

## DOCKETED

<b>Docket Number:</b>	16-RPS-02
<b>Project Title:</b>	Appeal by Los Angeles Department of Water & Power re Renewables Portfolio Standard Certification Eligibility
<b>TN #:</b>	213647
<b>Document Title:</b>	LADWP's Response to CSC Order and Request for Corrections to Transcript of 09-06-16 CSC Hearing (09.14.16)
<b>Description:</b>	N/A
<b>Filer:</b>	Adriana Ayuso
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<b>Docketed Date:</b>	9/14/2016

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

<b>In the Matter of:</b>	)	<b>Docket No. 16-RPS-02</b>
	)	
<b>Appeal by LADWP re</b>	)	<b>RE: LADWP's Response to Summary of</b>
<b>RPS Certification or Eligibility</b>	)	<b>Committee Orders (TN# 213513) and</b>
	)	<b>Request for Correction to Transcript of</b>
	)	<b>09/06/16 Committee Status Conference</b>
	)	<b>(TN# 213622)</b>
	)	
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**THE LOS ANGELES DEPARTMENT OF WATER AND POWER'S RESPONSE TO**  
**SUMMARY OF COMMITTEE ORDERS AND REPORTS AFTER SEPT. 6, 2016,**  
**CLOSED SESSION (TN#213513) AND REQUEST FOR CORRECTION TO**  
**TRANSCRIPT OF SEPT. 6, 2016 COMMITTEE STATUS CONFERENCE (TN# 213622)**

September 14, 2016

LOUIS C. TING  
Director of Power Planning & Development  
Los Angeles Dept. of Water and Power  
111 N. Hope Street, Suite 921  
Los Angeles, CA 90012  
Tel: (213) 367 – 0239  
Email: [Louis.Ting@ladwp.com](mailto:Louis.Ting@ladwp.com)

FELIX LEBRON  
Deputy City Attorney  
Los Angeles Dept. of Water and Power  
111 N. Hope Street, Suite 340  
Los Angeles, CA 90012  
Telephone Number: (213) 367-4500  
Email: [Felix.Lebon@ladwp.com](mailto:Felix.Lebon@ladwp.com)

JEAN-CLAUDE BERTET  
Deputy City Attorney  
Los Angeles Dept. of Water and Power  
111 N. Hope Street, Suite 340  
Los Angeles, CA 90012  
Telephone Number: (213) 367-4500  
Email: [Jean-Claude.Bertet@ladwp.com](mailto:Jean-Claude.Bertet@ladwp.com)

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**THE LOS ANGELES DEPARTMENT OF WATER AND POWER'S RESPONSE TO**  
**SUMMARY OF COMMITTEE ORDERS AND REPORTS AFTER SEPT. 6, 2016,**  
**CLOSED SESSION (TN#213513) AND REQUEST FOR CORRECTION TO**  
**TRANSCRIPT OF SEPT. 6, 2016 COMMITTEE STATUS CONFERENCE (TN# 213622)**

On September 7, 2016, the Committee issued a Summary of Committee Orders and Report After September 6, 2016, Closed Session, TN# 213513, ("CSC Order"). LADWP provides its response to the CSC Order below and requests clarification from the Committee on one issue raised in the CSC Order.

In addition, on September 12, 2016, the Committee posted a Transcript of the September 6, 2016 Committee Status Conference ("CSC Transcript"). LADWP requests that corrections be made to the CSC Transcript as described below in accordance with the Committee's General Orders Regarding Electronic Document Formats, Electronic Filing and Service of Documents and Other Matters, TN#212640, ("General Order").

1. Response to CSC Order and Request for Clarification Regarding the Due Date to File Individual Statements of Disputed Material Facts.

Paragraph 3 of the CSC Order states that “Committee has reserved time on its calendar for future events on; Thursday October 20, 2016 (afternoon); Monday, November 14, 2016 (morning), Tuesday, November 22, 2016 (all day); Wednesday, December 7, 2016 (morning), and Thursday, December 15, 2016 (all day).” The CSC Order requests that the parties “inform the Committee of any conflicts these dates present.”

LADWP has conflicts with the proposed hearing dates on **October 20, 2016**, and **November 22, 2016**, due to the unavailability of integral members of LADWP’s team, including management and legal counsel, who expect to attend the Committee’s future hearing(s).

LADWP is available for future hearings on the other proposed dates and times on November 14, 2016, December 7, 2016, and December 15, 2016.

Paragraph 2 of the CSC Order states that “each party is ordered to file individual statements describing any facts it believes are necessary to the resolution of the issue but about which it cannot reach agreement with the other party.” Paragraph 2 does not provide a due date for filing any such individual statements, if necessary. LADWP requests clarification from the Committee on the due date for any such individual statements. In addition, LADWP proposes that the individual statements be filed no later than **October 21, 2016**, which would provide the parties with additional time to prepare the individual statements, if necessary, after the parties file the joint statement of stipulated facts due on October 5, 2016.

2. Request for Corrections to CSC Transcript Pursuant to General Order.

The General Order states that the parties “are responsible for identifying errors in the transcript of the proceedings. Proposed corrections to the transcripts must be filed within 30

days of the filing of the transcript.” General Order at pg. 5 (Transcripts). As noted above, the Committee filed the Transcript on September 12, 2016.

LADWP requests that corrections be made to the statements of Deputy City Attorney Felix Lebron contained in the following portions of the CSC Transcript:

- Transcript at 5:15 – the number “2012” should be replaced with “1212.” The proposed corrected sentence contained on Transcript 5:8-16 should read as follows:

“And we wanted to raise the issue with the committee because this proceeding is an evidentiary hearing, and while we acknowledge that the evidentiary standards are less formal than the evidentiary rules we have in state or Federal Court, there are still basic evidentiary requirements that apply under California Code of Regulations Section ~~2012~~1212, as was noted during our July 13, 2016, status conference.”

- Transcript at 6:7 – the word “admission” should be replaced with “omission” and Transcript at 6:11 – the word “and” should be replaced with “in.” The proposed corrected sentence contained on Transcript at 6:6-13 should read as follows:

“So we wanted to flag the issue, one, regarding the ~~admission~~ omission of any witness declarations, but two, as it applies to this category of third party contracts that LADWP wants to raise issue with the committee but also intends to raise at some point, whether it’s included ~~and~~ in our reply or as a separate document with our reply, either a set of evidentiary objections or a motion to strike.”

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The requested corrections to the CSC Transcript reflect the actual statements made by Deputy City Attorney Felix Lebron during the September 6, 2016 Committee Status Conference. Accordingly, LADWP requests that the CSC Transcript be corrected in accordance with the Committee's General Order.

Dated: September 14, 2016

Respectfully submitted,

/s/ Felix Lebron  
FELIX LEBRON  
Deputy City Attorney  
Los Angeles Dept. of Water and Power  
111 N. Hope Street, Suite 340  
Los Angeles, CA 90012  
Telephone Number: (213) 367-4500  
Email: [Felix.Lebon@ladwp.com](mailto:Felix.Lebon@ladwp.com)