

## DOCKETED

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| <b>Docket Number:</b>   | 12-AFC-02C                                   |
| <b>Project Title:</b>   | Huntington Beach Energy Project - Compliance |
| <b>TN #:</b>            | 210666                                       |
| <b>Document Title:</b>  | Amended Committee Scheduling Order           |
| <b>Description:</b>     | Order  |
| <b>Filer:</b>           | Darlene Burgess                              |
| <b>Organization:</b>    | Energy Commission Hearing Office             |
| <b>Submitter Role:</b>  | Committee                                    |
| <b>Submission Date:</b> | 3/9/2016 3:42:57 PM                          |
| <b>Docketed Date:</b>   | 3/9/2016                                     |



**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  
HUNTINGTON BEACH ENERGY PROJECT***

**DOCKET No. 12-AFC-02C**

**AMENDED COMMITTEE SCHEDULING ORDER**

**Background**

On September 9, 2015, AES Southland, LLC (project owner or Petitioner) submitted a Petition to Amend (Petition) to the California Energy Commission (Energy Commission) seeking permission to amend the certified Huntington Beach Energy Project (HBEP).<sup>1</sup> The Petition proposes to reduce the nominal generation capacity of the project from 939 megawatts (MW) to 844 MW (644 MW generated from combined-cycle technology and 200 MW from simple-cycle technologies) (the Amended HBEP). The project site is located in the City of Huntington Beach, just north of the intersection of the Pacific Coast Highway and Newland Street. The project would be located entirely within the footprint of the existing AES Huntington Beach Generating Station, an operating power plant.

Further details of the proposed Amended HBEP are contained in the Petition, which may be viewed at:

<https://efiling.energy.ca.gov/getdocument.aspx?tn=206087>

**Summary**

The Energy Commission, on October 14, 2015, designated Andrew McAllister, Commissioner and Presiding Member, and Karen Douglas, Commissioner and Associate Member, as the Committee<sup>2</sup> to conduct proceedings on the proposed amendment. On January 14, 2016, the Committee issued a Committee Schedule containing a list of events that would need to occur in order to complete the Energy

<sup>1</sup> The Energy Commission issued its Final Decision allowing Petitioner to construct and operate the HBEP on October 29, 2014 (the 2014 Decision). The 2014 Decision can be found at: <https://efiling.energy.ca.gov/getdocument.aspx?tn=203309>.

<sup>2</sup> Cal. Code Regs., tit. 20, § 1204.

Commission amendment process.<sup>3</sup> This Committee Schedule reflected information received from the following participants at the Committee's Site Visit, Informational Hearing, and Scoping Meeting, held December 8, 2015, in Huntington Beach: Petitioner, Energy Commission Staff (Staff), the South Coast Air Quality Management District (SCAQMD), and the City of Huntington Beach (City).

On February 16, 2016, the Committee held a Status Conference in Sacramento. At the Status Conference, several topics were discussed, including potential changes to the Committee Schedule.

At this time, the Committee is making a minor modification to the schedule regarding the timing for issuance of the Preliminary Staff Assessment (PSA). The PSA shall now be published three weeks after the issuance of the Preliminary Determination of Compliance (PDOC) by SCAQMD. In making this change, the Committee is mindful of the Petitioner's desire for a speedy conclusion to the proceedings and the Staff's stated goal of providing a complete and thorough analysis of the PDOC, as well as other topics.

The Committee also notes that, based on status reports filed by the Petitioner and Staff on March 1, 2016, the City is still considering the issues presented by the Petition. In the prior proceedings that led to the approval of the HBEP, the City played an integral part in many issues, including visual resources, land use, and traffic. At this point, the City's review process includes a Design Review Board meeting on March 10, 2016, and City Council study session, currently scheduled for April 18, 2016.<sup>4</sup>

In addition, during the original proceedings, the Coastal Commission submitted a report on its review of the HBEP. At present, there is no specific information about the Coastal Commission's participation in the Petition process.

Because of the timing uncertainties, 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, which may include bifurcation of any delayed subject areas to ensure the efficient processing of the Petition. If the Committee finds that some subject areas should be delayed, the non-affected subject areas are expected to adhere to the schedule attached to this Order.<sup>5</sup>

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<sup>3</sup> TN 207324.

<sup>4</sup> TN 210567.

<sup>5</sup> Cal. Code Regs., tit. 20, § 1203, subd. (c).

## **Status Reports and Conferences**

The amended Committee Schedule continues the requirement that the parties file (docket) periodic status reports to advise the Committee on the satisfactory progress on case development and to bring potential schedule concerns 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.

