

DOCKETED

Docket Number:	07-AFC-06C
Project Title:	Carlsbad Energy Center - Compliance
TN #:	203728
Document Title:	Notice of Prehearing Conference and Evidentiary Hearing , Scheduling Order, and Further Orders
Description:	Notice of March 18, 2015 Prehearing Conference & April 1, 2015 and April 2, 2015 Evidentiary Hearings
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BEFORE THE ENERGY RESOURCES CONSERVATION AND DEVELOPMENT
COMMISSION OF THE STATE OF CALIFORNIA
1516 NINTH STREET, SACRAMENTO, CA 95814
1-800-822-6228 – WWW.ENERGY.CA.GOV

**PETITIONS TO AMEND THE
CARLSBAD ENERGY CENTER
PROJECT**

Docket No. 07-AFC-06C

**NOTICE OF PREHEARING CONFERENCE AND EVIDENTIARY HEARING,
SCHEDULING ORDER, AND FURTHER ORDERS**

PLEASE TAKE NOTICE that the Energy Commission Committee assigned to conduct proceedings on the Petitions to Amend the Carlsbad Energy Center Project (CECP) has scheduled a Prehearing Conference and Evidentiary Hearing as follows:

The PREHEARING CONFERENCE will be conducted on:

***WEDNESDAY, MARCH 18, 2015
Beginning at 9:30 a.m.***

**California Energy Commission
Charles R. Imbrecht Room (Hearing Room B)
1516 Ninth Street
Sacramento, CA 95814
(see map below)**

The EVIDENTIARY HEARING will take place on:

***WEDNESDAY, APRIL 1, 2015
Beginning at 12:00 noon
Public Comment period begins at 6:00 p.m.***

(and, if necessary)

***THURSDAY, APRIL 2, 2015
Beginning at 9:00 a.m.***

**Hilton Carlsbad Oceanfront Resort
1 Ponto Road
Carlsbad, CA 92011
(see map below)**

Note Regarding Parking: NRG Energy Inc. will provide parking validation for those attendees who park in the Resort's parking garage on April 1 or 2. Self-park in the garage and pull a ticket. Do not use the valet service. Please bring the ticket with you and inquire at the hearing room that day for instructions on obtaining validation.



TELECONFERENCE OPTION: You may participate in the Prehearing Conference and Evidentiary Hearings either in person, by telephone, and/or by computer via the "WebEx" conferencing system. Please see the "INSTRUCTIONS FOR USING WEBEX TELECONFERENCING USING YOUR COMPUTER AND/OR TELEPHONE" section attached to this notice.

SCHEDULE: The Committee has established the following schedule, which supersedes all prior schedules:

<u>EVENT</u>	<u>DATE</u>
Last day to file Petition to Intervene	March 2, 2015 ¹
Status Conference	March 4, 2015
All Parties File Testimony	March 10, 2015
All Parties File Prehearing Conference Statements and Exhibit Lists	March 13, 2015
Prehearing Conference	March 18, 2015
All Parties File Rebuttal Testimony ² and, if necessary, revised Exhibit Lists	March 24, 2015
Evidentiary Hearing (EH)	April 1-2, 2015
All Parties File Post-Hearing Briefs, if necessary	TBD
Presiding Members Proposed Decision (PMPD) published	May 4, 2015
Committee Conference on PMPD	20 – 30 days after PMPD published
Close of Public Comment Period on PMPD	30 days after PMPD published
Errata/Revisions to PMPD, if necessary	TBD
Final Adoption Hearing by the California Energy Commission	Late June, 2015

*TBD = to be determined.

¹ Unless good cause is shown, Petitions to Intervene are due the earlier of the Prehearing Conference or 30 days prior to first Evidentiary Hearing (Cal. Code Regs., tit. 20, § 1207).

² Rebuttal testimony is in response to an issue first raised in opening testimony. Testimony which could have, with reasonable diligence, been filed as opening testimony, may be subject to exclusion on the motion of a party or the Committee's own initiative.

Background

The CECP was approved by the Energy Commission on May 31, 2012, as a 540-megawatt (MW) natural-gas combined-cycle power generator. It would consist of two power blocks, each having one rapid-response combustion turbine generator (CTG), one heat recovery steam generator (HRSG), one condensing steam turbine generator (STG), an air-cooled fin-fan cooler, and associated support equipment.

