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**STATE OF CALIFORNIA
ENERGY RESOURCES CONSERVATION
AND DEVELOPMENT COMMISSION**

In the Matter of:

The Petition to Amend the

HUNTINGTON BEACH ENERGY PROJECT

Docket No. 12-AFC-02C

**AES HUNTINGTON BEACH ENERGY,
LLC'S PREHEARING CONFERENCE
STATEMENT AND EXHIBIT LIST**

**AES HUNTINGTON BEACH ENERGY, LLC'S
PREHEARING CONFERENCE STATEMENT AND EXHIBIT LIST**

November 9, 2016

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On October 20, 2016, the Committee assigned to this proceeding issued a Notice of Prehearing Conference and Evidentiary Hearing, Scheduling Order, and Further Orders ("Hearing Order"). Pursuant to the Hearing Order, AES Huntington Beach Energy, LLC ("Project Owner") herein provides its Prehearing Conference Statement and Exhibit List in support of the Huntington Beach Energy Project ("HBEP" or "Project") Petition to Amend ("PTA") (hereinafter referred to as the "Amended HBEP").

I. SUBJECT AREAS COMPLETE AND READY TO PROCEED TO HEARING

All topics presented in the Final Staff Assessment, Part 1 ("FSA") are complete and ready to proceed to hearing.¹

¹ The FSA, Part 1, published on October 17, 2016, did not include Staff's analysis of Air Quality or Public Health. Thus, this Prehearing Conference Statement does not include information on either topic.

II. TESTIMONY PRESENTED IN WRITING

Project Owner proposes to introduce only written testimony for all subject areas except Land Use. However, should Staff propose to present oral (live) testimony on additional subjects or should the Committee request oral (live) testimony on additional subjects, Project Owner will present witnesses and introduce oral (live) testimony accordingly.

III. SUBJECT AREAS NOT COMPLETE AND NOT YET READY TO PROCEED TO HEARING

All topics presented in the FSA, Part 1, are complete and ready to proceed to Evidentiary Hearing. As noted in footnote 1, *supra*, FSA Part 1 includes all topic areas except Air Quality and Public Health.

IV. SUBJECT AREAS THAT MAY REQUIRE ADJUDICATION

The following subject areas require adjudication by the Committee: Biological Resources, Cultural Resources, Paleontological Resources, Geology, Land Use and Compliance. However, Project Owner believes only one topic, Land Use, rises to the level of requiring live witness testimony. Testimony for all other subject areas that may require adjudication has been presented in this proceeding via written testimony, submitted by witness declaration and in Project Owner's Opening Testimony filed on October 27, 2016. Below Project Owner separately summarizes the subject areas that remain in dispute.²

1. Biological Resources

Project Owner concurs with Staff's conclusions in the Biological Resources section of the FSA and agrees with the Conditions of Certification set forth in the FSA pertaining to Biological Resources, with the exception of Condition of Certification BIO-1. Specifically, Project Owner

² For the Committee's reference, **Attachment A** hereto presents Project Owner's suggested modifications for each of the Conditions of Certification discussed in Section IV.

requests that the requirements for obtaining approval of a Designated Biologist set forth in BIO-1 be revised and has set forth proposed revisions to BIO-1 in Opening Testimony, as well as in Project Owner's comments on the Preliminary Staff Assessment ("PSA") and during the July 12, 2016 PSA Workshop. Project Owner requested the changes to BIO-1 in light of the Project construction schedule, as it is imperative that Project Owner obtain timely approvals for all designated resource specialists and timely review and approval of required plans. Staff maintains that Project Owner's requested changes would not improve the objectivity or reliability of the criteria used to approve qualified biological resources personnel. However, Project Owner strongly disagrees and believes the suggested revisions to BIO-1 will ensure efficient and timely review and selection of biological resources personnel.

2. Cultural Resources

Project Owner concurs with Staff's conclusions in the Cultural Resources section of the FSA and Staff's rebuttal testimony concurring with Project Owner's proposed changes to CUL-2 and CUL-4. However, Project Owner and Staff still disagree on language contained in CUL-1 that relates to the selection process of a Cultural Resources Specialist ("CRS"). Project Owner has requested certain revisions to CUL-1 that will ensure an objective mechanism by which a qualified CRS is chosen while eliminating the possibility of well-qualified individuals being wrongly prevented from the selection process. Staff disagrees with Project Owner's approach regarding the selection process of a CRS.

