

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

Application for Certification for the  
San Gabriel Generating Station

Docket No. 07-AFC-2

<b>DOCKET</b>	
<b>07-AFC-2</b>	
DATE	APR 27 2011
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**SAN GABRIEL POWER GENERATION, LLC  
REQUEST FOR ADDITIONAL PROJECT SUSPENSION**

April 27, 2011

Lisa A. Cottle  
Winston & Strawn LLP  
101 California Street, Suite 3900  
San Francisco, California 94111  
Telephone: (415) 591-1579  
Facsimile: (415) 591-1400  
[lcottle@winston.com](mailto:lcottle@winston.com)

*Attorneys for San Gabriel Power Generation, LLC*

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**SAN GABRIEL POWER GENERATION, LLC  
REQUEST FOR ADDITIONAL PROJECT SUSPENSION**

In accordance with Section 1716.5 of the regulations of the California Energy Commission (“Commission”), San Gabriel Power Generation, LLC (“San Gabriel”) requests an additional twelve month suspension of this proceeding. This proceeding addresses San Gabriel’s application for certification of the San Gabriel Generating Station (the “San Gabriel Project”), a 696 megawatt natural gas-fired electricity generating facility to be located at the site of an existing power plant in Rancho Cucamonga, California, within the jurisdiction of the South Coast Air Quality Management District (“SCAQMD”). The Committee previously granted suspensions of this proceeding, most recently in an order dated July 16, 2010. The current suspension is due to expire May 10, 2011.<sup>1</sup>

San Gabriel requested the previous suspensions due to permitting difficulties associated with the unavailability within the South Coast Air Basin of emission offsets needed to satisfy applicable SCAQMD rules. Those permitting difficulties still exist and emission offsets are still not available for the San Gabriel Project, as explained below.

It was San Gabriel’s intent to access SCAQMD “Priority Reserve” credits pursuant to SCAQMD Rule 1309.1 (as amended on August 3, 2007) as the source of emission offsets for PM<sub>10</sub> and SOx. SCAQMD Rule 1309.1 as so amended would have allowed the use of the Priority Reserve credits for power plant projects such as the San Gabriel Project, as reflected in the SCAQMD’s Preliminary Determination of Compliance (“PDOC”) in this proceeding. In the PDOC, the SCAQMD concluded that the San Gabriel Project would comply with applicable requirements to be qualified to access Priority Reserve credits. Since that time, however,

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<sup>1</sup> As reported in previous suspension status reports, San Gabriel is a wholly owned subsidiary of GenOn Energy, Inc. GenOn Energy, Inc. was created through the merger between Mirant Corporation and RRI Energy, Inc., which was effective on December 3, 2010. Before the merger, San Gabriel was a wholly owned subsidiary of RRI Energy, Inc.

SCAQMD Rule 1309.1 (as amended on August 3, 2007) was challenged in court and the SCAQMD has not pursued a rulemaking that would allow power plant projects to access Priority Reserve credits. Priority Reserve credits therefore are not available to the San Gabriel Project at this time.

San Gabriel understands that it will need to provide appropriate and adequate emission offsets prior to issuance of final permits to construct for the San Gabriel Project. Given the current unavailability of the Priority Reserve credits, it is necessary to pursue alternative sources of emission offsets. Unfortunately there are few options for power plants located in the South Coast Air Basin. The Legislature has recognized this problem in Assembly Bill 1318 (“AB 1318”), which requires the State Air Resources Board, in consultation with this Commission, the California Public Utilities Commission (“CPUC”), the California Independent System Operator, and the State Water Resources Control Board, to prepare a report for the Governor and Legislature that evaluates the electrical system reliability needs of the South Coast Air Basin. The report is to include recommendations for meeting those reliability needs while ensuring compliance with state and federal law. If additional fossil fueled electricity generation facilities are needed, the report is to include recommendations for long-term emission offsets availability and options to ensure sustainable permitting of additional needed capacity. This requirement reflects the unavailability of emission offsets for power plants under SCAQMD’s current program, and recognizes that acquiring offsets from other sources is, as stated in the draft AB 1318 work plan, “a challenging task given the scarcity and exorbitant price of private market emission reduction credits in the SCAQMD.”<sup>2</sup> The process of developing the AB 1318 report is ongoing and is not expected to be completed until late this year.

