



**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**

**APPLICATION FOR CERTIFICATION FOR THE
*QUAIL BRUSH GENERATION PROJECT***

DOCKET No. 11-AFC-3

COMMITTEE SCHEDULING ORDER

Background

On August 29, 2011, Quail Brush Genco, LLC submitted an Application for Certification (AFC) to the California Energy Commission seeking permission to construct and operate a nominal 100-megawatt (MW) intermediate/peaking load, electrical generating facility that would employ a set of 11 natural gas-fired, reciprocating, Wartsila engine generators to be called the Quail Brush Generation Project (QBG). The QBGP is proposed to be developed on a 21.6-acre parcel, located in the city of San Diego. The proposed site is located west of the city of Santee, south of the Sycamore landfill, and north of State Route 52.

Summary

The Energy Commission assigned a Committee of two Commissioners to conduct proceedings on the AFC. The Committee held a public Site Visit and Informational Hearing at the City of San Diego Mission Trails Visitor Center on January 25, 2012, to discuss the review process and to identify issues that could affect the schedule. Pursuant to Title 20, of the California Code of Regulations, section 1709.7(c), the attached Committee Schedule is based on Staff's proposed schedules and related discussions at the Informational Hearing.

The schedule contains a list of events that must occur in order to complete the certification process. This initial schedule covers the period up to the Prehearing Conference with the balance of the schedule to be determined at the Prehearing Conference. The Committee encourages the parties to consider this schedule an outer boundary and make their best efforts to complete the milestones ahead of these dates. Some deadlines may be contingent upon reviews to be conducted by federal, state, and local agencies. The Applicant must provide sufficient review time for the responsible agencies to meet the deadlines specified in the schedule.

Technical issues including air quality and public health, alternatives, biological resources, cultural resources, fire protection and emergency response, land use, visual

resources, waste management, and water supply, were discussed at the Informational Hearing. Resolution of these issues, and others that develop during the review process, shall be addressed during the data exchange process and in public meetings with the parties and interested governmental agencies. Given the complexities involved in resolving such issues, the parties are hereby notified that the Committee may modify the schedule at any time upon either its own motion or that of a party. (Cal. Code Regs., tit. 20, § 1709.7(c).)

Status Reports and Status Conferences

The attached schedule includes status conferences and requires monthly status reports to be submitted by all parties. Status reports shall inform the Committee whether or not case development is progressing satisfactorily, and bring potential schedule delays and other relevant matters to the Committee's attention.

To facilitate the process, each party shall serve and file status reports on the fifteenth day of each month, or the following business day if the fifteenth is on a weekend or holiday, starting **March 15, 2012**, and continuing until the Final Staff Assessment (FSA) is published. The reports shall be received by the other parties and the Commission's Docket Unit, 1516 Ninth Street, MS-4, Sacramento, California 95814-5512, **and must be filed no later than 3:00 p.m.** Status reports must contain "Docket No. 11-AFC-3" in the caption or heading. The parties shall e-mail their status reports to the Hearing Officer and to those with e-mail addresses as indicated on the Proof-of-Service list.

The first Status Conference is scheduled for **April 30, 2012 at 2:00 p.m.** in Hearing Room B at the Energy Commission in Sacramento. The Committee may adjourn to closed session in accordance with Government Code section 11126, subdivision (c)(3), which allows a state body, including a delegated committee, to hold a closed session to deliberate on a decision to be reached in a proceeding the state body was required by law to conduct.

Parties, interested persons and agencies, and the public may attend the status conferences in person in Hearing Room A at the Energy Commission or by telephone and/or by computer via our "WebEx" web conferencing system. Details on how to participate by WebEx, will be included in a subsequent Notice of Status Conference. Questions regarding public participation at the status conferences should be directed to the Public Adviser.

Public Adviser and Public Participation

The Energy Commission invites members of the public and other interested parties to participate either on an informal basis or by intervening in the proceeding. Both types of participation allow written and oral comments. At the informal participation level, written and oral public comments are considered by the Commissioners and are part of the record, but are not part of the formal evidentiary record. Intervenors have the right to introduce evidence into the evidentiary record and cross-examine the other parties' witnesses.