3. Land Use

Project Owner concurs with Staff's conclusions regarding Land Use set forth in the FSA. However, since release of the FSA, Project Owner has identified concerns with the timing set forth in the Verification of LAND-1, as well as identified minor changes to the FSA language in

the Land Use section of the FSA. Project Owner set forth the nature of these concerns in Opening Testimony. (See Project Owner's Exhibit 5055 (TN# 214211, Exhibit D).) Staff, however, failed to address Project Owner's Land Use testimony in their rebuttal testimony. In addition, since filing Opening and Rebuttal Testimony, Project Owner has identified further schedule issues related to the timing set forth in LAND-1. Project Owner would like to discuss such issues with the Committee and Staff during the Prehearing Conference and requests the right to provide additional testimony on this limited topic.³

Project Owner is prepared to present live testimony on this subject area at the Evidentiary Hearing.

4. Geology

Project Owner concurs with Staff's conclusions and agrees with the Conditions of Certification set forth in the FSA pertaining to Geology, with the exception of GEO-3. Project Owner believes that Condition of Certification GEO-3 is unnecessary, onerous and contains requirements that should not be applied to a private entity. Although Staff states that GEO-3 requires that the Tsunami Hazard Mitigation Plan "complies with the recommendations and procedures provided by the city of Huntington Beach or Orange County," no LORS exist requiring such a condition, and no significant environmental impact has been identified requiring such "mitigation." GEO-3 should not be adopted.

5. Paleontological Resources

Project Owner concurs with Staff's conclusions in the Paleontological Resources section of the FSA and agrees with the Conditions of Certification set forth in the FSA pertaining to

³ On or before November 10, 2016, Project Owner will submit a Motion to Submit Supplemental Testimony and Supplemental Testimony of Stephen O'Kane as to this issue. Project Owner has included in its Exhibit List a placeholder for and identified such supplemental testimony as Exhibit 5058 (TN# To Be Determined).

Paleontological Resources, with the exception of PAL-1. At numerous points in this proceeding, Project Owner has requested specific language be added to the Verification of Staff's proposed Condition of Certification PAL-1 related to the Paleontological Resource Specialist ("PRS"). Staff objected to Project Owner's suggested revisions to PAL-1 in its Rebuttal Testimony claiming that "prior performance of a [PRS] on other Energy Commission project may have no bearing on an individual's qualification to do so for the HBEP." However, similar to the proposed revisions to BIO-1 and CUL-1, Project Owner believes that disapproval of a PRS should be for documented noncompliance or performance issues, as well as for not having applicable qualifications for specific paleontological resources identified in the Project area. Project Owner's suggested revisions to PAL-1 address these issues.

6. Compliance

Project Owner agrees to the Conditions of Certification set forth in the FSA pertaining to Compliance, with the exception of certain language in conditions COM-3, COM-4, COM-13, COM-14, and COM-15 as set forth in Project Owner's Opening Testimony relating to Compliance Conditions of Certification. (*See* Project Owner's Exhibit 5055 (TN# 214211, Exhibit K).) However, Staff failed to address Project Owner's Compliance testimony in their rebuttal testimony. Therefore, since Project Owner is unclear as to Staff's position on the proposed revisions to COM-3, COM-4, COM-13, COM-14, and COM-15, Project Owner believes the conditions remain contested at this time. The Committee should adopt Project Owner's proposed changes to these conditions based on the reasons set forth in Project Owner's Opening Testimony.

V. PROJECT OWNER'S WITNESSES

A. Uncontested Subject Areas

As previously stated, witnesses for all uncontested topics have provided written testimony either via declaration (and the documents cited therein) and/or in written testimony submitted as part of Project Owner's Opening Testimony. (See Project Owner's Exhibit 5055 (TN# 214211).) As such, Project Owner will not present live testimony for uncontested topics.⁴

It is important to note that Project Owner indicated in its Opening Testimony that a number of Conditions of Certification remain contested. However, Staff's Rebuttal Testimony agreed to Project Owner's suggested modifications to the following Conditions of Certification: CUL-2, CUL-4, VIS-1, SOIL&WATER-2, SOIL&WATER-3, WASTE-5, TLSN-1 and TLSN-2. Based on Staff's Rebuttal Testimony, Project Owner has determined the issues related to these conditions have been resolved and these conditions of certification are now considered uncontested.⁵

B. Contested Subject Areas

While adjudication may be required for certain language in Conditions of Certification for Geology (GEO-3), Biological Resources (BIO-1), Cultural Resources (CUL-1), Paleontological Resources (PAL-1), and Compliance (COM-3, COM-4, COM- 13, COM-14, and COM-15), Project Owner intends to present live witness testimony solely for the subject area of Land Use. All of the other previously identified contested topics can be adjudicated by the

⁴ For brevity, Project Owner does not provide a summary of qualifications for witnesses providing written-only testimony, nor does Project Owner present a summary of such witnesses' testimony. Instead, each witness's declaration provides a list of documents sponsored by the witness, as well as a detailed description of qualifications set forth in the witness's attached curriculum vitae. (See Exhibit 5041 through Exhibit 5054.)

