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STATE OF CALIFORNIA
CALIFORNIA ENERGY COMMISSION

IN THE MATTER OF:

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

DOCKET NO. 15-AFC-01

**PREHEARING CONFERENCE
STATEMENT OF THE CALIFORNIA
ENVIRONMENTAL JUSTICE
ALLIANCE**

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Attorneys for the California Environmental
Justice Alliance (CEJA)

The California Environmental Justice Alliance (“CEJA”) respectfully submits the following prehearing conference statement pursuant to the January 20, 2017 Notice of Prehearing Conference (“PHC”), Scheduling Order, and Further Orders.

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

CEJA sees critical and live disputes of law and fact regarding the majority of the subject areas identified in the Final Staff Assessment. CEJA is prepared to proceed to Evidentiary Hearing, which CEJA views as the next step to resolving factual errors. Because CEJA’s technical witness regarding environmental justice, Strela Cervas, is available on February 7th, but not on February 8th or 9th, CEJA requests the evidentiary hearings begin with the subject area environmental justice.

2. The subject areas upon which CEJA proposes to introduce testimony in writing.

CEJA submitted written testimony from three witnesses: Strela Cervas, Raul Lopez, and Irene Valencia.

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

CEJA submits that the primary subject areas and issues in dispute at this time include:

Project Description – fails adequately to describe the project, as required by CEQA, and for that reason severely underestimates the assessed project impacts.

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

Alternatives – fails adequately to consider project alternatives.

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

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.

Traffic and Transportation -- fails adequately to analyze and identify the project's impacts to environmental justice communities.

Waste Management -- fails adequately to analyze and identify the project's impacts to environmental justice communities.

These matters must be adjudicated in the proceeding. Some are issues of fact, others are issues of law, and some are mixed issues of fact and law. By identifying the above six subject areas, CEJA does not waive or intend to limit the scope of its questions at evidentiary hearing, or the topics it will address in briefs.

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

CEJA believes that environmental justice, and the impacts for the above-listed subject areas, are not fully developed. If we proceed to hearing February 7th, however, CEJA 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

Witness	Subject	Oral/Writing	Summary	Time (min.)
Strela Cervas	Environmental Justice impacts	Both	In-person testimony regarding environmental justice status of communities and impacts	20
Raul Lopez	Environmental Justice impacts	Both	In-person testimony regarding environmental justice status of communities and impacts	10
Irene Valencia	Environmental Justice impacts	Both	In-person testimony regarding environmental justice status of communities and impacts	10

6. Subject areas upon which CEJA 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

Witness	Scope of questions	Subject to which questions pertain	Time (min.)
Shawn Pittard, CEC staff	Details of CEC analysis of project, environmental justice impacts.	Project description, alternatives, environmental justice	10
Jaquelyn Record CEC staff	Air quality analysis, conditions of approval	Air quality	5

Ashley Gutierrez CEC staff	Impacts to environmental justice community of proposed land use	Land use	10
Huei-An Chu CEC staff	Asthma and health impacts, environmental justice	Public health	10
Lisa Worrall CEC staff	Local community access to parks; jobs	Socioeconomics	10
Jonathan Fong CEC staff	Impacts of traffic to environmental justice community activities	Traffic and transit	5
Eric Knight CEC staff	Environmental justice implications of proposed project's visual impacts	Visual resources	5
Grace Chang FFIERCE	Environmental justice impacts of proposed project	Environmental justice	15
David Pellow FFIERCE	Environmental justice impacts of proposed project	Environmental justice	15
Mari Rose Taruc FFIERCE	CalEnviroScreen, environmental justice impacts of proposed project	Environmental justice	15

7. A list identifying exhibits with transaction numbers that CEJA intends to offer into evidence during the Evidentiary Hearing, and the subject areas to which they apply

TN	Exhibit	Party	Subject Area
215443	Testimony of Strela Cervas, Exhibit 6000	CEJA	Environmental justice
215444	Testimony of Irene Valencia, Exhibit 6001	CEJA	Environmental justice
215445	Testimony of Raul Lopez, Exhibit 6002	CEJA	Environmental justice
215544	Rebuttal Testimony of Strela Cervas, Exhibit 6003	CEJA	Environmental justice

8. Proposals for briefing deadlines or other scheduling matters.

CEJA requests 30 days from release of the evidentiary hearing transcript for opening briefs, and 14 days for reply briefs.

Dated: January 27, 2017

Respectfully Submitted,

By: /s/
Shana Lazerow, SBN 195491
Communities for a Better Environment

Attorneys for the
California Environmental Justice Alliance