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STATE OF CALIFORNIA
ENERGY RESOURCES
CONSERVATION AND DEVELOPMENT COMMISSION

In the matter of:

Application for Certification of the
PUENTE POWER PROJECT

DOCKET NO. 15-AFC-01

CITY OF OXNARD'S DECEMBER 1, 2016
STATUS CONFERENCE STATEMENT

ELLISON FOLK (State Bar No. 149232)
EDWARD T. SCHEXNAYDER (State Bar No. 284494)
SHUTE, MIHALY & WEINBERGER LLP
396 Hayes Street
San Francisco, California 94102
Telephone: (415) 552-7272
Facsimile: (415) 552-5816
Folk@smwlaw.com
Schexnayder@smwlaw.com

Attorneys for the CITY OF OXNARD

The City of Oxnard submits the following Status Conference Statement.

Proceeding Status:

The parties are currently awaiting the release of the Final Staff Assessment to assess the impacts of the project and the areas where evidentiary testimony is necessary. On November 28, 2016, the California Coastal Commission confirmed that the amendments to the City's General Plan, which prohibit the siting of energy generating facilities in excess of 50 mw in areas subject to environmental hazards, do not need to be incorporated into the City's Local Coastal Plan in order to be effective.

Proceeding Schedule

As previously stated in the City's comments on staff's proposed schedule, the parties to this action and the public should be provided with sufficient opportunity to present their concerns regarding the proposed project. The City is concerned that the proposed schedule will not accommodate adequate participation in the evidentiary hearings. In particular, the schedule allows only one week for preparation and submission of rebuttal testimony. This week happens to include Martin Luther Kings birthday and effectively gives the parties 3 ½ business days to submit rebuttal testimony. Simply put, the schedule will not give the parties sufficient time to present their cases. By contrast, moving the evidentiary hearing out one month would not unduly delay the processing of the project. Allowing sufficient time to submit both opening and rebuttal testimony is particularly important here because the Coastal Commission's letter confirms that the City's General Plan Amendments are effective and approval of the project will require an override of the City's land use regulations. This override may only be exercised if the Commission finds both: (1) that public convenience and necessity require the project, and (2) that there are not more prudent and feasible means of achieving public convenience and necessity. Pub. Res. Code § 25525; 20 C.C.R. §§ 1752(k), 1755(b). These findings require the

Commission to consider evidence regarding project alternatives and need—evidence which has not been adequately developed to date. In addition, if the Commission finds that there is noncompliance with LORS, it must “consult and meet with the state local or regional governmental agency concerned to attempt to correct or eliminate the noncompliance.” Pub. Res. Code § 25523(d)(1). No consultation with the City of Oxnard has taken place.

Therefore, the City respectfully requests that the Commission reconsider the proposed schedule and at a minimum modify to ensure the parties are given an adequate opportunity to present both opening and rebuttal testimony.

DATED: December 1, 2016

SHUTE, MIHALY & WEINBERGER LLP

By: /s/ Ellison Folk
ELLISON FOLK
EDWARD T. SCHEXNAYDER

Attorneys for the CITY OF OXNARD

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