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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

Center for Biological Diversity's
Third Pre-Hearing Statement and
Exhibit List

**CENTER FOR BIOLOGICAL DIVERSITY'S THIRD
PREHEARING STATEMENT AND EXHIBIT LIST**

September 7, 2017

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**Center for Biological Diversity
Prehearing Statement**

1. The issues in dispute that require adjudication and the precise nature of the dispute for each issue, limited to those related to the California ISO Study:

Issues related to the California ISO Study remain in dispute and require adjudication in the following subject areas: Project Description (including project objectives and need), Air Quality (including greenhouse gas emissions), Alternatives, and LORS Override issues.¹

For Project Description (including project objectives and need), the following issue remains in dispute: whether the project is needed to satisfy local capacity requirements in light of the California ISO Study and/or testimony submitted in response to the California ISO Study.

For Air Quality (including greenhouse gas emissions), the following issues remain in dispute: (1) whether the project will reduce emissions of greenhouse gases relative to either the existing electricity generating “system” or other potentially feasible alternatives identified in the California ISO Study and/or the testimony submitted in response to the California ISO Study; (2) whether the project’s significant air pollution emissions can be feasibly avoided or reduced in light of potentially feasible alternatives identified in the California ISO Study and/or the testimony submitted in response to the California ISO Study.

For Alternatives, the following issue remains in dispute: whether there are feasible alternatives, identified in the California ISO Study and/or the testimony submitted in response to the California ISO Study, that could reduce or avoid the project’s significant environmental impacts.

For LORS Override, the following issue remains in dispute: whether, in light of the California ISO Study and/or the testimony submitted in response to the California ISO Study, the Commission can make the findings required by Public Resources Code section 25525, i.e., that (1) public convenience and necessity require the project and (2) there are not more prudent and feasible means of achieving public convenience and necessity.

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:

The Center is sponsoring the testimony of Dr. Doug Karpa at the Evidentiary Hearing. Dr. Karpa’s testimony is relevant to the Project Description, Alternatives, and LORS Override subject areas. Dr. Karpa’s written testimony was filed on August 30, 2017 (TN # 220959 and TN # 220961). The Center expects that Dr. Karpa also will offer oral testimony at the Evidentiary Hearing.

¹ The Center respectfully reserves the right to address any and all disputed issues at later stages of this process, including but not limited to, during reply briefing, briefing on the California ISO Study, and in response to any PMPD.

In summary, Dr. Karpa's testimony addresses the following: (1) the California ISO Study failed to evaluate more cost-effective distributed energy resources that could meet local reliability needs, including a combination solar photovoltaic ("PV")/energy storage installation with lower capital and ongoing costs than the Puente Power Project; (2) the California ISO Study contained errors in modeling PV output and incorrectly dismissed using advanced inverters; and (3) the California ISO Study contains plain errors in its estimates of the costs of the three scenarios studied, including its failure to cite industry-standard published cost data for PV and energy storage installations, its failure to account for trends in energy storage costs, its overestimation of demand response costs, its failure to account for PV and storage investment tax credits, and its failure to consider fuel and O&M costs associated with operating the Puente project. During the hearing, Dr. Karpa also intends to offer rebuttal testimony to testimony submitted by other parties particularly regarding battery operations and maintenance costs and costs of addressing battery degradation.

Dr. Karpa's qualifications are summarized in his written testimony (TN # 220959 at 2-3.)

The Center expects that Dr. Karpa will require 15 minutes to present oral testimony. Dr. Karpa does not seek to testify telephonically.

4. 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):

The Center desires to question witnesses regarding many of the subtopics at this hearing, as detailed below.

If informal process is used the Center anticipates:

Questions to the panel regarding Project Description (including whether the project is needed to satisfy local capacity requirements in light of the California ISO Study and/or testimony submitted in response to the California ISO Study) will take approximately 10 minutes.

Questions to the panel regarding Air Quality and greenhouse gas emissions (including whether the project will reduce greenhouse gas emissions as the FSA anticipates and whether there are feasible means of reducing or avoiding the project's air pollution emissions) will take approximately 10 minutes.

Questions to the panel regarding Alternatives (including whether there are feasible alternatives that could reduce or avoid the significant impacts of the project) will take approximately 15 minutes.

