

DOCKETED

Docket Number:	15-AFC-01
Project Title:	Puente Power Project
TN #:	220900
Document Title:	Notice of Evidentiary Hearing and Committee Conferences, Order for Prehearing Filing of Evidentiary Objections and Motions, etc.
Description:	Evidentiary Hearing: Thursday, September 14 and Friday, September 15th Committee Conference: Tuesday, September 12 and Monday, September 18th.
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Organization:	Energy Commission Hearing Unit
Submitter Role:	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

**NOTICE OF EVIDENTIARY HEARING AND COMMITTEE
CONFERENCES, ORDER FOR PREHEARING FILING OF EVIDENTIARY
OBJECTIONS AND MOTIONS, AND RELATED ORDERS**

PLEASE TAKE NOTICE that the Energy Commission Committee¹ (Committee) assigned to conduct proceedings on the Application for Certification (Application) for the Puente Power Project (Project) has scheduled an **Evidentiary Hearing** as follows:

THURSDAY, SEPTEMBER 14, 2017, 9:00 a.m.

Public Comment period at 5:30 p.m.

and, if necessary,

FRIDAY, SEPTEMBER 15, 2017, 9:00 a.m.

Public Comment will begin at the conclusion of the day's testimony.

Oxnard Performing Arts Center

800 Hobson Way

Oxnard, CA 93030

(Wheelchair Accessible)

PLEASE ALSO TAKE NOTICE that the Committee has also scheduled **Committee Conferences** as follows:

TUESDAY, SEPTEMBER 12, 2017, 9:30 a.m.

Art Rosenfeld Hearing Room; and

MONDAY, SEPTEMBER 18, 2017, 9:30 a.m.

Second Floor Conference Room (Fishbowl)

California Energy Commission

1516 Ninth Street

Sacramento, CA 95814

¹ The Committee consists of Commissioner Janea A. Scott, Presiding Member, and Commissioner Karen Douglas, Associate Member.

TELECONFERENCE OPTION: You may participate in the Evidentiary Hearing and Committee Conferences either in person, by telephone, and/or by computer via the “WebEx” conferencing system. Please see the **Remote Attendance** section on page 6 below.

A **Spanish translation** of the Evidentiary Hearing will be provided in the meeting room and via a separate WebEx meeting. Translation of the Committee Conferences will not be provided unless a timely request is made; please see the **Public Participation** section, below.

Purpose of the Committee Conferences

The September 12 Committee Conference will be held to review and discuss prehearing statements and any prehearing motions filed by the parties in anticipation of the September 14 Evidentiary Hearing. Below, the Committee orders the parties to submit all prehearing motions by September 8, 2017. The Committee Conference will be convened, prehearing statements and motions discussed, public comment taken, and then the closed session will begin. The public portion of the Committee Conference will reopen at the conclusion of the closed session for the purpose of reporting any action taken in closed session, after which the conference will be adjourned. Parties may choose to attend the Committee Conference in person or via our WebEx remote attendance system.

The September 18 Committee Conference will be held primarily for Committee deliberation in closed session. The Committee Conference will be convened, public comment taken, and then the closed session will begin. The public portion of the Committee Conference will reopen at the conclusion of the closed session for the purpose of reporting any action taken in closed session, after which the conference will be adjourned.

The public is advised not to travel to Sacramento as the public portion of the Committee Conference agendas will be relatively brief. The public is encouraged to use the WebEx remote attendance system instead.

Purpose of the Evidentiary Hearing

The Evidentiary Hearing is an administrative adjudicatory proceeding to receive evidence into the formal hearing record from the parties. Only the parties (Applicant, Energy Commission Staff, and Intervenors) may present evidence for introduction into the formal hearing record, which is the only evidence upon which the Energy Commission may base its decision under the law. Testimony offered by the parties shall be under oath. Each party has the right to present witnesses, introduce exhibits, and to rebut the evidence of another party.

