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Memorandum

Date: July 20, 2016
Telephone: (916) 653-8236
File: 12-AFC-02C

To: Commissioner Andrew McAllister, Presiding Member
Commissioner Karen Douglas, Associate Member
Hearing Officer Susan Cochran

From: California Energy Commission - John Heiser,
1516 Ninth Street Project Manager
Sacramento, CA 95814-5512

Subject: ENERGY COMMISSION STAFF'S RESPONSE TO THE AMENDED COMMITTEE SCHEDULING ORDER – HUNTINGTON BEACH ENERGY PROJECT PETITION TO AMEND

On July 8, 2016, the committee assigned to hear this matter filed the Amended Committee Scheduling Order. That Order was intended to more accurately reflect the Huntington Beach Energy Project Petition to Amend review timeline. However, as noted in the Order, 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 of the Final Staff Assessment (FSA) to ensure the efficient processing of the Petition.

In response to the Order, AES filed a Project Owner's Response to the Committee's Amended Scheduling Order wherein AES "requests that Staff be required to issue the FSA by August 22 as set forth in the Scheduling Order *regardless of receipt of the FDOC by August 8.*" [Emphasis added.] Staff respectfully disagrees with this request, as well as the assertion in support that such a requirement is feasible.

Staff normally requires at least 30 days between the publication of the FDOC and the FSA. The schedule as currently proposed in the Order already provides staff only 11 working days (including the day that it is published and the day that the FSA is filed) to complete the FSA following the publication of the FDOC. Shortening the schedule any further is unrealistic and infeasible, and imposes an undue burden on staff and other applicants with proceedings at the Energy Commission. Staff therefore requests that the Amended Committee Scheduling Order be changed to reflect that the FSA will be filed 30 after publication of the FDOC.

Further, in this instance staff sees no reason to bifurcate the proceedings in the event that the FDOC is delayed. Staff is informed and believes that the FDOC should be published in August. Bifurcating, which would delay only one section of the FSA by a matter of a week or two, would not reduce the time needed to process the Petition to Amend in that all sections must be considered at evidentiary hearings before a decision is reached.