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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**

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DOCKET NO. 15-AFC-01

**CITY OF OXNARD'S OPPOSITION TO  
APPLICANT'S MOTION TO EXCLUDE  
THE SUPPLEMENTAL TESTIMONY OF  
JAMES H. CALDWELL**

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CITY OF OXNARD'S OPPOSITION TO APPLICANT'S MOTION TO EXCLUDE THE  
SUPPLEMENTAL TESTIMONY OF JAMES H. CALDWELL  
DOCKET NO. 15-AFC-01

The City of Oxnard hereby opposes NRG's May 11, 2017 Motion to Exclude from the Evidentiary Record the Supplemental Testimony of James Caldwell ("Motion to Exclude"). The City's Supplemental Testimony directly responds to the Committee's request to evaluate the feasibility of smaller turbines at inland locations to reduce or avoid potential impacts to aviation. The Supplemental Testimony shows that it is feasible to meet the identified LCR need with *at most* 50 MW of new gas fired generation. Thus, the parties should focus on potential aviation impacts from a new turbine of that magnitude.

Even without the Committee's request for additional evidence, it is appropriate to consider the Supplemental Testimony in this proceeding. The testimony incorporates new evidence that was not available during the initial evidentiary hearings to further demonstrate that preferred resources can meet the identified Moorpark LCR need with little-to-no additional gas generation.

Finally, NRG acknowledges that it is fully ready to respond to the Supplement Testimony within the existing schedule for testimony and evidentiary hearings. Thus, the Commission's consideration of the Supplemental Testimony does not prejudice NRG in any way.

For all of these reasons, NRG's Motion to Exclude is improper and should be denied.

**I. The Supplemental Testimony Responds Directly to the Committee's Request for Additional Evidence.**

Contrary to NRG's assertion, the Supplemental Testimony responds directly to the Committee Orders for Additional Evidence and Briefing Following Evidentiary Hearings ("Committee Order"). Among other issues, that order invited parties to provide additional evidence on alternatives:

Analyze the use of one or more smaller (50 – 100 MW) turbines instead of the larger turbine proposed by the applicant at the two alternative sites analyzed in the Final Staff Assessment, the Del Norte/Fifth Street Off-site Alternative and the

Ormond Beach Area Off-site Alternative, to determine whether it is feasible to reduce or eliminate the previously identified potential impacts on aviation.<sup>1</sup>

Although it focuses on smaller turbines at two inland alternative sites, the Committee Order does not specify the number or configuration of smaller turbines for the aviation hazard analysis. It is unclear whether the parties should evaluate potential impacts from a suite of turbines with a capacity comparable to Puente (e.g. a combination of two 100 MW and one 50 MW turbines) or a single turbine with a smaller generating capacity.

That underlying factual issue is critical to evaluating potential aircraft impacts. For example, as the Final Staff Assessment shows, the characteristics of potentially-hazardous exhaust plumes depend on multiple factors, including stack height and the number of stacks.<sup>2</sup> In the case of multiple combustion turbines in close proximity to one another, plumes can merge and create a cumulative impact.<sup>3</sup> Before the parties can consider potential aircraft hazards at inland alternative sites, they must first know the number and size of smaller turbines needed at these inland locations.

It is therefore necessary to know how much new gas generation is needed to satisfy the LCR need in the Moorpark area. If it is feasible to satisfy this need with a single 50 MW turbine, this could substantially reduce the potential for aviation impacts at inland sites.

The Committee Order expressly asks the parties to consider this feasibility issue<sup>4</sup> and the Supplemental Testimony directly addresses it. The testimony evaluates recent and anticipated preferred resources procurement in the Moorpark subarea along with feasible voltage support

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<sup>1</sup> Committee Order at 3 (TN# 216505).

<sup>2</sup> FSA at 4.12-57 through 4.12-65 (TN# 214712).

<sup>3</sup> FSA at 4.12-25 through 4.12-26.

<sup>4</sup> Committee Order at 3 (“determine whether it is feasible to reduce or eliminate the previously identified potential impacts on aviation”).

options.<sup>5</sup> Based on that analysis, Mr. Caldwell determines that it is unnecessary to provide new inland gas generation at a scale or with technology comparable to Puente.<sup>6</sup> If a new gas plant is needed at all, Mr. Caldwell's analysis demonstrates that a single 50 MW plant would suffice to meet the Moorpark subarea's LCR need.<sup>7</sup>

NRG's motion ignores this conclusion. It likewise ignores the reality that any aviation hazard analysis must first determine how many and what kind of combustion turbines are needed at inland locations. Mr. Caldwell's testimony answers this factual question and is fully within the scope of the alternatives evidence requested by the Committee Order. For this reason alone, the Committee should deny NRG's motion.<sup>8</sup>

**II. Even if the Order Did Not Request Additional Analysis of Inland Alternatives, the Supplemental Testimony Is Appropriate and Should Be Admitted Into Evidence.**

In addition to fulfilling its obligations under CEQA, the Commission's evaluation of alternatives directly affects the rights of the City in this proceeding. As the City has stated, Puente is inconsistent with multiple City land use policies and regulations. In the face of these inconsistencies, the Commission cannot approve the project without first determining the feasibility of alternatives that could avoid land use inconsistencies.<sup>9</sup> The Preferred Resources Alternative elaborated upon in the Supplemental Testimony demonstrates both that Puente is unnecessary to meet the Moorpark LCR need and that a combination of preferred resources that are already or soon-to-be available could meet this need.

