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STATE OF CALIFORNIA
ENERGY RESOURCES
CONSERVATION AND DEVELOPMENT COMMISSION

IN THE MATTER OF:) DOCKET NO. 08-AFC-08A
)
AMENDED APPLICATION FOR) STATUS REPORT NO. 4
CERTIFICATION FOR THE HYDROGEN)
ENERGY CALIFORNIA PROJECT BY)
HYDROGEN ENERGY CALIFORNIA LLC)
_____)

Pursuant to the Notice of Committee Meeting and Notice of Status Conference, issued on December 24, 2012, we hereby file this Status Report No. 4 on behalf of Hydrogen Energy California LLC (Applicant) for the above-referenced matter (Project).

On December 19, 2012, Applicant filed its Status Report No. 3, which summarized the actions by Applicant and Occidental of Elk Hills, Inc. (OEHI) in responding to extensive data requests issued by CEC Staff, staff of other agencies and Intervenors. To date, 438 data requests have been issued to Applicant, and Applicant has provided responses to 393 of these data requests. Responses to a majority of the remaining data requests will be provided within the next 30 days and the balance of responses will be forthcoming.

Applicant believes that Staff has adequate information to issue the Preliminary Staff Assessment (PSA) promptly based on the substantial amount of information provided by Applicant and OEHI. Even if Staff believes some issues remain outstanding, the preliminary nature of the PSA allows its publication before all of Staff's final conclusions are reached. Indeed, publication of the PSA can facilitate resolution by clarifying the outstanding issues and allowing the parties, members of the public and other agencies an opportunity to review and comment.

In its Status Report No. 3, Applicant requested the Committee to direct Staff to issue the PSA as soon as possible, and in no case later than January 25, 2013—the date previously identified by Staff. However, on December 20, 2012, Staff issued its Status Report No. 3, requesting a new schedule and a PSA publication date of March 15, 2013. This additional amount of delay is not acceptable to Applicant as it begins to impede the financing process for the Project. In order to complete the financing for the Project, due diligence by lenders must commence in early May 2013. At that point, prospective lenders and their counsel will require a

good understanding of CEC Staff's position on the Project, meaning that Staff must have issued its Final Staff Assessment (FSA). Delaying the PSA to March 15, 2013 jeopardizes the ability of Staff to issue its FSA by May 2013.

Applicant requests the Committee to adopt Applicant's attached proposed schedule, which reconciles to the greatest extent possible Staff's most recently proposed schedule with Applicant's need for an FSA in May 2013. This schedule allows ample time for Staff and the parties to meet the scheduled milestones, including over a month to complete the PSA, which we understand to be already in process.

We look forward to further discussing these issues during the upcoming Committee Meeting and Status Conference.

DATED: January 9, 2013

Respectfully submitted,

/s/ Michael Carroll

Michael Carroll
LATHAM & WATKINS LLP
Counsel to Applicant

Applicant's Proposed Schedule

| | Activity | Calendar Day |
|-----|--|---------------------|
| 1. | SJVAPCD issues Preliminary Determination of Compliance | 02/01/13 |
| 2. | Preliminary Staff Assessment/Draft Environmental Impact Statement filed | 03/01/13 |
| 3. | Preliminary Staff Assessment/Draft Environmental Impact Statement workshop to be held in Buttonwillow | 03/15/13 |
| 4. | SJVAPCD issues Final Determination of Compliance | 03/18/13 |
| 5. | Comments on Preliminary Staff Assessment/Draft Environmental Impact Statement are due (45 days due to NEPA regs) | 04/15/13 |
| 6. | Final Staff Assessment/Final Environmental Impact Statement filed | 05/03/13 |
| 7. | Comments on Final Staff Assessment/Final Environmental Impact Statement are due | 06/03/13 |
| 8. | Prehearing Conference | 06/05/13 |
| 9. | Evidentiary Hearings | 06/10/13 |
| 10. | Committee files Presiding Member's Proposed Decision | 07/25/13 |
| 11. | Hearing on the Presiding Member's Proposed Decision | 08/26/13 |
| 12. | Commission issues final Decision | 09/10/13 |

**STATE OF CALIFORNIA
ENERGY RESOURCES
CONSERVATION AND DEVELOPMENT COMMISSION**

| | | |
|--------------------------------|---|-------------------------|
| In the Matter of: |) | Docket No. 08-AFC-08A |
| |) | |
| REVISED APPLICATION FOR |) | PROOF OF SERVICE |
| CERTIFICATION FOR THE HYDROGEN |) | |
| ENERGY CALIFORNIA POWER PLANT |) | (December 24, 2012) |
| PROJECT (“HECA”) |) | |
| _____ |) | |

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HYDROGEN ENERGY CALIFORNIA PROJECT
CEC Docket No. 08-AFC-08A

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HYDROGEN ENERGY CALIFORNIA PROJECT
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DECLARATION OF SERVICE

I, Paul Kihm, declare that on January 9, 2013, I served and filed copies of the attached:

APPLICANT'S STATUS REPORT NO. 4

to all parties identified on the Proof of Service List above in the following manner:

California Energy Commission Docket Unit

Transmission via electronic mail to:

CALIFORNIA ENERGY COMMISSION
Attn: DOCKET NO. 08-AFC-08A
1516 Ninth Street, MS-4
Sacramento, California 95814-5512
docket@energy.ca.gov

For Service to All Other Parties

Transmission via electronic mail to all email addresses on the Proof of Service list.

I declare under penalty of perjury that the foregoing is true and correct. Executed on January 9, 2013, at Costa Mesa, California.

/s/ Paul Kihm

Paul Kihm