt natural gas-fired peaking plant comprised of five General Electric LMS-100 gas turbines to be located in the City of Menifee, California within the jurisdiction of the South Coast Air Quality Management District ("SCAQMD").

The Committee previously granted suspensions of this proceeding, most recently in the Suspension Order. Valle Del Sol requested the previous suspensions due to permitting difficulties associated with the unavailability within the South Coast Air Basin of emission offsets from the market that would be needed to satisfy applicable SCAQMD rules. Those permitting difficulties still exist and more time is needed to develop offsets to support the Sun Valley Project, as explained in section 1 below.

Valle Del Sol has continued to advance development of the Sun Valley Project. Earlier this year, Valle Del Sol executed a Generator Interconnection Agreement for the Sun Valley Project, thereby preserving the Sun Valley Project's position in the interconnection queue. A further extension would afford more time to identify contracting opportunities that support development of the Sun Valley Project, which is well located to provide flexible capacity and services. For these reasons, Valle Del Sol requests an additional twelve-month suspension.

1. More Time Is Needed To Develop A Viable Emission Offset Strategy.

When the AFC was filed, Valle Del Sol intended to access SCAQMD "Priority Reserve" credits pursuant to SCAQMD Rule 1309.1 (as amended on August 3, 2007) as the source of offsets for several criteria pollutants. SCAQMD Rule 1309.1 as so amended would have allowed the use of the Priority Reserve credits for power plant projects such as the Sun Valley Project. Since that time, however, SCAQMD Rule 1309.1 (as amended on August 3, 2007) was challenged in court and the SCAQMD has not pursued a rulemaking that would allow power plant projects to access Priority Reserve credits.

Given the unavailability of the Priority Reserve credits, it has been necessary to pursue alternative sources of emission offsets. Unfortunately there are few options for power plants located in the South Coast Air Basin. The Legislature recognized this problem in Assembly Bill 1318 ("AB 1318"), which requires the State Air Resources Board ("ARB"), in consultation with this Commission, the California Public Utilities Commission, the California Independent System Operator, and the State Water Resources Control Board, to prepare a report for the Governor and Legislature that evaluates the electrical system reliability needs of the South Coast Air Basin. The Legislature directed that the report should include recommendations for meeting reliability needs while ensuring compliance with state and federal law. The Legislature also directed that, if additional fossil fueled electricity generation facilities are needed, the report should include recommendations for long-term emission offsets availability and options to ensure sustainable permitting of additional needed capacity. This requirement reflects the unavailability of emission offsets for power plants under SCAQMD's current program, and recognizes that acquiring offsets from other sources is "a challenging task given the scarcity and exorbitant price of private market emission reduction credits in the SCAQMD." [1]

The AB 1318 effort has been underway since 2010, and a draft report, titled *Assembly Bill 1318: Assessment of Electrical Grid Reliability Needs and Offset Requirements in the South Coast Air Basin Coast Air Basin* ("Draft AB 1318 Report") was released for public comment in October 2013. The Draft AB 1318 Report indicates that the SCAQMD's current permitting program, through its Rule 1304, is able to address the offsets obligation for existing gas-fired units in the South Coast Air Basin that utilize once through cooling ("OTC") technology and plan to comply with OTC regulations by repowering with non-OTC technology.[2]
Rule 1304(a)(2) provides an exemption to the requirement to provide offsets for the replacement of an electric steam utility boiler with more efficient or advanced technology, such as a combined-cycle natural gas turbine, provided that the replacement project does not increase basin wide generating capacity. Although utility boiler replacements are exempt from offset requirements, the SCAQMD still provides such offsets from its internal offset bank in a quantity equal to the potential to emit of the replacement gas turbine capacity.[3]

The Draft AB 1318 Report suggests that the SCAQMD internal bank could supply the necessary offsets for OTC replacement units with compliance dates through 2020.[4] However, the Draft AB 1318 Report indicates that for new capacity that is not linked to retirement of existing steam boiler facilities (and therefore not eligible for Rule 1304), the only options available under the current permitting system include purchasing offsets from other sources or

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1 Draft Work Plan for the *Assessment of Electrical System Reliability Needs in South Coast Air Basin and Recommendations on Meeting those Needs,* prepared by the Interagency AB 1318 Technical Team (January 2011), p. 3.