These status reports continue to be on or before the first of each month. 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/huntington\\_beach\\_energy/](http://www.energy.ca.gov/sitingcases/huntington_beach_energy/)

## **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).

## **Contact Information**

Questions of a legal or procedural nature should be directed to Susan Cochran, Hearing Officer, by email at [susan.cochran@energy.ca.gov](mailto:susan.cochran@energy.ca.gov) or at (916) 654-3965.

Technical questions concerning the project should be addressed to John Heiser, Staff Project Manager, by email at [john.heiser@energy.ca.gov](mailto:john.heiser@energy.ca.gov) or at (916) 653-8236.

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 concerning the status of the proposed amended 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/huntington\\_beach\\_energy/](http://www.energy.ca.gov/sitingcases/huntington_beach_energy/)

Dated: March 8, 2016, at Sacramento, California

***ORIGINAL SIGNED BY:***

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ANDREW McALLISTER  
Commissioner and Presiding Member  
Huntington Beach Energy Project  
Amendment Committee

***ORIGINAL SIGNED BY:***

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KAREN DOUGLAS  
Commissioner and Associate Member  
Huntington Beach Energy Project  
Amendment Committee

**HUNTINGTON BEACH ENERGY PROJECT AMENDMENT  
SCHEDULE**

| ACTIVITY  | DUE DATE<br>OR DATE<br>COMPLETE                                      |
|---|--|
| Petition to Amend filed by Petitioner   | September 10,<br>2015  |
| Staff files round 1 of Data Requests (DRs)                                    | November 13,<br>2015   |
| Petitioner files Data Responses   | December 4,<br>2015  |
| Data Response and Issue Resolution Workshop                                   | December 8,<br>2015  |
| Informational Hearing, Scoping Meeting, and Site Visit in<br>Huntington Beach | December 8,<br>2015  |
| Air District Determined Application Complete                                  | December 18,<br>2015   |
| Status Report from all parties due on the first of each month                 | February 1,<br>2016 and the<br>first of each<br>month<br>thereafter  |
| Status Conference   | February 16,<br>2016<br>1:00 p.m. <sup>6</sup>                       |
| SCAQMD Issues Preliminary Determination of Compliance<br>(PDOC)*              | April 1, 2016<br><u>or earlier</u>                                   |
| Status Conference   | April 19, 2016<br>1:30 p.m.  |
| Preliminary Staff Assessment Published  | <u>Three weeks<br/>after issuance<br/>of PDOC April<br/>22, 2016</u> |
| Staff holds PSA Workshop  | No later than<br>May 22, 2016  |
| Public comment on the PSA closes  | May 23, 2016   |
| SCAQMD Issues Final Determination of Compliance (FDOC)*                       | June 1, 2016   |

<sup>6</sup> Formal notice of status conferences will be provided at a later date. The dates and times are given for planning purposes by the parties.

|   |                             |
|---|-----------------------------|
| Staff publishes Final Staff Assessment (FSA)  | June 9, 2016                |
| Last day to file Petition to Intervene <sup>7</sup>   | Week of June 13, 2016       |
| All Parties File Opening Testimony  | Week of June 20, 2016       |
| Status Conference   | June 22, 2016<br>10:00 a.m. |
| All Parties File Rebuttal Testimony and Prehearing Conference Statements with Exhibit Lists | Week of June 27, 2016       |
| Prehearing Conference (PHC)   | Week of July 4, 2016        |
| Evidentiary Hearings (EH)   | Week of July 18, 2016       |
| Committee Files Presiding Member's Proposed Decision (PMPD)                                 | Late August 2016            |
| Committee Conference on PMPD  | Mid-September 2016          |
| Close of Public Comment Period on PMPD  | Late September 2016         |
| Committee files Errata or Revised PMPD (if necessary)                                       | Early October 2016          |
| Energy Commission Final Decision  | October 2016                |

\*The dates for SCAQMD's PDOC and FDOC may vary, which may affect the ultimate schedule.

**Note:** The Committee may modify the schedule at any time upon either its own motion or that of a party, which may include bifurcation of any delayed subject areas to ensure the efficient processing of the Petition. If the Committee finds that some subject areas should be delayed, the non-affected subject areas are expected to adhere to this schedule.

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<sup>7</sup> "A petition for intervention shall be filed no later than the deadline established by the presiding member, or if none is established, at least 30 days before the first evidentiary hearing in the proceeding." Cal. Code Regs., tit. 20, § 1211.7, subd. (b).