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STATE OF CALIFORNIA
ENERGY RESOURCES
CONSERVATION AND DEVELOPMENT COMMISSION

In the matter of:

Application for Certification of the
PUENTE POWER PROJECT

DOCKET NO. 15-AFC-01

**CITY OF OXNARD'S COMMENTS ON
STAFF'S PROPOSED PROCEDURAL
TIMETABLE**

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CITY OF OXNARD'S COMMENTS ON STAFF'S PROPOSED PROCEDURAL
TIMETABLE
DOCKET NO. 15-AFC-01

Pursuant to the Committee’s March 10, 2017 Orders for Additional Evidence and Briefing Following the Evidentiary Hearings (“Committee Order”), the City of Oxnard submits the following comments on the procedural timetable that Staff proposed on April 6.

As discussed below, the City has significant concerns with Staff’s proposed schedule. Consequently, the City proposes an alternative schedule for the supplemental testimony, hearing, and briefing phases of this proceeding.

I. Inadequacies in Staff’s Proposed Schedule

The Proposed Schedule Fails to Allow for Any Intervenor Testimony – Most fundamentally, Staff’s proposal does not provide any opportunity for Intervenors to offer testimony on the issues identified in the Committee Order. This omission is directly contrary to that order, which specifically authorized *all parties* to submit testimony on these issues. *See* Committee Order at 1 (“the other parties [are] invited, to prepare and submit” additional evidence).

It is especially important for Intervenors to have time to prepare and submit supplemental testimony because the Committee has ordered Staff to conduct *new analyses* of potential project alternatives, biological impacts, and coastal hazard modeling. Under Staff’s proposed timetable, Intervenors will not have any opportunity to review this new information until the middle of June. *See* Staff Timetable at 2.

Until they are able to review this new information, Intervenors cannot offer testimony on the issues that the Committee Order identified. For instance, because NRG has objected to environmental Intervenors conducting their own biological surveys or participating in the surveys conducted by NRG, these parties may be forced to rely exclusively on the survey results

and analyses that Staff propose to submit in June. The parties cannot submit testimony regarding surveys and the protection of sensitive species until they and their experts have had an opportunity to review these surveys.

Similarly, the parties should have an opportunity to respond to the new analyses of alternatives and coastal hazards, which, under Staff's proposal, will not be available until mid-June. For instance, the Committee ordered staff to evaluate new reduced-project alternatives at offsite locations, including whether a smaller project would avoid hazards to aircraft. Committee Order at 3. Additionally, Staff's supplemental analysis will include new coastal hazard modeling runs from the not-yet-released CoSMoS 3.0 Phase 2.0 model. *See* Staff Timetable at 1. The City and its experts need time to review this new data, and, if necessary, develop testimony on these issues.

Given that Staff's timetable proposes two months between the Committee Order and release of Staff's supplemental testimony and evidence, the parties should have *at least four weeks* after receiving this new evidence to prepare and submit their testimony.

The Proposed Schedule Provides Inadequate Time Between the Testimony and Hearings Phases – In addition to failing to accommodate Intervenor testimony, Staff proposes only eleven days between release of the new evidence and the evidentiary hearings. This proposal does not provide the parties adequate time to review new evidence and prepare for the hearings. Parties will likely need extra time to prepare for hearings that are proposed for the middle of summer when witnesses may have pre-arranged travel conflicts. Consequently, the City proposes a *minimum of four weeks* between the submission of opening testimony and the evidentiary hearings.

The Proposed Schedule Should Follow the Briefing Schedule Previously Agreed to by All Parties – At the evidentiary hearings, the parties agreed that the opening briefs should be due 30 days after the evidentiary hearing transcripts are released, and that reply briefs should be submitted 15 days thereafter. Staff’s proposal diverges from this previous agreement without any justification for doing so. It significantly shortens the time for opening briefs, and fails to tie that deadline to the release of the hearing transcripts.

Given the number and complexity of issues to be briefed in this case, as well as the new evidence and analyses that the supplemental testimony and hearings will generate, the Committee should maintain the briefing schedule that the parties previously proposed.

II. The City’s Proposed Schedule

To resolve the foregoing concerns, the City proposes the following schedule for the supplemental testimony, hearing, and briefing phases of the proceeding:

Event	Date
All Parties file Opening Testimony	Four weeks after CEC Staff files Revised Testimony/Supplemental Staff Assessment
All Parties file Rebuttal Testimony	Two weeks after Parties file Opening Testimony
Evidentiary Hearings	Two weeks after Parties file Rebuttal Testimony
Opening Briefs (all issues)	Thirty days after release of final evidentiary hearing transcript
Reply Briefs (all issues)	Fifteen days after Parties file Opening Briefs

DATED: April 17, 2017

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