The Energy Commission's Public Adviser's Office is available to provide the public with an understanding of a proceeding and to make recommendations for meaningful participation. For assistance, contact Jennifer Jennings, the Public Adviser, at (916) 654-4489 or 800-822-6228 or e-mail at: **[publicadviser@energy.state.ca.us]**.

Through this order, the Quail Brush Committee is directing the staff, in conjunction with the Public Adviser, to hold a public Information Workshop to explain the Commission's facility licensing process and its California Environmental Quality Act (CEQA) examination of potential environmental impacts.

Contact Information

Questions of a legal or procedural nature should be directed to Raoul Renaud, the Hearing Officer, at (916) 651-2020 or e-mail: **[rrenaud@energy.state.ca.us]**.

Technical questions concerning the project should be addressed to Eric Solorio, the Staff Project Manager, at (916) 651-0966 or e-mail: **[esolorio@energy.state.ca.us]**.

Media inquiries should be directed to the Energy Commission's Media Office at (916) 654-4989 or e-mail at: **[mediaoffice@energy.state.ca.us]**.

If you have a disability and need assistance to participate, please contact Lourdes Quiroz at (916) 654-5146 or e-mail at: **[lquiroz@energy.state.ca.us]**.

Information concerning the status of the project, as well as notices and other relevant documents, may be viewed on the Energy Commission's Internet web page at: **[http://www.energy.ca.gov/sitingcases/quailbrush/notices/index]**.

Dated March 5, 2012, at Sacramento, California.

Original Signed By:

KAREN DOUGLAS
Commissioner and Presiding Member
Quail Brush Generation Project AFC Committee

Original Signed By:

CARLA PETERMAN
Commissioner and Associate Member
Quail Brush Generation Project AFC Committee

**COMMITTEE SCHEDULE FOR THE
QUAIL BRUSH GENERATION PROJECT**

ACTIVITY	DATE
AFC filed	08-29-11
AFC Data Adequacy determination at Commission Business Meeting	11-16-11
Staff files Issues ID Report	1-13-12
Information Hearing and Site Visit in San Diego	1-25-12
Staff files Data Requests (round 1)	2-3-12
Applicant files Data Responses (round 1)	3-5-12
Status Reports due by 3:00 p.m.	3-15-12
Staff files Data Requests (round 2 – if necessary)	3-22-12
Status Reports due by 3:00 p.m.	4-16-12
Applicant provides Data Responses (round 2 – if necessary)	4-23-12
Status Conference	4-30-12
Applicant submits Quino Checkerspot Butterfly survey report	5-4-12
SDAPCD issues Preliminary Determination of Compliance (PDOC)	5-11-12
Status Reports due by 3:00 p.m.	5-15-12
Data Response and Issues Resolution Workshop	5-18-12
Status Conference	5-29-12
Applicant submits supplemental information resulting from workshop	6-8-12
Status Reports due by 3:00 p.m.	6-15-12
Status Conference	6-25-12
Status Reports due by 3:00 p.m.	7-16-12
Preliminary Staff Assessment (PSA) filed	7-17-12
SDAPCD issues Final Determination of Compliance (FDOC)	7-20-12
Status Conference (if needed)	TBD
PSA Workshop	7-31-12
Status Reports due by 3:00 p.m.	8-15-12
Comments on PSA due	8-16-12
Status Conference (if needed)	TBD
Final Staff Assessment filed	9-14-12
Prehearing Conference	TBD
Evidentiary Hearings	TBD
Committee files Presiding Member's Proposed Decision (PMPD)	TBD
Hearing on the PMPD	TBD
Committee files errata to PMPD (if necessary)	TBD
Commission issues final Decision	TBD

*TBD = To Be Determined

March 5, 2012



**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**

**APPLICATION FOR CERTIFICATION
FOR THE *QUAIL BRUSH GENERATION PROJECT***

DOCKET NO. 11-AFC-3
PROOF OF SERVICE
(Revised 2/29/2012)

APPLICANT

Cogentrix Energy, LLC
C. Richard "Rick" Neff, Vice President
Environmental, Health & Safety
9405 Arrowpoint Boulevard
Charlotte, NC 28273
rickneff@coentrix.com

Cogentrix Energy, LLC
John Collins
Lori Ziebart
9405 Arrowpoint Blvd.
Charlotte, NC 28273
johncollins@coentrix.com
loriziebart@coentrix.com

