Memorandum

Date: October 15, 2012
Telephone: (916) 651-0966

To: Commissioner Karen Douglas, Presiding Member
Commissioner Andrew McAllister, Associate Member

From: California Energy Commission - 1516 Ninth Street
Sacramento, CA 95814-5512
Eric Solorio
Siting Project Manager

Subject: QUAIL BRUSH GENERATION PROJECT (11-AFC-3), STAFF’S STATUS REPORT #6

Per the Committee’s Revised Scheduling Order dated October 2, 2012, staff hereby submits its Status Report #6 regarding the proposed Quail Brush Generation Project (QBGP).

Ongoing Discovery
Staff is continuing to review the Application for Certification (AFC) and subsequent filings, including Supplement 3 to the AFC. Staff is also continuing to conduct discovery to further its analysis of the proposed QBGP. Since staff filed its last status report on August 15, 2012, staff has issued additional data requests, held one workshop and will hold an additional workshop on Friday, October 19, 2012.

The applicant has continued to file responses to staff’s data requests. The applicant is expected to file additional data responses during the next 30-days. The applicant has advised staff that the applicant will likely file, by October 31, 2012, a proposed mitigation package related to air quality, an updated Biological Survey Report; and information regarding fire protection needs.

City of San Diego’s Recent Action
On September 24, 2012, San Diego’s City Council denied the applicant’s request for the city to accept and review the QBGP’s application to amend the East Elliot Community Plan. The result of that action is the community plan designation and zoning for the project site will be inconsistent with the proposed power plant unless the city were to change its position and consider the plan amendment. Inconsistency with the community plan and zoning means the Energy Commission could approve the proposed QBGP only if it made the findings to override the inconsistency as described in the Committee’s October 2 order.

Staff continues to coordinate its review of the AFC with the City of San Diego’s staff. This coordination is intended to ensure that all aspects of the proposed project are evaluated by Energy Commission staff for compliance with laws, ordinances, regulations and standards (LORS), and to obtain any analysis, comments, and
recommendations the City may have regarding the QBGP (Cal. Code Regs., tit. 20, §§ 1714, subd. (c), and 1744).

Future Staff Workshops
Staff is planning to hold its next workshop on Friday, October 19th, 2012, in the city of El Cajon which is adjacent to the city of Santee. The workshop will include discussions on biological resources, fire protection, noise, soil & water resources, and visual resources. Staff expects the discussions on each topic will focus on potential impacts and proposed mitigation measures. Staff will hold additional workshops, as necessary.

Schedule
Staff has no objections to the Committee’s Revised Schedule. As staff gathers more information from other agencies, staff will inform the Committee of tentative dates for the review and possible permitting by those respective agencies¹. At this time, staff doesn’t expect the timing of the review by other agencies to affect the Committee’s revised schedule.

Cc: Proof of Service list

¹ US Fish and Wildlife Service will consult with US EPA under Section 7 of the federal Endangered Species Act as part of USEPA’s decision whether to issue a PSD permit. SDAPCD will issue PDOC and FDOC (dates could change with recent submission of updated modeling).
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DECLARATION OF SERVICE

I, Diane L. Scott, declare that on October 15, 2012, I served and filed copies of the attached QUAIL BRUSH GENERATION PROJECT (11-AFC-3), STAFF’S STATUS REPORT #6, dated October 15, 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/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:

X 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 marked ““hard copy required” or where no e-mail address is provided.

AND

For filing with the Docket Unit at the Energy Commission:

X 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-03
1516 Ninth Street, MS-4
Sacramento, CA 95814-5512
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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:

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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.

Originally Signed By:
Diane L. Scott
Siting, Transmission and Environmental Protection Division