

DOCKETED

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STATE OF CALIFORNIA
State Energy Resources
Conservation and Development Commission

In the Matter of:)	Docket No. 15-AFC-01
)	
APPLICATION FOR CERTIFICATION)	INTERVENORS' JOINT REQUEST TO
OF THE PUENTE POWER PROJECT)	MODIFY SCHEDULE

The Environmental Defense Center, the Los Padres Chapter of the Sierra Club, the Environmental Coalition of Ventura County, the City of Oxnard, the California Environmental Justice Alliance, Sierra Club, the Center for Biological Diversity, and Fighting for Informed Environmentally Responsible Clean Energy (collectively, “Intervenors”) respectfully request that the Puente Power Project AFC Committee reconsider the schedule for opening and rebuttal testimony and commencement of evidentiary hearings in the above-referenced proceeding. As explained below, the requested scheduling modifications are necessary to enable Intervenors and Staff an opportunity to narrow areas of disagreement and to provide all parties with sufficient time to address issues presented by rebuttal testimony.

Intervenors’ Request

The Hearing Officer issued an Updated Schedule on January 4, 2017. While the schedule requires the parties to submit Opening Testimony on January 18, 2017 and Rebuttal Testimony on January 24, the Updated Schedule allows the parties only one day to review Rebuttal Testimony before filing a Prehearing Conference Statement and Exhibit Lists on January 25. A prehearing conference is set for January 27 and formal evidentiary hearings would begin February 6.

Intervenors respectfully request that the Committee modify the schedule set by the Hearing Officer’s January 4 memorandum. Specifically, Intervenors request that the Committee postpone the current deadlines by one month in order to accommodate a substantive workshop on the FSA that would enable all parties to narrow areas of disagreement before developing testimony and beginning evidentiary hearings. Scheduling a substantive FSA Workshop is imperative because, although Staff conducted a Public Workshop on January 10, the Workshop

included no substantive discussion among the parties.¹ Rather, it consisted of Staff listing changes made by the FSA, followed by brief comments by the parties and the public, without any follow-up discussion intended to narrow areas of disagreement or address any new information. As the Commission’s Siting Process Guidebook makes clear, a Final Staff Assessment Workshop should include an opportunity for the parties to attempt to “reach a general agreement on various topics” “as a result of the information exchange during the workshop.”² Because this process of substantive exchange with Staff may lead to agreed factual stipulations,³ it is vital to facilitate the evidentiary hearing process by narrowing the range of controverted issues. Accordingly, Intervenors respectfully request that the Committee schedule a substantive workshop regarding the FSA and adopt the following schedule including an extension of proceedings to accommodate the workshop.

Intervenors’ Proposed Schedule #1

Event	Intervenors’ Proposal
Substantive FSA Workshop	Week of Jan. 30, Feb. 6, or Feb. 13
All Parties File Opening Testimony	FSA Workshop Date + 8 Days
All Parties File Rebuttal Testimony	Opening Testimony Deadline + 6 Days

¹ While Intervenors note that the hearing was interrupted by protests in the evening, Intervenors did request that Commission Staff adjust the format of the Workshop during the afternoon session to allow for a more traditional back and forth discussion of the issues, consistent with the Siting Process Guidebook. Staff responded that the Workshop would not be following the usual format.

² California Energy Commission, Public Participation in the Siting Process: Practice and Procedure Guide 23 (December 2006).

³ *See id.* (noting that agreements between the parties reached during substantive workshops may be memorialized as factual stipulations).

All Parties File Prehearing Conference Statements, Exhibit Lists	Opening Testimony Deadline + 9 Days
Prehearing Conference	Opening Testimony Deadline + 13 Days
Evidentiary Hearings Begin	Opening Testimony Deadline + 19 Days

Should the Committee decline to schedule a substantive workshop on the FSA and grant a corresponding extension of the present schedule, Intervenor request that the Committee at the very least revise the deadlines for the parties to submit rebuttal testimony, prehearing conference statements, and exhibit lists. As noted, the current schedule makes the Prehearing Conference Statements and Exhibit Lists due the day after the deadline for the parties to submit rebuttal testimony. A single business day does not allow sufficient time for the parties to meaningfully review rebuttal testimony and revise their prehearing conference statements and exhibit lists to respond to any issues or arguments raised in rebuttal. If the Intervenor's preferred alternative is not granted, Intervenor request a modest two-day extension of the deadline to file prehearing conference statements and exhibit lists, and a corresponding two-day extension of the prehearing conference (or another date that is convenient for the Commission). In the event the Committee agrees to schedule a substantive FSA workshop and a one-month extension of the present deadlines, Intervenor suggest that the revised schedule should include at least three days between the submission of rebuttal testimony and the deadline for prehearing conference statements and exhibit lists.

Intervenor's Proposed Schedule #2

Event	Intervenor's Proposal	Change from Current Schedule
All Parties File Opening Testimony	January 18, 2017	N/A
All Parties File Rebuttal Testimony	January 24, 2017	N/A

All Parties File Prehearing Conference Statements, Exhibit Lists	January 25 - 27 , 2017	+ 2 Business Days
Prehearing Conference	January 27 , 31 2017	+ 2 Business Days (or as is convenient for the Commission)
Evidentiary Hearings Begin	February 6, 2017	N/A

Dated: January 12, 2017

Respectfully submitted,

s/ Matthew A. Smith

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