

## DOCKETED

<b>Docket Number:</b>	15-AFC-01
<b>Project Title:</b>	Puente Power Project
<b>TN #:</b>	215476
<b>Document Title:</b>	Notice of Prehearing Conference, Scheduling Order, and Further Orders
<b>Description:</b>	February 1, 2017 Prehearing Conference 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 3:36:12 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 PREHEARING CONFERENCE, SCHEDULING ORDER,  
AND FURTHER ORDERS**

**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 a **Prehearing Conference** as follows:

The **PREHEARING CONFERENCE** will take place on:

**WEDNESDAY, FEBRUARY 1, 2017  
Beginning at 12:00 Noon  
Oxnard Performing Arts Center \*  
800 Hobson Way  
Oxnard, CA 93030  
(Wheelchair Accessible)**

**\* PLEASE NOTE:** If, prior to, or during the Prehearing Conference, circumstances make it impracticable to hold the event at the above location, the Committee may change the location of Prehearing Conference 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 Prehearing Conference will be filed in the docket no less than 24 hours before the event begins or reconvenes in Sacramento.**

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

**TELECONFERENCE OPTION:** You may participate in the Prehearing Conference either in person, by telephone, and/or by computer via the “WebEx” conferencing system. Please see the **Remote Attendance** section on page 8, below.

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

**SCHEDULING ORDER**

**PLEASE TAKE NOTICE** that the Committee has established the following schedule for the P3 Application which **supersedes** all prior schedules.

<b><u>EVENT</u></b>	<b><u>DATE</u></b>
Last Day to File Petition to Intervene	November 4, 2016 <sup>2</sup>
Staff Publishes Final Staff Assessment (FSA)	December 8, 2016
Staff FSA Workshop	January 10, 2017
All Parties File Opening Testimony	January 18, 2017
All Parties File Rebuttal Testimony <sup>3</sup>	January 24, 2017, 3:00 p.m.
All Parties File Prehearing Conference Statements and Exhibit Lists	January 27, 2017, 3:00 p.m.
Prehearing Conference	February 1, 2017
Evidentiary Hearing	February 7 and 8, 2017
Evidentiary Hearing – Additional days if determined necessary following the Prehearing Conference	February 9 and 10, 2017
Committee Files Presiding Member’s Proposed Decision (PMPD)	Mid-March 2017
Committee Conference on PMPD	Mid-April 2017
Close of public comment period on PMPD	30 days after filing of the PMPD
Committee Files Errata or Revised PMPD (if necessary)	Late April 2017
Energy Commission Final Decision	May 2017

<sup>2</sup> See the Revised Committee Scheduling Order, TN 214018, filed October 14, 2016.

<sup>3</sup> Rebuttal testimony is in response to an issue first raised in opening testimony. Testimony which could have, with reasonable diligence, been filed as opening testimony, may be subject to exclusion from rebuttal on the motion of a party or the Committee’s own initiative.

## **Purpose of the Prehearing Conference**

The Prehearing Conference is a public forum where the Committee will assess the parties' (Applicant, Energy Commission Staff, Intervenors) readiness for an Evidentiary Hearing, discuss the format of the Evidentiary Hearing, identify areas of agreement or dispute, the order of topics at the Evidentiary Hearing, and the remaining schedule and procedures necessary to conclude the application review process.

Local, state, federal, and tribal governmental agencies may participate in the Prehearing Conference as necessary. (Cal. Code Regs., tit. 20, § 1714.5.) Elected officials and members of the public may present public comments at these events 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>

Following the Prehearing Conference, the Committee will issue a schedule for the Evidentiary Hearing days showing, among other things, the order of topics to be heard on each of the hearing dates. The Committee will also determine whether it is necessary to hold hearings on February 9 or February 10.

## **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 California Code of Regulations subsections, title 20, sections 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 and by the deadlines described above. 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.