Questions to the panel regarding LORS Override (including whether the Commission can make the findings required by Public Resources Code section 25525) will take approximately 15 minutes.

If formal process is used the Center anticipates questions as follows:

Subject Area	Witness	Scope of Questions	Time estimate:
<u>Project Description</u>	CAISO: Neil Millar, Nebiyu Yimer, Jordan Pinjuv	• Specific need for project in light of scenarios analyzed in CAISO Study and subsequent testimony	5-10 min
	Applicant: Brian Theaker	• Specific need for project in light of scenarios analyzed in CAISO Study and subsequent testimony	5-10 min
	City of Oxnard: James Caldwell	• Specific need for project in light of scenarios analyzed in CAISO Study and subsequent testimony	5-10 min
<u>Air Quality/GHG</u> s	City of Oxnard: James Caldwell	• What CAISO Study reveals about likely dispatch and operation of the project and implications for air pollution/GHG emissions	5-10 min
<u>Alternatives</u>	CAISO: Neil Millar, Nebiyu Yimer, Jordan Pinjuv	• Accuracy of cost estimates used in CAISO Study • Feasibility of alternate scenarios/variations on CAISO scenarios presented in testimony subsequent to CAISO study	10-15 min
	City of Oxnard: James Caldwell	• Accuracy of cost estimates used in CAISO Study • Feasibility of alternate scenarios/variations on CAISO scenarios presented in testimony subsequent to CAISO study	5-10 min.
	Sierra Club et al.: Damon Franz/Andy Schwartz and Matt Owens	• Accuracy of cost estimates used in CAISO Study • Feasibility of alternate scenarios/variations on CAISO scenarios presented in testimony subsequent to CAISO study	5-10 min. (total)
<u>LORS Override</u>	CAISO: Neil Millar, Nebiyu Yimer, Jordan Pinjuv	• Whether public convenience and necessity require the project • Whether there are more prudent and feasible means of achieving public convenience and necessity	5-10 min.
	City of	• Whether public convenience and	5-10 min.

	Oxnard: James Caldwell	necessity require the project • Whether there are more prudent and feasible means of achieving public convenience and necessity	
	Sierra Club et al.: Damon Franz/Andy Schwartz and Matt Owens	• Whether public convenience and necessity require the project • Whether there are more prudent and feasible means of achieving public convenience and necessity	5 min. (total)

5. A list identifying exhibits with transaction numbers (i.e., TN 215157) that the party intends to offer into evidence during the Evidentiary Hearing (not including exhibits previously identified in connection with the February 7-10, 2017 or July 26-27, 2017 Evidentiary Hearings):

Exhibit No.	TN #	Title of Document	Subject Areas
7034	220959	Supplemental Testimony of Dr. Doug Karpa re CAISO Study	Project Description; Air Quality/GHGs; Alternatives; LORS Override
7035	220961	Puente Scenarios Cost Models (Supplemental Testimony of Dr. Doug Karpa)	Project Description; Air Quality/GHGs; Alternatives; LORS Override
7036	220055	Clean Coalition Comments on Scope of CAISO study of DER to meet LCR	Project Description; Air Quality/GHGs; Alternatives; LORS Override
7037	*	Battery Energy Storage Study for the 2017 IRP PacifiCorp http://www.pacificorp.com/es/irp/irpsupport.html	Project Description; Air Quality/GHGs; Alternatives; LORS Override
7038	*	Abe et al. Lifetime Prediction for Heavy-duty Lithium-ion Batteries http://www.hitachi.com/rev/pdf/2012/r2012_06_108.pdf	Project Description; Air Quality/GHGs; Alternatives; LORS Override
7039	*	Markandya & Wilkinson, Electricity generation and health http://www.thelancet.com/journals/lancet/article/PIIS0140-6736(07)61253-7/fulltext	Project Description; Air Quality/GHGs; Alternatives;

			LORS Override
7040	221085	BioMed Central Article - Nunes et al. Asthma Costs and Social Impact	Project Description; Air Quality/GHGs; Alternatives; LORS Override

* The URL's are listed here to serve as substitutes for the documents which were filed today but not placed on the docket due to potential copyright concerns raised by the docket office. The Center is working to resolve the issues raised by the docket office. These documents relate to the Cal ISO study and Dr. Karpa's testimony.

Dated: September 7, 2017

Respectfully submitted,

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