

## DOCKETED

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<b>Project Title:</b>	Redondo Beach Energy Project
<b>TN #:</b>	205735
<b>Document Title:</b>	Orders Following the August 5, 2015 Committee Conference
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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  
REDONDO BEACH ENERGY PROJECT***

**Docket No. 12-AFC-03**

## **ORDERS FOLLOWING THE AUGUST 5, 2015 COMMITTEE CONFERENCE**

### **Background**

On November 20, 2012, AES Southland, LLC (AES) submitted an Application for Certification (AFC) to the California Energy Commission seeking permission to construct and operate a power generation facility, the Redondo Beach Energy Project (RBEP), located at 1100 North Harbor Drive, in the City of Redondo Beach, Los Angeles County. The site is southeast of the intersection of North Harbor Drive and Herondo Street. The project would be located entirely within the footprint of the existing AES Redondo Beach Generating Station, an operating power plant.

Energy Commission staff ('Staff') published the Preliminary Staff Assessment (PSA) on July 28, 2014. Shortly before the PSA was published, the Energy Commission Committee assigned to conduct proceedings for the RBEP<sup>1</sup> learned that AES had submitted the Harbor Village Plan Initiative petition to the City of Redondo Beach. The petition sought the approval of the electorate in Redondo Beach for a land use plan for the RBEP site as a mixed-use development of 600 new residences, 250 hotel rooms, and 85,000 square feet of commercial space.

On September 3, 2014, the Committee suspended the proceedings until April 1, 2015. During the suspension of the proceedings, Staff and all responsible agencies were to cease work on the AFC.

The Harbor Village Plan Initiative failed on March 3, 2015. On May 8, 2015, the Committee issued its "Revised Committee Scheduling Order", setting forth a schedule for the proceedings, including publication of the Final Staff Assessment (FSA) on September 4, 2015 (May Scheduling Order).<sup>2</sup> Publication of the FSA was premised on the receipt of the Final Determination of Compliance (FDOC) from the South Coast Air Quality Management District (SCAQMD) by late July/early August 2015.

<sup>1</sup> Energy Commissioners Karen Douglas, Presiding Member and Janea A. Scott, Associate Member. The full Commission made this Committee assignment on August 27, 2013.

<sup>2</sup> TN 204536.

## **August 5, 2015 Committee Conference**

### **1. Schedule**

On August 5, 2015, the Committee conducted a conference on the PSA (Committee Conference). During that Committee Conference, the Committee and the parties discussed both substantive and procedural issues relating to the proceeding.

Staff indicated that it could publish the majority of the FSA on September 4, 2015, as set forth in the May Scheduling Order. However, provisions of the FSA dependent on the FDOC (i.e., air quality, greenhouse gas emissions; and public health) would have a delayed publication date as the FDOC has not yet been issued. SQAQMD's most recent status statement did not provide an estimate of when the FDOC might be completed<sup>3</sup> and SCAQMD was unable to participate in the August 5, 2015, Committee Conference.

The possibility of bifurcating the publication of the FSA, with the majority of the FSA published on September 4, 2015 and the publication of only those portions of the FSA dependent on the FDOC, as identified in the preceding paragraph, being delayed until after the FDOC's publication, was explored.

The Committee is mindful of the past practice of bifurcating the publication of the FSA (and even evidentiary hearings) due to a delay in the completion of the FDOC. However, such bifurcations tend to occur when the completion of the FDOC or its publication is imminent. Neither of those situations is present here.

The Committee thus vacates its May Scheduling Order. In order to avoid extensive delays in the further processing of this case, the Committee will hold a Status Conference on **September 11, 2015, beginning at 10:00 a.m.** At that time, the Committee will assess the current status of the FDOC and any other issues and may consider bifurcation of the FSA at that time.

The parties shall continue to file status reports on or before the first day of each month. Status reports shall inform the Committee whether or not case development is progressing satisfactorily and bring potential schedule delays and other relevant matters to the Committee's attention. Failing to file these reports according to the deadline is a disservice to the Committee and to other parties who make timely filings.

### **2. Motion to Compel**

On August 4, 2015, the City of Redondo Beach, an intervenor in this proceeding, filed a motion to compel AES to provide certain data on noise.<sup>4</sup> During the Committee Conference, the Committee indicated that the requirements of the Commission's

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<sup>3</sup> TN 205570.

<sup>4</sup> TN 205633.

regulations would apply to this motion.<sup>5</sup> Those regulations require that responses be filed within 15 days of the filing of the motion, unless otherwise specified by the presiding member. Thus, the Committee did not consider the merits of the motion.

## ORDERS

1. **The May Scheduling Order is hereby VACATED.** The currently scheduled publication of the FSA on September 4, 2015, is delayed. Staff shall publish the FSA:
  - a. In accordance with further order of the Committee; OR
  - b. In the event that the FDOC is issued prior to the next Status Conference on September 11, 2015, 30 days after the filing of the FDOC.
2. **The next Status Conference shall be held on September 11, 2015, beginning at 10:00 a.m.** Formal notice of the Status Conference will be given at a later time.
3. The parties are directed to file status reports on or before September 1, 2015, and the first day of each following month, detailing progress on the case and any proposed schedules. **The status reports shall be filed with the Commission's Docket Unit no later than 3:00 p.m. on the due date.**

The Commission's Docket Unit is located at 1516 Ninth Street, MS-4, Sacramento, California, 95814-5512. The Energy Commission has implemented an electronic filing system and requires its use in lieu of e-mail or mailing of paper documents filing methods. A link to the e-filing system is found on the project web page, whose address is given below. Status reports must contain "**Docket No. 12-AFC-03**" in the caption or heading.

4. In addition to filings by the parties in the proceeding, the Committee specifically requests that the SCAQMD submit a Status Report detailing its schedule and activities in relation to the FDOC. The Committee further requests that a representative of the SCAQMD be available (either in person or by phone) at the September 11, 2015, status conference.

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<sup>5</sup> Cal. Code of Regs., tit. 20, §1716.5.

5. Any party wishing to respond to the motion to compel filed by the City of Redondo Beach shall file its response no later than **3:00 p.m.** on **August 19, 2015**. The Committee requests that any response so filed include a discussion of:
- a. The timeliness of the motion; and
  - b. The relevance of the information being sought.

Information concerning the status of the project, as well as notices and other relevant documents, may be viewed on the Energy Commission's Internet web page at: [http://www.energy.ca.gov/sitingcases/redondo\\_beach/](http://www.energy.ca.gov/sitingcases/redondo_beach/).

**It is so ordered.**

Dated: August 13, 2015, at Sacramento, California.

Original signed by \_\_\_\_\_  
KAREN DOUGLAS  
Commissioner and Presiding Member  
Redondo Beach Energy Project  
AFC Committee

Original signed by \_\_\_\_\_  
JANEA A. SCOTT  
Commissioner and Associate Member  
Redondo Beach Energy Project  
AFC Committee