

DOCKETED

Docket Number:	15-AFC-01
Project Title:	Puente Power Project
TN #:	221105
Document Title:	Applicant's Motion to Strike Proposed Exhibits of Intervener Center for Biological Diversity
Description:	and Objection to Proposal to Go Beyond the Scope of the Upcoming Evidentiary Hearing
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9 Energy Resources

10 Conservation and Development Commission

11 In the Matter of:

12 Application for Certification
13 for the PUENTE POWER PROJECT

Docket No. 15-AFC-01

14 APPLICANT'S MOTION TO STRIKE
15 PROPOSED EXHIBITS OF INTERVENER
16 CENTER FOR BIOLOGICAL DIVERSITY
17 AND OBJECTION TO PROPOSAL TO GO
18 BEYOND THE SCOPE OF THE UPCOMING
19 EVIDENTIARY HEARINGS

20 Pursuant to Title 20, California Code of Regulations ("CCR") § 1211.5(a) and
21 § 1212(b)(2), Applicant hereby requests that the Committee exercise its authority under Title 20,
22 CCR § 1203(c) to exclude from the evidentiary record proposed exhibits filed by intervener
23 Center for Biological Diversity ("Intervener") on the basis that the proposed exhibits were not
24 filed on a timely basis in accordance with the Orders of the Committee. Applicant also objects to
25 Intervener's proposal to address the topic of air quality at the upcoming evidentiary hearings on
26 the basis that it is outside the scope of the hearings.

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 Intervener docketed two documents after the August 30, 2017 deadline, which it has
4 indicated in its Pre-Hearing Conference Statement it intends to introduce as exhibits during
5 evidentiary hearings on September 14 and 15, 2017. The period of time between the deadline for
6 filing exhibits and the evidentiary hearings, during which the parties are able to review and
7 prepare to respond to proposed exhibits of other parties, is relatively short in this case -- only
8 14 days. It is, therefore, prejudicial to the other parties for any party to be permitted to file
9 proposed exhibits after the specified deadline that was established over two months ago.
10 Applicant, therefore, requests that the following proposed exhibits, identified by California
11 Energy Commission transaction number, be excluded from the evidentiary record: TN #221085
12 and TN #221082.

13 In addition, in its Third Pre-Hearing Conference Statement (TN #221095), which was
14 also filed late, Intervener indicates that it intends to address the topic of air quality (including
15 greenhouse gas emissions) during the evidentiary hearings on September 14 and 15, 2017. The
16 Committee has been very clear that the scope of the upcoming evidentiary hearings is limited to
17 the Moorpark Sub-Area Local Capacity Alternative Study prepared by the California
18 Independent System Operator (“CAISO”) and submitted on August 16, 2017 (TN #220813) (the
19 “CAISO Special Study”). As indicated in the Committee Orders, the parties were invited to
20 submit additional evidence “in response to the California ISO Study.” August 25 Orders at 3.
21 The CAISO Special Study does not in any manner address the topic of air quality. Thus, the
22 record remains closed on the topic of air quality, and any discussion of this topic is beyond the
23 scope of the upcoming evidentiary hearings.

24
25 DATED: September 8, 2017

Respectfully submitted,

26 */s/ Michael J. Carroll*

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