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STATE OF CALIFORNIA

ENERGY RESOURCES CONSERVATION AND DEVELOPMENT COMMISSION

In the matter of: DOCKET NO. 15-AFC-01

Application for Certification of the **PUENTE POWER PROJECT**

CITY OF OXNARD'S SECOND STATUS REPORT

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Pursuant to the September 24, 2015 Committee Scheduling Order, the City of Oxnard files this Status Report addressing the following issues:

New Application Materials

Since the last status report, NRG has revised its application in two material respects:

(1) NRG has revised its project description and is now proposing to demolish the existing Units 1 and 2 at the Mandalay site; and (2) NRG has submitted new or substantially revised calculations of air quality and public health impacts, new emission modeling input data, and new calculations of project impacts from nitrogen deposition. The City is continuing to review these new application materials.

Discovery Status

The City submitted its Data Requests, Set 4 to NRG on December 4, 2015. Responses to that request are due on January 4, 2016. In light of NRG's revised application materials, the City also filed a motion to extend the discovery period by 90 days. That motion is pending before the Committee.

Additionally, the City has an outstanding petition to compel NRG to produce three categories of requested data: (1) unlocked emission spreadsheets supporting NRG's original application; (2) vendor information regarding the proposed GE turbine; and (3) emission test data supporting the asserted emissions for the proposed GE turbine. Responses to this petition were due on December 7, and NRG filed a response that day. Commission staff did not respond to the petition, but in its most recent status report states that NRG's original emission calculations are "no longer relevant to the analysis of the [project's] air quality impacts" due to updated information from GE.

The City does not concur with staff's statement. The City will be precluded from

understanding the complete scope and effect of NRG's revised emission calculations without the

ability to review the original, unlocked emission spreadsheets. The City has a right to review

these changes for itself. It should not be forced to rely on NRG's assertions about the nature of

the changes or staff's belief that the original calculations are "no longer relevant." Moreover, the

City requested the original emission data in August. NRG's recently-revised calculations should

not remove its obligation to disclose the information that was originally requested.

The City and NRG are currently discussing the terms of a nondisclosure agreement that

would apply to materials that NRG claims are confidential.

Oxnard's Local Land Use Planning

The City is continuing its efforts to update its local coastal plan so that the land use

designations for the McGrath/Mandalay and Ormond Beach areas reflect the City's planning

goals. This process began with the 2011 amendment to the City's General Plan, which was

intended to implement the sustainability goals of AB 32. That General Plan amendment instructs

the City to update its local coastal plan to account for sea level rise and to transition land use in

the coastal zone away from non-renewable, non-coastal dependent energy infrastructure. On

November 19, 2015, the City's Planning Commission held an initial public hearing to consider

zone changes and amendments to the local coastal plan to implement these General Plan

provisions.

DATED: December 10, 2015

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