The subject to be discussed is the *Moorpark Sub-Area Local Capacity Alternative Study* prepared by the California Independent System Operator (California ISO) filed on

August 16, 2017 (California ISO Study).² The parties were invited to submit additional evidence in response to the California ISO Study by August 30, 2017.³

Local, state, federal, and tribal governmental agencies may participate in the Evidentiary Hearing as necessary. (Cal. Code Regs., tit. 20, § 1714.5.) Elected officials and members of the public may present public comments at this event and/or submit written comments via the Energy Commission's e-Commenting system at:

<https://efiling.energy.ca.gov/Ecomment/Ecomment.aspx?docketnumber=15-AFC-01>

ORDER FOR PREHEARING STATEMENTS INCLUDING WITNESS IDENTIFICATION AND EXHIBIT LISTS

All parties are **ORDERED** to file a Prehearing Statement and Exhibit List **no later than 5:00 p.m. on Thursday, September 7, 2017.**

The Prehearing Statements must specify under separate headings:

1. The issues in dispute that require adjudication and the precise nature of the dispute for each issue. Issues are limited to those related to the California ISO Study;
2. The identity of each witness the party intends to sponsor at the Evidentiary Hearing, the subject area(s) about which the witness(es) will offer testimony, whether the testimony will be oral or in writing, a brief summary of the testimony to be offered by the witness(es), qualifications of each witness, the time required to present testimony by each witness, and whether the witness seeks to testify telephonically;
3. Subject areas upon which the party desires to question the other parties' and the California ISO's witness(es), a summary of the scope of the questions (including questions regarding witness qualifications), the issue(s) to which the questions pertain, and the time desired to question each witness. (Note: A party who fails to specify the scope, relevance and time for questioning other parties' witness(es) risks preclusion from questioning witnesses on that subject area.); and
4. A list identifying exhibits with transaction numbers (i.e., TN 215157) that the party intends to offer into evidence during the Evidentiary Hearing. Do not list exhibits previously identified in connection with the February 7-10, 2017 or July 26-27, 2017 Evidentiary Hearings. The Exhibit List shall be formatted as four columns. The first column shall list the proposed Exhibit Number. The second column shall contain the Transaction Number of the corresponding document. The third column shall contain the Title of the Document as shown in the docket log. The fourth column shall state the Subject Area(s) to which the exhibit applies. Hearing Unit Staff from the Energy Commission will then add the exhibit number

² TN 220813.

³ TN 219815, p. 3.

information into the e-filing system. Parties and the public may generate an up-to-the-moment Exhibit List by clicking the link on the proceeding's web page.⁴

All documentary evidence must be filed in this proceeding's docket (15-AFC-01) and have a transaction number assigned by the Energy Commission's electronic filing system in accordance with the Revised General Orders Regarding Electronic Document Formats, Electronic Filing and Service of Documents and Other Matters, filed August 5, 2016.⁵ **Exhibits without a transaction number, or not filed in this proceeding's docket, will not be received into evidence absent a showing of good cause.**

Failure of a party to comply with the filing requirements stated in this Order may preclude that party from introducing evidence and otherwise participating in the Evidentiary Hearing.

ORDER FOR PREHEARING FILING OF EVIDENTIARY OBJECTIONS AND MOTIONS

All parties are **ORDERED** to file any objections or other motions regarding the proposed evidence, testimony, and exhibits of another party **no later than 5:00 p.m. on Friday, September 8, 2017.** Such objections and motions will be considered during the September 12, 2017 Committee Conference. Absent a showing of good cause for filing or making an objection or motion after the above deadline, objections and motions will not be considered following the September 12 Committee Conference or during the September 14 Evidentiary Hearing.

Formal and Informal Hearing Procedures

Pursuant to California Government Code section 11445.10 et seq., and California Code of Regulations, title 20, sections 1207 and 1210, the Committee may conduct all or portions of the Evidentiary Hearing using an informal procedure. The Committee will use the informal procedure at this Evidentiary Hearing, but may switch to the formal procedure if it becomes necessary. All parties and their representatives shall be prepared to use either procedure.

The informal hearing procedure the Committee will use for this Evidentiary Hearing would generally proceed in the following order:

1. All parties' witnesses on the subject area at hand are sworn in as a panel;
2. Applicant's witnesses provide a brief opening statement summarizing the key points and conclusions of their testimony;
3. Energy Commission Staff's witnesses provide a brief opening statement summarizing the key points and conclusions of their testimony;
4. Intervenors' witnesses provide a brief opening statement summarizing the key points and conclusions of their testimony;

⁴ <https://efiling.energy.ca.gov/Lists/ExhibitList.aspx?docketnumber=15-AFC-01>

⁵ TN 212649.

5. Open discussion among the witness panelists led by the Committee;
6. Parties may follow up with questions to their own (or other) witnesses to the extent the Committee finds the questioning productive;
7. At the conclusion of the parties' examination of the witnesses, the Committee may ask witnesses additional questions or allow panelists to ask additional questions of each other and to offer follow-up answers; and
8. Each party will be given up to 10 minutes at the close of testimony to present any relevant points or closing arguments it was unable to raise above.

