



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

**AMENDED APPLICATION FOR CERTIFICATION
FOR THE
HYDROGEN ENERGY CALIFORNIA
PROJECT**

DOCKET No. 08-AFC-08A

California Energy Commission

DOCKETED

08-AFC-8A

TN # 66531

AUG 09 2012

COMMITTEE SCHEDULING ORDER

Background

On July 31, 2008, Hydrogen Energy International, LLC (Applicant) filed an Application for Certification (AFC) seeking authority to construct and operate the Hydrogen Energy California Project (HECA), an integrated gasification combined cycle (IGCC) power generating facility rated at a nominal gross generating capacity of 390 megawatts (MW). To avoid conflict with habitat for endangered species in the original location for the project, Applicant retracted the original AFC and filed a revised application on May 28, 2009, for the same project to be built at a different location. An Informational Hearing and Site Visit were conducted on September 16, 2009. The proposed HECA would be located near the unincorporated community of Tupman in western Kern County, California, 7 miles west of the city limit of Bakersfield.

SCS Energy California, LLC acquired 100 percent ownership of HECA, LLC in September, 2011, undertook the re-design of some aspects of the project, and submitted an Amended AFC in May, 2012.

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 Elk Hills School in Tupman on July 12, 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, biological resources, cultural resources, soil and water resources, traffic and transportation, 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 requires 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.

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.** on the due date. Status reports must contain "Docket No. 08-AFC-08A" 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.

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.ca.gov.

Contact Information

Questions of a legal or procedural nature should be directed to Raoul Renaud, the Hearing Adviser, at (916) 651-2020 or e-mail: raoul.renaud@energy.ca.gov.

Technical questions concerning the project should be addressed to Robert Worl, the Staff Project Manager, at (916) 651-8853 or e-mail: robert.worl@energy.ca.gov.

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

If you have a disability and need assistance to participate, please contact Lourdes Quiroz at (916) 654-5146 or e-mail at: lou.quiroz@energy.ca.gov.

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/hydrogen_energy/notices/index.html

Dated August 9, 2012, at Sacramento, California.

Original Signed By:

KAREN DOUGLAS
Commissioner and Presiding Member
Hydrogen Energy California Project
AFC Committee

Original Signed By:

ANDREW McALLISTER
Commissioner and Associate Member
Hydrogen Energy California Project
AFC Committee

HECA COMMITTEE SCHEDULE

| | ACTIVITY | CALENDAR DAY |
|----|--------------------------------------------------------------------------------------------------|--------------|
| 1 | Amended Application for Certification was submitted | 05-02-12 |
| 2 | Preliminary issue resolution and data request workshop | 06-20-12 |
| 3 | Staff files Issues Identification Report | 07-10-12 |
| 4 | Staff files 1st Round Data Requests | 07-10-12 |
| 5 | Informational Hearing and Site Visit | 07-12-12 |
| 6 | Applicant files Data Responses (round 1) | 07-20-12 |
| 7 | Data response and issue resolution workshop (round 2) | 08-16-12 |
| 8 | Staff files data requests (round 2, if necessary) | 08-22-12 |
| 9 | SJVAPD issues Preliminary Determination of Compliance (PDOC); Parties file Status Reports | 08-31-12 |
| 10 | Applicant provides data responses (round 2, if necessary) | 09-24-12 |
| 11 | Applicant submits supplemental information resulting from workshops | 09-24-12 |
| 12 | Preliminary Staff Assessment filed ; Parties file Status Reports | 10-24-12 |
| 13 | SJVAPD issues Final Determination of Compliance (FDOC) | 10-30-12 |
| 14 | Preliminary Staff Assessment workshop(s) | 11-14-12 |
| 15 | Comments on PSA are due | 11-28-12 |
| 16 | Final Staff Assessment/EIS filed | 01-11-13 |
| 17 | Prehearing Conference* | TBD |
| 18 | Evidentiary hearings* | TBD |
| 19 | Committee files Presiding Member's Proposed Decision* | TBD |
| 20 | Hearing on the PMPD* | TBD |
| 21 | Commission issues final Decision | TBD |

***Items 17 thru 21 will be scheduled by the Committee
TBD – to be determined**



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CALIFORNIA PROJECT**

**Docket No. 08-AFC-08A
(Revised 7/27/12)**

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**ENERGY COMMISSION –
PUBLIC ADVISER**

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DECLARATION OF SERVICE

I Jacqueline Clay, declare that on August 9, 2012, I served and filed a copy of the attached COMMITTEE SCHEDULING ORDER, dated August 9, 2012. 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/hydrogen_energy/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:

- X Served electronically to all e-mail addresses on the Proof of Service list;
- X 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:

- X by sending one 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. 08-AFC-08A

1516 Ninth Street, MS-4

Sacramento, CA 95814-5512

docket@energy.ca.gov

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

michael.levy@energy.ca.gov

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:

Jacqueline Clay
Hearing Advisers Office