

DOCKETED

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SMUD Post-Scoping Workshop Comments on: Potential Changes to Siting Compliance and Procedure Regulations

Additional submitted attachment is included below.

**STATE OF CALIFORNIA
BEFORE THE CALIFORNIA ENERGY COMMISSION**

In the matter of:)	Docket No. 15-OII-01
)	
Siting Compliance Process Review and Improvement Proceeding)	SMUD Post-Scoping Workshop Comments On: <i>Potential Changes to Siting Compliance and Procedure Regulations</i>
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)	November 13, 2015

Thank you for the opportunity to comment on the scope of potential changes to streamline the Commission's Siting Compliance Process and Procedure Regulations (Regulations). SMUD supports streamlining the Regulations in general, while preserving the integrity of the Commission's siting process overall, and has the following comments for consideration.

This proceeding should include development of guidelines for project changes that would not require a petition for modification for adoption by the full Commission. These guidelines could be included in revised Regulations or be simply provided as guidance to the Commission's Compliance Project Managers so they can consistently and more confidently make initial decisions about changes presented by the project representative or power plant owner. Examples of changes that could potentially qualify include the following:

- When a proposed change or enhancement is of a fixed, limited duration and the project will thereafter revert back to the initial compliance conditions with no environmental impacts.
- When a proposed change can be appropriately processed through a local process, such as obtaining a building permit.
- When the change would not trigger an approval or consultation by a federal agency, a local air district, or a state agency other than the Commission.

Non-regulatory guidance could be prepared through this or a separate proceeding with transparency and public participation.

When a petition for modification is necessary, it is important to process the amendment in a timely fashion. The significant increase in the number of power plants sited by the Commission in the last 15 years since the energy crisis has fostered increased competition for Commission resources among the permitted plants now in the compliance phase. Reducing delay can help power plant operators ensure compliance (e.g., when a change must be implemented before the Commission acts on a petition) and reduce cost. To assist in this effort, the Commission should consider increasing resources, such as when outside contracts assisted with processing the spike in power plant siting applications in the last decade.

With respect to improving the implementation of Conditions of Certification, SMUD also suggests regulatory changes or guidance that would allow Compliance Project Managers to determine whether a Condition adopted solely for initial construction is still applicable and would be enforced in connection with post-certification amendment requests. Such guidance might be more challenging to define, but worthwhile.

Thanks again for the opportunity to comment early in the rulemaking process.

/s/

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cc: Corporate Files (LEG 2015-0935)