2 Draft AB 1318 Report, pp. iii-iv.

3 *See id.*, pp. 55-56.

4 *Id.*, pp. iii-iv.

funding emission reduction projects to generate their own offsets.[5] The Draft AB 1318 Report also finds that drawing from the internal offset bank to support only projects eligible for Rule 1304 treatment is not a sustainable permitting option for the long-term, and recommends that, given the amount of time required to obtain the necessary approvals to build new power plants, and the expectation that new generation will be required at some point past 2022, the ARB should partner with the SCAQMD to form a working group that will identify options and make recommendations at the earliest practicable date to address long term permitting needs.[6]

SCAQMD is conducting a rulemaking for a proposed Rule 1304.2, which would make the SCAQMD's internal offset bank available to power plant developers that hold a long-term power purchase agreement with an investor owned utility. The rulemaking and associated stakeholder process are ongoing. In addition, there could be opportunities to devise an offset strategy that involves existing steam boiler units in the fleet owned by Valle Del Sol's affiliates, using the offset exemption in Rule 1304(a)(2). These strategies will need to be considered carefully, particularly because the viability of using Rule 1304(a)(2) or the proposed Rule 1304.2 is also affected by the substantial fees required of projects that utilize the internal bank. For these reasons, more time is needed to develop a viable offset strategy for the Sun Valley Project.

2. Extending the Suspension Would Afford More Time to Pursue Contracting Opportunities.

Valle Del Sol has continued to advance development of the Sun Valley Project. Earlier this year, Valle Del Sol executed a Generator Interconnection Agreement for the Sun Valley Project, thereby preserving the Sun Valley Project's position in the interconnection queue. Valle Del Sol also continues to pursue contracting opportunities that would support development of the Sun Valley Project. A continued suspension of this proceeding would allow more time for that

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5 *Id.*, p. 56.

6 *Id.*, p. v.

effort. The Sun Valley Project would provide capacity and energy to serve reliability needs in Southern California. The Sun Valley Project would support integration of increasing levels of generation from renewable resources including wind and solar with its quick start (10 minutes) and fast ramping capability. The Sun Valley Project also would meet the objectives of the SCAQMD's 2011 "Air Quality-Related Energy Policy," which promotes clean energy technologies and "recognizes that fossil fuel electricity generation will still be needed in the Basin to complement projected increased use of renewable energy sources."[7]

The Sun Valley Project is in an excellent location for peaking power generation because of the convergence of required infrastructure. It is located adjacent to high-pressure natural gas transmission lines and recycled water supply and an industrial wastewater discharge line is less than a mile away. As stated above, Valle Del Sol has executed a Generator Interconnection Agreement for the Sun Valley Project. Future transmission upgrades could allow the Sun Valley Project to provide capacity to the San Diego area. In addition, Valle Del Sol owns the 20-acre Sun Valley Project site, so there is no uncertainty regarding land ownership or site control.

Valle Del Sol asks the Committee to keep the Sun Valley Project in suspension to reflect its continued status as a project that is in development and available for contracting. Any determination that could be construed as a termination or cancellation would be contrary to Valle Del Sol's intent to continue to pursue its development, and would send the wrong signal to potential buyers of the Sun Valley Project's output.

3. Conclusion.

For these reasons, Valle Del Sol requests an additional one-year suspension. Valle Del Sol will submit suspension status reports according to any schedule established by the Commission. Valle Del Sol appreciates the Commission's consideration of this request.

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[7] SCAQMD *Air Quality-Related Energy Policy* (September 9, 2011).

June 30, 2015

Respectfully submitted,

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