

## DOCKETED

<b>Docket Number:</b>	15-AFC-01
<b>Project Title:</b>	Puente Power Project
<b>TN #:</b>	219815
<b>Document Title:</b>	Committee Orders Extending ISO Study Time, Denying City Request for Additional Time and Revised Committee Schedule
<b>Description:</b>	And Cancelling the June 28, 2017 Committee Conference
<b>Filer:</b>	Darlene Burgess
<b>Organization:</b>	Energy Commission Hearing Office
<b>Submitter Role:</b>	Committee
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Before the Energy Resources Conservation and Development  
Commission of the State of California  
1516 Ninth Street, Sacramento, CA 95814  
1-800-822-6228 – www.energy.ca.gov

**APPLICATION FOR CERTIFICATION FOR THE:**

**PUENTE POWER PROJECT**

**Docket No. 15-AFC-01**

**COMMITTEE ORDERS EXTENDING THE TIME FOR THE CALIFORNIA  
ISO SPECIAL STUDY, DENYING THE CITY OF OXNARD'S REQUEST  
FOR ADDITIONAL TIME, REVISING THE COMMITTEE SCHEDULE,  
AND CANCELLING THE JUNE 28, 2017 COMMITTEE CONFERENCE**

**Background**

On April 15, 2015, NRG Oxnard Energy Center, LLC (Applicant) submitted an Application for Certification (AFC) to the California Energy Commission (Energy Commission) seeking permission to construct and operate a 262-megawatt (MW) natural-gas-fired power generation facility, the Puente Power Project (Proposed Project). The Proposed Project would be located at 393 North Harbor Boulevard in the city of Oxnard, on the site of the existing Mandalay Generating Station, an operating power plant.

During February 7-10, 2017, the Committee held public Evidentiary Hearings on the AFC in Oxnard, California. On March 10, 2017, the Committee issued *Orders for Additional Evidence and Briefing Following Evidentiary Hearings*,<sup>1</sup> which, among other things, ordered the Applicant and Energy Commission Staff (Staff) to submit additional evidence regarding specified subtopics related to biological resources, coastal flooding, the effects of smaller turbine(s) on aviation at alternative sites, and the Proposed Project's eventual closure. All other parties were invited to submit additional evidence on these topics.

The Committee issued a revised scheduling order for this proceeding on May 11, 2017. The revised schedule called for the filing of supplemental testimony on June 15, 2017, the Applicant's biological resources survey report on June 23, 2017, and closing testimony on July 14, 2017. Evidentiary Hearings were scheduled on July 26, 27, and (if necessary) 28, 2017.<sup>2</sup>

On June 9, 2017, the Committee accepted an offer made by the California Independent System Operator (California ISO) to conduct a special study of the Moorpark subarea,

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<sup>1</sup> TN 216505.

<sup>2</sup> TN 217550.

and given the California ISO's indication that such a study could be completed in three to four weeks, requested that the results be filed by July 19, 2017. On June 16, 2017, the California ISO reported that it will conduct the study, but it requires additional time to discuss the study parameters with Southern California Edison (SCE), its stakeholders, and the parties in this proceeding. It could file the special study by August 16, 2017.<sup>3</sup>

On June 13, 2017, prior to the filing of the California ISO's report, Intervenor City of Oxnard filed a *Request for Adjustment to Study Schedule* (City Request), asking that the schedule be extended by one week to allow the parties to comment on the parameters selected by the California ISO for study.<sup>4</sup> On June 14, 2017, the Applicant filed its opposition to the City Request.<sup>5</sup>

### **California ISO's Request for Additional Time**

The Committee agrees to the California ISO's proposed schedule allowing additional time in order to review the special study parameters with SCE, stakeholders, and the parties. We emphasize, however, that we cannot allow any additional delay beyond the August 16th filing date for the special study. By going forward with hearings on all other topics in July, we minimize the delaying effect of this extension.

### **City of Oxnard's Request for Additional Time**

The California ISO proposes to “[p]ublicly provide preferred resource portfolios and study assumptions in a CAISO-hosted webinar,”<sup>6</sup> a process estimated to take one week. This allows the city of Oxnard and other interested parties to participate in the design of the study parameters at a level at least equivalent to, and perhaps greater than, the remedy proposed in the City Request. The City Request is therefore **DENIED** as moot.

### **Revised Committee Schedule**

It is necessary, in light of the addition of the California ISO special study, to modify the schedule for this proceeding as shown in the attached Revised Committee Schedule.

To minimize the delay to the schedule, the four topics identified in March for the receipt of additional evidence—Soil and Water Resources, Alternatives, Compliance and Closure, and Biological Resources—will continue to be heard at Evidentiary Hearings on July 26, and 27, in Oxnard, California. While the Committee expects to complete those topics within those two days, the Committee has also set aside July 28th should there be a need for additional hearing time.

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<sup>3</sup> TN 219141.

<sup>4</sup> TN 218228.

<sup>5</sup> TN 218535.

<sup>6</sup> TN 219141, p. 3.

Opening briefs on the all topics except the California ISO special study<sup>7</sup> remain due by September 1, 2017, five weeks after the July Evidentiary Hearings conclude. The deadline for reply briefs on those topics is extended to September 19, 2017.