San Gabriel is participating in the AB 1318 process and continues to evaluate options for acquiring or creating emission offsets. San Gabriel does not expect the AB 1318 report to solve the problem, but the report should provide the requisite foundation for the relevant state agencies, including SCAQMD, to identify the scope of the issues facing power plants in the region and to begin tailoring solutions to facilitate development. Given the lack of emission reduction credits in the market, development of new power plants in the South Coast Air Basin is likely to remain stalled until other solutions are developed, such as access to agency-banked emission credits at a cost that supports development, along with more flexible programs for

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<sup>2</sup> Draft Work Plan for the *Assessment of Electrical System Reliability Needs in South Coast Air Basin and Recommendations on Meeting those Needs*, prepared by the Interagency AB 1318 Technical Team (January 2011), p. 3.

creating new sources of offsets. To this end, San Gabriel also has participated in the SCAQMD working group that was formed to develop new mechanisms for creating PM<sub>10</sub> offsets.

It is clear that more time is needed to find a solution to this problem. The AB 1318 draft work plan recognizes this fact and recommends that “for the near-term, given the time necessary (three to five years) to obtain permits and approvals for major power generation facilities, SCAQMD and CEC should proceed in evaluating applications,” noting that “the need for offsets and availability will have to continue to be evaluated on a case-by-case basis until a recommendation in the final report can be developed and implemented.”<sup>3</sup> Consistent with this recommendation, San Gabriel’s preference would be for the CEC to continue evaluating San Gabriel’s application to the extent possible. That said, because offsets are central to the analysis of whether the San Gabriel Project would comply with applicable air quality laws, ordinances, regulations and standards, it would be appropriate to continue the suspension in this proceeding until a solution for obtaining the necessary offsets can be identified. To this end, San Gabriel requests an additional twelve month suspension of this proceeding. This should allow sufficient time for the AB 1318 process to be completed, which is intended to provide more information regarding the need for new capacity in the South Coast Air Basin and to help identify a strategy for obtaining the offsets needed to allow development to proceed.

San Gabriel also continues to look for contracting opportunities that would support development of the San Gabriel Project. An additional twelve month suspension of this proceeding would allow more time for that effort. In addition to the AB 1318 process, the need for new flexible generating resources in Southern California is currently being evaluated in the CPUC’s long term procurement plan (“LTPP”) process. The San Gabriel Project would provide capacity and energy that could be used to serve reliability needs in Southern California while offering benefits associated with the use of an existing power plant site, including by avoiding the need to construct significant new electric transmission or natural gas pipeline lateral facilities. In light of these benefits, the San Gabriel Project should be well suited to meet reliability and capacity needs, and to provide other services necessary to operate and maintain the system, as may be identified through the AB 1318 and LTPP processes. This could lead to contracting opportunities that could help facilitate a solution to the problem of identifying emission offsets.

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<sup>3</sup> *Id.*, p. 7.

Because these planning processes could lead to competitive solicitations for new capacity or services, San Gabriel asks the Committee to keep the San Gabriel Project in suspension status to reflect its continued status as a project that is in development and available for contracting. Any determination that could be construed as a termination or cancellation of the San Gabriel Project would be contrary to San Gabriel's intent to continue to pursue its development, and would send the wrong signal to potential buyers of the San Gabriel Project's output. An additional suspension also would allow time to complete the internal evaluation of the role of the San Gabriel Project in the overall GenOn Energy, Inc. development strategy. This evaluation has been underway since the merger creating GenOn Energy, Inc. became effective late last year, but the process is not yet complete.

For these reasons, San Gabriel requests that this proceeding be suspended for an additional twelve months, which would end May 10, 2012. San Gabriel would continue to submit suspension status reports to provide updates regarding progress in identifying a strategy for obtaining the necessary offsets for the San Gabriel Project. San Gabriel very much appreciates the Committee's consideration of this request.

