

LATHAM & WATKINS LLP

November 19, 2009

<b>DOCKET</b>	
<b>08-AFC-8</b>	
DATE	<u>NOV 19 2009</u>
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File No. 045049-0001

**VIA FEDEX**

CALIFORNIA ENERGY COMMISSION  
Attn: Docket No. 08-AFC-08  
1516 Ninth Street, MS-4  
Sacramento, California 95814-5512

Re: Hydrogen Energy California Project: Docket No. 08-AFC-08

Dear Sir/Madam:

Pursuant to California Code of Regulations, title 20, sections 1209, 1209.5, and 1210, enclosed herewith for filing please find Applicant's Status Report No. 2.

Please note that the enclosed submittal was filed today via electronic mail to your attention and served on all parties to the above-referenced project.

Very truly yours,



Paul E. Kihm  
Senior Paralegal

Enclosure

cc: 08-AFC-08 Proof of Service List (w/encl., via e-mail and U.S. Mail)  
Michael J. Carroll, Esq. (w/encl.)  
Marc T. Campopiano, Esq. (w/encl.)

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STATE OF CALIFORNIA  
ENERGY RESOURCES  
CONSERVATION AND DEVELOPMENT COMMISSION

In the Matter of: ) Docket No. 08-AFC-8  
)  
REVISED APPLICATION FOR )  
CERTIFICATION ) APPLICANT'S STATUS REPORT NO. 2  
FOR THE HYDROGEN ENERGY )  
CALIFORNIA PROJECT )  
)  
\_\_\_\_\_)

Pursuant to the Committee Scheduling Order issued on September 28, 2009, Applicant Hydrogen Energy International, LLC hereby files its Status Report No. 2 with respect to the Hydrogen Energy California Project ("HECA").

**Schedule**

The Revised Application for Certification ("AFC") was deemed data adequate on August 26, 2009. An Informational Hearing and Site Visit was held on September 16, 2009. As detailed below, the Parties are engaged in the discovery stage of the AFC process. At this point, the AFC process appears to be on schedule.

**Discovery**

Applicant received Staff's Data Request Set 1 on October 12, 2009. Certain objections and requests for additional time to respond were filed on November 2, 2009. Subject to the stated objections, responses to the remainder of Data Request Set 1 were timely filed on November 12, 2009. Staff has indicated that it plans to hold a Data Request and Issue Resolution Workshop on December 10, 2009.

Applicant received data requests from Intervener Association of Irritated Residents on October 7, 2009. Certain objections were filed on October 27, 2009. Subject to the stated objections, responses to the remainder of AIR data Requests were timely filed on November 5, 2009.

## **Public Outreach**

- Applicant sponsored, presented and exhibited at the Kern Energy Summit on November 12, 2009.
- An Applicant representative was the guest speaker before the Bakersfield Greater Downtown Rotary Club on November 12, 2009.
- Applicant awarded a grant to the Kern Economic Development Foundation to support operation of the Alliance for Women in Energy Mentoring Initiative on November 5, 2009.
- The HECA Information Center, intended to foster community engagement in the HECA review process, officially opened in Buttonwillow in November.
- Applicant participated in EPRI/GCCSI (Australian Global CCS Institute) workshop on “Barriers for Deployment of CCS”, regarding the importance of CO2-EOR in early deployment of CCS, and the role of private-state-federal partnerships in project development and delivery.
- HECA was one of the plenary project presentations at the annual Gasification Technologies Conference in Colorado Springs, CO. HECA was grouped with three other “national” projects (ZeroGen [Australia], GreenGen [China] and FutureGen [USA]) on the basis of environmental and CO2 capture performance.
- A presentation on HECA was provided at the fall meeting of the Coal Utilization Research Council, which was held in the U.S. Senate building with several Senate staff in attendance.
- Applicant exhibited at the annual conference of the Society of Environmental Journalists on October 8, 2009 in Madison, WI.

## **Other Important Developments**

- GE Energy announced the signing of a technology licensing agreement with Applicant for HECA.
- The U.S. Department of Energy signed a Cooperative Agreement with Applicant to develop HECA.

DATED: November 19, 2009

Respectfully submitted,



Michael J. Carroll  
LATHAM & WATKINS (LLP)  
Counsel to Applicant

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

In the Matter of:	)	Docket No. 08-AFC-08
	)	
APPLICATION FOR CERTIFICATION, FOR THE HYDROGEN ENERGY CALIFORNIA PROJECT BY HYDROGEN ENERGY INTERNATIONAL, LLC	)	<b>PROOF OF SERVICE</b>
	)	(September 3, 2009)
	)	
	)	
	)	

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APPLICANT

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**Tiffany Rau**

**Rick Harrison**

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HYDROGEN ENERGY CALIFORNIA PROJECT  
CEC Docket No. 08-AFC-08

INTERESTED AGENCIES

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HYDROGEN ENERGY CALIFORNIA PROJECT  
CEC Docket No. 08-AFC-08

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**DECLARATION OF SERVICE**

I, Paul Kihm, declare that on November 19, 2009, I served and filed copies of the attached:

**APPLICANT'S STATUS REPORT NUMBER 2**

to all parties identified on the Proof of Service List above in the following manner:

**California Energy Commission Docket Unit**

- Transmission via electronic mail and by depositing one copy with FedEx overnight mail delivery service at Costa Mesa, California, with delivery fees thereon fully prepaid and addressed to the following:

**CALIFORNIA ENERGY COMMISSION**

Attn: DOCKET NO. 08-AFC-08

1516 Ninth Street, MS-4

Sacramento, California 95814-5512

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**For Service to All Other Parties**

- Transmission via electronic mail to all email addresses on the Proof of Service list; and
- by depositing one paper copy with the United States Postal Service via first-class mail at Costa Mesa, California, with postage fees thereon fully prepaid and addressed as provided on the Proof of Service list to those addresses **NOT** marked "email preferred."

I further declare that transmission via electronic mail and U.S. Mail was consistent with the requirements of California Code of Regulations, title 20, sections 1209, 1209.5, and 1210.

I declare under penalty of perjury that the foregoing is true and correct. Executed on November 19, 2009, at Costa Mesa, California.

  
\_\_\_\_\_  
Paul Kihm