

## DOCKETED

<b>Docket Number:</b>	08-AFC-09C
<b>Project Title:</b>	Palmdale Energy Project (Formerly Palmdale Hybrid Power Plant) - Compliance
<b>TN #:</b>	206819
<b>Document Title:</b>	Committee Scheduling Order
<b>Description:</b>	N/A
<b>Filer:</b>	Maggie Read
<b>Organization:</b>	Energy Commission Hearing Office
<b>Submitter Role:</b>	Committee
<b>Submission Date:</b>	12/2/2015 3:14:11 PM
<b>Docketed Date:</b>	12/2/2015



**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**

**PETITION TO AMEND THE  
PALMDALE ENERGY PROJECT**

**DOCKET No. 08-AFC-09C**

**COMMITTEE SCHEDULING ORDER**

**Background**

On April 30, 2015, Palmdale Energy, LLC (project owner or Petitioner), a solely-owned subsidiary of Summit Power Project Holdings, LLC, submitted a Petition to the California Energy Commission (Energy Commission) seeking permission to amend the certified Palmdale Hybrid Power Project (PHPP)<sup>1</sup>. The Petition proposes to change the approved, but not built, PHPP from a 570 megawatt (MW) hybrid natural gas-fired combined-cycle and solar-trough power plant to a natural-gas-fired 645 MW combined-cycle power plant. Specifically, the Petition proposes to eliminate the solar component and replace the combustion turbine technology with fast-start flexible technology from a different manufacturer. The Petition also requests that the project name be changed from Palmdale Hybrid Power Project to Palmdale Energy Project (PEP). The details of the proposed amended project are contained in the Petition, which may be viewed at:

<https://efiling.energy.ca.gov/getdocument.aspx?tn=205394-1>

The PEP site is located in the City of Palmdale, bounded by Sierra Highway to the west, East Avenue M (Columbia Way) to the north, and U.S. Air Force Plant 42 on the south and east. The PEP site address is 950 East Avenue M, Palmdale, California 93550.

**Summary**

The Energy Commission assigned a Committee of two Commissioners<sup>2</sup> (Committee) to conduct proceedings on the Petition. The Committee held a public Site Visit, Environmental Scoping Meeting and Informational Hearing at the Larry Chimbole Cultural Center in Palmdale, California on Monday, November 16, 2015 to discuss the proposed project modifications, including a discussion of the review process and

<sup>1</sup> The Energy Commission issued its Final Decision granting a certificate to the City of Palmdale (original Applicant) to construct and operate the PHPP on August 10, 2011.

<sup>2</sup> The Committee consists of Commissioner Karen Douglas, Presiding Member, and Commissioner Janea A. Scott, Associate Member. The full Commission made this Committee assignment at an Energy Commission Business Meeting on August 12, 2015.

identification of issues that could affect the schedule. Pursuant to California Code of Regulations, title 20, section 1709.7(c), the attached Committee Schedule is based on the Energy Commission Staff (Staff) proposed schedule and related discussions at the Informational Hearing between the Committee, Petitioner, Staff, and Intervenor City of Lancaster.

The Committee Schedule contains a list of events that must occur in order to complete the Energy Commission amendment process. The Committee encourages the parties to consider this schedule an outer boundary and make their best efforts to complete the milestones ahead of schedule. Some deadlines may be contingent upon reviews to be conducted by federal, state, and local agencies. The Petitioner must provide sufficient review time for the responsible agencies to meet the deadlines specified in the schedule.

Staff indicated at the Informational Hearing that they have preliminarily identified issues in the Petition related to the technical areas of Air Quality, Greenhouse Gases, and Transmission Engineering. Resolution of these issues shall be addressed during the discovery/data exchange process (i.e., web-posted data requests and data responses) and in public meetings with the parties and interested governmental agencies. Given the complexities involved in resolving these issues, the parties are on notice that the Committee may modify the Committee Schedule at any time upon either its own motion or that of a party. (Cal. Code Regs., tit. 20, § 1709.7(c).)

### **Status Reports and Conferences**

The attached Committee Schedule requires periodic status reports to be submitted by all parties for determining whether case development is progressing satisfactorily and to bring potential schedule delays or other relevant matters to the Committee's attention. The burden is on the Petitioner to produce the necessary data according to the schedule. If there are delays, the Committee may adopt a performance-based approach resulting in a commensurate lengthening of the schedule.