⁵ For the Committee's convenience, Project Owner sets forth the agreed upon revisions to these Conditions of Certification in **Attachment B** hereto.

Committee based on the previously-filed witness declarations and witness testimony⁶. (See Project Owner's Exhibit 5055 (TN# 214211).) Below, Project Owner identifies the witnesses' names and a summary of each witness's qualifications, and a brief summary of the witness's testimony related to Land Use, the time required for direct examination, and whether telephonic appearance is required for the witness.

1. Land Use

If live testimony is required, Project Owner respectfully requests that the topic of Land Use be the first subject to be heard at the November 30, 2016 Evidentiary Hearing due to time constraints for one of Project Owner's witnesses.

Witnesses and Summary of Qualifications: Stephen O'Kane and Seth Richardson will testify on the subject of Land Use. Summaries of Mr. O'Kane's and Mr. Richardson's qualifications are forth below.

Stephen O'Kane: Mr. O'Kane is the Vice-President of AES Huntington Beach Energy LLC, and is the Manager of Sustainability and Regulatory Compliance. He has over 20 years of experience in energy and environmental assessment and project development, including assignments as project manager for regulatory applications for the development of new thermal generation projects and applications for certification before the CEC. In addition to managing, directing, or contributing to the licensing and permitting process for development projects, he has also prepared environmental assessments, air quality analyses, and permit applications, prepared project feasibility studies, managed facility compliance systems, and prepared

⁶ In addition, should Staff present live testimony for any other subject areas not identified by the Project Owner herein, Project Owner reserves the right to also provide live testimony on such topic. As set forth in Part VI, *infra*, Project Owner also reserves the right to cross-examine Staff's witnesses and requests at least ten (10) minutes per witness for such cross-examination.

sustainability plans for projects and organizations in the energy industry. Mr. O’Kane has a Bachelor of Science degree and a Master of Science degree in Atmospheric Science. A list of representative projects is included with Mr. O’Kane’s CV, which has been docketed in this proceeding. (Project Owner’s Exhibit 5053 (TN# 214193).)

Seth Richardson: Mr. Richardson is a member of the State Bar of California and has been practicing law for eight years in the areas of real estate development and project finance issues. A copy of Mr. Richardson’s declaration attesting to this experience has been docketed in this proceeding. (See Project Owner’s Exhibit 5054 (TN# 214194).)

Summary of Testimony: Since Staff’s publication of the FSA, Project Owner has determined that, because of ongoing operations of the Huntington Beach Generating Station (“HBGS”), and the unknown schedule for obtaining required City approvals, it may be necessary to extend the timeline within which Project Owner is required to create a single legal parcel for the entirety of the Amended HBEP. Therefore, as set forth in Project Owner’s Opening Testimony, Project Owner proposes to locate the first power block on a single legal parcel, which will then be enlarged through lot line adjustment(s) or parcel merger(s) to encompass the entire 30 acre HBEP site before construction of the second power block commences. Project Owner’s proposal is consistent with the spirit and intent of Appendix B(g)(3)(c) of the CEC Siting Regulations because it ensures that each phase of Amended HBEP is located on a single legal parcel, consistent with the phased nature of the Amended HBEP. As Staff did not address Land Use on rebuttal, Project Owner cannot identify whether Staff agrees with or is opposed to Project Owner’s proposed revisions to the Verification language of proposed Condition of Certification LAND-1.

Time Required for Testimony: Should this topic require live testimony, Project Owner anticipates a panel discussion. Direct examination as to this topic may require fifteen (15) minutes.

Telephonic Appearance Required: Project Owner's witness Seth Richardson will testify by telephonic appearance. Project Owner notes that this witness is available between 10:00 a.m. and 11:30 a.m. the day of the Evidentiary Hearing. Therefore, should Land Use require live testimony, Project Owner requests that it be scheduled as the first topic on the agenda.

VI. SUBJECT AREAS UPON WHICH PROJECT OWNER WISHES TO CROSS-EXAMINE WITNESSES

Assuming that Project Owner and Staff cannot reach agreement on Land Use prior to the Evidentiary Hearing, Project Owner will present testimony as previously noted and will seek to cross-examine Staff's witness(es) accordingly. Project Owner will need approximately fifteen (15) minutes for cross-examination of Staff's Land Use witness(es), if this topic requires live testimony. In addition, should Staff present live testimony for other subject areas not identified by the Project Owner herein, Project Owner reserves the right to cross-examine Staff's witnesses and requests at least ten (10) minutes per witness for such cross-examination.

