

DOCKETED

Docket Number:	15-AFC-01
Project Title:	Puente Power Project
TN #:	221104
Document Title:	Applicant's Motion to Strike Proposed Exhibits of Intervenors
Description:	Intervenors Sierra Club Los Padres Chapter, Environmental Coalition of Ventura County and Environmental Defense Center
Filer:	Paul Kihm
Organization:	Latham & Watkins LLP
Submitter Role:	Applicant Representative
Submission Date:	9/8/2017 4:36:29 PM
Docketed Date:	9/8/2017

1 Michael J. Carroll
2 LATHAM & WATKINS LLP
3 650 Town Center Drive, 20th Floor
4 Costa Mesa, California 92626-1925
5 Tel.: (714) 540-1235
6 michael.carroll@lw.com

7 Attorneys for Applicant

8
9 State of California
10 Energy Resources
11 Conservation and Development Commission

12 In the Matter of:
13 Application for Certification
14 for the PUENTE POWER PROJECT

Docket No. 15-AFC-01

15 APPLICANT'S MOTION TO STRIKE
16 PROPOSED EXHIBITS OF INTERVENERS
17 SIERRA CLUB LOS PADRES CHAPTER,
18 ENVIRONMENTAL COALITION OF
19 VENTURA COUNTY AND
20 ENVIRONMENTAL DEFENSE CENTER

21 Pursuant to Title 20, California Code of Regulations ("CCR") § 1211.5(a) and
22 § 1212(b)(2), Applicant hereby requests that the Committee exercise its authority under Title 20,
23 CCR § 1203(c) to exclude from the evidentiary record proposed exhibits filed by interveners
24 Sierra Club Los Padres Chapter, Environmental Coalition of Ventura County and Environmental
25 Defense Center ("Intervenors") on the basis that the proposed exhibits were not filed on a timely
26 basis in accordance with the Orders of the Committee.

27 On June 20, 2017, the Committee issued "Committee Orders Extending ISO Study Time,
28 Denying City Request for Additional Time and Revised Committee Schedule" (TN #219815)
(the "June 20 Orders"). The June 20 Orders specified that "[t]estimony responding to the study
is due on August 30, 2017." June 20 Orders at 3. This deadline was confirmed in the "Notice of
Evidentiary Hearing and Committee Conferences, Order for Prehearing Filing of Evidentiary

1 Objections and Motions, etc.” (TN #220900) issued by the Committee on August 25, 2017
2 (“August 25 Orders”). See, August 25 Orders at 3.

3 Intervenors have docketed numerous documents after the August 30, 2017 deadline,
4 which they have indicated in their Pre-Hearing Conference Statement they intend to introduce as
5 exhibits during evidentiary hearings on September 14 and 15, 2017. The period of time between
6 the deadline for filing exhibits and the evidentiary hearings, during which the parties are able to
7 review and prepare to respond to proposed exhibits of other parties, is relatively short in this case
8 -- only 14 days. It is, therefore, prejudicial to the other parties for any party to be permitted to
9 file proposed exhibits after the specified deadline that was established over two months ago.

10 Applicant, therefore, requests that the following proposed exhibits, identified by
11 California Energy Commission transaction number, be excluded from the evidentiary record:
12 TN #221089, TN #221086, TN #221080, TN #221079, TN #221078, TN #221077, TN #221076
13 and TN #221075.

14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

DATED: September 8, 2017

Respectfully submitted,

/s/ Michael J. Carroll

Michael J. Carroll
LATHAM & WATKINS LLP
Counsel to Applicant