

## DOCKETED

<b>Docket Number:</b>	15-AFC-01
<b>Project Title:</b>	Puente Power Project
<b>TN #:</b>	215466
<b>Document Title:</b>	Notice of Evidentiary Hearing
<b>Description:</b>	February 7, 8, 9, 10, 2017 Hearings in Oxnard, California
<b>Filer:</b>	Maggie Read
<b>Organization:</b>	Energy Commission Hearing Office
<b>Submitter Role:</b>	Committee
<b>Submission Date:</b>	1/20/2017 3:02:01 PM
<b>Docketed Date:</b>	1/20/2017



BEFORE THE ENERGY RESOURCES CONSERVATION AND DEVELOPMENT  
COMMISSION OF THE STATE OF CALIFORNIA  
1516 NINTH STREET, SACRAMENTO, CA 95814  
1-800-822-6228 – WWW.ENERGY.CA.GOV

**APPLICATION FOR CERTIFICATION FOR THE  
PUENTE POWER PROJECT**

**Docket No. 15-AFC-01**

## **NOTICE OF EVIDENTIARY HEARING**

**PLEASE TAKE NOTICE** that the Energy Commission Committee<sup>1</sup> (Committee) assigned to conduct proceedings on the Application for Certification (Application) for the Puente Power Project (P3 or Project) has scheduled an **Evidentiary Hearing** as follows:

The **EVIDENTIARY HEARING** will take place on:

**TUESDAY, FEBRUARY 7, 2017, beginning at 9:30 A.M., with a  
public comment period beginning at 5:30 P.M.<sup>2</sup>;**  
**WEDNESDAY, FEBRUARY 8, 2017, beginning at 9:30 A.M., with a  
public comment period beginning at 5:30 P.M.;**  
**and, if necessary:<sup>3</sup>**  
**THURSDAY, FEBRUARY 9, 2017, beginning at 9:30 A.M.;**  
**FRIDAY, FEBRUARY 10, 2017, beginning at 9:30 A.M.**

If the Evidentiary Hearing continues to Thursday, the Committee will take public comment at the conclusion of that day's proceedings. Additionally, if the Evidentiary Hearing continues to Friday, the Committee will take public comment at the conclusion of Friday's proceedings.

**Oxnard Performing Arts Center \***  
**800 Hobson Way**  
**Oxnard, CA 93030**  
**(Wheelchair Accessible)**

**\* PLEASE NOTE: If, prior to, or during the Evidentiary Hearing, circumstances make it impracticable to hold the event at the above location, the Committee may**

<sup>1</sup> The Committee consists of Commissioner Janea A. Scott, Presiding Member, and Commissioner Karen Douglas, Associate Member.

<sup>2</sup> This time is specifically set aside for public comment. Public comment will also be taken at the conclusion of each day's topics.

<sup>3</sup> This will be decided following the February 1, 2017, Prehearing Conference.

**change the location of the Evidentiary Hearing to the Energy Commission's Offices in Sacramento:**

**California Energy Commission  
(Hearing Room to be determined)  
1516 Ninth Street  
Sacramento, CA 95814  
(Wheelchair Accessible)**

**Notice of any change of location for the Evidentiary Hearing will be filed in the docket no less than 24 hours before the event begins or reconvenes in Sacramento.**

**TELECONFERENCE OPTION:** You may participate in the Evidentiary Hearing either in person, by telephone, and/or by computer via the "WebEx" conferencing system. Please see the **Remote Attendance** section on page 5, below.

A **Spanish translation** of the proceedings will be provided in the meeting room and via a separate WebEx meeting.

### **Purpose of the Evidentiary Hearing**

The Evidentiary Hearing is an administrative adjudicatory proceeding to receive evidence into the formal hearing record from the parties. Only the parties (Applicant, Energy Commission Staff, and Intervenors) may present evidence for introduction into the formal hearing record, which is the only evidence upon which the Energy Commission may base its decision under the law. Testimony offered by the parties shall be under oath. Each party has the right to present witnesses, introduce exhibits, and to rebut the evidence of another party.

Local, state, federal, and tribal governmental agencies may participate in the Evidentiary Hearing as necessary. (Cal. Code Regs., tit. 20, § 1714.5.) Elected officials and members of the public may present public comments at this event and/or submit written comments via the Energy Commission's e-Commenting system at:

<https://efiling.energy.ca.gov/Ecomment/Ecomment.aspx?docketnumber=15-AFC-01>

### **Evidence Regarding Environmental or LORS Overrides**

If it is determined that the Project is inconsistent with state or local laws, ordinances, regulations, or standards (LORS), 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). The parties shall prepare and present evidence relevant to that determination as part of their opening and rebuttal testimony. The Committee will consider the question of overrides during the February Evidentiary Hearing and does not intend to conduct a separate hearing on the question.

