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-03

COMMITTEE ORDER ON HELPING HAND TOOLS' MOTION DATED OCTOBER 29, 2012

Upon consideration of the "Objection to Scheduling Order Dated October 2, 2012, Motion for Cancellation of Application or New Scheduling Order and Request for Point of Order Regarding Public and Air District Participation" filed on October 29, 2012 by Intervenor Helping Hand Tools, the Committee designated to conduct proceedings in this matter makes the following findings:

1. Section 1716 of the Commission's regulations[1] provides that parties in Application for Certification proceedings may request information from the applicant which is relevant to the proceedings or reasonably necessary to make any decision on the application. Section 1716(e) requires that all requests for information be submitted no later than 180 days from the date the Commission determines an application is complete. In this case, the Commission's determination was made on November 16, 2011 and the 180-day period expired on May 14, 2012.

2. Section 1716(e) gives the Committee discretion to allow requests for information to be submitted beyond the 180-day period "for good cause shown."

3. In response to a previous motion by other intervenors the Committee extended the discovery period to 60 days after Applicant's filing of Supplement 3 to the AFC. That extension expired October 31, 2012.

4. Intervenor Helping Hand Tools requests that the discovery period be extended but does not suggest any duration for such an extension. However, in light of the fact that we have granted Intervenor HomeFed Fanita Rancho's Motion to extend the discovery period to December 14, 2012, Helping Hand Tools' request is moot (i.e. already addressed and settled).

5. Helping Hand Tools also requests that the Commission deny the application now, without prejudice, on the grounds that the application is not complete. Intervenor

[1] All references to regulations are to Title 20 of the California Code of Regulations unless otherwise specified.

explains that the fact that the Applicant continues to supplement the AFC means the AFC is not complete.

6. Finally, Helping Hand Tools asks the Committee to provide advice regarding the availability of opportunities for members of the public to participate in the San Diego Air Pollution Control District's (SDAPCD) process of preparation and issuance of the Preliminary Determination of Compliance (PDOC) and the Final Determination of Compliance (FDOC).

7. The Commission's Public Adviser is available to assist members of the public with participation in the Energy Commission AFC review process.

THEREFORE, pursuant to Commission regulations Section 1716.5, the Committee **ORDERS**:

1. Intervenor's request for an extension of the period for submission of requests for information is moot (i.e. already addressed and settled) in light of our granting of the extension request filed by HomeFed Fanita Rancho.
2. Ongoing supplementation of an AFC is a frequently occurring, normal part of our review process and is not a sign that the AFC is incomplete. The process is active and progressing towards a Preliminary Staff Assessment (PSA), which we expect the Commission staff to file in January. This filing will be followed by a PSA workshop which will enable the Staff to hear all parties' comments on its analysis, followed by publication of the Final Staff Assessment and the Evidentiary Hearing phase. Accordingly, Intervenor's request that the application be denied and the process terminated at this point is **DENIED**.
3. We encourage the Intervenor to discuss any concerns about the SDAPCD's role in our proceedings with the Public Adviser, and to contact Arthur Carbonell, the SDAPCD's Air Pollution Control Engineer assigned to review the Quail Brush application, regarding participation in the District's Determination of Compliance proceeding. Mr. Carbonell can be reached at (858) 586-2741.

Dated: November 20, 2012 at Sacramento, California.

Original Signed By:

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

Original Signed By:

ANDREW McALLISTER
Commissioner and Associate Member
Quail Brush Generation Project
AFC Committee

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PROOF OF SERVICE
(Revised 11/19/2012)

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DECLARATION OF SERVICE

I, Maggie Read, declare that on November 20, 2012 I served and filed copies of the attached Committee Order on Helping Hand Tools' Motion dated October 29, 2012, dated November 20, 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
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
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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.

Original Signed By:

Maggie Read
Hearing Adviser's Office