

DOCKETED

Docket Number:	12-AFC-02C
Project Title:	Huntington Beach Energy Project - Compliance
TN #:	214127
Document Title:	Notice of Prehearing Conference and Evidentiary Hearing, Scheduling Order, and Further Orders
Description:	Prehearing Conference, November 14, 2016 - Evidentiary Hearing, November 30, 2016
Filer:	Darlene Burgess
Organization:	Energy Commission Hearing Office
Submitter Role:	Committee
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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

PETITION TO AMEND THE:

Docket No. 12-AFC-02C

HUNTINGTON BEACH ENERGY PROJECT

NOTICE OF PREHEARING CONFERENCE AND EVIDENTIARY HEARING, SCHEDULING ORDER, AND FURTHER ORDERS

PLEASE TAKE NOTICE that the Energy Commission Committee¹ assigned to conduct proceedings on the Petition to Amend (Petition) the Huntington Beach Energy Project (Project) has scheduled a Prehearing Conference and Evidentiary Hearing as follows:

The **PREHEARING CONFERENCE** will be conducted on:

MONDAY, NOVEMBER 14, 2016
Beginning at 2:30 p.m.

California Energy Commission
Charles Imbrecht Hearing Room (Hearing Room B)
1516 Ninth Street
Sacramento, CA 95814
(Wheelchair Accessible)

The **EVIDENTIARY HEARING** will take place on:

WEDNESDAY, NOVEMBER 30, 2016
Evidentiary Hearing Begins at 10:00 a.m.

California Energy Commission
Charles Imbrecht Hearing Room (Hearing Room B)
1516 Ninth Street
Sacramento, CA 95814
(Wheelchair Accessible)

TELECONFERENCE OPTION: You may participate in the Prehearing Conference and Evidentiary Hearing either in person, by telephone, and/or by computer via the "WebEx" conferencing system. Please see the "INSTRUCTIONS FOR USING WEBEX

¹ The Energy Commission, on October 14, 2015, designated Andrew McAllister, Commissioner and Presiding Member, and Karen Douglas, Commissioner and Associate Member, as the Committee to conduct proceedings on the Proposed Project.

TELECONFERENCING USING YOUR COMPUTER AND/OR TELEPHONE" section attached to this notice.

SCHEDULING ORDER

PLEASE TAKE NOTICE that the Committee has established the following schedule for the Petition which **supersedes** all prior schedules. Please note that this schedule applies only to Part 1 of the FSA. A separate schedule will be published after Part 2 of the FSA is published.

<u>EVENT</u>	<u>DATE</u>
Final Staff Assessment (FSA) Part 1	10/17/16
All Parties File Opening Evidence ² , Part 1	10/27/16
Last Day to File Petition to Intervene	10/31/16
All Parties File Rebuttal Evidence, Part 1 ³	11/3/16
All Parties File Prehearing Conference Statements and Exhibit Lists, Part 1	11/10/16
Prehearing Conference	11/14/16
Evidentiary Hearing on FSA Part 1(EH)	11/30/16
Final Staff Assessment, Part 2	2 weeks after FDOC
All Parties File Opening Evidence, Part 2	TBD ⁴
All Parties File Rebuttal Evidence, Part 2 ⁵	TBD
All Parties File Prehearing Conference Statements and Exhibit Lists, Part 2	TBD
Prehearing Conference, Part 2	TBD
Evidentiary Hearing, Part 2	TBD
Presiding Members Proposed Decision (PMPD) Published	TBD
Committee Conference on PMPD	TBD
Close of public comment period on PMPD	TBD
Errata/Revisions to PMPD	TBD
Final Adoption Hearing by the California Energy Commission	TBD

² Evidence means both testimony and any documents a party wishes to offer at the Evidentiary Hearing.

³ Rebuttal evidence is in response to an issue first raised in opening testimony. Testimony which could have, with reasonable diligence, been filed as opening testimony, may be subject to exclusion from rebuttal on the motion of a party or the Committee's own initiative.

⁴ TBD = To Be Determined

⁵ Rebuttal evidence is in response to an issue first raised in opening testimony. Testimony which could have, with reasonable diligence, been filed as opening testimony, may be subject to exclusion from rebuttal on the motion of a party or the Committee's own initiative.

