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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**

***APPLICATION FOR CERTIFICATION FOR THE
ALAMITOS ENERGY CENTER***

Docket No. 13-AFC-01

ENERGY COMMISSION STAFF PREHEARING CONFERENCE STATEMENT

On October 14, 2016, the Alamos Energy Center Committee issued a Notice of Prehearing Conference and Evidentiary Hearing, Scheduling Order, and Further Orders. In the Notice, the Committee set the Prehearing filing deadline for November 2, 2016, and ordered each party to file a Prehearing Conference Statement and Exhibit List. This document responds to the Committee's Order.

1. Complete subject areas.

Staff has completed its analysis of all subject areas as set forth in the Final Staff Assessment Part 1 (FSA) and is ready to proceed to an evidentiary hearing on those subjects.

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

Staff intends to introduce all of its evidence in the form of written testimony. Staff believes that the written record including the FSA, Staff's rebuttal testimony, and the testimony submitted by the Applicant sufficiently sets forth the project description, potential impacts from construction and operation of the project and recommended mitigation. Therefore, Staff does not intend to introduce additional oral testimony but will be available to respond to Committee questions.

3. Incomplete subject areas.

All subject areas discussed in the FSA Part 1 are complete. Air Quality and Public Health will be addressed in the FSA Part 2.

4. Disputed subject areas.

Based on the Applicant's opening testimony there appears to be some dispute related to the following conditions of certification: COM-14, COM-15, BIO-1, BIO-8, CUL-1, CUL-6 and TRANS-3. Staff's rebuttal testimony provided additional support for the purpose and rationale of these conditions. Staff did offer a modified COM-14 and TRANS-3 in rebuttal testimony based on comments by the Applicant. If the Applicant agrees to these conditions, then there will be no disputed areas between Staff and the Applicant.

The Intervener, Los Cerritos Wetlands Trust, takes the position that Staff's alternatives and cumulative impacts analyses are inadequate. Staff's rebuttal testimony provided additional testimony on these two areas in order to address the Wetlands Trust's concerns. Staff notes that some of the information submitted by the Wetlands Trust relates to the demolition of the South Bay power plant but some, such as the California Public Utilities Commission's (CPUC) Final Environmental Impact Report (FEIR), relates to the South Bay Substation project. Staff is not clear if the Wetlands Trust intended to file documents about a substation project under the jurisdiction of the CPUC, or thought the CPUC FEIR concerned the South Bay power plant.

It appears some of the testimony submitted by Wetlands argues that demolition of Alamitos Generating Station (AGS) is part of the project. Consistent with the Committee order on the issues of decommissioning and demolition of AGS, evidence and argument on the direct and indirect impacts of the decommissioning and demolition of AGS are irrelevant and should not be considered by the Committee. (Testimony of Joe Geever pg. 1, section 2)

If Staff's rebuttal testimony sufficiently addresses the Wetlands Trust's concerns, there may not be any areas of dispute. Regardless of whether any disputed areas remain, Staff believes the submitted testimony that will make up the hearing record adequately addresses the issues and provides a robust record for the Committee to issue a Presiding Member's Proposed Decision and no further oral testimony is necessary. This is especially so if proposed oral testimony is simply reiteration of what has already been filed. Staff recommends the Committee remind the parties that there is no need to read into the record existing filed written testimony.

5. Identity of Staff Witnesses

Relevant Staff will be made available if the Committee finds additional information is necessary to address issues or questions. Staff would recommend that if the Committee does have questions, that a panel format is used in which the parties' experts address the questions in an open dialog and discussion.

6. Cross-Examination of Witnesses

Staff does not intend to cross-examine any of the parties' witnesses. Staff does not object to witnesses calling in on the phone or through WebEx.

7. List of Exhibits.

See attached **Staff's Exhibit List.**

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8. Proposals for briefing deadlines or other scheduling matters.

Staff does not anticipate briefs will be necessary. The primary legal issue, the status of decommissioning and demolition of AGS, has already been adjudicated. If the Committee is inclined to require or suggest briefs be filed, Staff requests any due date be two weeks after hearing transcripts are available.

Date: October 31, 2016

Respectfully submitted,

Original Signed By:

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STAFF'S EXHIBIT LIST

Exhibit Number	Docket Transaction Number	Title of Document	Subject Areas
2000	213768	Final Staff Assessment Part 1	All
2001	213943	Visual Resources Final Staff Assessment Appendices	Visual
2002	214007	COMMITTEE RULING RE: STAFF'S MOTION FOR SUMMARY ADJUDICATION	N/A
2003	214089	Supplemental Traffic and Transportation Testimony of Lisa Worrall	Traffic and Transportation
2004	214203	Rebuttal Testimony, dated October 26, 2016	Alternatives, Biological Resources, Cultural Resources, Compliance, Noise and Vibration, Traffic and Transportation, Soil and Water
2005	214213	Rebuttal Testimony Cultural Resources Figures 1-12	Cultural Resources
2006	213634	Email Regarding Alamitos 30413 (d), dated September 8, 2016	Coastal Commission 30413 report
2007	211015	Water Supply Assessment	Soil and Water
2008	212289	Request for Comments on the Preliminary Staff Assessment for the Proposed Alamitos Energy Center (Notice to Agencies)	N/A
2009	213772	Notice of Availability for the FSA, Part 1 to Agencies, dated September 23, 2016	N/A