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STATE OF CALIFORNIA
State Energy Resources
Conservation and Development Commission

In the Matter of:)
)
APPLICATION FOR CERTIFICATION)
OF THE PUENTE POWER PROJECT)

Docket No. 15-AFC-01

INTERVENORS' JOINT
COMMENTS RE CALIFORNIA
ENERGY COMMISSION STAFF'S
PROPOSED TIMETABLE FOR THE
PREPARATION AND FILING OF
ADDITIONAL EVIDENCE

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The Environmental Defense Center, Sierra Club Los Padres Chapter, Environmental Coalition of Ventura County, California Environmental Justice Alliance, Fighting for Informed Environmentally Friendly Clean Energy, and the Center for Biological Diversity (“Intervenors”) jointly submit the following comments on the California Energy Commission Staff’s (“Staff”) Proposed Timetable filed on April 5, 2017.

Staff’s Proposed Timetable is overly truncated and proposes a schedule that does not allow the parties or the public an opportunity to review, comment and submit testimony on any of the additional evidence, in violation of the Committee’s March 10 Orders. The following comments highlight four primary errors with the proposed Staff Timetable, and put forth a new Timetable proposed by Intervenors.

1. Evidence

After reviewing Applicant’s Survey Plan, which failed to acknowledge or respond to almost all of Intervenors’ comments, it appears that Applicant and the Staff will be able to conduct and submit all of their evidence by July 30, consistent with the Committee’s March 10 Orders.¹ Staff’s proposed date of June 15 was proposed prior to when Applicant filed its Final Survey Methodology, and does not allow time for the preparation of survey reports, agency site visits, and agency review and comment of any draft final survey reports.

2. Supplemental or Revised Final Staff Assessment (“FSA”) and Public Workshop

The remaining events and dates proposed by Intervenors follow a process and schedule necessary to allow the public, agencies, and experts to review and comment on the additional evidence submitted. Given the breadth of issues the evidence will impact, Intervenors expect the Staff will likely be required to revise or supplement the Project’s FSAt, thus, Intervenors’

¹ Intervenors submit that Applicant will need to undertake surveys for legless lizard from April through Fall 2017, and for the Burrowing Owl beginning in the Fall 2017 as recommended by California Department of Fish and Wildlife protocols, as directed in their comments on Applicant’s Survey Methodology filed on April 7. The Intervenors request that these surveys be required to go forward, even though under the proposed schedule they will occur after the other surveys, while the remaining issues are moving towards additional hearings, and request that the results of these surveys be provided to all parties and filed in the docket as soon as available.

proposed Timetable allows Staff time to revise or supplement the FSA as needed. Intervenors, who represent thousands of local community members affected by the Project, respectfully request that a Public Workshop be held to present the additional evidence and Revised or Supplemental FSA so that the community can have an opportunity to understand and comment on the additional evidence and any changed analysis.

3. Staff's Proposed Timetable Fails to Allow the Parties an Opportunity to Provide and Submit Testimony on the Additional Evidence

The March 10 Orders specifically invite the parties to also prepare and submit additional evidence; yet, Staff's Proposed Timetable only allows Staff an opportunity to file comments on any additional evidence before starting Evidentiary Hearings.² All parties must be provided an opportunity to have their experts review the additional evidence and submit Opening and Rebuttal Testimony prior to Evidentiary Hearings. Intervenors' Proposed Timetable below allows time for the parties, the Applicant, and Staff to prepare and submit evidence in a manner consistent with the Committee's March 10 Orders.

4. Briefing

Staff's proposed schedule to require briefing just two weeks after the conclusion of evidentiary hearings does not provide enough time for the release of the transcripts, nor time for the parties to provide comment on any transcript errors. Intervenors propose the parties brief all issues 30 days after release of the hearing transcripts, which allows the parties the same amount of time as provided before.

5. Intervenors' Proposed Timetable

The following Timetable reflects a schedule proposed by Intervenors that is consistent with the Committee's March 10 Orders that requested the Applicant and Staff and parties to

² Committee Orders, March 10, 2017, at 1.

develop and submit additional evidence on Biological Resources, Soil and Water Resources, Alternatives, and Compliance and Closure.

Event	March 10, 2017 Orders	CEC Staff	Intervenors Proposed Dates
Conduct Focused Biological Resources Surveys	April-July 30th		Apr -June 30 (except for legless lizard and Burrowing owl)*
CEC Committee Hearing on Timetable and Intervenors' Motion to Modify	April 28 ³		
Applicant files Final Biological Resources Survey Report			July 30
Applicant and Staff File all Evidence related to Matters Addressed in March 10 Orders		June 15th	July 30 ⁴
Staff file Revised Testimony/Supplemental Final Staff Assessment ("FSA")			August 25 (4 weeks after)
Public Workshop on Supplemental FSA			September 15 (3 weeks after)
All Parties to file Opening Testimony on New Evidence and all Issues Related to new evidence: Alternatives, Biological Resources, Soil and Water Resources, Alternatives, compliance and Closure			September 22 (4 weeks after Supp. FSA)
Parties to file Rebuttal Testimony			October 6 (2 weeks after Opening testimony)
Prehearing Conference Statements due			October 13 (1 week after all written testimony filed)
Prehearing Conference			October 20 (2 weeks after all

³ The Hearing Officer changed the May Day hearing to April 28, per April 11 Memo, TN 216971.

⁴ Intervenors submit that Applicant will need to undertake surveys for legless lizard from April through Fall 2017, and for the Burrowing Owl beginning in the Fall 2017 as recommended by California Department of Fish and Wildlife protocols, as directed in their comments on Applicant's Survey Methodology filed on April 7. The Intervenors request that these surveys be required to go forward even though under the proposed schedule they will occur after the other surveys while the remaining issues are moving towards additional hearings, and request that the results of these surveys be provided to all parties and filed in the docket as soon as available.

Event	March 10, 2017 Orders	CEC Staff	Intervenors Proposed Dates
			written testimony filed)
Evidentiary Hearings (on new evidence and issues)		Week of June 26	Week of October 30
Opening Briefs (on all issues)		July 14	30 days after all hearing transcripts are filed
Reply Briefs (on all issues)		July 28	15 days after opening briefs are due

Dated: April 17, 2017

Respectfully submitted,

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