

DOCKETED

Docket Number:	15-AFC-01
Project Title:	Puente Power Project
TN #:	215157
Document Title:	Hearing Officer Memo re: Updated Proceeding Dates and Deadlines and Committee Requests for Information
Description:	1. Evidentiary Hearings Will Begin on February 6; 2. Prehearing Conference Date Changed to January 27; 3. Opening and Rebuttal Testimony Deadlines Extended; 4. Adding Agencies to the Proof of Service List; 5. Confirmation of Coastal Commission Participation During Hearings; 6. Consultation Regarding Possible General Plan Inconsistency; 7. Evidence Regarding Possible Overrides Will Be Considered During the February Evidentiary Hearings; 8. Conditions of Certification Appendix; 9. Exhibit Number Range Assignments
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Submitter Role:	Committee
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Memorandum

To: All Parties and Persons Interested in the
Puente Power Project Proceedings (15-AFC-01)

Date: January 4, 2017

From: Paul Kramer, Hearing Officer
Puente Power Project AFC Committee

Subject: **Updated Proceeding Dates and Deadlines and Committee Requests for Information**

1. The Evidentiary Hearings on the Puente Power Project will begin on February 6, 2017, in Oxnard, CA, as the November 18, Revised Committee Schedule indicates.
2. The date for the Prehearing Conference has been changed from January 31 to January 27, 2017. It will also be located in Oxnard.
3. In recent status reports several parties requested additional time between the Staff Final Staff Assessment (FSA) Workshop and the deadline for filing of opening testimony.¹ The deadlines for the filing of opening and rebuttal testimony are extended as shown below:

Staff FSA Workshop	January 10, 2017
All Parties File Opening Testimony	January 13 18 , 2017
All Parties File Rebuttal Testimony	January 20 24 , 2017
All Parties File Prehearing Conference Statements, Exhibit Lists	January 25, 2017
Prehearing Conference	January 31 27 , 2017
Evidentiary Hearings begin	February 6, 2017
	Old date New date

Formal notice of the Prehearing Conference and Evidentiary Hearing will follow.

Notice of the Staff FSA Workshop may be found at:

<https://efiling.energy.ca.gov/getdocument.aspx?tn=215121> (English)

<https://efiling.energy.ca.gov/getdocument.aspx?tn=215122> (Spanish)

¹ These requests were not in the form of a motion, nor did the captions of the documents containing the requests indicate that a motion was included. Pursuant to the Revised General Orders issued in this proceeding, the Committee is not required to consider or rule upon such requests.

Motions made in a written document shall be clearly stated and include a statement of the relief or action requested, the grounds for the requested relief or action and citation to a rule, law or other authority authorizing the Committee or Energy Commission to grant the request. The caption or title of the document containing the motion shall clearly indicate that that document contains a motion. It is not sufficient to simply say "I move/request that ____" in the body of the document; such a statement may be ignored by the Committee or Energy Commission in its discretion.

(<https://efiling.energy.ca.gov/getdocument.aspx?tn=212649> at p. 5)

4. Except for the City of Oxnard (which is also a formal party to these proceedings), no other agencies are currently listed on the Proof of Service list for this project. The Committee requests that Commission staff identify appropriate agency contacts for inclusion on the Proof of Service list to assure their timely receipt of filed documents.
5. The April 14, 2005, Memorandum of Agreement between the Energy Commission and the California Coastal Commission commits the Coastal Commission to send a representative to “sponsor the [Coastal Commission’s] report into the Energy Commission’s evidentiary record and be available at appropriate Energy Commission workshop(s) and hearing(s) to answer any questions about the report.” The Committee requests that Energy Commission staff confirm that the Coastal Commission will send a representative to the evidentiary hearings and report any schedule conflicts for that representative to the Committee.
6. Public Resources Code Section 25523(d)(1) requires that where a proposed project is found to conflict with a state, local, or regional ordinance or regulation, the Energy Commission “consult and meet with the state, local, or regional governmental agency concerned to attempt to correct or eliminate the noncompliance.” Has Energy Commission staff already or does it plan to consult with the City of Oxnard about the Puente Power Project’s conformance with the general plan policy discussed in the Land Use section of the FSA or any other alleged areas of conflict with local law? Please report all results by January 24, 2017.
7. If it is determined that the proposed project is inconsistent with the above general plan policy or any other laws, ordinances, regulations, or standards, or an unmitigable significant environmental impact is found, the Committee will consider whether it is appropriate to override the inconsistency or impact pursuant to Public Resources Code Section 25525 and Title 20, California Code of Regulations subsections 1745.5(b)(2)(C) and (b)(3)(B)(ii). Parties shall prepare and present evidence relevant to that determination as part of their opening and rebuttal testimony and by the deadlines described above. The Committee does not intend to conduct a separate hearing on the issue of overrides.
8. The Final Staff Assessment does not, as has been recent practice, combine the proposed Conditions of Certification into a single appendix. The Committee requests that staff create and file such a compilation no later than the deadline for rebuttal testimony.
9. To assist the parties in preparing their testimony, the Exhibit Number range assignments are:
 - Applicant’s exhibits shall be numbered consecutively as Exhibits 1000 through 1999;
 - Energy Commission Staff’s exhibits shall be numbered consecutively as Exhibits 2000 through 2999;
 - Intervenor City of Oxnard’s exhibits shall be numbered consecutively as Exhibits 3000 through 3999;

- Intervenors Environmental Coalition, Environmental Defense Center, and Sierra Club's exhibits shall be numbered consecutively as Exhibits 4000 through 4999;
- Intervenor Robert Sarvey's exhibits shall be numbered consecutively as Exhibits 5000 through 5999;
- Intervenor California Environmental Justice Alliance's exhibits shall be numbered consecutively as Exhibits 6000 through 6999;
- Intervenor Center for Biological Diversity's exhibits shall be numbered consecutively as Exhibits 7000 through 7999; and
- Intervenor Fighting for Informed Environmentally Responsible Clean Energy's exhibits shall be numbered consecutively as Exhibits 8000 through 8999.

While the above inquiries are primarily directed to Energy Commission Staff, other parties and the public may respond as well.