Purpose of Prehearing Conference

The Prehearing Conference is a public forum where the Committee will assess the parties' (Applicant, Energy Commission Staff, and any Intervenors) readiness for an evidentiary hearing, identify areas of agreement or dispute, the format for the evidentiary hearing, and discuss the remaining schedule and procedures necessary to conclude the amendment process.⁶

Local, state, federal, and tribal governmental agencies may participate at the Prehearing Conference and Evidentiary Hearing.⁷ Members of the public may present public comments at these events and/or submit written comments via the Energy Commission's e-Commenting system at:

<https://efiling.energy.ca.gov/Ecomment/Ecomment.aspx?docketnumber=12-AFC-02C>.

ORDER REGARDING PREHEARING CONFERENCE STATEMENTS AND EXHIBIT LISTS

All parties are **ORDERED** to docket a Prehearing Conference Statement and Exhibit List, Part 1, **no later than 5:00 p.m. on Wednesday, November 9, 2016**, unless otherwise directed by the Committee. Failure to timely docket a Prehearing Conference Statement and Exhibit List may result in exclusion of evidence.

"Subject areas" are identified in the Table of Contents of the FSA, Part 1.

The Prehearing Conference Statement must specify under separate headings:

1. The subject areas that are complete and ready to proceed to Evidentiary Hearing;
2. The subject areas upon which any party proposes to introduce testimony in writing rather than through oral testimony;
3. The subject areas that are not complete and not yet ready to proceed to Evidentiary Hearing, and the reasons therefor;
4. The subject areas that remain disputed and require adjudication, the issues in dispute, and the precise nature of the dispute for each issue;
5. The identity of each witness the party intends to sponsor at the Evidentiary Hearing, the subject area(s) about which the witness(es) will offer testimony, whether the testimony will be oral or in writing, a brief summary of the testimony to be offered by the witness(es), qualifications of each witness, the time required

⁶ Cal. Code Regs., tit. 20, § 1224.

⁷ Cal. Code Regs., tit. 20, § 1714.5.

to present testimony by each witness, and whether the witness seeks to testify telephonically;

6. Subject areas upon which the party desires to question the other parties' witness(es), a summary of the scope of the questions (including witness qualifications), the issue(s) to which the questions pertain, and the time desired to question each witness. (Note: A party who fails to provide, with specificity, the scope, relevance and time for questioning other parties' witness(es) risks preclusion from questioning witnesses on that subject area.);
7. A list identifying exhibits with transaction numbers (TN) that the party intends to offer into evidence during the Evidentiary Hearing and the technical subject areas to which they apply (see below for further details on Exhibit Lists); and
8. Proposals for briefing deadlines or other scheduling matters.

All documentary evidence must be docketed in this proceeding's docket (12-AFC-02C) and have a TN assigned by the California Energy Commission Dockets Unit in accordance with the "Revised General Orders Regarding Electronic Document Formats, Electronic Filing and Service of Documents and Other Matters" filed August 5, 2016.⁸ **Exhibits without a TN, or not docketed in this proceeding's docket, will not be received into evidence absent a showing of good cause.**

The parties shall exchange documentary evidence, including written testimony, by docketing an Exhibit List. Each document shall be numbered and identified on the Exhibit List as follows:

- Applicant's exhibits shall be numbered *consecutively* as **Exhibits 5000 through 5999**; and
- Staff's exhibits shall be numbered *consecutively* as **Exhibits 6000 through 6999**.

Should a person or entity petition to intervene within the time limits set forth in the Scheduling Order above, the order on that petition will specify the exhibit numbers to be used.

The Exhibit Lists shall be formatted as four columns. The first column shall list the proposed exhibit number. The second column shall contain the TN of the corresponding document. The third column shall state the title of the document as shown in the docket. The fourth column shall state the subject area(s) to which the exhibit applies. The Hearing Officer will then add the exhibit number information into the e-filing system and issue a Master Exhibit List.

Failure of a party to comply with the filing requirements stated in this Order may preclude that party from participating in the Evidentiary Hearing.