## **Formal and Informal Hearing Procedures**

Pursuant to California Government Code section 11445.10 et seq., and California Code of Regulations, Title 20, §§ 1207, 1210, the Committee may conduct all or portions of the Evidentiary Hearing using an informal procedure. At the February 1, 2017, Prehearing Conference, the Committee will discuss the use of informal and formal procedures with the parties.

The informal hearing process would generally proceed in the following order:

1. All parties' witnesses on the subject area at hand are sworn in as a panel;
2. Applicant's witnesses would provide a brief opening statement summarizing the key points and conclusions of their testimony;
3. Energy Commission Staff's witnesses would provide a brief opening statement summarizing the key points and conclusions of their testimony;
4. Intervenors' witnesses would provide a brief opening statement summarizing the key points and conclusions of their testimony;
5. Open discussion among the witness panelists led by the Committee;
6. Parties may follow up with questions to their own or other witnesses to the extent the Committee finds the questioning productive; and
7. At the conclusion of the parties' examination of the witnesses, the Committee may ask witnesses additional questions or allow panelists to ask additional questions of each other and to offer follow-up answers.

The formal hearing process would generally proceed as follows:

1. A party asks direct questions of its witnesses on the subject area at hand, either one at a time or seated as a panel.
2. The other parties then, in turn, ask cross-examination questions of the witness or panel who just testified.
3. The offering party can ask re-direct questions at the Committee's discretion.
4. The other parties can ask re-cross questions at the Committee's discretion.
5. Repeat the above steps for the witnesses offered by the other parties.

## **Notice of Closed Session Deliberations**

At any time during the Evidentiary Hearing, the Committee may adjourn to a closed session in accordance with California Government Code section 11126, subdivision (c)(3), which allows a state body, including a delegated committee, to hold a closed

session to deliberate on a decision to be reached in a proceeding the state body was required by law to conduct.

## **Transcripts**

Parties are responsible for identifying errors in the transcripts of the proceedings. Corrections to the transcripts must be submitted to the Committee within 30 days of the filing of a transcript.

## **Public Participation**

Members of the public are welcome to attend and offer oral or written comments at the Evidentiary Hearing. It is not necessary to be an intervenor to participate in the public process. Written comments may also be submitted electronically by visiting the website at <http://www.energy.ca.gov/sitingcases/puente> and clicking on the "Submit e-Comment" link in the "Original Proceeding" box. Otherwise, written comments may be submitted by e-mailing them to [docket@energy.ca.gov](mailto:docket@energy.ca.gov), or by U.S. Mail to:

California Energy Commission  
Docket Unit  
Docket No. 15-AFC-01  
1516 Ninth Street, MS-4  
Sacramento, CA 95814

For all comments, please include the document number and proceeding name, "Docket No. 15-AFC-01, Puente Power Project" in the subject line and on the cover page.

**PLEASE NOTE:** Your written and oral comments, attachments, and associated contact information (e.g., your address, phone, e-mail, etc.) become part of the viewable public record and may become available via search engines such as Google and Yahoo.

## **Public Advisor and Other Energy Commission Contacts**

The Energy Commission's Public Adviser's Office is available to assist the public in participating in the proceedings. For assistance, contact Alana Mathews, Public Adviser, at (916) 654-4489 or (800) 822-6228, or by e-mail at [publicadviser@energy.ca.gov](mailto:publicadviser@energy.ca.gov).

If you have a disability and need assistance to participate in the Evidentiary Hearing, contact Poneh Jones at least five days prior to the event at (916) 654-4425, or by e-mail at [poneh.jones@energy.ca.gov](mailto:poneh.jones@energy.ca.gov).

Questions of a procedural nature should be directed to Paul Kramer, Hearing Officer, at (916) 654-5103, or by e-mail at [paul.kramer@energy.ca.gov](mailto:paul.kramer@energy.ca.gov).

Technical questions about the Project should be directed to Shawn Pittard, Staff Project Manager, at (916) 654-4026, or by e-mail at [shawn.pittard@energy.ca.gov](mailto:shawn.pittard@energy.ca.gov).

Media inquiries should be directed to the Media and Public Communications Office at (916) 654-4989 or by e-mail at [mediaoffice@energy.ca.gov](mailto:mediaoffice@energy.ca.gov).

### **Remote Attendance**

You may participate in these meetings through WebEx, the Energy Commission's online meeting service. Any presentations will appear on your computer screen, and you may listen to audio via your computer or telephone. Please be aware that the meeting may be recorded.

#### **To join a meeting:**

**VIA COMPUTER:** Go to <https://energy.webex.com> and enter the meeting number **929 720 085 (English)** or **927 206 743 (Spanish)**. When prompted, enter your name and email address. No meeting password is needed.

