

## DOCKETED

<b>Docket Number:</b>	15-AFC-01
<b>Project Title:</b>	Puente Power Project
<b>TN #:</b>	221116
<b>Document Title:</b>	Sierra Club, et al. Opposition to NRG's Motion to Strike Exhibits
<b>Description:</b>	Submitted by Sierra Club, Environmental Coalition, and Environmental Defense Center
<b>Filer:</b>	Matthew Vespa
<b>Organization:</b>	Sierra Club
<b>Submitter Role:</b>	Intervenor
<b>Submission Date:</b>	9/11/2017 2:54:14 PM
<b>Docketed Date:</b>	9/11/2017



**SIERRA CLUB LOS PADRES CHAPTER, ENVIRONMENTAL COALITION OF  
VENTURA COUNTY AND ENVIRONMENTAL DEFENSE CENTER OPPOSITION TO  
MOTION TO STRIKE EXHIBITS**

NRG’s motion to strike exhibits filed by intervenors Sierra Club, Environmental Defense Center, and Environmental Coalition of Ventura County (“Intervenors’ Exhibits”) is without merit. NRG relies on the Committee’s June 20<sup>th</sup> order stating “testimony responding to [CAISO’s] study is due on August 30, 2017.” Intervenors’ Exhibits are not testimony. They are materials Intervenors’ may use to cross-examine CAISO and party witnesses pursuant to Intervenors’ rights under Title 20 of the California Code of Regulations, § 1212(c). As such, they are appropriately characterized as falling within the September 7<sup>th</sup> deadline set in the Committee’s August 25<sup>th</sup> order for the identification of “exhibits with transaction numbers ... that the party intends to offer into evidence during the Evidentiary Hearing.” (Aug. 25<sup>th</sup> Order at 3.) Intervenors’ filing of exhibits complies with Committee direction.

Nor can NRG legitimately claim prejudice. A week is a substantial amount of time to review potential exhibits that may be used for cross-examination. Indeed, circulation of cross-exhibits in the context of hearings at the Public Utilities Commission frequently occurs at most, the evening before a witness’ appearance. In fact, it would be Intervenors’ rights under Section 1212 that would be prejudiced were it required to both submit its own testimony and identify all documents it may wish to cross-examine other parties with two full weeks prior to hearings.

Accordingly, Intervenors’ request NRG’s motion to strike be rejected.

Dated: September 11, 2017

Respectfully Submitted

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