To facilitate the process, each party shall serve and file a status report on the fifteenth of each month starting December 15, 2015. Parties must file (docket) and serve documents using the e-filing system on the California Energy Commission's website by clicking on the "Submit e-Filing" link in the "Compliance Proceeding" box at:

<http://www.energy.ca.gov/sitingcases/palmdale/index.html>

### **2011 PHPP Decision and Scope of Environmental Analysis**

As indicated at the Informational Hearing, the Committee intends to use the 2011 Commission Decision approving the PHPP (2011 Decision)<sup>3</sup> as the starting point for the PEP environmental analysis. Under California Environmental Quality Act (CEQA)

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<sup>3</sup> <https://efiling.energy.ca.gov/getdocument.aspx?tn=61876>

Guidelines section 15162 (Cal. Code Regs., tit. 14, § 15162), a supplement to 2011 Decision is required only where:

1. Substantial changes are proposed in the project which will require major revisions of the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or
2. Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or
3. New information of substantial importance, which was not known and could not have been known in 2011, shows:
  - (A) The project will have one or more significant effects not discussed in the previous EIR;
  - (B) Significant effects previously examined will be substantially more severe than shown in the previous EIR;
  - (C) Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or
  - (D) Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

Therefore, Staff is **ORDERED** to include in each topic area of the Preliminary Staff Assessment (PSA), a discussion of whether or not supplementation of the 2011 Decision is necessary under section 15162, including the factual information that supports Staff's conclusion. If the Committee concludes that no supplementation is required, the Committee will rely upon the environmental analysis and conclusions of the 2011 Decision and will not re-analyze them. Should the proposed revised project result in significant impacts that cannot be avoided or mitigated, the Committee will make a recommendation about whether to override those impacts.

Although the Committee may not revisit the environmental analysis for some topics, the Laws Ordinances Regulations and Standards (LORS) analysis is not subject to section 15162 and must be updated to the extent necessary to analyze the compliance of the amended project with LORS.

## **After the Final Staff Assessment is Published but Before the Prehearing Conference**

Following publication of the Final Staff Assessment (FSA), the parties are expected to describe with specificity:

- The issues about which there is disagreement among the parties and about which the party desires to present evidence or question other testimony.
  - Simply saying that one wants to present testimony on a topic (or “all” topics) without further explanation or justification is insufficient; in most cases it will be necessary to narrow the description to at least a subtopic (for example “ammonia slip” in Air Quality). Failure to describe issues with sufficient specificity may result in the exclusion of testimony or questions;
- The witnesses, including their qualifications, and evidence the party intends to introduce during the evidentiary hearings;
- The witnesses of other parties whom the party intends to question during the evidentiary hearings and the subject(s) of the questions;
- Topic-by-topic recommendations about whether the hearings should be conducted using the formal or informal process;<sup>4</sup>
- Issues that may require legal argument or briefing;
- Whether it would be productive to have oral argument at the beginning and/or close of the evidentiary hearings; and
- Time estimates for the party’s live testimony, questioning of other witnesses, and oral argument.

The Committee will require the above information at least three weeks prior to the Prehearing Conference and may begin preliminary identification of the issues to be adjudicated at the evidentiary hearings or during status conferences held before or after the publication of the FSA.

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<sup>4</sup> Prior to the evidentiary hearings, the Committee will decide which portions of the hearings will be conducted using a formal process (direct and cross-examination of a single expert witness by party representatives) and which will be conducted by an informal process (contemporaneous examination of a panel of expert witnesses). In either process, the parties will identify witnesses and exhibits prior to the hearing. For the informal portions, all of the witnesses for a topic will be seated as a panel to answer questions from the parties and the Committee. While a question can be directed to a particular witness in the first instance, the other panelists may also answer the question if they choose. Panelists may also ask questions of each other.

## Public Adviser and Public Participation

The Energy Commission invites members of the public and other interested parties to participate either on an informal basis or by intervening in the proceeding. Both types of participation allow written and oral comments. At the informal participation level, written and oral public comments are considered by the Committee and are part of the record, but are not part of the formal evidentiary record. Intervenors have the right to introduce evidence into the evidentiary record and cross-examine the other parties' witnesses.

