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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 OPPOSITION TO
STAFF'S MOTION TO STRIKE THE
CLOSING SUPPLEMENTAL
TESTIMONY OF JAMES H. CALDWELL**

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

The City of Oxnard hereby opposes CEC Staff’s July 21, 2017 Motion to Strike the Closing Supplemental Testimony of James Caldwell (“Motion”).¹ That testimony concludes that operating capabilities of LMS 100 or LM 6000 turbine alternatives would allow those turbines to “operate significantly less often and at significantly lower combustion levels than the Puente Project.”² Consequently, the alternative technologies will have even fewer potential aviation impacts than Staff’s supplemental testimony indicates.

Staff’s motion mischaracterizes both the content and purpose of Mr. Caldwell’s testimony. While Staff might disagree with Mr. Caldwell’s conclusions or the need for a more complete analysis of alternative turbines’ potential plume impacts, mere disagreement is no basis for striking the testimony. Staff’s motion should be denied.

I. Staff’s Motion Ignores the Core Purpose of the Caldwell Testimony, Which Adds Necessary Information Regarding Potential Plume Impacts from Alternative Turbines.

Mr. Caldwell’s testimony identifies deficiencies in Staff’s analysis of alternative turbine technologies and provides additional information on the likely plume hazards that these alternatives could create. While Staff’s Supplemental Testimony estimated plume impacts from one to three LMS 100 and one to five LM 6000 turbines, it provided no information about how many turbines are necessary to replace Puente.³ Additionally, Staff compared the maximum plume impacts from Puente and these other turbines without considering unique characteristics of LMS 100 and LM 6000 turbines that allow them to support the grid *without any combustion*,

¹ TN# 220297.

² TN# 20220, Closing Supplemental Testimony of James H. Caldwell (“Caldwell Testimony”) at 1.

³ TN# 218274, Staff’s Supplemental Testimony at 29-36.

further reducing the potential aviation plume impacts.⁴

Mr. Caldwell's testimony corrects both of these omissions in Staff's analysis. First, Mr. Caldwell shows that, regardless of the outcome of CAISO's study regarding preferred resources, "at most [only] four LM 6000s or two LMS 100s" are necessary to replace Puente. Thus, maximum plume impacts should be evaluated at those levels.

Second, Mr. Caldwell demonstrates that unlike Puente, LM 6000 and LMS 100 turbines can easily be modified to accommodate EGT battery technology and clutches that provide reactive support to the grid.⁵ Because voltage collapse is the primary driver of the need for additional resource procurement in the Moorpark subarea, retrofitting smaller turbines with EGT technology and clutches will provide grid support *without combustion* and associated plume impacts.⁶ Thus, unlike Puente, combustion (and thermal plumes) from these turbines will only exist during "summer peak load hours."⁷ In contrast, Staff's testimony only models plume impacts during cold weather periods.⁸

Mr. Caldwell's testimony responds directly to the Committee Orders for Additional Evidence and Briefing Following Evidentiary Hearings ("Committee Order"), which instructed the parties to evaluate smaller turbines "to determine whether it is feasible to reduce or eliminate the previously identified potential impacts on aviation."⁹ Mr. Caldwell testifies that with the appropriate number and configuration of smaller turbines, the potential aviation impacts associated with Puente will reduce substantially.

⁴ *Id.* at 39-48.

⁵ Caldwell Testimony at 2.

⁶ Caldwell Testimony at 2-3.

⁷ *Id.*

⁸ Staff's Supplemental Testimony at 43.

⁹ Committee Order at 3 (TN# 216505).

II. Staff’s Primary Objections Misconstrue Mr. Caldwell’s Testimony, Are Meritless, and Should be Denied.

Rather than address the content and clear purpose of Mr. Caldwell’s testimony, Staff misconstrues the testimony and offers a series of meritless objections. First, Staff contends that the City is attempting to “re-enter” testimony that the Committee previously struck because Mr. Caldwell discusses “renewable resources, synchronous condensers, and ‘EGT technology.’”¹⁰ But Staff’s motion entirely ignores the context in which Mr. Caldwell discusses these technologies. Mr. Caldwell’s current testimony does not address the preferred resources alternative described in his April 27, 2017 testimony. Instead, as discussed above, his new analysis shows both the maximum number of smaller turbines needed to replace Puente is fewer than Staff assumed and that readily-available configurations of these turbines allow them to provide grid support with infrequent combustion. As a result, this testimony provides a more complete evidentiary record regarding potential aviation impacts associated with alternative turbine technologies.