Two amendment petitions are being considered together in this proceeding. The first (Petition to Remove Obsolete Facilities to Support Construction of the Carlsbad Energy Center Project, TN 202267), seeks permission to demolish three above-ground storage tanks - tanks 1 and 2 to the west of the rail corridor, and tank 4 to the south of the approved project boundary. Those tanks would be demolished in addition to tanks 5 – 7 on the approved project site; tanks 5 – 7 were approved for demolition in the 2012 Commission Decision. The second petition (Petition to Amend Carlsbad Energy Center Project, TNs 202287-1, 202287-2, and 202287-3) would change the project to consist of six simple-cycle turbine generators producing approximately 632 MW. The project site would be expanded to include the storage tank (tank 4) area to the south of the presently approved area, adding seven acres to the approved 23 acre facility. A new administration and control building and a warehouse would be added on the site.

The engineering and environmental details of the proposed amendments may be viewed at: <http://www.energy.ca.gov/sitingcases/carlsbad/>.

Purpose of Prehearing Conference

The Prehearing Conference is a public forum where the Committee will assess the parties' readiness for an evidentiary hearing, identify areas of agreement or dispute, and discuss the remaining schedule and procedures necessary to conclude the amendment process. (Cal. Code Regs., tit. 20, § 1718.5.)

Local, state, federal, and tribal governmental agencies may participate at the Prehearing Conference and evidentiary hearings, as necessary. (Cal. Code Regs., tit. 20, § 1714.5.) Elected officials and members of the public may present public comments at these events and/or submit written comments via the Energy Commission's e-Commenting system at:

<https://efiling.energy.ca.gov/Ecomment/Ecomment.aspx?docketnumber=07-AFC-06C>.

All parties are **ORDERED** to file a Prehearing Conference Statement and Exhibit List no later than **3:00 p.m. on March 13, 2015**, unless otherwise directed by the Committee.

The **Prehearing Conference Statements** must specify under separate headings:

1. 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;

2. the witnesses, including their qualifications, and evidence the party intends to introduce during the evidentiary hearings;
3. the names of any witnesses the party desires to have testify by telephone and justification for the request;
4. the witnesses of other parties whom they intend to question during the evidentiary hearings and the subject(s) of the questions;
5. topic by topic recommendations about whether the hearings be conducted via formal or the informal processes described below;
6. issues that may require legal argument or briefing, whether before or after the evidentiary hearings;
7. whether it would be productive to have oral argument at the beginning and/or close of the evidentiary hearings;
8. time estimates broken down by topic area and type (party's direct and rebuttal testimony, questioning of other party's witnesses, and oral argument); and
9. a list of any documents of which the party requests the Committee take official notice beyond those described below.

All documentary evidence must be docketed (filed) in this proceeding's docket³ and have a transaction number (TN number) assigned by the California Energy Commission Dockets Unit in accordance with the General Orders Regarding Electronic Document Formats, Electronic Filing and Service of Documents and Other Matters filed June 20, 2014 (TN 202478). Exhibits without a TN will not be received into evidence absent a showing of good cause.

The **Exhibit Lists** shall be formatted as two columns. The first column shall list the proposed Exhibit Number. The second column shall contain the TN of the corresponding (exhibit) document. Hearing Office staff will then add the Exhibit Number information to the e-filing system.

Petitioner's exhibits shall be numbered *consecutively* as **Exhibits 1000 through 1999**; Staff's exhibits shall be numbered *consecutively* as **Exhibits 2000 through 2999**; Intervenor Terramar Association's exhibits shall be numbered *consecutively* as **Exhibits 3000 through 3999**; Intervenor Power of Vision's exhibits shall be numbered *consecutively* as **Exhibits 4000 through 4999**; Intervenor Rob Simpson's exhibits shall be numbered *consecutively* as **Exhibits 5000 through 5999**; Intervenor Robert Sarvey's exhibits shall be numbered *consecutively* as **Exhibits 6000 through 6999**.

Failure of a party to comply with the filing requirements stated in this Notice may preclude that party from participating in the evidentiary hearing.

³ If the document is docketed in another proceeding, even the original Carlsbad AFC proceeding (07-AFC-06), a copy must be filed in this proceeding (07-AFC-06C). The e-filing system does not allow us to assign Exhibit Numbers to documents in other dockets.

