



500 Capitol Mall, Suite 1600
Sacramento, CA 95814
main 916.447.0700
fax 916.447.4781
www.stoel.com

May 24, 2013

MELISSA A. FOSTER
Direct (916) 319-4673
mafoster@stoel.com

VIA EMAIL

The Honorable Andrew McAllister, Presiding Member
The Honorable Karen Douglas, Associate Member
Siting Project Committee
California Energy Commission
1516 Ninth Street
Sacramento, CA 95814



**Re: Huntington Beach Energy Project (Docket No. 12-AFC-02)
Applicant's Status Report #3 (May 24, 2013)**

Dear Commissioners:

Pursuant to the Committee's March 7, 2013 Revised Committee Scheduling Order, Applicant AES Southland Development, LLC submits this Status Report regarding the Application for Certification ("AFC") process for the Huntington Beach Energy Project ("HBEP").

I. STATUS SUMMARY, CURRENT ISSUES, AND ACTIVITIES

In Applicant's April 15, 2013 Status Report, Applicant reported the status of data requests and related workshops, and set forth a proposed schedule as of that date. Below, Applicant provides an update to each of those items.

A. Data Requests and Responses; Related Workshops

Since April 15, 2013, Applicant has received two additional sets of data requests from Commission Staff (Staff's Data Requests, Sets 4 and 5, (#104-106 and #107-109, respectively). On May 17, 2013, Applicant submitted responses to Staff's Data Requests, Set 4 (Air Quality) and Set 5 (Public Health). Commission Staff also informally requested Applicant to update KOP-5, KOP-4, and KOP-1 to reflect vegetation removal associated with construction of HBEP. Applicant is targeting submission of this information on or about May 31, 2013.

As noted in Applicant's April 15 Status Report, Applicant is required to provide a 1-hour nitrogen dioxide ("NO₂") national ambient air quality standard ("NAAQS") air dispersion modeling assessment to the District to demonstrate compliance with Prevention of Significant



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Deterioration regulations required under this pre-construction permitting program. This assessment requires the District to identify emission sources (not associated with the Applicant or HBEP) expected to cumulatively contribute to HBEP's 1-hour NO₂ impacts. The District has preliminarily identified the emission sources and is awaiting EPA approval of the modeling protocol before approving the Applicant's proposed cumulative impact assessment methodology. Once the District confirms that the modeling protocol is approved by EPA, Applicant anticipates submission of the required information to the District within approximately two weeks.

B. Impediments to the Current AFC Schedule

As reported in Applicant's prior Status Report, Applicant continues to work directly with the District to ensure timely responses to the District's inquiries for additional data and clarifications of same. The District has not yet issued a Preliminary Determination of Compliance ("PDOC"). Currently, Applicant expects the PDOC to be issued by mid-July 2013. As Applicant has previously noted, the PDOC is key to the publication of the PSA. However, Applicant understands it may be necessary for Staff to publish the PSA in two parts: Part A without the air quality section and Part B would include the air quality section after publication of the District's PDOC. If the Committee or Staff believes that publishing a two-part PSA would expedite the AFC proceeding, Applicant continues to support this course of action.

II. PROPOSED SCHEDULE

Applicant's proposed schedule is set forth below.

Action	Applicant's Proposed Schedule
Preliminary Determination of Compliance (PDOC)	07/12/2013
Preliminary Staff Assessment (PSA) Published	07/26/2013
PSA Workshop	08/12/2013
Comments on PSA	08/26/2013
Final Determination of Compliance (FDOC)	09/09/2013
Final Staff Assessment (FSA) Published	09/27/2013



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III. CONCLUSION

Applicant is committed to providing, to the extent feasible, information that will assist Staff with moving the HBEP AFC process toward publication of a PSA as soon as is practicable.

Respectfully submitted,

A handwritten signature in blue ink that reads "Melissa A. Foster". The signature is written in a cursive, flowing style.