The California ISO special study shall be filed no later than August 16, 2017. Testimony responding to the study is due on August 30, 2017. Prehearing statements are due on September 7, 2017, and the Evidentiary Hearing regarding the special study will be held on September 14, 2017 in Oxnard. Briefs regarding the special study are due September 29, 2017. There will be no reply briefs regarding the special study.

The Applicant previously confirmed the availability of the Oxnard Performing Arts Center or another suitable venue on the July hearing dates and shall do the same for the September 14 Evidentiary Hearing. Formal notice of the Evidentiary Hearings, including the required content of the Prehearing Statements, will be filed at a later time.

The Committee may modify the schedule at any time upon either its own motion or that of a party.<sup>8</sup>

### **Cancellation of June 28, 2017 Committee Conference**

On June 16, 2017, the Committee filed a *Notice of Committee Conference* to be held on June 28, 2017.<sup>9</sup> The notice was given in anticipation of a potential need to discuss the California ISO's response, the City Request, and the schedule. Having disposed of those issues above, the June 28, 2017 Committee Conference is no longer necessary and is therefore **CANCELLED**.

### **Public Adviser and Public Participation**

The Energy Commission Public Adviser's Office is available to assist the public in participating in the application review process. For information on how to participate, contact Alana Mathews, Public Adviser, at (916) 654-4489 or (800) 822-6228, or e-mail at [publicadviser@energy.ca.gov](mailto:publicadviser@energy.ca.gov).

### **Contact Information**

Questions of a procedural nature should be directed to Paul Kramer, Hearing Officer, at (916) 654-5103 or e-mail at [paul.kramer@energy.ca.gov](mailto:paul.kramer@energy.ca.gov).

Technical questions concerning the Proposed Project should be addressed to Leonidas Payne, Staff Project Manager, at (916) 651-0966 or e-mail at [leonidas.payne@energy.ca.gov](mailto:leonidas.payne@energy.ca.gov).

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<sup>7</sup> This includes all topics heard during the February and July Evidentiary Hearings. The only topic reserved for later briefing is the application of the California ISO special study and related evidence to the decision whether to override unmitigated significant environmental impacts or inconsistencies with state or local laws ordinances, regulations, or standards.

<sup>8</sup> Cal. Code Regs., tit. 20, § 1203, subd. (c).

<sup>9</sup> TN 219246-1.

Media inquiries should be directed to the Media and Public Communications Office at (916) 654-4989 or e-mail at [mediaoffice@energy.ca.gov](mailto:mediaoffice@energy.ca.gov).

Information concerning the status of the Proposed Project, as well as notices and other relevant documents, may be viewed on the Energy Commission's web page at <http://www.energy.ca.gov/sitingcases/puente/>.

**Conclusion**

For the reasons stated above, the Committee **DENIES** the City Request, **REVISES** the schedule as shown on the attached Revised Committee Schedule, and **CANCELS** the June 28, 2017 Committee Conference.

Dated: June 20, 2017, at Sacramento, California.

*ORIGINAL SIGNED BY:*

*ORIGINAL SIGNED BY:*

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JANEA A. SCOTT  
Commissioner and Presiding Member  
Puente Power Project Committee

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KAREN DOUGLAS  
Commissioner and Associate Member  
Puente Power Project Committee

**PUENTE POWER PROJECT  
(15-AFC-01)  
REVISED COMMITTEE SCHEDULE  
June 2017**

<b>ACTIVITY</b>	<b>DATE</b>
Applicant's Biological Survey Report (supplemental Biological Resources testimony) due	Friday, June 23, 2017
Closing testimony due on topics: •Biological Resources •Soil and Water Resources — coastal flooding analysis; •Alternatives—aviation impacts of smaller turbines at alternative sites; and •Compliance and Closure	Friday, July 14, 2017
Prehearing Statements for July 26 – 27 hearings due	Friday, July 21, 2017
Evidentiary Hearings on all of the above topics except the California ISO special study	Wednesday and Thursday, July 26 – 27, 2017, (Friday, July 28, 2017, if necessary)
July Hearing Transcripts filed	Monday, August 7, 2017
California ISO special study filed	Wednesday, August 16, 2017
Party testimony in response to California ISO special study filed	Wednesday, August 30, 2017
Opening Briefs on all issues except the California ISO special study due	Friday, September 1, 2017
Prehearing Statements for California ISO special study hearing due	Thursday, September 7, 2017
Evidentiary Hearing on California ISO special study	Thursday, September 14, 2017
Reply Briefs on all issues except the California ISO special study due	Tuesday, September 19, 2017
September Hearing Transcript filed	Thursday, September, 21, 2017
Briefs on California ISO special study due (No Reply Briefs)	Friday, September 29, 2017
Committee Files Presiding Member's Proposed Decision (PMPD)	TBD
Committee Conference on PMPD	TBD
Close of Public Comment Period on PMPD	30 days after filing of the PMPD
Committee Files Errata or Revised PMPD (if necessary)	TBD
Energy Commission Final Decision	TBD

TBD - to be determined