The formal hearing procedure would generally proceed as follows:

1. A party asks direct questions of its witnesses on the subject area at hand, either one at a time or seated as a panel;
2. The other parties then, in turn, ask cross-examination questions of the witness or panel who just testified;
3. The offering party can ask re-direct questions at the Committee's discretion;
4. The other parties can ask re-cross questions at the Committee's discretion; and
5. Repeat the above steps for the witnesses offered by the other parties.

Notice of Closed Session Deliberations

At any time during the Evidentiary Hearing or Committee Conferences, the Committee may adjourn to a closed session in accordance with California Government Code section 11126, subdivision (c)(3), which allows a state body, including a delegated committee, to hold a closed session to deliberate on a decision to be reached in a proceeding the state body was required by law to conduct.

Transcripts

Parties are responsible for identifying errors in the transcripts of the proceedings. Corrections to the transcripts must be submitted to the Committee within 30 days of the filing of a transcript.

Public Participation

Members of the public are welcome to attend and offer oral or written comments at the Evidentiary Hearing and Committee Conferences. It is not necessary to be an intervenor to participate in the public process. Written comments may also be submitted electronically by visiting the website at <http://www.energy.ca.gov/sitingcases/puente> and clicking on the "Submit e-Comment" link in the "Original Proceeding" box. Otherwise, written comments may be submitted by e-mailing them to docket@energy.ca.gov, or by U.S. Mail to:

California Energy Commission
Docket Unit
Docket No. 15-AFC-01
1516 Ninth Street, MS-4
Sacramento, CA 95814

For all comments, please include the document number and proceeding name, "Docket No. 15-AFC-01, Puente Power Project" in the subject line and on the cover page.

PLEASE NOTE: Your written and oral comments, attachments, and associated contact information (e.g., your address, phone, e-mail, etc.) become part of the viewable public record and may become available via search engines such as Google and Yahoo.

Spanish translation during the Committee Conferences will be made available if requested before **2:00 p.m. on Tuesday, September 5, 2017 (for the September 12 Committee Conference)** and before **2:00 p.m., on Monday, September 11, 2017 (for the September 18 Committee Conference)**. Please contact the Public Adviser's Office at the e-mail address or phone number below.

Public Adviser and Other Energy Commission Contacts

The Energy Commission's Public Adviser's Office is available to assist the public in participating in the proceedings. For assistance, contact Alana Mathews, Public Adviser, at (916) 654-4489 or (800) 822-6228, or by e-mail at publicadviser@energy.ca.gov.

If you have a disability and need assistance to participate in the Evidentiary Hearing or Committee Conferences, contact Poneh Jones at least five days prior to the event at (916) 654-4425, or by e-mail at poneh.jones@energy.ca.gov.

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

Technical questions about the Project should be directed to Leonidas Payne, Staff Project Manager, at (916) 651-0966, or by e-mail at leonidas.payne@energy.ca.gov.

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

Remote Attendance

You may participate in these meetings through WebEx, the Energy Commission's online meeting service. Any presentations will appear on your computer screen, and you may listen to audio via your computer or telephone. Please be aware that the meeting may be recorded.

VIA COMPUTER: Go to <https://energy.webex.com> and enter the meeting number **929 151 697 (English)** or **922 260 947 (Spanish)**. When prompted, enter your name and email address. No meeting password is needed.

Please note that Spanish WebEx broadcasts of the Committee Conferences will not be provided unless a timely request for translation is made as described in the Public Participation section, above.

The “Join Conference” menu will offer you a choice of audio connections:

1. To call into the meeting: Select "I will call in" and follow the on-screen directions.
2. International Attendees: Click on the "Global call-in number" link.
3. To have WebEx call you: Enter your direct dial phone number (no extensions are permitted) and click "Call Me."
4. To listen over the computer: If you have a broadband connection, and a headset or a computer microphone and speakers, you may use VoIP (Internet audio) by going to the Audio menu, clicking on “Use Computer Headset,” then “Call Using Computer.”