VII. PROJECT OWNER'S EXHIBIT LIST

Project Owner presents all identified exhibits in **Attachment C** hereto. Each exhibit and its assigned CEC Transaction Number are identified therein. As set forth in the Hearing Order,

exhibits are numbered consecutively, starting with Exhibit 5000. Project Owner's Exhibits will include Exhibit 5000 through and including Exhibit 5057.⁷

VIII. PROPOSALS FOR BRIEFING DEADLINES AND OTHER SCHEDULING MATTERS

At this time, Project Owner does not anticipate the need for post-hearing briefing of any subject matter. However, should any topic require briefing, Project Owner advocates for an aggressive briefing schedule. Project Owner believes briefing can be completed with Opening Briefs filed on or before December 7, 2016 and Reply Briefs filed on or before December 13, 2016.

Related to other scheduling matters, Project Owner reiterates the significance for maintaining a shortened schedule for this proceeding. To ensure the electric reliability in the West LA Basin, Project Owner requests that the Committee issue a revised scheduling order requiring Staff to publish Part 2 of the FSA within one week of the South Coast Air Quality Management District's (the "District") publication of the Final Determination of Compliance. In addition, Project Owner requests that the revised scheduling order implements similar shortened timelines for an evidentiary hearing date solely related to Air Quality and Public Health, and that the entirety of the Presiding Member's Proposed Decision is published within two weeks of the evidentiary hearing on Air Quality and Public Health.

IX. CONCLUSION

Project Owner is confident that the Amended HBEP PTA proceeding is ready for Evidentiary Hearings for all topics set forth in Staff's FSA, Part 1. Project Owner looks forward

⁷ Project Owner's Prehearing Conference Statement and Exhibit List is identified as Exhibit 5057. However, due to the timing of the filing thereof, Project Owner cannot yet identify the CEC Docket TN#.

to the conclusion of the hearings and a favorable decision by the Commission approving these critical modifications to the Licensed HBEP.

Date: November 9, 2016

STOEL RIVES LLP

A handwritten signature in blue ink, appearing to read "Melissa A. Foster".

Melissa A. Foster
Kristen T. Castaños

Attorneys for Project Owner
AES HUNTINGTON BEACH ENERGY, LLC

ATTACHMENT A
PROJECT OWNER'S PROPOSED CHANGES TO CONDITIONS OF CERTIFICATION

ATTACHMENT A

PROJECT OWNER'S PROPOSED MODIFICATIONS TO CONDITIONS OF CERTIFICATION

The proposed revisions provided below are included in Project Owner's Opening Testimony (Project Owner's Exhibit 5055 (TN# 214211)) and are set forth below for the Committee's convenience.

BIOLOGICAL RESOURCES

Project Owner proposes the following language be added to the Verification of proposed Condition **BIO-1**:

Any Designated Biologist previously approved by Commission Staff within the preceding five (5) years shall be deemed approved ten (10) days after project owner provides a resume and statement of availability of the proposed Designated Biologist. The CPM may disapprove a previously approved Designated Biologist within seven (7) days of Project Owner submission of the Proposed Designated Biologist's resume and statement of availability only if non-compliance or performance issues were documented in the compliance record for the previous CEC project work conducted by the proposed Designated Biologist or the Designated Biologist's qualifications are not applicable to the specific biological resources identified in the HBEP project area.

CULTURAL RESOURCES

Project Owner requests the following language be added to the Verification of proposed Condition **CUL-1**:

The Project Owner shall provide the Compliance Project Manager (CPM) with the resume and qualifications of its Cultural Resource Specialist (CRS) for review and approval. A proposed CRS previously approved by Commission Staff within the preceding five (5) years shall be deemed approved ten (10) days after project owner provides a resume and statement of availability of the proposed CRS.

The CPM may disapprove a previously approved CRS within seven (7) days of Project Owner submission of the CRS' resume and statement of availability only if non-compliance or performance issues events were documented in the compliance record for the previous CEC project work conducted by the proposed Cultural Resource Specialist. Any Cultural Resource Specialist previously approved within the last five (5) years by the Commission shall be automatically approved and the project owner shall

provide a resume and statement of availability. The CPM may disapprove a previously approved CRS if non-compliance or performance issues were documented in the record during the previous project work by the CRS or the CRS's qualifications are not applicable to the specific biological resources identified in the HBEP project area.

LAND USE

Project Owner proposes the following modifications to the Verification of proposed Condition **LAND-1**:

LAND-1: The project owner shall comply with Appendix B(g)(3)(c) of the Siting Regulations (Title 20, California Code of Regulations) by ensuring that the HBEP site, excluding linear and temporary lay down or staging area, will be located on a single legal parcel.

