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| Filer: | ELIZABETH LAMBE |
| Organization: | Los Cerritos Wetlands Land Trust |
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Alamitos Energy Center
AFC-13-01

**Motion to Postpone Opening Testimony,
Rebuttal, and Pre-Hearing Conference Statement**

**Presented to California Energy Commission
On Behalf of Los Cerritos Wetlands Land Trust**

December 9, 2016

Dear Mr Celli and Committee Members,

For the reasons stated below, we are submitting this Motion to Postpone Opening Testimony, Rebuttal, Pre-Hearing Conference Statement and Evidentiary Hearing Part Two. As you will see at the conclusion of this Motion, the adjustment to the Schedule would greatly improve the ability for the Intervenor and the public to prepare for and participate in the process.

The limited time allowed for Intervenor and public participation is unreasonably short.

Intervenor, Los Cerritos Wetlands Land Trust (Trust), and the public have just now been given access to the Final Staff Assessment (FSA) Part Two. The final FSA Part Two includes hundreds of pages of Air Quality and Public Health assessment.

The schedule to prepare Opening Testimony unnecessarily burdens public participation. The Trust representatives and experts are only allowed 4 working days to review the Air Quality and Public Safety sections of the FSA, as well as review all the relevant sections from the Part One FSA to ensure consistency with Part Two. Four days is not adequate time to review a document with hundreds of

pages of information that, until just now, was only draft assumptions and analyses. Worse yet, it is an unreasonably short time for drafting Opening Testimony.

Further, allowing only two days for Rebuttal of Opening Testimony further burdens the Trust and the public.

Finally, requiring the Pre-hearing Conference Statement only three days after rebuttal of Opening Testimony, and just hours prior to the start of the Part Two Hearing, precludes preparation of the parties' representatives and witnesses for full participation in the Hearing. **Opening Testimony will likely include the Part One subject areas that are interrelated with air quality degradation. And our Opening Testimony will likely introduce components of the cumulative impacts analyses of air quality degradation not included in the FSA. These likely issues for discussion at the Evidentiary Hearing, the relevant evidence, and the witness list, will be in the Trust's Prehearing Conference Statement.**

We request a postponement of the Opening Testimony, Pre-Hearing Conference and Part Two Evidentiary Hearing.

We request:

December 16 – Opening Testimony

December 20 – Rebuttal of Opening Testimony

December 30 – Pre-hearing Conference Statement due

1st week of January – Evidentiary Hearing Part 2