

## DOCKETED

<b>Docket Number:</b>	15-AFC-01
<b>Project Title:</b>	Puente Power Project
<b>TN #:</b>	221589
<b>Document Title:</b>	Sarvey Opposition to appliant motion to postpone
<b>Description:</b>	Sarvey Opposition to appliant motion to postpone
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<b>Organization:</b>	Robert Sarvey
<b>Submitter Role:</b>	Intervenor
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**BEFORE THE ENERGY RESOURCES CONSERVATION AND DEVELOPMENT  
COMMISSION OF THE STATE OF CALIFORNIA**

In the Matter of  
Application for Certification of the  
Puente Power Plant

Docket Number 15-AFC-01

Intervenor Sarvey's Response to Applicant's Motion to Suspend the AFC.

Introduction

On October 5, 2017, the Committee issued a statement that it intends *"to issue a PMPD that recommends denial of the Project on the grounds that it creates inconsistencies with LORS and significant environmental impacts that cannot be mitigated."* The Committee Statement further states that based on the record currently before the Committee, it is *"unwilling to override the significant impacts or LORS inconsistencies."*<sup>1</sup>

In response to the Committees October 5, 2017 statement, the Applicant has filed a motion requesting that the Committee suspend all further proceedings on and consideration of the Application for Certification ("AFC") at this time, while Applicant considers whether or not to withdraw the AFC. The applicants sole reason for granting the motion is that it, *"will ensure effective use of resources of the Committee and the parties to these proceedings in the event that Applicant determines to withdraw the AFC."*<sup>2</sup>

"California Code of Regulations, Title 20, does not contain a specific provision for suspending an AFC proceeding on the request of a party. The Request for Suspension must be

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<sup>1</sup> TN 221524 APPLICANT'S MOTION TO SUSPEND PROCEEDINGS ON THE APPLICATION FOR CERTIFICATION Page 1

<sup>2</sup> TN 221524 APPLICANT'S MOTION TO SUSPEND PROCEEDINGS ON THE APPLICATION FOR CERTIFICATION Page 1

brought pursuant to section 1716.5, which allows any party to bring any sort of motion, which will be considered and ruled upon by the Presiding Member.<sup>3</sup> Requests for Suspension have been brought numerous times in other AFC proceedings. Usually the basis for suspension requests is that the applicant has run into an obstacle that it needs time to resolve, and the suspension provides an opportunity for the applicant to address the obstacle and for the Commission to turn its efforts and resources to other matters. In this case the applicant has not encountered any obstacle that can be overcome, the applicant is simply delaying the conclusion of the proceeding.

The Applicant has not shown good cause for the granting of a stay or suspension of the proceedings.

To postpone the proceedings at this late stage in the AFC the applicant would have to demonstrate good cause to the Committee for the postponement. The applicant has not provided a showing of good cause necessary to delay the proceeding. The applicant's sole reason for granting the motion is to, "*ensure effective use of resources of the Committee and the parties to these proceedings in the event that Applicant determines to withdraw the AFC.*"<sup>4</sup> The Committee has already notified the applicant that it intends to deny the application and this will moot any necessity to withdraw the AFC. The postponement of the AFC also does not ensure the effective resources of the Commission as the Committee has already taken the evidence over multiple evidentiary hearing dates and has assessed the evidence and concluded the project cannot be approved.

The City of Oxnard is prejudiced by this motion.

The City of Oxnard is prejudiced by this motion. The city has retained lawyers and spent considerable time and effort in this proceeding. If the committee grants the applicant's motion the City of Oxnard will need to continue to retain its lawyers and devote considerable staff time to monitor the remaining of the proceeding after it has made the showing the power

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<sup>3</sup> The Applicant files its motion pursuant to Title 20, California Code of Regulations ("CCR") § 1211.5(a)

<sup>4</sup> TN 221524 APPLICANT'S MOTION TO SUSPEND PROCEEDINGS ON THE APPLICATION FOR CERTIFICATION Page 1

plant is not compatible with its LORS or its plans for the coastline. Other non-profit intervenors will also be required to continue monitoring and devoting limited resources to this application.

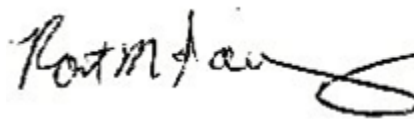
State procurement efforts will be hampered by the suspension of the proceeding.

The Puente project was selected in a competitive RFO to fulfill LCR need in SCE's service territory. Rejection of the project by the CEC will signal to SCE and the CPUC that an RFO is necessary to fulfill any remaining need that exists in SCE's service territory. SCE has already terminated its March 17, 2017 preferred resource solicitation in the Goleta area which was designed to procure preferred resources to meet LCR needs in the Goleta area which is part of the Moorpark load pocket.<sup>5</sup> Rejection of the Puente Project at the CEC will trigger a new RFO and likely compel the CPUC to order SCE to reopen its 2017 preferred resources RFO in the Goleta area.

No More Delay is Warranted.

The Commission's Application for Certification process is intended to take 12 months. Thirty months have elapsed since this AFC was found data adequate and the process commenced. Issuance of the PMPD is almost the last step in the process and a postponement of the proceeding will not affect the outcome. The applicants motion should be DENIED.

Respectfully Submitted,



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Robert Sarvey

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<sup>5</sup> [https://scegarfo.accionpower.com/scega\\_1601/home.asp](https://scegarfo.accionpower.com/scega_1601/home.asp)