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<sup>5</sup> Supplemental Testimony of James H. Caldwell (TN# 217321).

<sup>6</sup> Supplemental Testimony at 2-3, 15-17.

<sup>7</sup> Supplemental Testimony at 3.

<sup>8</sup> In a footnote, NRG asserts other objections to the Supplemental Testimony. *See* Motion to Exclude at 2, fn. 2 (TN# 217565). NRG offers no evidence or analysis to support these boilerplate objections and the Committee should disregard them. If NRG attempts to raise these objections in the future, the City will meet them at that time.

<sup>9</sup> *See* Pub. Res. Code § 25525.

Significantly, key pieces of evidence discussed in the Supplemental Testimony *did not exist* during the first round of evidentiary hearings. This evidence includes:

- An April 1, 2017 study from Lawrence Berkeley National Laboratory that “concludes that there is sufficient technical and economic potential for LCR qualified demand response in the Moorpark sub-area at less than one-tenth the cost of Puente.”<sup>10</sup>
- The March 3, 2017 launch of Southern California Edison’s new RFO for up to 55 megawatts of preferred resources in the Goleta portion of the Moorpark subarea. While Edison has temporarily suspended this RFO, any procured resources could count towards the Moorpark LCR need, thus eliminating the need for an equivalent amount of gas-fired generation.<sup>11</sup>
- The March 30, 2017 PUC testimony of Southern California Edison, which shows that with new EGT technology, small peaker plants can provide voltage support *without* combustion. This technology could be used at existing gas resources in the Moorpark subarea to further meet the LCR need.<sup>12</sup>
- A report in CAISO’s 2016-2017 Transmission Plan, dated March 17, 2017, that indicates that Puente could displace other gas-fired resources, and consequently, would not increase renewable integration or flexibility on the CAISO grid.<sup>13</sup>

The Supplemental Testimony shows that preferred resource opportunities are rapidly growing in the Moorpark subarea and it is becoming increasingly feasible for these resources to provide reliability support for the grid. For instance, before the end of this proceeding (which will not conclude until late this year at the earliest), the City expects that results from the Goleta RFO and Edison’s DRAM III demand response RFO could lead to more preferred resources capable of meeting the reliability need.<sup>14</sup>

Additionally, at its May 1, 2017 meeting, the CAISO Board of Governors discussed the

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<sup>10</sup> Supplemental Testimony at 7-8.

<sup>11</sup> Supplemental Testimony at 8-9; Supplemental Testimony of James H. Caldwell Addendum (TN# 217322).

<sup>12</sup> Supplemental Testimony at 9.

<sup>13</sup> Supplemental Testimony at 4-5.

<sup>14</sup> Supplemental Testimony at 8-10.

need to address a preferred resource alternative to Puente.<sup>15</sup> After hearing a presentation by Mr. Caldwell at that meeting, the CAISO board indicated that it was prepared to study the LCR need in the Moorpark subarea and assess the extent to which preferred resources would be feasible to meet the need. Stephen Berberich, the CAISO Chief Executive Officer specifically stated: “we know full well, our engineers have looked this, that there could be other options associated with it, whether it be demand response or storage . . . . I commit to you that I will speak with the chair of the CEC and tell them that we’re prepared to do this [study], and even suggest that they ask us to do this.”<sup>16</sup> CAISO Governor Olsen also expressed the importance of considering alternatives to Puente: “When you do so, it’s very important to point out to Chairman Weisenmiller that if the Energy Commission were to approve this project without having had any consideration of noncombustion ways to meet this need, then that is not going to stand the Energy Commission in very good stead . . . . [W]e can do [the study] as part of our transmission planning process, on a timeline that would provide the Energy Commission the information it needs, by the time it makes a decision later this fall.”<sup>17</sup>

CAISO’s support for consideration of a preferred resource alternative further demonstrates the relevance to the Supplemental Testimony to the Commission’s decision on Puente and the requirement that it first determine no feasible alternatives exist before it overrides the City’s land use policies.

As shown above, new relevant evidence on alternatives continues to develop during the course of this proceeding, and the City reserves the right to present this evidence to the

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<sup>15</sup> A transcript of this meeting discussion is docketed as TN# 217720 (“CAISO Transcript”). CEC staff docketed a separate transcript of the meeting (TN# 217721). Staff’s transcript, however, does not contain a full excerpt of the CAISO board’s discussion of the matter.

<sup>16</sup> CAISO Transcript at 13:10-12, 14:3-6.

<sup>17</sup> CAISO Transcript at 14:7-19.