## **ORDER REGARDING PREHEARING CONFERENCE STATEMENTS AND EXHIBIT LISTS, AND WITNESSES.**

All parties are **ORDERED** to file a Prehearing Conference Statement and Exhibit List ***no later than 3:00 p.m. on Friday, January 27, 2017***, unless otherwise directed by the Committee. Failure to timely file a Prehearing Conference Statement and Exhibit List may result in exclusion of evidence.

**The Prehearing Conference Statements must specify under separate headings:**

1. The subject areas<sup>4</sup> that are complete and ready to proceed to Evidentiary Hearing;
2. The subject areas upon which any party proposes to introduce testimony in writing rather than through oral testimony;
3. The subject areas and issues in dispute that require adjudication, and the precise nature of the dispute for each issue;
4. The subject areas (if any) that are not complete and not yet ready to proceed to Evidentiary Hearing, and the reasons therefor;
5. 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;
6. Subject areas upon which the party desires to question the other parties' witness(es), a summary of the scope of the questions (including questions regarding witness qualifications), the issue(s) to which the questions pertain, and the time desired to question each witness. (Note: A party who fails to specify the scope, relevance and time for questioning other parties' witness(es) risks preclusion from questioning witnesses on that subject area.);
7. A list identifying exhibits with transaction numbers (i.e., TN 215157) that the party intends to offer into evidence during the Evidentiary Hearing, and the technical subject areas to which they apply (see below for further details on Exhibit Lists); and
8. Proposals for briefing deadlines or other scheduling matters.

All documentary evidence must be filed in this proceeding's docket (15-AFC-01) and have a transaction number assigned by the Energy Commission's electronic filing system in accordance with the Revised General Orders Regarding Electronic Document Formats, Electronic Filing and Service of Documents and Other Matters, filed August 5, 2016.<sup>5</sup> **Exhibits without a transaction number, or not filed in this proceeding's docket, will not be received into evidence absent a showing of good cause.**

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<sup>4</sup> "Subject areas" are identified in the table of contents of the Final Staff Assessment (FSA), Parts 1 and 2.

<sup>5</sup> TN 212649.

The parties shall exchange documentary evidence, including written testimony, by filing an **Exhibit List**. Each document shall be numbered and identified on the Exhibit List as follows:

- 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**;
- Intervenor 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**.

The Exhibit Lists shall be formatted as four columns. The first column shall list the proposed Exhibit Number. The second column shall contain the transaction number of the corresponding document. The third column shall contain the title of the document as shown in the docket log. The fourth column shall state the subject area(s) to which the exhibit applies. Hearing Office Staff from the Energy Commission will then add the Exhibit Number information into the e-filing system. Parties and the public may generate an up to the moment Exhibit List by clicking the link on the proceeding's web page.<sup>6</sup>

***Failure of a party to comply with the filing requirements stated in this Order may preclude that party from participating in the Evidentiary Hearing.***

### **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,

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<sup>6</sup> <https://efiling.energy.ca.gov/Lists/ExhibitList.aspx?docketnumber=15-AFC-01>

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 Prehearing Conference, 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 Prehearing Conference. 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 Adviser 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 Prehearing Conference, 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 this meeting 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 **929 146 366 (English)** or **924 387 143 (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 **929 146 366 (English)** or **924 387 143 (Spanish)**. 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

**Prehearing Conference Agenda  
Puente Power Project  
WEDNESDAY, FEBRUARY 1, 2017  
Beginning at 12:00 Noon  
Oxnard Performing Arts Center \*  
800 Hobson Way  
Oxnard, CA 93030**

1. Call to Order, Introductions
2. Reports from Applicant, Energy Commission Staff and Intervenors regarding their readiness for the upcoming Evidentiary Hearing, proposed testimony and witnesses; Committee discussions with the parties about the order of subject areas, use of informal and formal procedures, and other matters in preparation for the Hearing.
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.

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 Prehearing Conference, circumstances make it impracticable to hold the event at the above location, the Committee may change the location of the Prehearing Conference to the Energy Commission's Offices in Sacramento. See the Notice of Prehearing Conference 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)