Melissa A. Foster

MAF:jmw

cc: Proof of Service List



**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
HUNTINGTON BEACH ENERGY PROJECT**

**Docket No. 12-AFC-02
PROOF OF SERVICE
(Revised 03/26/2013)**

SERVICE LIST:

APPLICANT

AES Southland Development, LLC
Stephen O'Kane
Jennifer Didlo
690 Studebaker Road
Long Beach, CA 90803
stephen.okane@aes.com
jennifer.didlo@aes.com

APPLICANT'S CONSULTANTS

CH2MHill
Robert Mason
Project Manager
6 Hutton Centre Drive, Suite 700
Santa Ana, CA 92707
robert.mason@CH2M.com

APPLICANT'S COUNSEL

Melissa A. Foster
Stoel Rives, LLP
500 Capitol Mall, Suite 1600
Sacramento, CA 95814
mafoster@stoel.com

INTERVENOR

Jason Pyle
9071 Kapaa Drive
Huntington Beach, CA 92646
jasonpyle@me.com

INTERESTED AGENCIES

California ISO
e-recipient@caiso.com

INTERESTED AGENCIES (Cont'd.)

California Coastal Commission
Tom Luster
45 Fremont Street, Suite 2000
San Francisco, CA 94105-2219
tluster@coastal.ca.gov

California State Parks
Huntington State Beach
Brian Ketterer
21601 Pacific Coast Highway
Huntington Beach, CA 92646
bketterer@parks.ca.gov

City of Huntington Beach
Planning & Building Department
Jane James
Scott Hess
Aaron Klemm
2000 Main Street, 3rd floor
Huntington Beach, CA 92648
jjames@surfcity-hb.org
shess@surfcity-hb.org
aaron.klemm@surfcity-hb.org

City of Huntington Beach
City Council
Cathy Fikes
Johanna Stephenson
2000 Main Street, 4th floor
Huntington Beach, CA 92648
cfikes@surfcity-hb.org
johanna.stephenson@surfcity-hb.org.

INTERESTED AGENCIES (Cont'd.)

Santa Ana Regional
Water Quality Board
Gary Stewart
3737 Main Street, Suite 500
Riverside, CA 92501-3339
gstewart@waterboards.ca.gov

Huntington Beach
Wetlands Conservancy
Jack Kirkorn, Director
21900 Pacific Coast Highway
Huntington Beach, CA 92646
jfk0480@aol.com

ENERGY COMMISSION STAFF

Felicia Miller
Project Manager
felicia.miller@energy.ca.gov

Kevin W. Bell
Staff Counsel
kevin.w.bell@energy.ca.gov

**ENERGY COMMISSION –
PUBLIC ADVISER**

Blake Roberts
Assistant Public Adviser
publicadviser@energy.ca.gov

COMMISSION DOCKET UNIT

California Energy Commission –
Docket Unit
Attn: Docket No. 12-AFC-02
1516 Ninth Street, MS-4
Sacramento, CA 95814-5512
docket@energy.ca.gov

*indicates change

**OTHER ENERGY COMMISSION
PARTICIPANTS (LISTED FOR
CONVENIENCE ONLY):**

After docketing, the Docket Unit will provide a copy to the persons listed below. Do not send copies of documents to these persons unless specifically directed to do so.

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Commissioner and Presiding Member

KAREN DOUGLAS
Commissioner and Associate Member

Susan Cochran
Hearing Adviser

Hazel Miranda
Adviser to Commissioner McAllister

Patrick Saxton
Adviser to Commissioner McAllister

Galen Lemei
Adviser to Commissioner Douglas

Jennifer Nelson
Adviser to Commissioner Douglas

Eileen Allen
Commissioners' Technical
Adviser for Facility Siting

DECLARATION OF SERVICE

I, Kimberly J. Hellwig, declare that on May 24, 2013, I served and filed copies of the attached **Applicant's Status Report #3 (May 24, 2013)**. This document is accompanied by the most recent Proof of Service, which I copied from the web page for this project at: http://www.energy.ca.gov/sitingcases/huntington_beach_energy/index.html.

The document has been sent to the other parties on the Service List above in the following manner:

(Check one)

For service to all other parties and filing with the Docket Unit at the Energy Commission:

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- Instead of e-mailing the document, I personally delivered it or deposited it in the US mail with first class postage to all of the persons on the Service List for whom a mailing address is given.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and that I am over the age of 18 years.

Dated: May 24, 2013



KIMBERLY J. HELLWIG