

DOCKETED

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

**Re: Huntington Beach Energy Project (12-AFC-02C)
PMPD Schedule - Petition to Amend**

Dear Commissioners and Hearing Officer Cochran:

According to the December 2, 2016 *Order Shortening Time; Order Granting Motion to Advance Date for Evidentiary Hearing; Scheduling Order* ("December 2 Order"), the Presiding Member's Proposed Decision ("PMPD") was scheduled to be published during the week of January 30, 2017. The December 2 Order also granted Project Owner's motion to advance the evidentiary hearing date from January 9, 2017 to December 21, 2016, and did not contemplate a change in PMPD publication date, which remained¹ the "week of January 30, 2017."² To date, a PMPD has not been published.

The Prehearing Conference and Evidentiary Hearing occurred on December 21, 2016. During the hearing, the Hearing Officer repeatedly stated that the PMPD would be published the week of January 30, 2017 and acknowledged that even though the Petition to Intervene was granted and post-hearing briefing would be allowed, none of the existing deadlines, including the PMPD publication during the

¹ See November 29, 2016 *Notice of Cancellation of November 30, 2016 Evidentiary Hearing; Orders After Prehearing Conference* (scheduling the evidentiary hearing for January 9, 2017 and scheduling publication of the PMPD for the "week of January 30, 2017.")

² In granting the motion to advance, the Committee denied Project Owner's request for the PMPD to be published on January 23, 2017 and left the PMPD publication date as the "week of January 30, 2017."

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week of January 30, were going to be changed. (See December 21, 2017 Evidentiary Hearing Transcript (TN# 215154) at p. 127 (lines 19-23 (“So at this point the schedule indicates, I believe that the Presiding Member’s Proposed Decision is going to be issued the week of January 30th. And as stated in the order granting our Petition to Intervene, we were not going to change any of the dates”)); p. 128 (lines 2-15) (stating, in part “we are going to stick with issuance of the PMPD the week of January 30th. That is our commitment, and that’s the schedule that we had adopted based on all of the input that we had at the time” (emphasis added)); p. 128 (lines 19-24 (“you came into the proceeding knowing the schedule, and that included a preliminary -- I’m sorry, a Presiding Member’s Proposed Decision the week of January 30. So we have to be mindful of that and obtain briefings accordingly.”).)

The transcript was docketed on January 4, 2017 and post-hearing briefing was completed as outlined in the Committee’s January 5, 2017 *Committee Order Re: Briefing Schedule*.

As Project Owner AES Huntington Beach Energy, LLC’s (“Project Owner”) has repeatedly stated throughout this proceeding, time is of the essence for the Amended HBEP to meet certain critical project schedule milestones. Thus, Project Owner requires a decision on the pending PTA as soon as possible. To that end, Project Owner respectfully requests that the publication of the PMPD occur as soon as practicable during the week of February 6, 2017. Project Owner looks forward to participating in a PMPD Conference during the PMPD public comment period and to a proposed decision being presented to the full Commission for consideration in March 2017.

Very truly yours,



Melissa A. Foster

MAF:jmw