

Memorandum

Date : January 7, 2000

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Moss Landing Power Plant Siting Committee:

To : William J. Keese, Presiding Member
Michal C. Moore, Associate Member

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From : California Energy Commission - Paul Richins, Jr.
1516 Ninth Street Energy Commission Project Manager
Sacramento, CA 95814-5512

Subject : **MOSS LANDING POWER PLANT PROJECT STATUS REPORT 4**

As reported in Status Report 3, we are planning to complete and file the Preliminary Staff Assessment in early February. This slight delay was necessary to provide adequate time to incorporate information from the Monterey Bay Air Quality Management District's Preliminary Determination of Compliance (PDOC) and the Section 316 (a) and (b) studies on water resources and biological resources.

Schedule—The Monterey Bay Air Quality Management District has identified a number of issues that has caused the PDOC to be extended beyond the December 10 date requested by the Committee. Based on a recent conference call with the air district and Duke Energy, the air district indicated that they would be able to complete their analysis and provide the PDOC by January 7, 2000. They completed the PDOC and released it on January 5, 2000. However, some of the same issues that caused the PDOC to be delayed (Duke's proposed use of air quality offsets from outside the air district and air basin) could potentially delay the Final Determination of Compliance (FDOC). Normally the FDOC is filed about 60 days after the PDOC.

On December 21, 1999, we met with the California Coastal Commission to discuss coordination issues and our two agencies' respective processes. We had a very productive meeting. It was agreed that a select number of our technical staff will meet with their staff to discuss specific issues of concern. We anticipate that this meeting will be instrumental in clarifying and resolving issues for the Coastal Commission and our staff.

We plan to file the PSA without the benefit of their Section 30413 report to us. However, it would be preferred to have the report prior to completing the Final Staff Assessment (FSA). The Coastal Commission is planning to have the Section 30413 Report ready for public review by March 24 and a hearing on the document April 11-14, 2000. If the approved report is incorporated into the FSA additional time beyond the Committee-directed schedule will be necessary, possibly a month's slippage in the FSA filing date. Another option might be for us to complete the FSA based on the staff document released to the public on March 24 but without benefit of the Coastal Commission's hearing and approval. If we released the FSA on the March 24 report alone, the FSA could be released around April 10, a two week slippage in the Committee-directed schedule. Any differences between the March 24 staff document and the April 11-14 approved version could be addressed during the evidentiary hearings.

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A further complication is the timing of the findings of federal consistency from the Coastal Commission. The Coastal Commission is not planning to make this finding until after our process is complete. This puts the committee in a potentially awkward position of ruling on the merits of the project without the findings of consistency/non-consistency from the Coastal Commission. We are working with the Coastal Commission on this matter and how best to proceed. We will keep you informed of these discussions.

cc: Moss Landing Power Plant Project Proof of Service List
John Torrey, Duke Energy
Wayne Hoffman, Duke Energy
Bud Carney, Monterey County
Mike Sewell, Monterey Bay Air Quality Management District
Alison Dettmer, California Coastal Commission