Committee's Intention to Consider the Use of Informal Hearing Procedures

Pursuant to California Government Code section 11445.10 et seq., and Commission's regulations (Cal. Code Regs., tit. 20, § 1217), the Committee may conduct all or portions of the evidentiary hearing using an informal procedure. The informal hearing process will generally proceed in the following order:

1. All parties' experts on the topic at hand are sworn in as a panel.
2. Petitioner's experts would provide a brief opening statement summarizing the key points and conclusions of their testimony.
3. Staff's experts would provide a brief opening statement summarizing the key points and conclusions of their testimony.
4. Intervenors' experts would provide a brief opening statement summarizing the key points and conclusions of their testimony.
5. Open discussion between the expert panelists led by the Committee.
6. Attorneys may follow up with questions of their own or other expert witnesses to the extent the Committee finds the questioning productive.
7. At the conclusion of the attorney's examination of the experts, the Committee may ask witnesses additional questions or allow panelists to ask additional questions of each other and to offer follow-up answers.

In contrast a formal procedure would involve:

1. A party asks direct questions of its witnesses on the topic at hand, either one at a time or seated as a panel.
2. The other parties then, in turn, ask cross-examination questions of the witness or panel who just testified.
3. The offering party can ask re-direct questions.
4. The other parties can ask re-cross questions.
5. Repeat the above steps for the witnesses offered by the other parties.

Official Notice

The Committee proposes to take official notice of the following documents:

- A. Carlsbad Energy Center Project Commission Decision dated May 31, 2012, TN 203721⁴
- B. Documents from the Carlsbad AFC proceeding (07-AFC-06) which are referred to in the above decision

Closed Session Deliberations

At any time during the prehearing conference or hearings, the Committee may adjourn to a closed session in accordance with California Government Code section 11126, subdivision (c)(3), which allows a state body, including a delegated committee, to hold a closed session to deliberate on a decision to be reached in a proceeding the state body was required by law to conduct.

Transcripts

Parties are responsible for identifying errors in the transcripts of the proceedings. Corrections to the transcripts shall be filed within 30 days of the docketing of a transcript.

Public Adviser and Public Participation

Members of the public are welcome to attend and offer oral or written comments at the prehearing conference and at the evidentiary hearing. It is not necessary to be an Intervenor to participate in the public process. Interested members of the public are encouraged to submit written comments using the e-commenting system described above. Otherwise, written comments may be submitted for posting on the docket for the proceeding by handing them directly to the Public Adviser, e-mailing them to docket@energy.ca.gov, or by U.S. Mail to:

California Energy Commission
Docket Unit
Docket number: 07-AFC-06C
1516 Ninth Street, MS-4
Sacramento, CA 95614

Please identify "CARLSBAD AMENDMENTS Docket No. 07-AFC-06C" on any e-mailed or written comments.

⁴ Because this document is likely to be referred to extensively in the PMPD, we have filed a copy in the Docket of this proceeding so that it may be conveniently accessed by the parties and public. The other documents from the Docket of the original Carlsbad AFC proceeding may be found at: <http://www.energy.ca.gov/sitingcases/carlsbad/documents/index.html>

PLEASE NOTE: Your written and oral comments, attachments, and associated contact information (e.g. your address, phone, e-mail, etc.) become part of the viewable public record. Additionally, this information may become available via Google, Yahoo, and other search engines.

The Energy Commission Public Adviser's Office is available to assist the public in participating in the amendment review process. For those individuals who require general information on how to participate, please contact Alana Mathews, Public Adviser, at (916) 654-4489 or (800) 822-6228, or e-mail: publicadviser@energy.ca.gov.

If you have a disability and need assistance to participate in this event, contact Lourdes Quiroz at (916) 654-5146 or e-mail: lou.quiroz@energy.ca.gov.

Information

Questions of a legal or procedural nature should be directed to Paul Kramer, Chief Hearing Adviser, at (916) 654-5103, or by e-mail at: paul.kramer@energy.ca.gov.

Technical questions about the project should be addressed to Mike Monasmith, Staff Project Manager, at (916) 654-4894, or by e-mail at mike.monasmith@energy.ca.gov or Jon Hilliard, Staff Project Manager, at (916) 654-3936, or by e-mail at jon.hilliard@energy.ca.gov.

Media inquiries should be directed to the Office of Media and Public Communications at (916) 654-4989 or by e-mail at: mediaoffice@energy.ca.gov.

Information regarding the status of the project, as well as notices and other relevant documents pertaining to this proceeding, may be viewed on the Energy Commission's Internet web page at: <http://www.energy.ca.gov/sitingcases/carlsbad/>.

