

## DOCKETED

<b>Docket Number:</b>	12-AFC-02C
<b>Project Title:</b>	Huntington Beach Energy Project - Compliance
<b>TN #:</b>	213862
<b>Document Title:</b>	Order Shortening Time to Consider Request for Publication of the Final Staff Assessment by October 10, 2016
<b>Description:</b>	Order
<b>Filer:</b>	Darlene Burgess
<b>Organization:</b>	Energy Commission Hearing Office
<b>Submitter Role:</b>	Committee
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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**

**ORDER SHORTENING TIME TO CONSIDER REQUEST FOR  
PUBLICATION OF THE FINAL STAFF ASSESSMENT  
BY OCTOBER 10, 2016**

**Background**

On September 9, 2015, AES Southland, LLC<sup>1</sup> (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).<sup>2</sup> 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.

On September 27, 2016, AES filed a “Motion for Order to Publish Final Staff Assessment” (FSA Motion).<sup>3</sup> In the FSA Motion, AES seeks two things: an order shortening time for consideration of its request, and an order requiring Energy Commission Staff (Staff) to publish the FSA by October 10, 2016.

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>

<sup>1</sup> 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.”

<sup>2</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>3</sup> TN 213812.

## 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>4</sup> to conduct proceedings on the Proposed Project. 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 Commission amendment process.<sup>5</sup>

Since the initial Scheduling Order, the Committee has amended the schedule for these proceedings three times: March,<sup>6</sup> July,<sup>7</sup> and August.<sup>8</sup>

Under the July Scheduling Order, the Committee anticipated receiving the Final Determination of Compliance (FDOC) from South Coast Air Quality Management District (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, and 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 Petitioner<sup>9</sup> and Staff<sup>10</sup> filed comments on the July Scheduling Order. The Committee held a Status Conference on August 19, 2016 (August Status Conference),<sup>11</sup> to discuss the Committee's comments on the Preliminary Staff Assessment and to consider the schedule. At that time, AES pressed for a firm date for issuance of the FSA, citing the need for a decision on its Petition by the end of 2016. The Committee and the parties also discussed the possibility of bifurcating the issuance of the FSA, requiring publication of portions of the FSA not dependent on the FDOC.

Following the August Status Conference, the Committee issued the August Scheduling Order.<sup>12</sup> The August Scheduling Order did not set a firm deadline for preparation of the FSA, but instead made its issuance dependent on receipt of the FDOC from SCAQMD. At that time, the Committee was unwilling to bifurcate the FSA.

AES made the FSA Motion in order to obtain a decision on its Petition by the end of 2016—a date it has frequently cited in order to meet its contractual obligations to provide power.

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<sup>4</sup> Cal. Code Regs., tit. 20, § 1204.

<sup>5</sup> TN 207324.

<sup>6</sup> TN 210666.

<sup>7</sup> TN 212210 (July Scheduling Order).

<sup>8</sup> TN 213017 (August Scheduling Order).

<sup>9</sup> TN 212311.

<sup>10</sup> TN 212365.

<sup>11</sup> TN 212691.

<sup>12</sup> TN 213317.

In general, responses to motions must be filed within 14 days of the service of the motion, with action taken by the Presiding Member within 21 days of its filing.<sup>13</sup> In applying that schedule to the FSA Motion, a decision would occur after the requested issuance date for the FSA. Therefore, Petitioner's request for an order shortening time is well taken and is therefore **GRANTED**.

Before reaching the merits of the FSA Motion, the Committee would like to hear from the Staff and any other interested persons, including SCAQMD. The Committee therefore **ORDERS** the Staff to file any response to the FSA Motion no later than 3:00 p.m. on Tuesday, October 4, 2016.

### **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 to [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 to [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 to [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 to [mediaoffice@energy.ca.gov](mailto:mediaoffice@energy.ca.gov).

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<sup>13</sup> Cal. Code Regs., tit. 20, § 1211.5, subd. (a).

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/](http://www.energy.ca.gov/sitingcases/huntington_beach_energy/)

Dated: September 29, 2016, at Sacramento, California

***ORIGINAL SIGNED BY:***

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J. ANDREW McALLISTER, Ph. D.  
Commissioner and Presiding Member  
Huntington Beach Energy Project  
Amendment Committee