

## DOCKETED

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<b>Project Title:</b>	High Desert Power Plant
<b>TN #:</b>	221094
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BEFORE THE ENERGY RESOURCES CONSERVATION AND DEVELOPMENT  
COMMISSION OF THE STATE OF CALIFORNIA  
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*PETITION TO AMEND THE:*

***HIGH DESERT POWER PROJECT***

**Docket No. 97-AFC-01C**

## **STAFF'S PREHEARING CONFERENCE STATEMENT**

### **I. Introduction**

On August 25, 2017, the California Energy Commission Committee (Committee) assigned to conduct proceedings on the Project Owner's Petition for Modification to Drought-Proof the High Desert Power Project (HDPP) filed "Notice of Prehearing Conference and Evidentiary Hearing, Scheduling Order, and Further Orders,"<sup>1</sup> which requires all parties to file a Prehearing Conference Statement and Exhibit List. On September 1, 2017, the parties filed "Comprehensive Stipulation and Agreement between Parties,"<sup>2</sup> which proposes revisions to the project's SOIL&WATER conditions of certification. The Stipulation is intended to serve as the final relief granted to HDPP on its Petition for Modification and resolves all claims made by Staff and the California Department of Fish and Wildlife (CDFW) with respect to the Petition, with the exception of Condition of Certification SOIL&WATER-6.d. In the Stipulation, the parties also agreed that they would not submit opening or rebuttal testimony for the scheduled Evidentiary Hearing. However, if requested by the Committee, the parties agreed to jointly submit evidence and written and oral testimony in support of the Stipulation.

### **II. The subject areas that are complete and ready to proceed to Evidentiary Hearing.**

The Stipulation includes agreed-upon language from all parties regarding the SOIL&WATER conditions of certification that apply to the project, except for SOIL&WATER-6.d. The parties have already submitted briefings regarding the

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<sup>1</sup> TN 220915.

<sup>2</sup> TN 221008 (hereinafter "Stipulation").

relevancy of SOIL&WATER-6.d, as requested by the Committee.<sup>3</sup> Therefore, there are no subject areas that require adjudication at Evidentiary Hearing.

**III. The subject areas upon which any party proposes to introduce testimony in writing rather than oral testimony.**

Staff does not intend to submit written testimony regarding the Stipulation.

**IV. The subject areas that are not complete and not yet ready to proceed to Evidentiary Hearing and the reasons therefore.**

All subject areas are complete. The parties agreed that no Evidentiary Hearing is necessary. If required by the Committee, the parties are ready to proceed to Evidentiary Hearing regarding the Stipulation.

**V. The subject areas that remain disputed and require adjudication, and the precise nature of the dispute for each issue.**

The Stipulation does not include agreement on the inclusion of Condition of Certification SOIL&WATER-6.d. The parties agreed that the Committee should decide whether to retain, amend, or delete this condition. In accordance with Committee orders, the parties submitted briefings regarding their position on the relevancy of SOIL&WATER-6.d. Staff maintains the position that the condition is relevant and should remain in the conditions of certification. It is Staff's opinion that adjudication of this issue at Evidentiary Hearing is unnecessary.

**VI. The identity of each witness the party intends to sponsor at the Evidentiary Hearing, the subject area(s) about which the witness(es) will offer testimony, whether the testimony will be oral or in writing, a brief summary of the testimony to be offered by the witness(es), qualifications of each witness, the time required to present testimony by each witness, and whether the witness seeks to testify telephonically.**

If the Committee determines that an Evidentiary Hearing on the Stipulation is necessary, the Staff witnesses listed in the chart below are available to testify to the terms of the Stipulation. Any testimony regarding the Stipulation will be oral. Qualifications of each witness are included in "Energy Commission Staff's Declarations and Resumes" (TN 210339). None of the witnesses seek to testify telephonically. If the Committee requests testimony beyond the terms of the Stipulation, Staff requests additional time to produce and file testimony.

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<sup>3</sup> TN 220543.

<b>Witness</b>	<b>Subject Area</b>	<b>Time Required</b>
Matthew Layton	Soil and Water	10 min
Paul Marshall	Soil and Water	10 min
Abdel-Karim Abulaban	Soil and Water	10 min

**VII. Subject areas upon which the party desires to question the other parties' witness(es), a summary of the scope of the questions (including witness qualifications), the issue(s) to which the questions pertain, and the time desired to question each witness.**

As long as the Stipulation is acceptable to the Committee, Staff does not have questions for the other parties' witnesses.

**VIII. A list identifying exhibits with transaction numbers (TN) that the party intends to offer into evidence during the Evidentiary Hearing and the technical subject areas to which the apply.**

<b>Exhibit Number</b>	<b>TN</b>	<b>Title of Document</b>	<b>Subject area</b>
2000	221008	Comprehensive Stipulation and Agreement between Parties	Soil and Water

**IX. Proposals for briefing deadlines, impact of scheduling conflicts, or other scheduling matters.**

Staff does not propose any additional briefing.

Date: September 8, 2017

Respectfully submitted,

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