

DOCKETED

Docket Number:	12-AFC-02C
Project Title:	Huntington Beach Energy Project - Compliance
TN #:	212525
Document Title:	Status Report #7; Request for Status Conference
Description:	N/A
Filer:	Judith Warmuth
Organization:	Stoel Rives LLP
Submitter Role:	Applicant
Submission Date:	8/1/2016 1:28:35 PM
Docketed Date:	8/1/2016



500 Capitol Mall, Suite 1600
Sacramento, California 95814
T. 916.447.0700
F. 916.447.4781
www.stoel.com

August 1, 2016

MELISSA A. FOSTER
Direct (916) 319-4673
melissa.foster@stoel.com

VIA ELECTRONIC DOCKETING

The Honorable Andrew McAllister, Presiding Member
The Honorable Karen Douglas, Associate Member
California Energy Commission
1516 Ninth Street
Sacramento, CA 95814

Hearing Adviser Susan Cochran
California Energy Commission
1516 Ninth Street
Sacramento, CA 95814

**Re: Huntington Beach Energy Project (12-AFC-02C)
Status Report #7; Request for Status Conference**

Dear Commissioners and Hearing Adviser Cochran:

Project Owner AES Huntington Beach Energy, LLC (“Project Owner” or “AES”) submits this Status Report for the Huntington Beach Energy Project (“HBEP”) Petition to Amend (“PTA”) proceeding pursuant to the Committee’s July 8, 2016 Amended Committee Scheduling Order (“Scheduling Order”). The following activities have occurred since filing the June 30, 2016 Status Report.

As noted in Status Report #6, the South Coast Air Quality Management District (“SCAQMD”) released the Preliminary Determination of Compliance (“PDOC”) in June 2016. On July 11, 2016, Project Owner provided the SCAQMD with comments on the PDOC. (TN# 212278.) In a Status Report filed on July 29, 2016 (TN# 212508), SCAQMD noted that it anticipated completing the Final Determination of Compliance in August.

On July 12, 2016 Staff held a publicly noticed PSA Workshop in Huntington Beach. During the workshop, Project Owner discussed issues related to various PSA Conditions of Certification with Staff. On July 21, 2016, Project Owner followed up the workshop comments in writing and docketed written comments on the PSA. (TN# 212379.)

As the Committee is aware, on May 2, 2016, the City of Huntington Beach (“City”) adopted Resolution No. 2016-0027. Upon receipt of the signed Resolution from the City, and as requested by the Committee, Project Owner docketed the adopted Resolution on July 21, 2016. (TN# 212380.)

The Honorable Andrew McAllister, Presiding Member
Hearing Adviser Susan Cochran
August 1, 2016
Page 2

Project Owner is currently reviewing the draft Coastal Commission Report issued on July 29, 2016 as well as the PSA comments filed by the City of Huntington Beach on July 25, 2016. (TN#s 212437, 212438, 212439.) Project Owner anticipates docketing a response to certain comments made by the Coastal Commission and the City within the next few weeks.

Request for Status Conference

In addition to the foregoing, on July 15, 2016, Project Owner docketed a response to the July 8, 2016 Amended Committee Scheduling Order. (TN# 212311.) Shortly thereafter, Staff docketed their own response. (TN# 212365.) Upon review of the Amended Committee Scheduling Order and Staff's responses thereto, it has become apparent to Project Owner that a Status Conference is necessary. As previously noted, during the Committee's June 22 Status Conference Staff indicated its ability to release the Final Staff Assessment ("FSA") around the third week of August- which coincides with the August 22, 2016 date set forth in the July 8 Amended Committee Scheduling Order.¹ However, Staff subsequently changed their position, without explanation, and requested that the FSA be due 30 days after receipt of the FDOC. (TN# 212365.)

As set forth in TN# 212311, Project Owner's main concern with the Amended Schedule is the timing for PMPD publication and receipt of a final decision on the Project in 2016. In addition, Project Owner requested that Staff be ordered to issue the FSA by August 22 as set forth in the Scheduling Order regardless of receipt of the FDOC by August 8. Project Owner also requested that the same short timelines incorporated into the schedule for the FSA through Evidentiary Hearing phase carry through to the end of the schedule to ensure that a decision on the PTA is made in 2016.²

Project Owner respectfully requests that the Committee schedule a Status Conference as early as practicable to discuss the status of the FSA and the schedule for a decision in 2016. To facilitate scheduling of the requested Status Conference, Project Owner can be available to participate any date in August, with the exception of August 9 and August 15-19.

¹ Note that the previous Committee Scheduling Order (TN# 210666) required Staff to file the FSA eight days after SCAQMD's issuance of the FDOC.

² Note that in the original AFC proceeding, the FSA was issued well before the FDOC was issued. Staff published the FSA on May 30, 2014. The SCAQMD issued the FDOC after 5pm on July 18, 2014- the Friday before the start of evidentiary hearings on Monday, July 21, 2014- and the FDOC was docketed by CEC Staff on Sunday, July 20, 2014.

The Honorable Andrew McAllister, Presiding Member
Hearing Adviser Susan Cochran
August 1, 2016
Page 3

Project Owner appreciates the Committee pursuing an aggressive schedule and looks forward to discussing concerns with the schedule and the status of the proceeding during an August Status Conference.

Very truly yours,

A handwritten signature in blue ink that reads "Melissa A. Foster". The signature is written in a cursive, flowing style.

Melissa A. Foster

MAF:jmw