April 27, 2011

Respectfully submitted,



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Lisa A. Cottle

Winston & Strawn LLP

*Attorneys for San Gabriel Power Generation, LLC*

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**DECLARATION OF SERVICE**

I, Lisa A. Cottle, declare that on April 27, 2011, I served and filed copies of the attached *San Gabriel Power Generation, LLC Request for Additional Project Suspension*. The original document filed with the Docket Unit is accompanied by a copy of the most recent Proof of Service list, located at the web page for this project at <http://www.energy.ca.gov/sitingcases/sangabriel/index.html>. The document has been sent to both the other parties in this proceeding (as shown on the Proof of Service list) and to the Commission's Docket Unit, in the following manner:

- For service to all other parties: Sent electronically to all email addresses on the Proof of Service list; and by depositing in the United States mail at San Francisco, California with first-class postage thereon fully prepaid and addressed as provided on the Proof of Service list above to those addresses **NOT** marked as "email preferred."

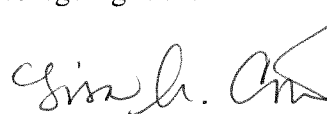
**AND**

- For filing with the Energy Commission: Sent an original paper copy and one electronic copy, mailed and emailed respectively, to the address below:

**CALIFORNIA ENERGY COMMISSION**

Attn: Docket 07-AFC-2  
1516 Ninth Street, MS-4  
Sacramento, CA 95814-5512  
[docket@energy.state.ca.us](mailto:docket@energy.state.ca.us)

I declare under penalty of perjury that the foregoing is true and correct.



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Lisa A. Cottle



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](http://WWW.ENERGY.CA.GOV)

APPLICATION FOR CERTIFICATION  
FOR THE **SAN GABRIEL**  
**GENERATING STATION**

Docket No. 07-AFC-2

PROOF OF SERVICE  
(Revised 3/25/2011)

**APPLICANT**

\*Robert W. Lawhn  
Project Director  
GenOn Energy, Inc.  
7251 Amigo St, Suite 120  
Las Vegas, NV 89119  
*E-mail preferred*  
[robert.lawhn@genon.com](mailto:robert.lawhn@genon.com)

\*Steven B. Nickerson  
Senior Vice President &  
Deputy General Counsel  
GenOn Energy, Inc.  
1000 Main Street  
Houston, Texas 77002  
*E-mail preferred*  
[steve.nickerson@genon.com](mailto:steve.nickerson@genon.com)

**APPLICANT'S CONSULTANTS**

Denise Heick – URS  
Vice President  
Post Montgomery Center  
1 Montgomery Street, Suite 900  
San Francisco, CA 94104  
*E-mail preferred*  
[denise\\_heick@urscorp.com](mailto:denise_heick@urscorp.com)

Anne Connell  
Deputy Project Manager  
Post Montgomery Center  
1 Montgomery Street, Suite 900  
San Francisco, CA 94104  
*E-mail preferred*  
[anne\\_connell@urscorp.com](mailto:anne_connell@urscorp.com)

**COUNSEL FOR APPLICANT**

\*Lisa A. Cottle  
Noelle R. Formosa  
Winston & Strawn  
101 California Street, Suite 3900  
San Francisco, CA 94111-5802  
*E-mail preferred*  
[lcottle@winston.com](mailto:lcottle@winston.com)  
[nformosa@winston.com](mailto:nformosa@winston.com)

**INTERESTED AGENCIES**

Mohsen Nazemi, PE  
South Coast AQMD  
21865 Copley Drive  
Diamond Bar, CA 91765-4178  
[mnazemi@aqmd.gov](mailto:mnazemi@aqmd.gov)

California ISO  
*E-mail preferred*  
[e-recipient@caiso.com](mailto:e-recipient@caiso.com)

**INTERVENORS**

**ENERGY COMMISSION**

\*CARLA PETERMAN  
Commissioner and Associate  
Member  
[CPeterma@energy.state.ca.us](mailto:CPeterma@energy.state.ca.us)

JAMES D. BOYD  
Vice Chair and Presiding Member  
[jboyd@energy.state.ca.us](mailto:jboyd@energy.state.ca.us)

Ken Celli  
Hearing Officer  
[kcelli@energy.state.ca.us](mailto:kcelli@energy.state.ca.us)

Felicia Miller  
Project Manager  
[fmiller@energy.state.ca.us](mailto:fmiller@energy.state.ca.us)

Kevin W. Bell  
Staff Counsel  
[kwbell@energy.state.ca.us](mailto:kwbell@energy.state.ca.us)

Jennifer Jennings  
Public Adviser  
*E-mail preferred*  
[publicadviser@energy.state.ca.us](mailto:publicadviser@energy.state.ca.us)