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BEFORE THE ENERGY RESOURCES CONSERVATION AND DEVELOPMENT
COMMISSION OF THE STATE OF CALIFORNIA
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**PETITION TO AMEND THE:
HUNTINGTON BEACH ENERGY PROJECT**

Docket No. 12-AFC-02C

AMENDED COMMITTEE SCHEDULING ORDER

Background

On September 9, 2015, AES Southland, LLC¹ (AES 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).² The Petition proposes to reduce the nominal generation capacity of the HBEP from 939 megawatts (MW) to 844 MW (644 MW generated from combined-cycle technology and 200 MW from simple-cycle technologies) (Proposed Project). The Proposed Project site is located in the City of Huntington Beach, just north of the intersection of the Pacific Coast Highway and Newland Street. The Proposed 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 Project 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 Committee³ to conduct proceedings on the Proposed Project. On January 14, 2016, the Committee issued a Committee Schedule containing a list of

¹ AES Southland, LLC, sought and obtained permission to transfer ownership of the Huntington Beach Energy Project to AES Huntington Beach Energy, LLC (TN 211856). For ease, we will refer to AES Huntington Beach Energy, LLC as “AES” or “Petitioner.”

² 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>

³ Cal. Code Regs., tit. 20, § 1204.

events that would need to occur in order to complete the Energy Commission amendment process.⁴

On March 9, 2016, the Committee filed its “Amended Committee Scheduling Order” (March Scheduling Order).⁵

On June 22, 2016, the Committee held its third Status Conference on the Petition. The Committee noted that the South Coast Air Quality Management District (SCAQMD) filed its Preliminary Determination of Compliance (PDOC) on June 8, 2016,⁶ and discussed subsequent events in the proceeding. One identified unknown was the preparation and filing of a report by the California Coastal Commission (pursuant to Coastal Act section 30413(d)). Energy Commission Staff (Staff) filed the Preliminary Staff Assessment (PSA) on June 24, 2016.

On July 8, 2016, the Committee filed another “Amended Committee Scheduling Order” (July Scheduling Order).⁷ Under the July Scheduling Order, the Committee anticipated receiving the Final Determination of Compliance (FDOC) from SCAQMD by August 8, 2016, and set the filing deadline for the Staff’s Final Staff Assessment (FSA) as August 22, 2016. The July Scheduling Order contained additional dates for filing evidence (both direct and rebuttal), a prehearing conference, evidentiary hearings, briefing, culminating in the issuance of a Presiding Member’s Proposed Decision (PMPD) in late October 2016, and a Final Decision by the full Energy Commission in December 2016/ January 2017.

Both Petitioner⁸ and Staff⁹ filed comments on the July Scheduling Order. The Committee held a Status Conference on August 19, 2016 (August Status Conference),¹⁰ to discuss the Committee’s comments on the PSA and to consider the schedule.

The Committee’s comments on the PSA focused on areas that need clarification or additional information. The Committee requested clarification of the rules and standards to be applied to the Proposed Project’s use of the Plains Tank Site. The Committee also wanted to ensure that the filing by the California Coastal Commission¹¹ would be analyzed and responded to in the FSA. Finally, the Committee discussed the August 10, 2016, letter¹² from the California Independent System Operator (California ISO), in particular the part that stated “there is merit to having the clutch capability at the HBEP as a prudent hedge for future uncertainty...and at a minimum, the HBEP should be designed such that it could easily accommodate a clutch installation in the future should the need arise.” The Committee seeks clarity from the Petitioner and in the FSA

⁴ TN 207324.

⁵ TN 210666.

⁶ TN 211747.

⁷ TN 212210.

⁸ TN 212311.

⁹ TN 212365.

¹⁰ TN 212691.

¹¹ TNs 212797-1, 212797-2.

¹² TN 212725

whether the simple-cycle portion of the Proposed Project will accommodate inclusion of a clutch and possible synchronous condenser, should the California Public Utilities Commission apply the California ISO recommendation in any future procurement decision related to the Proposed Project. The Committee acknowledges receipt of Petitioner's August 25, 2016, letter,¹³ but wants to ensure this discussion and evidence are part of the record of proceedings.

As it relates to the schedule, during the August Status Conference, SCAQMD indicated that it could not provide a firm date for its issuance of the FDOC, citing comments made by Helping Hand Tools on the PDOC. The Committee and the parties then discussed options for completing the review process. The Petitioner reiterated its need to have a final decision on the Proposed Project by the end of 2016. The Petitioner thus requested that the Committee require Staff to provide the full FSA before receipt of the FDOC, with issuance of an amendment or update (if needed) before evidentiary hearings. Staff, on the other hand, argued against bifurcation of the FSA or issuing it before receipt of the FDOC, claiming such actions rarely advance the schedule and usually increase confusion in the public. Staff also requested 30 days after receipt of the FDOC to prepare the FSA.

The Committee has prepared the attached schedule to more accurately reflect the Proposed Project's expected timeline. At this time, the Committee is unwilling to bifurcate the proceedings or otherwise proceed in the absence of a FDOC from SCAQMD. In order to accommodate Petitioner's need for a rapid decision, the Committee continues the requirement that the Staff file the FSA within two weeks of the filing of the FDOC.

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.

Status Reports and Conferences

This amended Committee Schedule continues the requirement that the parties file 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 due 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/

¹³ TN 212948.

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 more formally, 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.

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 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 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.

Information concerning the status of the Proposed Project, as well as notices and other relevant documents, may be viewed on the Energy Commission's web page at:

http://www.energy.ca.gov/sitingcases/huntington_beach_energy/

Dated: August 29, 2016, at Sacramento, California

ORIGINAL SIGNED BY:

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

ORIGINAL SIGNED BY:

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

**Huntington Beach Energy Project
Schedule
August 2016**

ACTIVITY	DUE DATE OR DATE COMPLETE
Petition to Amend filed by Petitioner	September 10, 2015
Status Report from all parties due on the 1st of each month	February 1, 2016 and the 1st of each month thereafter
SCAQMD Issued Preliminary Determination of Compliance (PDOC)	June 8, 2016
Preliminary Staff Assessment Published	June 24, 2016
Coastal Commission Report Filed ¹⁴	August 15, 2016
SCAQMD Issues Final Determination of Compliance (FDOC)	TBD
Staff publishes Final Staff Assessment (FSA)	Two weeks after filing of the FDOC
Last day to file Petition to Intervene ¹⁵	August 29, 2016
All Parties file Opening Testimony	One week after filing of the FSA
All Parties file Rebuttal Testimony and Prehearing Conference Statements with Exhibit Lists	Two weeks after filing the FSA
Prehearing Conference (PHC)	Two days after filing Rebuttal Testimony
Evidentiary Hearings (EH)	Three weeks after filing of the FSA
Committee files Presiding Member's Proposed Decision (PMPD)	Four weeks after Evidentiary Hearings
Committee Conference on PMPD	Three weeks after issuance of PMPD

¹⁴ TNs 212797-1, 212797-2.

¹⁵ "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).

Close of Public Comment Period on PMPD	30 days after issuance of PMPD
Committee files Errata or Revised PMPD (if necessary)	TBD*
Energy Commission Final Decision	TBD*

*TBD = To Be Determined

Note: The Committee may modify the schedule at any time upon either its own motion or that of a party.