The "Join Conference" menu will offer you a choice of audio connections:

1. To call into the meeting: Select "I will call in" and follow the on-screen directions.
2. International Attendees: Click on the "Global call-in number" link.
3. To have WebEx call you: Enter your direct dial phone number (no extensions are permitted) and click "Call Me."
4. To listen over the computer: If you have a broadband connection, and a headset or a computer microphone and speakers, you may use VoIP (Internet audio) by going to the Audio menu, clicking on "Use Computer Headset," then "Call Using Computer."

**VIA TELEPHONE ONLY (no visual presentation):** Call 1-866-469-3239 (toll-free in the U.S. and Canada). When prompted, enter the meeting number from the above table. International callers may select their number from:

<https://energy.webex.com/energy/globalcallin.php>.

**VIA MOBILE ACCESS:** Access to WebEx meetings is now available from your mobile device. To download an app, go to:

[www.webex.com/products/web-conferencing/mobile.html](http://www.webex.com/products/web-conferencing/mobile.html).

Please be aware that WebEx audio and on-screen activity may be recorded. WebEx Technical Support is available at 1 (866) 229-3239.

## Muting

We greatly appreciate your cooperation in reducing unwanted noise on the audio connection by muting your line when you are not speaking. Mute your line rather than placing your phone on hold. Using WebEx, you may mute yourself by right clicking on your name in the panelists or attendees list and selecting "Mute." If you are only using a telephone connection, press "\*6" once to mute and again to unmute.

## Availability of Documents

Information regarding the status of the Project, as well as notices and other relevant documents pertaining to this proceeding, may be viewed on the Energy Commission's web page at <http://www.energy.ca.gov/sitingcases/puente>.

Dated: January 20, 2017 at Sacramento, California

Original signed by  
\_\_\_\_\_  
JANE A. SCOTT  
Commissioner and Presiding Member  
Puente Power Project AFC Committee

Original signed by  
\_\_\_\_\_  
KAREN DOUGLAS  
Commissioner and Associate Member  
Puente Power Project AFC Committee

Sent to mailing list number 7507

**Evidentiary Hearing Agenda  
Puente Power Project**

**TUESDAY, FEBRUARY 7, 2017, 9:30 A.M.  
Public Comment Period Begins at 5:30 P.M.**

**WEDNESDAY, FEBRUARY 8, 2017, 9:30 A.M.  
Public Comment Period Begins at 5:30 P.M.**

**THURSDAY, FEBRUARY 9, 2017, 9:30 A.M. (if necessary);**

**FRIDAY, FEBRUARY 10, 2017, 9:30 A.M. (if necessary)**

If the Evidentiary Hearing continues to Thursday, the Committee will take public comment at the conclusion of that day's proceedings. Additionally, if the Evidentiary Hearing continues to Friday, the Committee will take public comment at the conclusion of Friday's proceedings.

**Oxnard Performing Arts Center \*  
800 Hobson Way  
Oxnard, CA 93030**

1. Call to Order, Introductions
2. Evidentiary Hearing

Receipt of evidence from Applicant, Staff, and Intervenor(s) on the Application for Certification of the Puente Power Project.

The order of subject areas will be determined following the February 1, 2017, Prehearing Conference and announced by a separate document filed in the Docket and available via the Docket Log found on the Energy Commission's webpage at: <https://efiling.energy.ca.gov/Lists/DocketLog.aspx?docketnumber=15-AFC-01>

3. Public Comment –

Members of the public and other interested persons and entities may speak up to three minutes on a matter appearing on this agenda.

The Committee has set aside specific time to receive public comments on the evenings of Tuesday, February 7, and Wednesday, February 8, beginning at 5:30 p.m. If the Evidentiary Hearing continues to Thursday, the Committee will take public comment at the conclusion of that day's proceedings. Additionally, if the Evidentiary Hearing continues to Friday, the Committee will take public comment at the conclusion of Friday's proceedings.

4. Closed Session (if necessary)

Committee Closed Session consideration of the following item:

**Application for Certification of the Puente Power Project.** Deliberation by the Committee on any matters submitted for decision by the Committee including, but not limited to, pending motions and scheduling.



The Committee may adjourn to Closed Session in accordance with Government Code section 11126, subdivision (c)(3), which allows a state body, including a delegated committee, to hold a Closed Session to deliberate on a decision to be reached in a proceeding the state body was required by law to conduct.

#### 5. Adjourn

A **Spanish translation** of the proceedings will be provided in the meeting room and via a separate WebEx meeting.

\* If, prior to, or during the Evidentiary Hearing, circumstances make it impracticable to hold the event at the above location, the Committee may change the location of the Evidentiary Hearing to the Energy Commission's Offices in Sacramento. See the Notice of Evidentiary Hearing for further information.

Agency Contact: Paul Kramer, Hearing Officer, at (916) 654-5103 or e-mail [paul.kramer@energy.ca.gov](mailto:paul.kramer@energy.ca.gov)