

DOCKETED

Docket Number:	13-AFC-01
Project Title:	Alamitos Energy Center
TN #:	216970
Document Title:	AES Alamitos Letter to CEC Commissioners
Description:	N/A
Filer:	Deric Wittenborn
Organization:	Ellison Schneider Harris & Donlan LLP
Submitter Role:	Applicant
Submission Date:	4/11/2017 3:59:45 PM
Docketed Date:	4/11/2017



Stephen O'Kane
*Manager - Sustainability and
Regulatory Compliance*

AES Corporation - Alamos
690 N Studebaker Rd.
Long Beach, CA 90803
562-493-7850
Stephen.OKane@aes.com
www.aes.com

April 11, 2017

Chair Robert Weisenmiller
Commissioners Douglas, Scott, McAlister, and Hochschild
California Energy Commission
1516 Ninth Street
Sacramento, California 95814-5512

**RE: Proposed Orders: Effective Dates: Huntington Beach Energy Project (12-AFC-02C)
and the Alamos Energy Center (13-AFC-01)**

Dear Chair Weisenmiller and Commissioners:

On behalf of the Applicants for both Huntington Beach Energy Project (12-AFC-02C, "HBEP") and the Alamos Energy Center (13-AFC-01, "AEC"), I am writing regarding the Proposed Commission Adoption Orders (the "Orders") for the two projects, anticipated to be approved on April 12, 2017.

I have two specific requests. First, I respectfully request that the Commission make the HBEP and AEC Orders and thus the Commission's Final Decisions effective immediately upon docketing of the Orders. Second, I also respectfully request that the Orders be docketed on April 12, 2017, and not delayed until April 17, 2017.

The Commission's regulations provide that a "...decision or order is adopted, issued, final, and effective on the day it is filed, unless it states otherwise."¹ The Commission has preliminary indicated that it may choose the second, "unless otherwise stated" option, proposing to state that the Orders will be effective on April 17, 2017, five days after the Business Meeting. Our request is that the Commission instead select the first option available, making the Orders effective upon filing with the Docket Unit.

In each of the proposed Orders, please revise the language in Ordering Paragraphs 4 regarding the effective date to state: "The Order and Commission's Final Decision are adopted, issued, effective, and final upon docketing of this Order."

¹ 20 CCR 1720.4.

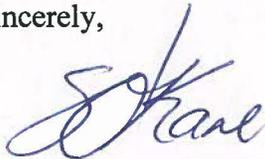
We believe this docketing of the Orders can occur on the same day as approval. This is particularly true since the Orders also include Ordering Paragraphs 10, stating that the administrative assembly of the PMPD and Errata may lag the effective date: "The Hearing and Policy Unit shall incorporate the Alamitos Energy Center PMPD and Errata into a single document. Publication of that compilation shall not affect the adoption, effective, issuance, or final dates of this Order established in paragraph 4, above." (AEC Order, Paragraph 10; similar language in the HBEP Order.)

The docketing of the Orders triggers several important deadlines that must pass before the Commission's Decisions are final and non-appealable: (1) possible Motions for Reconsideration at the Commission; (2) possible appeals to the California Supreme Court; and (3) possible review after South Coast Air Quality Management District ("SCAQMD") issues its notice of issuance of its final permit. Delaying the effective date of the Orders automatically adds five days to these periods, converting the robust thirty day periods to thirty five day periods, without any additional benefit to the public or the Applicants.

Simply put, we are in a situation where days matter. Where there is no benefit for delay and the public's interests are ensured by the statutory thirty day comment periods, there is simply no reason for delaying the effective date of your decisions on AEC and HBEP.

We thank you for moving these projects toward Final Decisions and look forward to discussing these issues with you at the April 12, 2017 Business Meeting.

Sincerely,

A handwritten signature in blue ink, appearing to read "S. O'Kane".

Stephen O'Kane
AES Huntington Beach, Energy, LLC
AES Alamitos Energy, LLC