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Memorandum

To: Parties and Persons interested in the
Carlsbad Energy Center Amendments
Proceeding (07-AFC-06C)

Date : November 25, 2014

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From: **Paul Kramer, Chief Hearing Adviser**
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Subject: Specific Topics for Discussion at the December 3, 2014 Committee Conference

The Carlsbad Amendments Committee intends to discuss the following topics during the December 3, 2014, Committee Conference:

1. The Petition to Compel data responses¹ filed by Power of Vision.
2. The Committee's expectations of the parties during the time following the publication of the Preliminary Staff Assessment (PSA) through the evidentiary hearings, including:
 - a. The parties shall review the PSA and be prepared, during the January status conference, to describe the issues that remain of concern to them and any topics that they propose be discussed at staff PSA workshops. The Committee may adjust the scope of any intervenor's participation to conform to the interests of the intervenor and the efficient and effective conduct of the proceeding. If, after reviewing the PSA, an intervenor desires to expand the scope of its intervention, its status report shall describe the additional topics, the basis for the expansion, including the intervenor's interest in the new topic(s), the potential effects upon intervenor's interests, and any special knowledge or expertise the intervenor would bring to the proceeding.
 - b. Following publication of the Final Staff Assessment (FSA), the parties will be expected to describe with specificity:
 - the issues about which there is disagreement among the parties and about which the party desires to present evidence or question other testimony. Simply saying that one wants to present testimony on a topic (or "all" topics) without further explanation or justification is insufficient; in most cases it will be necessary to narrow the description to at least a subtopic (for example "ammonia slip" in air quality). Failure to describe issues with sufficient specificity may result in the exclusion of testimony or questions;

¹ TN 203338

- the witnesses, including their qualifications, and evidence the party intends to introduce during the evidentiary hearings;
- the witnesses of other parties whom they intend to question during the evidentiary hearings and the subject(s) of the questions;
- topic by topic recommendations about whether the hearings be conducted via formal or informal processes;²
- issues that may require legal argument or briefing;
- whether it would be productive to have oral argument at the beginning and/or close of the evidentiary hearings; and
- time estimates for the party's live testimony, questioning of other witnesses, and oral argument.

The Committee will require the above information no later than the prehearing conference and may begin preliminary identification of the issues to be heard at the hearings during a status conference held after the publication of the FSA.

3. The next status conference is currently scheduled for January 7, 2015. Does it make sense to move it to a later date in January to allow additional time for review of the PSA, due out on December 15?

We may, of course, discuss other issues that relate to the schedule and progress of this proceeding.

² As described in the current Committee Schedule (TN 203285):

No later than the Prehearing Conference, the Committee will decide which portions of the hearings will be conducted using a formal (direct and cross-examination of witnesses by party representatives) process and which will be conducted by an informal process. In either process, the parties will identify witnesses and exhibits prior to the hearing. For the informal portions, all of the witnesses for a topic will be seated as a panel to answer questions from the parties and the Committee. While a question can be directed to a particular witness in the first instance, the other panelists may also answer the question if they choose. Panelists may also ask questions of each other.