Verification: Prior to ~~construction~~ **commercial operation** of the **combined cycle gas turbine (CCGT)** power block, the project owner shall submit evidence to the compliance project manager (CPM) indicating approval of a Lot Line Adjustment **or other action** by the city of Huntington Beach, establishing a single parcel for the **CCGT power block and related facilities** 30-acre HBEP site. The submittal to the CPM shall include evidence of compliance with all conditions and requirements associated with the approval of the Lot Line Adjustment **or other action** by the city. **Prior to construction of the second power block, the project owner shall submit evidence to the CPM indicating approval of a Lot Line Adjustment or other action by the city of Huntington Beach establishing a single parcel for the 30 acre HBEP site. The submittal to the CPM shall include evidence of compliance with all conditions and requirements associated with the approval of the Lot Line Adjustment or other action by the city.**

GEOLOGY

Project Owner proposes to delete **GEO-3** in its entirety.

PALEONTOLOGICAL RESOURCES

Project Owner requests the following language be added to the Verification of proposed Condition **PAL-1**:

The Project Owner shall provide the Compliance Project Manager (CPM) with the resume and qualifications of its Paleontological Resource Specialist (PRS) for review and approval. A proposed CRS previously approved by

Commission Staff within the preceding five (5) years shall be deemed approved ten (10) days after project owner provides a resume and statement of availability of the proposed PRS. The CPM may disapprove a previously approved PRS within seven (7) days of Project Owner submission of the Proposed PRS' resume and statement of availability only if non-compliance or performance issues events were documented in the compliance record for the previous CEC project work conducted by the proposed Paleontological Resource Specialist previously approved within the last five (5) years by the Commission shall be automatically approved and the project owner shall provide a resume and statement of availability. The CPM may disapprove a previously approved PRS if non-compliance or performance issues were documented in the record during the previous project work by the PRS or the PRS's qualifications are not applicable to the specific paleontological resources identified in the HBEP project area.

COMPLIANCE

Project Owner requests the following revisions to **COM-3, COM-4, COM-13, COM-14, and COM-15:**

COM-3: Compliance Verification Submittals. Verification lead times associated with the start of construction may require the project owner to file submittals during the amendment process, particularly if construction is planned to commence shortly after certification. The verification procedures, unlike the conditions, may be modified as necessary by the CPM after notice to the project owner. **For any compliance verification submittal requiring approval by the CPM, if the CPM fails to comment on or approve such submittal at least 15 days prior to the approval trigger (e.g., site mobilization, start of construction), such submittal shall be deemed approved.**

COM-4: Pre-Construction Matrix and Tasks Prior to Start of Construction.

The deadlines for submitting various compliance verifications to the CPM allow staff sufficient time to review and comment on, and, if necessary, also allow the project owner to revise the submittal in a timely manner. These procedures help ensure that project construction proceeds according to schedule. Failure to submit required compliance documents by the specified deadlines may result in delayed authorizations to commence various stages of the project. **Similarly, staff's failure to timely review and comment on or approve compliance documents may impair the project's construction schedule. Accordingly, if staff fails to comment on or approve any compliance submittal listed on the pre-**

construction matrix at least 15 days prior to planned start of construction, the subject submittal will be deemed approved.

COM-13 Incident-Reporting Requirements. The project owner shall notify the CPM within one (1) hour after it is safe and feasible of any incident at the facility that results in any of the following:

1. An event of any kind that causes an unplanned **“Forced eOutage” as defined in the CAISO tariff;**

COM-14 Non-Operation and Repair/Restoration Plans. If the facility ceases operation temporarily (excluding planned and unplanned maintenance) for longer than one(1) week (or other CPM-approved date), but less than three (3) months (or other CPM-approved date), the project owner shall notify the CPM, ~~interested agencies, and nearby property owners....~~

Project Owner proposes revisions to **COM-15** to reflect the language in the Final Decision as follows:

COM-15 Facility Closure Planning.

If the Energy Commission-approved Final Closure Plan and Cost Estimate procedures are not initiated within one (1) year of the plan approval date, it shall be updated and re-submitted to the Energy Commission for supplementary review and approval. If a project owner initiates but then suspends closure activities, and the suspension continues for longer than one (1) year, ~~the Energy Commission may initiate correction actions against the project owner to complete facility closure~~ the Final Closure Plan and Cost Estimate shall be resubmitted to the Commission for supplementary review and approval....

ATTACHMENT B
AGREED UPON CHANGES TO CONDITIONS OF CERTIFICATION

ATTACHMENT B

AGREED UPON REVISIONS TO CONDITIONS OF CERTIFICATION

The revisions provided below were included in Project Owner's Opening Testimony (Project Owner's Exhibit 5055 (TN# 214211)) and agreed to by Staff in Staff's Rebuttal Testimony (TN# 214358). The agreed-upon modifications to these proposed conditions are set forth below for the Committee's convenience.

