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Before the Energy Resources Conservation and Development
Commission of the State of California
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**APPLICATION FOR A SMALL POWER PLANT
EXEMPTION FOR THE:**

**MCLAREN BACKUP GENERATING
FACILITY PROJECT**

Docket No. 17-SPPE-01

ENERGY COMMISSION STAFF'S PREHEARING CONFERENCE STATEMENT

On July 23, 2018, the McLaren Backup Generating Facility Committee issued a Notice of Prehearing Conference and Evidentiary Hearing, Scheduling Order, and Further Orders. In the Order, the Committee set the Prehearing filing deadline for August 20, 2018, and ordered each party to file a Prehearing Conference Statement and Exhibit List. This document responds to the Committee's Order.

1. The subject areas that are complete and ready to proceed to Evidentiary Hearing.

All subject areas are complete and ready to proceed to hearing.

The purpose of the small power plant exemption proceeding is not to arrive at a decision to approve the project or not, but to determine whether to exempt the project from the Commission's jurisdiction. Therefore, topics and issues normally the subject of testimony in a Commission's licensing proceeding such as integration of permits and licenses issued by other agencies, implementation and verification of mitigation, consistency with other laws and regulations and implementation of the general construction and compliance conditions are not at issue.

2. The subject areas upon which any party proposes to introduce testimony in writing rather than through oral testimony.

Staff proposes that all subjects can be adequately addressed through written testimony. Staff's documentary evidence for this Small Power Plant Exemption

proceeding includes the City of Santa Clara's Initial Study and adopted Mitigated Negative Declaration, Commission Staff's Initial Study and proposed Mitigated Negative Declaration and Staff's Response to Comments.

3. The subject areas that are not complete and not yet ready to proceed to Evidentiary Hearing, and the reasons therefor.

All subject areas are complete.

4. The subject areas that remain disputed and require adjudication, the issues in dispute, and the precise nature of the dispute for each issue.

The comments on the Initial Study raised two primary issues. The first relates to how the facility's generation in megawatts was calculated for purposes of the 100 MW Small Power Plant Exemption threshold and the second relates to why Staff did not analyze the emissions from the emergency operations of the back-up diesel generators. Staff believes the Initial Study and its extensive response to comments fully address these issues and thus, no subject areas remain in dispute.

5. The identity of each witness the party intends to sponsor at the Evidentiary Hearing, the subject area(s) about which the witness(es) will offer testimony, whether the testimony will be oral or in writing, a brief summary of the testimony to be offered by the witness(es), qualifications of each witness, the time required to present testimony by each witness, and whether the witness seeks to testify telephonically.

Unless the Committee or a party has specific questions, staff does not intend to provide any direct testimony beyond the environmental documents identified in #7.

6. Subject areas upon which the party desires to question the other parties' witness(es), a summary of the scope of the questions (including questions regarding witness qualifications), the issue(s) to which the questions pertain, and the time desired to question each witness. (Note: a party who fails to provide, with specificity, the scope, relevance, and time for questioning other parties' witness(es) risks preclusion from questioning witnesses on that subject area).

Staff does not intend to cross-examine other witnesses, but may have a few questions if parties offer direct oral testimony.

7. A list identifying exhibits with transaction numbers (TN) that the party intends to offer into evidence during the Evidentiary Hearing and the technical subject areas to which they apply (see below for further details on Exhibit Lists).

Staff will be offering the following documentary evidence into the evidentiary hearing record:

Exhibit 200	TN #223911	Staff's Initial Study and proposed Mitigated Negative Declaration	Covers all topics
Exhibit 201	TN #224450	Data Clarification Questions and Responses	Supplemental information related to local grid reliability
Exhibit 202	TN #224479	Staff's Response to Comments on the Initial Study and Response to Motion to Dismiss, and Response to Motion for New Schedule	General grid reliability, Public Health, Environmental Justice, Noise, Air Quality
Exhibit 203	TN #224532	Revised Response to Comment CC-2	Environmental Justice
Exhibit 204	TBD	Declarations and Resumes of Staff Preparing the Initial Study and Responses to Comments	Not Applicable

8. Proposals for briefing deadlines or other scheduling matters.

Staff does not anticipate briefing being necessary, but if the Committee finds briefing necessary, recommends a briefing due date of seven days after the filing of the proceeding's transcript.

9. Any objection by the party to the use of the informal hearing procedure outlined above.

Staff has no objections.

DATED: August 20, 2018

Respectfully submitted,



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