Staff next claims that the “focus” of Mr. Caldwell’s testimony is to speculate about the forthcoming CAISO study of preferred resources.¹¹ Again, Staff objects to a strawman. The actual, and readily apparent, purpose of Mr. Caldwell’s testimony is to fill gaps left by Staff’s analysis of alternative turbines and aviation impacts. While Mr. Caldwell mentions the CAISO study and the outcome he believes will result from that study, it is simply background material and hardly the “focus” of his testimony. The City acknowledges that CAISO will release the study results next month, and that the Committee has incorporated that study into the timeline for this proceeding. Mr. Caldwell’s current testimony does not attempt to, nor can it, affect the

¹⁰ Motion at 2.

¹¹ Motion at 2-3.

outcome of that process.

Staff further argues that Mr. Caldwell’s testimony is not “independent analysis” of smaller turbines’ aviation impacts and therefore “not useful.”¹² It is entirely unclear what “independent analysis” Staff believes testimony must contain. True, Mr. Caldwell’s testimony cites and discusses analyses from other witnesses in this proceeding, as does testimony offered by numerous other parties including Staff.¹³ That fact alone provides no justification for Staff’s motion. And significantly, Mr. Caldwell’s testimony adds evidence to the record that addresses the levels and timing of alternative turbine plume impacts—an issue not raised by any other party. On its face, that analysis is both “independent” and relevant to the upcoming evidentiary hearings.¹⁴

Finally, because Mr. Caldwell’s testimony directly relates to potential aviation impacts as directed by the Committee, Staff’s opinion regarding the “usefulness” of that testimony is immaterial to the issue of admissibility and Staff’s motion. Ultimately the proper weight to accord any piece of testimony lies within the authority of the Committee, not Staff.

III. Staff’s Timing Objection Is Equally Meritless and Should Be Disregarded.

The City submitted the Caldwell Testimony just after 4:00 p.m. on July 14, 2017, but was subsequently informed by the docket office that there was a technical problem with the file

¹² Motion at 3.

¹³ See, e.g., Staff Supplemental Testimony at 1-16 (discussing coastal hazard analyses performed by Dr. Dave Revell and others).

¹⁴ Staff’s additional, and contradictory, assertion that Mr. Caldwell’s testimony lacks unspecified “citations to facts, data, modeling, and other analyses” ignores Mr. Caldwell’s clear citations to and discussions of such information. See generally Caldwell Testimony. In any event, as an expert witness, Mr. Caldwell may offer testimony based on his expertise. See *Avivi v. Centro Medico Urgente Medical Center* (2008) 159 Cal.App.4th 463, 468.

format of the testimony. The City quickly corrected the error and resubmitted the testimony.¹⁵ Ultimately, Mr. Caldwell’s testimony was published and served on both the party and public service lists at 5:09 p.m. on July 14.

Staff misleadingly argues that the testimony was “not available for review by the parties and the public, until Monday, July 17, 2017.” This is incorrect—the testimony was available via email and on the docket at 5:09 on the preceding Friday. If Staff or any service list member wanted to review Mr. Caldwell’s testimony before the following Monday, they simply needed to check their email or the online docket as they would for any filing.

Even if Staff’s timeline were correct (and it is not), it does not aid their motion. Assuming they were somehow unable to review Mr. Caldwell’s testimony until the morning of July 17, Staff have made no attempt to show they were prejudiced. Staff still had more than ample time to review Mr. Caldwell’s three pages of testimony and prepare for the evidentiary hearings.

IV. Conclusion

For all of these reasons, the Committee should deny Staff’s motion.

DATED: July 25, 2017

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¹⁵ The City received confirmation that Mr. Caldwell’s testimony was originally submitted at 4:13 p.m. on July 14, 2017. At 4:51 p.m., the City received notice from the docket office that Mr. Caldwell’s testimony was rejected due to a technical error. The City corrected the error and resubmitted the testimony at 5:03 p.m.