The Energy Commission's Public Adviser's Office is available to provide the public with an understanding of the proceedings and to make recommendations for meaningful participation. For assistance, contact Alana Mathews, Public Adviser, at (916) 654-4489 or (800) 822-6228, or by e-mail at [publicadviser@energy.ca.gov](mailto:publicadviser@energy.ca.gov).

If you have a disability and need assistance to participate in this event, contact Lourdes Quiroz no less than five days prior to the hearing at (916) 654-5146 or by e-mail at [lou.quiroz@energy.ca.gov](mailto:lou.quiroz@energy.ca.gov).

## Contact Information

Questions of a legal or procedural nature should be directed to Kenneth Celli, Hearing Officer, at (916) 651-8893, or by e-mail at [ken.celli@energy.ca.gov](mailto:ken.celli@energy.ca.gov).

Technical questions concerning the project should be directed to Eric Veerkamp, Staff Project Manager, at (916) 654-4611, or by e-mail at [eric.veerkamp@energy.ca.gov](mailto:eric.veerkamp@energy.ca.gov).

Media inquiries should be directed to the Media and Public Communications Office at (916) 654-4989 or by e-mail at [mediaoffice@energy.ca.gov](mailto:mediaoffice@energy.ca.gov).

Information regarding the status of the project, as well as notices and other relevant documents pertaining to this proceeding, may be viewed on the Energy Commission's Internet web page at <http://www.energy.ca.gov/sitingcases/palmdale/>.

Dated: December 2, 2015, at Sacramento, California

Original signed by  
\_\_\_\_\_  
KAREN DOUGLAS  
Commissioner and Presiding Member  
Palmdale Energy Project Committee

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

**PALMDALE ENERGY PROJECT  
SCHEDULE**

<b>ACTIVITY</b>	<b>DATE DUE</b>
Petition to Amend filed by Petitioner	4/30/2015
Revised Petition to Amend filed by Petitioner	7/20/2015
Staff files first round of Data Requests (DRs)	10/30/2015
Information Hearing, Scoping Meeting, and Site Visit in Palmdale	11/16/2015
Petitioner files Data Responses	11/30/2015
Data Response and Issue Resolution Workshop	TBD
Status Report from all parties due on the 15 <sup>th</sup> of each month	12/15/2015 and the 15 <sup>th</sup> of each month thereafter
Staff Files Data Requests Round 2 (if necessary)	TBD
Petitioner Provides Data Responses (if necessary)	30 days after DRs filed (Tit. 20 C.C.R. § 1716(f))
AVAQMD issues Preliminary Determination of Compliance (PDOC)	TBD
Discovery closes	30 days after PDOC filed
Data Response and Issue Resolution Workshop (if necessary)	TBD
Preliminary Staff Assessment (PSA) Published	30 days after PDOC filed
Status Conference	45 days after PDOC
Preliminary Staff Assessment Workshop	30 days after PSA filed
AVAQMD Issues Final Determination of Compliance (FDOC)	TBD
Final Staff Assessment Published (FSA)	30 days after FDOC
Last Status Conference before the Prehearing Conference	3 weeks after the FSA is filed
All Parties File Opening Testimony	4 weeks after the FSA is filed
All Parties File Rebuttal Testimony	5 weeks after the FSA is filed

Last day to file Petition to Intervene	5 weeks after the FSA is filed
All Parties File Prehearing Conference Statements with Exhibit Lists	6 weeks after the FSA is filed
Prehearing Conference (PHC)	7 weeks after the FSA is filed
Evidentiary Hearings (EH)	2 weeks after PHC
All Parties File Opening Briefs (if determined to be necessary)	2 weeks after EH transcripts are filed
All Parties File Reply Briefs (if determined to be necessary)	3 weeks after EH transcripts are filed
Committee Files Presiding Members Proposed Decision (PMPD)	9 weeks after EH
Committee Conference on PMPD	3-4 weeks after PMPD filed
Close of Public Comment Period on PMPD	30 days after PMPD filed
Committee Files Errata or Revised PMPD (if necessary)	TBD*
Energy Commission Final Decision	TBD*

\*TBD = To Be Determined