CULTURAL RESOURCES

Staff agreed to Project Owner's proposed changes to CUL-2 and CUL-4. (*See Staff's Rebuttal Testimony at p. 3.*)

CUL-2: INFORMATION TO BE PROVIDED TO CRS

Maps shall include any NRHP/CRHR-eligible historic built environment resources identified in the FSA's archaeological project area of analysis.

CUL-4: FINAL CULTURAL RESOURCES REPORT

If the project owner requests a suspension of all ground disturbance and/or construction activities for more than 30 days, then a draft CRR that covers all cultural resources activities associated with the project shall be prepared by the CRS and submitted to the CPM for review and approval. The draft CRR shall be retained at the project site in a secure facility until ~~ground disturbance and/or~~ construction resumes or the project is withdrawn. If the project is withdrawn, then a final CRR shall be submitted to the CPM for review and approval.

VISUAL RESOURCES

As stated in Project Owner's Opening Testimony, Project Owner agreed with all of Staff's proposed modifications to VIS-1, except for a timing element in the verification of the condition related to the implementation of the Visual Screening and Enhancement Plan. On rebuttal, Staff agreed to Project Owner's proposed modifications to that timing element with additional minor clarifying language included, to which Project Owner is amenable. (*See Staff's Rebuttal Testimony at p. 10.*) The pertinent portion of the paragraph is set forth below showing the agreed upon changes.

VIS-1:

Verification:

The Plan elements pertaining to screening and enhancement of the CCGT units, including the easternmost and middle screens, shall be implemented within 12

months of ~~beginning commercial operation of the CCGT units~~ **completing demolition of the HBGS Units 1 and 2. The Plan elements pertaining to screening and enhancement of the simple-cycle gas turbine (SCGT) units shall be implemented within 12 months of beginning commercial operation of the SCGT units.**

SOIL & WATER RESOURCES

Staff agreed to Project Owner's proposed revisions to SOIL&WATER-2 and SOIL&WATER-3. (See Staff's Rebuttal Testimony at p. 5.)

SOIL&WATER-2:

Verification: ~~Prior to construction mobilization~~ **Thirty (30) days prior to the first scheduled hydrostatic testing event**, the project owner shall submit to the CPM documentation that all necessary NPDES permits were obtained from the Santa Ana Regional Water Quality Control Board

SOIL&WATER-3:

Discharge of dewatering water shall comply with the Santa Ana Regional Water Quality Control Board (RWQCB) and State Water Resources Control Board regulatory requirements. ... ~~The project owner shall pay all necessary fees for filing and review of the RWD and all other related fees. Checks for such fees shall be submitted to the RWQCB and shall be payable to the State Water Resources Control Board....~~

Verification: Prior to any dewatering water discharge, the project owner shall submit a ROWD to the RWQCB to obtain the appropriate waiver or permit and submit the dewatering plan to the CPM. The appropriate waiver or permit, as well as dewatering plan, must be obtained at least 30 days prior to the discharge. The project owner shall submit a copy of any correspondence between the project owner and the RWQCB regarding the waiver or permit and all related reports to the CPM within 10 days of correspondence receipt or submittal. **The project owner shall pay all necessary fees for filing and review of the RWD and all other related fees. Checks for such fees shall be submitted to the RWQCB and shall be payable to the State Water Resources Control Board.**

WASTE MANAGEMENT

Staff agreed to Project Owner's proposed revisions to WASTE-5. (See Staff's Rebuttal Testimony at p. 12.)

WASTE-5 ***

Verification: The project owner shall submit the C&D Debris Waste Reduction

and Recycling Plan to the ~~CPM and the~~ city of Huntington Beach Department of Planning and Building for **review and comment approval and to the CPM for approval** no less than 30 days prior to the initiation of demolition and construction activities at the site.

TRANSMISSION LINE SAFETY & NUISANCE

Staff agreed to retain the language for TLSN-1 and TLSN-2 as was originally set forth in the Final Decision for the Licensed HBEP. (See Staff's Rebuttal Testimony at p. 11.)

TLSN-1 The project owner shall construct the proposed 230-kV generator tie transmission line according to all applicable laws, ordinances, regulations, and industry standards, including the National Electric Safety Code (NESC) the requirements of California Public Utility Commission's GO-95, GO-52, GO-131-D, Title 8, and Group 2, High Voltage Electrical Safety Orders, sections 2700 through 2974 of the California Code of Regulations, and Southern California Edison's EMF Design Reduction Guidelines for Electrical Facilities.

Verification: At least 30 days prior to start of construction of the generator tie line or related structures and facilities, the project owner shall submit to the Compliance Project Manager (CPM) a letter signed by a California registered electrical engineer affirming that the lines will be constructed according to the requirements stated in the condition.

