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**BEFORE THE ENERGY RESOURCES CONSERVATION AND DEVELOPMENT
COMMISSION OF THE STATE OF CALIFORNIA**

In the Matter of
Application for Certification of the
Puente Power Plant

Docket Number 15-AFC-01

ROBERT SARVEY'S PRE-HEARING CONFERENCE STATEMENT

Introduction

On January 20, 2017 the Committee filed a "Notice of Prehearing Conference, Scheduling Order, and Further Orders." The Notice set the date for the Prehearing Conference as February 1, 2017, and required each party planning to participate in the Prehearing Conference to file a Prehearing Conference Statement by January 27, 2017.

1. The subject areas that are complete and ready to proceed to Evidentiary Hearing;

Much like most of the information presented in this proceeding the opening testimony and the reply testimony have not been offered in Spanish to the minority Spanish speaking public that is centered around the site and until the minority community has been presented with this information in Spanish none of the topics are ready to proceed.

2. The subject areas upon which any party proposes to introduce testimony in writing rather than through oral testimony;

None

3. The subject areas and issues in dispute that require adjudication, and the precise nature of the dispute for each issue;

Environmental Justice- The CEC has failed the basic requirements of any environmental justice analysis. First while the staff recognizes the minority community staff has failed to provide most of the project information in Spanish which is necessary for the minority community to participate. Staff's approach is to evaluate the project's impacts and if they don't identify any significant environmental impacts the project has no environmental justice impacts.

Environmental Justice analysis requires first identifying the minority community's exposure to environmental pollution and their current health situation . It is appropriate to engage the environmental justice community and their health care providers to identify existing impacts and concerns of the environmental justice community. This is accomplished by meeting with community leaders including churches, civic groups, and other community organizations and performing outreach which has not happened.

Land Use- The FSA recommends that the Mandalay Generating Station be removed to ground level and that the underground infrastructure remain in place. This violates coastal policies related to public access and creates hazards to future visitors in the later part of the century when erosion and wave action will have exposed these underground structures. The PSA should also require a demolition plan and a financing mechanism for the removal of the Puente Power Project at the end of its useful life to comply with the coastal policies related to public access.

Sea Level Rise- The FSA evaluates the impacts of sea level rise on the project assuming the useful life of the project is only 30 years. The two peaking units currently operating in the Moorpark sub area are both owned by the applicant NRG and both have been in operation for over 40 years. Neither project is expected to retire any time soon. The Ellwood Peaker one of NRG's peaking units in the Moorpark subarea began operation in 1973 and is going to be refurbished to extend its useful life by 30 years.¹ The 30 year expected life is basically an industry standard for evaluating the economic performance of a power plant and certainly in this instance does not represent the expected useful life of an NRG peaker in the Moorpark sub area.

4. The subject areas (if any) that are not complete and not yet ready to proceed to Evidentiary Hearing, and the reasons therefor;

All subject areas are not complete because the minority community must receive the testimony in Spanish to participate.

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

¹ Exhibit 5000

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;

None

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.);

Land Use Public Access - Coastal Commission witness.

The applicant filed 796 pages of rebuttal testimony on January 24, 2017. I have not had the time to review it and I may have some other witnesses I want to cross examine and will inform the committee at the pre hearing conference. CEC Staff also filed 174 page of rebuttal testimony on January 24 that I have not had time to review so I may want to cross additional staff witnesses.

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

Exhibit 5000 TN-215589 A.14-11-016 Opening Brief of NRG California South LP on Phase 2 issues.

Exhibit 5001 TN-215590 Ellwood Fact Sheet

Exhibit 5002 TN- 213667 California Coastal Commission Report

8. Proposals for briefing deadlines or other scheduling matters.

According to the prehearing conference order, "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.² I propose the opening brief be due 2 weeks after transcript corrections are due. The reply brief should be three weeks after the opening brief.

² TN 215466 [Notice of Evidentiary Hearing](#) Page 5 Of 9