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FFIERCE's Prehearing Conference Statement, January 27, 2017

Dr. Grace Chang respectfully submits the following Prehearing Conference Statement for Fighting for Informed Environmentally Responsible Clean Energy (FFIERCE).

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

FFIERCE sees that many substantive and significant disputes still remain on the majority of subject areas identified in the Final Staff Assessment. FFIERCE is prepared to proceed to Evidentiary Hearing, in the effort to begin resolving several factual errors and issues.

We note that our expert witnesses have limited availability on the days scheduled for the Hearings, but are available to appear in person or by phone at the following times:

David Pellow, Feb 7 after 12:30pm, Feb 8 before 2pm
Mari Rose Taruc, Feb 7 and 8, between 9:30 am – 3 pm

Therefore, we request that the Environmental Justice, Air Quality, and Public Health discussions proceed either February 7 between 12:30 pm and 3 pm and/or continuing on February 8 between 9:30 am and 2 pm to ensure our expert witnesses' participation.

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

FFIERCE submitted written opening testimony from intervenor Dr. Grace Chang and expert witnesses Dr. David Pellow and Mari Rose Taruc.

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

FFIERCE notes that Staff's Prehearing Conference Statement does not identify the area of Environmental Justice as in dispute. Applicant and Staff assert that the project will not cause significant direct, indirect, or cumulative environmental justice impacts. FFIERCE and other intervenors do not agree with Applicant and Staff's assertion or assessment, and further suggest that this issue is highly contested and certainly requires adjudication.

In addition, in FFIERCE's view, Applicant and Staff's inadequate analyses and identification of the project's impacts on environmental justice communities further compromises any analyses of related subject areas listed below, which remain in dispute for the following reasons:

Project Description – fails adequately to describe project, as required under CEQA, and thus severely underestimates the project impacts.

Air Quality - fails adequately to analyze and identify the project's impacts to environmental justice communities, in addition to current concerns.

Alternatives – fails adequately to consider project alternatives, including not only the alternative sites proposed but no project on any site considered to date; fails adequately to consider alternative energy sources and storage mandated by law.

Public Health -- fails adequately to analyze and identify the project’s impacts to environmental justice communities.

Soil and Water Resources -- fails adequately to analyze and identify the project’s impacts to environmental justice communities.

Socioeconomics – fails adequately to analyze and identify the project’s impacts to environmental justice communities.

By identifying the above subject areas, FFIERCE does not intend to limit the scope of its questions at evidentiary hearing, or the topics it will address in briefs.

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

FFIERCE believes that the central issue of environmental justice, and the related impacts for the above-listed subject areas, is not fully developed. If, however, we proceed to hearing February 7, FFIERCE is prepared to present testimony and examine witnesses on the subject.

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

Each of the witnesses identified in the table below intend to provide oral testimony, as submitted in Opening Testimony documents. Grace Chang will appear in person. David Pellow and Mari Rose Taruc will appear in person if scheduling allows (see item 1 above) and otherwise will seek to testify telephonically or by Webex at this time. Qualifications for all are listed on Exhibits 8001-3.

Subject Area	Witness(es)	Summary	Estimated Time
Air Quality, Public Health, Socioeconomics, Alternatives, Environmental Justice, Project Description, Greenhouse Gases	Grace Chang	Exhibit 8000 Exhibit 8001	20 mins

Same as above	David Pellow	Exhibit 8002	15 mins
Same as above	Mari Rose Taruc	Exhibit 8003	15 mins

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

Subject area	Witness(es)	Summary	Estimated Time
Environmental Justice, Public Health, Air Quality, Alternatives, Socioeconomics	Strela Cervas, CEJA	CalEnviroScreen, Coastal Access, Youth, Vulnerable Communities, Alternatives, Public Health	15 mins
Same as above	Irene Valencia, CEJA	Public Health	5 mins
Same as above	Raul Lopez, CEJA	Public Health	5 mins
Socioeconomics, Environmental Justice	Nik Carlson, AECOM, for applicant	socioeconomic impacts, environmental justice, mitigation	10 mins
Project Description	Tim Murphy, AECOM, for applicant	coastal access	10 mins
Environmental Justice	Gary Rubenstein, Sierra Research	environmental justice impacts, mitigation, CalEnviroScreen	10 mins
Environmental Justice, Alternatives, Public Health, Socioeconomics	Shawn Pittard	process, public notice, access, alternatives	10 mins

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

Proposed Exhibit #	Transaction Number	Title of Document	Subject Area(s) of Exhibit
8000	TN214026	Grace Chang Comments No on the Puente Power Project	Alternatives, Compliance, Project Description, Public Health, Socioeconomics, Greenhouse Gases
8001	TN215449	Grace Chang Intervenor Testimony In opposition to PPP	Air Quality, Public Health, Socioeconomics, Alternatives, Environmental Justice, Project Description, Greenhouse Gas Emissions
8002	TN215448	David Pellow Expert Testimony opposing PPP	Same as above
8003	TN215450	MR Taruc Expert Testimony Opposing PPP	Same as above

8. Proposals for briefing deadlines or other scheduling matters.

FFIERCE requests scheduling the discussions of certain issue areas to ensure our expert witnesses' participation. As stated in item 1 above, we request that the Environmental Justice, Air Quality, and Public Health discussions proceed on February 7 between 12:30 pm and 3 pm and/or on February 8 between 9:30 am and 2 pm

The Committee's January 20, 2017 Notice of Prehearing Conference and Scheduling Order describes both formal and informal hearing procedures and states that this issue will be discussed at the prehearing conference. **FFIERCE requests that formal hearing procedures be followed.** If, however, the Committee chooses to use informal hearing procedures, we request that the procedure outlined in the Notice be executed in a manner that ensures that all witnesses are provided adequate and equal opportunity for opening statements and that all parties are provided an opportunity to ask questions of the witnesses on any panel including conducting cross-examination where needed.