TLSN-2 The project owner shall measure the maximum strengths of the line electric and magnetic fields at the edge of the right-of-way to validate the estimates the applicant has provided for these fields. These measurements shall be made (a) according to the standard procedures of the American National Standard Institute/Institute of Electrical and Electronic Engineers (ANSI/IEEE) and, (b) before and after energization. The measurements shall be completed no later than six months after the start of operations.

Verification: The project owner shall file copies of the pre- and post-energization measurements with the CPM within 60 days after completion of the measurements. The CPM shall determine the need for further mitigation from these field measurements.

ATTACHMENT C
PROJECT OWNER'S EXHIBIT LIST

In the Matter of:

**The Petition to Amend the
HUNTINGTON BEACH ENERGY PROJECT**

Docket No. 12-AFC-02C

**PROJECT OWNER'S
EXHIBIT LIST¹**

No.	TN #	DOCUMENT TITLE (AS DOCKETED)	SUBJECT AREA
5001	206087	Petition to Amend With Appendices Docketed 9/9/2015	All Topics
5002	206442	Project Owner's Proposed Schedule and Request for Scheduling Order Docketed 10/27/2015	General
5003	206806	Project Owner's Response to Staff's Issues Identification Report, Proposed Schedule, and Request for Committee Scheduling Order Docketed 12/1/2015	General
5004	206807	Objections to Certain Data Responses Contained in CEC Staff's Data Requests Set One (#A1-A74) Docketed 12/1/2015	General Visual Resources Cultural Resources
5005	206858	Data Responses, Set 1 (Responses to Data Requests 1-74) Docketed 12/7/2015	Traffic & Transportation Visual Resources Project Description Cultural Resources Socioeconomics Transmission System Engineering
5006	206859	AES Southland Development LLC's Repeated Application for Confidential Designation and for Response to Data Request Docketed 12/7/2015	General Cultural Resources

¹ Pursuant to the Committee's October 20, 2016 Order (TN# 214127), Project Owner's Exhibit List includes all topics presented in the Final Staff Assessment, Part 1 ("FSA") (TN# 214025). The FSA excluded the subject areas of Air Quality and Public Health. Thus, Project Owner's Exhibit List does not include exhibits related to Air Quality or Public Health.

No.	TN #	DOCUMENT TITLE (AS DOCKETED)	SUBJECT AREA
5007	207211	Confidential Response to Staff's Data Requests, Set One Docketed 12/7/2015	General Cultural Resources
5008	206916	Project Owner's Handout for Huntington Beach Energy Project Site Visit 12-08-2015 Docketed 12/10/2015	General
5009	206917	Presentation - Environmental Scoping Meeting and Informational Hearing by AES Southland Development, LLC Docketed 12/10/2015	General
5010	206935	AES Southland Development, LLC's Application for Designation of Confidential Cultural Resources Records Docketed 12/11/2015	General Cultural Resources
5011	207209	AES Southland Development, LLC's Confidential Cultural Resources Records Docketed 12/11/2015	General Cultural Resources
5012	207011	Project Owner's Follow-Up to Data Request Workshop 12.14.15 Docketed 12/14/2015	General Visual Resources Socioeconomics
5013	207017	Response Letter to the 10/26/15 Request for Water Supply Assessment Docketed 12/15/2015	Water Resources
5014	210109	Project Owner's Status Report #1; Response to Committee Scheduling Order Docketed 2/1/2016	General
5015	210262	Project Owner's Response to City of Huntington Beach Comments on PTA Docketed 2/10/2016	General Compliance Conditions Traffic & Transportation Visual Resources
5016	210567	Project Owner's Status Report #2 Docketed 3/1/2016	General
5017	210763	Conceptual Design Plan - Status Update Docketed 3/16/2016	Visual Resources

No.	TN #	DOCUMENT TITLE (AS DOCKETED)	SUBJECT AREA
5018	210923	Project Owner's Status Report #3 Docketed 4/1/2016	General
5019	210984	AES Huntington Beach Energy, LLC's Petition to Change Ownership Docketed 4/8/2016	General
5020	211139	CAISO Section 25 Affidavit Docketed 4/19/2016	Transmission System Engineering
5021	211292	Status Report #4 Docketed 4/29/2016	General
5022	211411	Letter Regarding Response to Conservancy Docketed 5/9/2016	General Biological Resources Noise & Vibration Traffic & Transportation Land Use Water Resources
5023	211690	Project Owner's Status Report #5 Docketed 6/1/2016	General
5024	211756	Applicant's Supplement to Status Report No. 5 Docketed 6/8/2016	General
5025	211856	Order Approving Transfer of Ownership Docketed 6/17/2016	General
5026	212044	Project Owner's Status Report #6 Docketed 6/30/2016	General
5027	212311	Project Owner's Response to the Committee's Amended Scheduling Order Docketed 7/15/2016	General