Dated: February 23, 2014, at Sacramento, California

Original signed by

KAREN DOUGLAS
Commissioner and Presiding Member
Carlsbad Amendments Committee

Original signed by

ANDREW McALLISTER
Commissioner and Associate Member
Carlsbad Amendments Committee

Mailed to lists: 7260S, 7261S, 7262S, 7263S



**INSTRUCTIONS FOR USING WEBEX TELECONFERENCING
USING YOUR COMPUTER AND/OR TELEPHONE**



EVENT	DATE	MEETING NUMBER	PASSWORD
PREHEARING CONFERENCE	WEDNESDAY, MARCH 18, 2015	929 540 378	pwd#1516
EVIDENTIARY HEARING	WEDNESDAY, APRIL 1, 2015	925 057 088	pwd#1516
EVIDENTIARY HEARING (if necessary)	THURSDAY, APRIL 2, 2015	925 191 686	pwd#1516

Using Your Computer:

1. Go to <https://energy.webex.com> and enter the above meeting number.
2. When prompted, enter your name, e-mail address, and the meeting password above.
3. After a moment, an Audio Conference Box will offer you a choice of audio connections:
 - a) To have WebEx call you back: Type your area code and phone number into the drop down box and click “Call Me” (Click on “Use Phone” if you do not see the drop down box.)
 - b) To call into the teleconference from your phone (if, for example, your phone is an extension or you are an international caller): Use the drop-down box to select “I will Call in” and follow the on-screen directions. Click “All global call-in numbers” if you need to look up an international call-in number.
 - c) To listen and talk over your computer: If you have the needed equipment and your computer is configured, click the “Call Using Computer” button. (You may need to click “Use Computer for Audio” to make the button visible.)

Telephone Only:

1. Call 1 (866) 469-3239 (toll-free in the U.S. and Canada. International Callers can select a global call-in number at <https://energy.webex.com/energy/globalcallin.php>.)
2. When prompted enter the meeting number above.

Please be aware that WebEx audio and on-screen activity may be recorded. WebEx Technical Support is available at 1 (866) 229-3239.

**Carlsbad Energy Center Project Amendments, 07-AFC-06C
Meeting Agenda – Prehearing Conference**

Wednesday, March 18, 2015, beginning at 9:30 a.m.

**California Energy Commission
Charles R. Imbrecht Room (Hearing Room B)
1516 Ninth Street
Sacramento, CA 95814**

1. Call to Order
2. Hearing on Any Pending Motions
3. Reports from Petitioner, Staff and Intervenor(s) regarding their readiness for the upcoming Evidentiary Hearings, proposed testimony and witnesses; Committee discussions with the parties about the order of topics and other matters in preparation for the Hearings.

4. Public Comment

Members of the public and other interested persons and entities may speak up to three minutes on a matter appearing on this agenda.

5. Closed Session (if necessary)

Committee closed session consideration of the following Item:

CARLSBAD ENERGY CENTER PROJECT AMENDMENTS

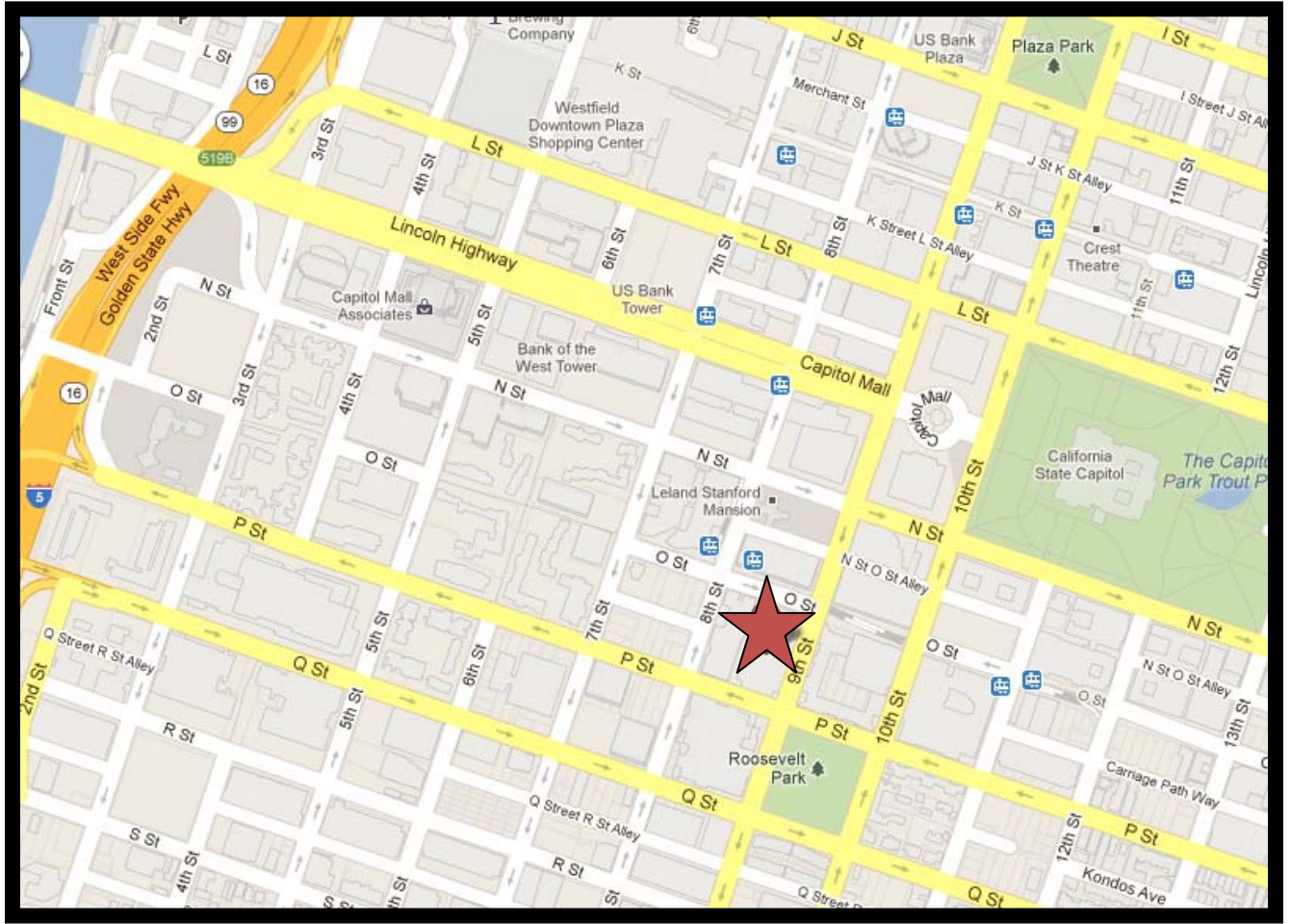
Deliberation by the Committee on any matters submitted for decision by the Committee including, but not limited to, pending motions and scheduling

The Committee will adjourn to closed session in accordance with Government Code, section 11126, subdivision (c)(3), which allows a state body, including a delegated committee, to hold a closed session to deliberate on a decision to be reached in a proceeding the state body was required by law to conduct.

6. Adjourn

Agency Contact: Paul Kramer, Hearing Adviser, phone: (916) 654-5103, or e-mail: paul.kramer@energy.ca.gov.

**Prehearing Conference at the California Energy Commission
Charles R. Imbrecht Room (Hearing Room B)
1516 Ninth Street
Sacramento, CA 95814**



**Carlsbad Energy Center Project Amendments, 07-AFC-06C
Meeting Agenda – Evidentiary Hearing**

**Wednesday, April 1, 2015, beginning at 12:00 noon
(and, if necessary)**

Thursday, April 2, 2015, beginning at 9:00 a.m.

**Hilton Carlsbad Oceanfront Resort
1 Ponto Road
Carlsbad, CA 92011**

1. Call to Order
2. Evidentiary Hearing

Topic orders will be determined following the March 18, 2015 Prehearing Conference and announced by a separate document filed in the Docket and available via the web page at: <http://www.energy.ca.gov/sitingcases/carlsbad/>

3. Public Comment

Members of the public and other interested persons and entities may speak up to three minutes on a matter appearing on this agenda. Public comments may be accepted during appropriate breaks between topic area testimony. In addition, the Committee has set aside specific time to receive comments beginning at 6:00 p.m. on April 1 and will not adjourn the hearing for the day before 7:00 p.m.

4. Closed Session (if necessary)

Committee closed session consideration of the following item:

CARLSBAD ENERGY CENTER PROJECT AMENDMENTS. Deliberation by the Committee on any matters submitted for decision by the Committee including, but not limited to, pending motions and scheduling.

The Committee will adjourn to closed session in accordance with Government Code section 11126, subdivision (c)(3), which allows a state body, including a delegated committee, to hold a closed session to deliberate on a decision to be reached in a proceeding the state body was required by law to conduct.

5. Adjourn

Agency Contact: Paul Kramer, Hearing Adviser, phone: (916) 654-5103, or e-mail: paul.kramer@energy.ca.gov.

Carlsbad Energy Center Amendments Evidentiary Hearing(s)
Hilton Carlsbad Oceanfront Resort
1 Ponto Road
Carlsbad, CA 92011

