

DOCKETED

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**STATE OF CALIFORNIA
ENERGY RESOURCES CONSERVATION
AND DEVELOPMENT COMMISSION**

In the Matter of:

The Petition to Amend the

HUNTINGTON BEACH ENERGY PROJECT

Docket No. 12-AFC-02C

**AES HUNTINGTON BEACH ENERGY,
LLC'S REVISED PROPOSED SCHEDULE
FOR THE REMAINDER OF THE
HUNTINGTON BEACH ENERGY
PROJECT PETITION TO AMEND
PROCEEDING**

**AES HUNTINGTON BEACH ENERGY, LLC'S
REVISED PROPOSED SCHEDULE FOR THE REMAINDER OF THE
HUNTINGTON BEACH ENERGY PROJECT
PETITION TO AMEND PROCEEDING**

November 23, 2016

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I. INTRODUCTION

On November 22, 2016, AES Huntington Beach, LLC's ("Project Owner") filed a Proposed Schedule for the Remainder of the Huntington Beach Energy Project ("HBEP") Petition to Amend ("PTA") Proceeding related to all dates stemming from the South Coast Air Quality Management District's ("SCAQMD") docketing of the Final Determination of Compliance for the Amended HBEP on November 21, 2016 ("Proposed Schedule"). (CEC TN# 214550.) Project Owner's Proposed Schedule expressly stated that it relates to the Final Staff Assessment, Part 2 (Air Quality and Public Health), and the Evidentiary Hearing on the Final Staff Assessment, Part 1, scheduled for November 30, 2016, shall remain on calendar as previously ordered. Subsequently, Staff agreed to all dates proposed in Project Owner's Proposed Schedule. (TN# 214552.) It appears that within minutes of Project Owner docketing the Proposed Schedule, the Hearing Officer assigned to the HBEP PTA proceeding docketed a Memorandum cancelling the November 30, 2016 evidentiary hearing on FSA Part 1. (TN#

214549.) The Memorandum noted that “a formal notice of the new evidentiary hearing date and other scheduling matters will be issued shortly.” (*Id.*) To that end, Project Owner herein provides a Proposed Revised Schedule in the event that the November 30, 2016 evidentiary hearing on FSA Part 1 is not placed back on calendar for that date.

II. PROJECT OWNER REQUESTS THAT THE NOVEMBER 30, 2016 EVIDENTIARY HEARING ON FSA PART I REMAIN ON CALENDAR FOR NOVEMBER 30

Staff published FSA Part 1 on October 17, 2016, more than thirteen (13) months after the PTA was filed. The Committee’s October 20, 2016 Notice of Prehearing Conference and Evidentiary Hearing, Scheduling Order, and Further Orders (“Hearing Order”) ordered that an evidentiary hearing on FSA, Part 1 shall occur on November 30, and set various deadlines associated therewith:

ACTION	DEADLINE
Final Staff Assessment (FSA) Part 1	10/17/16
All Parties File Opening Evidence Part 1	10/27/16
Last Day to File Petition to Intervene	10/31/16
All Parties File Rebuttal Evidence, Part 1	11/3/16
All Parties File Prehearing Conference Statements and Exhibit Lists, Part 1	11/10/16
Prehearing Conference	11/14/16
Evidentiary Hearing on FSA Part 1(EH)	11/30/16
Final Staff Assessment, Part 2	2 weeks after FDOC

(TN# 214127 at p. 2.) All of the deadlines set forth in the October 20 Hearing Order have been met, with the exception of the November 30, 2016 Evidentiary Hearing.¹ Most recently, the Committee held a Prehearing Conference on November 14, 2016 to discuss the scope of issues that need to be addressed during the November 30 Evidentiary Hearing on FSA Part 1. To now

¹ The FDOC was docketed on November 21, 2016.

cancel the Evidentiary Hearing on all topic areas except for Air Quality and Public Health would cause additional unnecessary delay in this proceeding.

For the reasons set forth above, Project Owner respectfully requests that the November 30 Evidentiary Hearing on FSA Part 1 proceed as previously ordered and that the Committee orders the remaining deadlines related to FSA Part 2 either on or before the dates set forth in Project Owner’s November 22, 2016 Proposed Schedule (TN# 214550).

III. IN THE ALTERNATIVE, PROJECT OWNER’S REVISED PROPOSED SCHEDULE

While it is Project Owner’s preference that the Evidentiary Hearing on FSA Part 1 occur on November 30, 2016, in the event that the November 30 Evidentiary Hearing remains off calendar, Project Owner herein proposes a revised proposed schedule for the remainder of the HBEP PTA proceeding. In the event that the evidentiary hearing on FSA Parts 1 and 2 is combined into a single hearing, the proposed revised schedule set forth below supersedes Project Owner’s November 22, 2016 Proposed Schedule (TN# 214550):

<u>ACTION</u> ²	<u>PROPOSED DEADLINE</u>
Publication of Final Staff Assessment, Part 2	December 5, 2016
All Parties File Opening Testimony, Part 2	December 9, 2016
All Parties File Rebuttal Testimony, Part 2, including Exhibit List (Parts 1 & 2), Witness List (Part 2), and Prehearing Conference Statement (if needed)	December 13, 2016
Evidentiary Hearing, FSA Parts 1 & 2	December 16; or the week of December 19
Publication of the PMPD ³	January 13, 2016
Final Decision Hearing	February 15, 2016

² Project Owner is amenable to deadlines earlier than the dates proposed above, if the Committee so orders.

³ The proposed dates for publication of the PMPD and Final Decision are the same as those set forth in Project Owner’s Proposed Schedule docketed on November 22, 2016. TN # 214550.

Since the filing of the HBEP PTA on September 9, 2015, Project Owner has consistently maintained that a decision on the PTA is needed no later than December 2016. As it is now unlikely that the Commission will be able to issue a Final Decision by the end of 2016, it is imperative that the Committee issue an aggressive scheduling order and require the parties to adhere to the deadlines set forth therein so as to ensure a Final Decision on the PTA is issued no later than February 2017. In the event that the Committee does not wish to bifurcate the Evidentiary Hearings on FSA Part 1 and FSA Part 2, it is critical to the HBEP project schedule that the complete PTA Evidentiary Hearing occur prior to December 23, 2016, with publication of the PMPD on or before January 13, 2017.

IV. CONCLUSION

For the reasons set forth herein, Project Owner hereby requests the Siting Committee issue a revised scheduling order reinstating the November 30 Evidentiary Hearing on FSA Part 1, and the dates proposed by Project Owner in TN# 214550. In the alternative, if the Committee determines that a single evidentiary hearing shall occur on FSA Part 1 and FSA Part 2, Project Owner hereby requests the Siting Committee issue a revised scheduling order setting forth the dates proposed by Project Owner in Section III above, ensuring that the complete Evidentiary Hearing occurs on or before December 23, 2016 and that the PMPD is issued on or before January 13, 2017.

Date: November 23, 2016

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