No.	TN #	DOCUMENT TITLE (AS DOCKETED)	SUBJECT AREA
5028	212379	Project Owner's Comments on the Preliminary Staff Assessment Docketed 7/21/2016	General Project Description Biological Resources Cultural Resources Land Use Soil & Water Resources Traffic & Transportation Transmission Line Safety & Nuisance Visual Resources Waste Management Geology & Paleontology Transmission System Engineering Alternatives Compliance Conditions
5029	212380	City of Huntington Beach RESOLUTION NO 2016-27 Docketed 7/21/2016	Land Use Visual Resources
5030	212525	Status Report #7; Request for Status Conference Docketed 8/1/2016	General
5031	212678	Huntington Beach California ISO Repowering Study Report Docketed 8/8/2016	Transmission System Engineering
5032	212752	Response to City of Huntington Beach Comments on the PSA Docketed 8/11/2016	General Traffic & Transportation Compliance Conditions Worker Health & Safety
5033	212753	AES Huntington Beach Energy LLC Response to CCC Draft Report Docketed 8/11/2016	General
5034	212948	Project Owner's Follow-Up to Status Conference - Additional PSA Comments (Alternatives - Clutches) Docketed 8/25/2016	Alternatives
5035	213457	AES Status Report #8 Docketed 9/1/2016	General

No.	TN #	DOCUMENT TITLE (AS DOCKETED)	SUBJECT AREA
5036	213478	Project Owner's Additional Response to Coastal Commission Comments Docketed 9/2/2016	Traffic & Transportation Biological Resources Land Use Noise
5037	213492	Response to August 29, 2016 Amended Committee Scheduling Order [Clutches] Docketed 9/6/2016	General Alternatives
5038	213812	Project Owner's Motion for Order to Publish Final Staff Assessment Docketed 9/27/2016	General
5039	213865	Project Owner's Status Report #9 Docketed 9/30/2016	General
5040	213999	Project Owner's Request for Evidentiary Hearing Date and Related Deadlines Docketed 10/13/2016	General
5041	214181	Declaration of Mark Bastasch in Support of Project Owner's Opening Testimony Docketed 10/26/2016	Noise & Vibration
5042	214183	Declaration of Melissa Fowler in Support of Project Owner's Opening Testimony Docketed 10/26/2016	Biological Resources
5043	214186	Declaration of Thomas Priestley in Support of Project Owner's Opening Testimony Docketed 10/26/2016	Visual Resources
5044	214210	Declaration of Lisa Valdez in Support of Project Owner's Opening Testimony Docketed (originally docketed 10/26/2016; re-docketed by the Docket Unit on 10/26/2016 due to technical issues) <i>TN# 214210 supersedes TN# 214179.</i>	Traffic & Transportation
5045	214185	Declaration of Thomas A. Lae in Support of Project Owner's Opening Testimony Docketed 10/26/2016	Geologic Hazards & Resources
5046	214182	Declaration of Matt Franck in Support of Project Owner's Opening Testimony Docketed 10/26/2016	Water Resources

No.	TN #	DOCUMENT TITLE (AS DOCKETED)	SUBJECT AREA
5047	214180	Declaration of Jennifer Krenz-Ruark in Support of Project Owner's Opening Testimony Docketed 10/26/2016	Soils
5048	214177	Declaration of Fatuma Yusuf, Ph.D. in Support of Project Owner's Opening Testimony Docketed 10/26/2016	Socioeconomics
5049	214184	Declaration of Natalie Lawson in Support of Project Owner's Opening Testimony Docketed 10/26/2016	Cultural Resources
5050	214178	Declaration of James Verhoff in Support of Project Owner's Opening Testimony Docketed 10/26/2016	Paleontological Resources
5051	214187	Declaration of Robert Sims in Support of Project Owner's Opening Testimony Docketed 10/26/2016	Transmission Line Safety & Nuisance Transmission System Engineering
5052	214192	Declaration of Jerry Salamy Docketed 10/26/2016	Project Description Executive Summary Geology Waste Management
5053	214193	Declaration of Stephen O'Kane Docketed 10/26/2016	All Topics
5054	214194	Declaration of Seth Richardson Docketed 10/26/2016	Land Use
5055	214211	Project Owner's Opening Testimony Docketed 10/27/2016	All Topics
5056	214361	Project Owner's Rebuttal Testimony and Revised Preliminary Exhibit List Docketed 11/03/2016	All Topics
5057	TBD	Project Owner's Prehearing Conference Statement and Exhibit List Docketed 11/09/2016	All Topics
5058	TBD	Motion to Submit Supplemental Testimony and Supplemental Testimony of Stephen O'Kane Docketed	Land Use