APPLICANT'S CONSULTANTS

Tetra Tech EC, Inc.
Connie Farmer
Sr. Environmental Project Manager
143 Union Boulevard, Suite 1010
Lakewood, CO 80228
connie.farmer@tetrattech.com

Tetra Tech EC, Inc.
Barry McDonald
VP Solar Energy Development
17885 Von Karmen Avenue, Ste. 500
Irvine, CA 92614-6213
e-mail service preferred
barry.mcdonald@tetrattech.com

COUNSEL FOR APPLICANT

Bingham McCutchen LLP
Ella Foley Gannon
Camarin Madigan
Three Embarcadero Center
San Francisco, CA 94111-4067
e-mail service preferred
ella.gannon@bingham.com
camarin.madigan@bingham.com

INTERESTED AGENCIES

California ISO
e-mail service preferred
e-recipient@caiso.com

City of Santee
Department of Development
Services
Melanie Kush, Director of Planning
10601 Magnolia Avenue, Bldg. 4
Santee, CA 92071
mkush@ci.santee.ca.us

**ENERGY COMMISSION –
DECISIONMAKERS**

KAREN DOUGLAS
Commissioner and
Presiding Member
e-mail service preferred
kldougla@energy.state.ca.us

CARLA PETERMAN
Commissioner and
Associate Member
cpeterma@energy.state.ca.us

Raoul Renaud
Hearing Adviser
e-mail service preferred
rrenaud@energy.state.ca.us

Galen Lemei
Presiding Member's Adviser
e-mail service preferred
glemei@energy.state.ca.us

Jim Bartridge
Associates Member's Adviser
jbartrid@energy.state.ca.us

**ENERGY COMMISSION
STAFF**

Eric Solorio
Project Manager
esolorio@energy.state.ca.us

Stephen Adams
Staff Counsel
e-mail service preferred
sadams@energy.state.ca.us

Eileen Allen
Commissioners' Technical
Adviser for Facility Siting
e-mail service preferred
eallen@energy.state.ca.us

**ENERGY COMMISSION –
PUBLIC ADVISER**

Jennifer Jennings
Public Adviser's Office
e-mail service preferred
publicadviser@energy.state.ca.us

DECLARATION OF SERVICE

I, Sandra M. Harris, declare that on March 5, 2012, I served and filed a copy of the COMMITTEE SCHEDULING ORDER. This document is accompanied by the most recent Proof of Service list, located on the web page for this project at: <http://www.energy.ca.gov/sitingcases/quailbrush/index.html>.

The document has been sent to the other parties in this proceeding (as shown on the Proof of Service list) and to the Commission's Docket Unit or Chief Counsel, as appropriate, in the following manner:

(Check all that Apply)

For service to all other parties:

- Served electronically to all e-mail addresses on the Proof of Service list;
- Served by delivering on this date, either personally, or for mailing with the U.S. Postal Service with first-class postage thereon fully prepaid, to the name and address of the person served, for mailing that same day in the ordinary course of business; that the envelope was sealed and placed for collection and mailing on that date to those addresses **NOT** marked "e-mail preferred."

AND

For filing with the Docket Unit at the Energy Commission:

- by sending an electronic copy to the e-mail address below (preferred method); **OR**
- by depositing an original and 12 paper copies in the mail with the U.S. Postal Service with first class postage thereon fully prepaid, as follows:

CALIFORNIA ENERGY COMMISSION – DOCKET UNIT
Attn: Docket No. 11-AFC-3
1516 Ninth Street, MS-4
Sacramento, CA 95814-5512
docket@energy.state.ca.us

OR, if filing a Petition for Reconsideration of Decision or Order pursuant to Title 20, § 1720:

- Served by delivering on this date one electronic copy by e-mail, and an original paper copy to the Chief Counsel at the following address, either personally, or for mailing with the U.S. Postal Service with first class postage thereon fully prepaid:

California Energy Commission
Michael J. Levy, Chief Counsel
1516 Ninth Street MS-14
Sacramento, CA 95814
mlevy@energy.state.ca.us

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, that I am employed in the county where this mailing occurred, and that I am over the age of 18 years and not a party to the proceeding.

Original Signed By:

Sandra M. Harris
Hearing Adviser's Office