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STATE OF CALIFORNIA
State Energy Resources
Conservation and Development Commission

In the Matter of:

**APPLICATION FOR
CERTIFICATION OF THE PUENTE
POWER PROJECT**

DOCKET NO. 15-AFC-01

**RESPONSE TO APPLICANT'S
MOTION TO SUSPEND
PROCEEDINGS ON THE
APPLICATION FOR
CERTIFICATION**

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RESPONSE TO APPLICANT’S MOTION TO SUSPEND PROCEEDINGS ON THE APPLICATION FOR CERTIFICATION

Pursuant to California Code of Regulations (“CCR”) § 1211.5, the City of Oxnard, Sierra Club Los Padres Chapter, Environmental Defense Center, Environmental Coalition of Ventura County, Center for Biological Diversity, and California Environmental Justice Alliance (collectively “Intervenors”) file this Response to Applicant’s Motion to Suspend Proceedings on the Application for Certification (“Applicant’s Motion”). Applicant’s Motion would result in needless delay in resolution of Applicant’s Application for Certification (“AFC”) of the Puente Power Project and a corresponding delay in the procurement of alternative resources to meet local reliability need. Intervenors therefore request Applicant’s Motion be denied.

The October 5th Committee Statement Regarding the State of the Presiding Member’s Proposed Decision (“Committee Statement”) recognized CAISO’s concern that procurement of preferred resource alternatives to Puente “would need to be expedited” in order to ensure that Mandalay Units 1 and 2 retire in accordance with their scheduled once-through-cooling retirement dates.¹ Given the need for expedited procurement, the Committee Statement concluded “that it is prudent to communicate the Committee’s position before we complete the PMPD.”² However, because the Public Utilities Commission (“PUC”) approved the Puente contract, replacement procurement cannot effectively take place until a final CEC decision on the Puente AFC is issued. As the PUC stated when it approved Southern California Edison’s contract with Puente, “[i]f the CEC determines that [Puente] should not be permitted for environmental justice or other reasons within its jurisdiction, it will not go forward.”³

¹ TN #221041, Committee Statement at 1.

² *Id.*

³ D.16-05-050 p. 19,
<http://docs.cpuc.ca.gov/PublishedDocs/Published/G000/M162/K881/162881082.PDF>.

The CEC's timeline for reaching a final decision on the AFC is moving forward expeditiously. The Committee has indicated it "is targeting the week of October 30 for the PMPD's release, with a public PMPD Comment Conference on November 16 in Oxnard."⁴ Were Applicant's Motion granted, a final decision on the AFC would be indefinitely delayed. Applicant's Motion is therefore wholly inconsistent with the recognition that procurement of preferred resources should be expedited and the urgency this Committee has expressed in its Committee Statement.

In addition, the Oxnard community deserves finality. Community members have spoken out against this project at every opportunity for public comment. Applicant's request for suspension denies Oxnard the closure it deserves. Intervenors therefore request Applicant's Motion be denied and the Committee issue its PMPD as currently scheduled.

Dated: October 17, 2017

Respectfully Submitted

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⁴ TN #221469, Hearing Officer email to Applicant's Counsel re PMPD release estimate.