VIA TELEPHONE ONLY (no visual presentation): Call (866) 469-3239 (toll-free in the U.S. and Canada). When prompted, enter the meeting number from the above table. International callers may select their number from:

<https://energy.webex.com/energy/globalcallin.php>

VIA MOBILE ACCESS: Access to WebEx meetings is now available from your mobile device. To download an app, go to:

www.webex.com/products/web-conferencing/mobile.html

Please be aware that WebEx audio and on-screen activity may be recorded. WebEx Technical Support is available at (866) 229-3239.

Muting

We greatly appreciate your cooperation in reducing noise on the audio connection by muting your line when you are not speaking. Mute your line rather than placing your phone on hold. Using WebEx, you may mute yourself by right clicking on your name in the panelists or attendees list and selecting “Mute.” If you are only using a telephone connection, press “*6” once to mute and again to unmute.

Availability of Documents

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

Dated: August 25, 2017 at Sacramento, California

ORIGINAL SIGNED BY:

JANE A. SCOTT
Commissioner and Presiding Member
Puente Power Project AFC Committee

ORIGINAL SIGNED BY:

KAREN DOUGLAS
Commissioner and Associate Member
Puente Power Project AFC Committee

Sent to mailing list number 7507

**Evidentiary Hearing Agenda
Puente Power Project**

**Thursday, September 14, 2017, 9:00 a.m.
(If necessary) Friday, September 15, 2017, 9:00 a.m.
Oxnard Performing Arts Center
800 Hobson Way
Oxnard, CA 93030**

1. Call to Order, Introductions

2. Prehearing Matters

Pending motions, petitions or requests (note that good cause must be shown for prehearing objections and motions filed after September 8, 2017)

3. Evidentiary Hearing

Receipt of evidence from Applicant, Staff, California ISO, and Intervenor(s) on the California ISO Study

4. Public Comment

Members of the public and other interested persons and entities may speak up to three minutes on a matter appearing on this agenda.

The Committee has set aside specific time to receive public comments on the evening of Thursday, September 14, beginning at 5:30 p.m. If the Evidentiary Hearing continues to Friday, September 15, the Committee will receive public comments at the conclusion of the day's testimony.

5. Closed Session (if necessary)

Committee closed session consideration of the Application for Certification of the Puente Power Project. Deliberation by the Committee on any matters submitted for decision including, but not limited to, pending motions and scheduling.

The Committee may adjourn to closed session in accordance with Government Code section 11126, subdivision (c)(3), which allows a state body, including a delegated committee, to hold a closed session to deliberate on a decision to be reached in a proceeding the state body was required by law to conduct.

6. Adjourn

A **Spanish translation** of the proceedings will be provided in the meeting room and via a separate WebEx meeting.

Agency Contact: Paul Kramer, Hearing Officer, at (916) 654-5103 or e-mail at paul.kramer@energy.ca.gov.

**Committee Conferences Agenda
Puente Power Project**

**Tuesday, September 12, 2017, 9:30 a.m.
Art Rosenfeld Hearing Room**

and

**Monday, September 18, 2017, 9:30 a.m.
Second Floor Conference Room (Fishbowl)**

**California Energy Commission
1516 Ninth Street
Sacramento, CA 95814**

1. Call to Order, Introductions
2. Committee Conference
 - a. Status of this proceeding
 - b. Review of Prehearing Statements (only on September 12)
 - c. Prehearing Evidentiary objections and motions (only on September 12) and other pending motions, petitions or requests (both days)

3. Public Comment

Members of the public and other interested persons and entities may speak up to three minutes on a matter appearing on this agenda.

The public is advised not to travel to Sacramento as the public portion of the Committee Conference agendas will be relatively brief. The public is encouraged to use the WebEx remote attendance system instead.

4. Closed Session

Committee closed session consideration of the following item:

Application for Certification of the Puente Power Project. Deliberation by the Committee on any matters submitted for decision.

The Committee may adjourn to closed session in accordance with Government Code section 11126, subdivision (c)(3), which allows a state body, including a delegated committee, to hold a closed session to deliberate on a decision to be reached in a proceeding the state body was required by law to conduct.

5. Adjourn

Spanish translation during the Committee Conferences will be made available if requested before 2:00 p.m., on Tuesday, September 5, 2017 (for the September 12 Committee Conference) and before 2:00 p.m., on Monday, September 11, 2017 (for the September 18 Committee Conference). Please contact the Public Adviser's Office at the e-mail address or phone numbers contained in the notice, above.

Agency Contact: Paul Kramer, Hearing Officer, at (916) 654-5103 or e-mail at paul.kramer@energy.ca.gov