⁸ TN 212639.

Formal and Informal Hearing Procedures

Pursuant to California Government Code section 11445.10 et seq., and the California Code of Regulations, title 20, sections 1207 and 1210, the Committee may conduct all or portions of the Evidentiary Hearing using an informal procedure. At the Prehearing Conference, the Committee will discuss with the parties the use of informal and formal procedures.

The **informal hearing** process would generally proceed in the following order:

1. All parties' witnesses on the subject area at hand are sworn in as a panel;
2. Applicant's witnesses would provide a brief opening statement summarizing the key points and conclusions of their testimony;
3. Staff's witnesses would provide a brief opening statement summarizing the key points and conclusions of their testimony;
4. Intervenors' witnesses would provide a brief opening statement summarizing the key points and conclusions of their testimony;
5. Open discussion among the expert witness panelists led by the Committee;
6. Attorneys may follow up with questions of their own or other expert witnesses to the extent the Committee finds the questioning productive; and
7. At the conclusion of the attorneys' examination of the experts, the Committee may ask witnesses additional questions or allow panelists to ask additional questions of each other and to offer follow-up answers.

The **formal hearing** process would generally proceed as follows:

1. A party asks direct questions of its witnesses on the subject area at hand, either one at a time or seated as a panel;
2. The other parties then, in turn, ask cross-examination questions of the expert witness or panel who just testified;
3. The offering party can ask re-direct questions at the Committee's discretion;
4. The other parties can ask re-cross questions at the Committee's discretion; and
5. Repeat the above steps for the expert witnesses offered by the other parties.

Notice of Closed Session Deliberations

At any time during the conference or hearing, the Committee may adjourn to a closed session in accordance with California Government Code section 11126, subdivision (c)(3), which allows a state body, including a delegated committee, to hold a closed session to deliberate on a decision to be reached in a proceeding the state body was required by law to conduct.

Transcripts

Parties are responsible for identifying errors in the transcripts of the proceedings. Corrections to the transcripts must be submitted to the Committee within 30 days of the filing of a transcript.

Public Adviser and Public Participation

Members of the public are welcome to attend and offer oral or written comments at the Prehearing Conference and at the Evidentiary Hearing. It is not necessary to be an intervenor to participate in the public process. Written comments may also be submitted electronically by visiting the website at:

http://www.energy.ca.gov/sitingcases/huntington_beach_energy/

and clicking on the “Submit e-Comment” link in the “Compliance Proceeding” box. Otherwise, written comments may be submitted by e-mailing them to docket@energy.ca.gov, or by U.S. Mail to:

California Energy Commission
Docket Unit
Docket No. 12-AFC-02C
1516 Ninth Street, MS-4
Sacramento, CA 95814

For all comments, please include the document number and proceeding name, “**Docket No. 12-AFC-02C, Huntington Beach Energy Project Amendment**” in the subject line and on the cover page.

PLEASE NOTE: Your written and oral comments, attachments, and associated contact information (e.g., your address, phone, e-mail, etc.) become part of the viewable public record. Additionally, this information may become available via search engines such as Google and Yahoo.

The Energy Commission’s Public Adviser’s Office is available to assist the public in participating in the proceedings. For assistance, contact Alana Mathews, Public Adviser, at (916) 654-4489 or (800) 822-6228, or by e-mail at publicadviser@energy.ca.gov.

If you have a disability and need assistance to participate in the Prehearing Conference or Evidentiary Hearing, contact Poneh Jones at least five days prior to the event at (916) 654-4425, or by e-mail at poneh.jones@energy.ca.gov.

Contact Information

Questions of a legal or procedural nature should be directed to Susan Cochran, Hearing Officer, at (916) 654-3965, or by e-mail at susan.cochran@energy.ca.gov.

Technical questions concerning the project should be addressed to John Heiser, Project Manager, at (916) 653-8236, or by email at john.heiser@energy.ca.gov.

Media inquiries should be directed to the Office of Media and Public Communications at (916) 654-4989, or by e-mail at mediaoffice@energy.ca.gov.

Information concerning the status of the proposed amended project, as well as notices and other relevant documents, may be viewed on the Energy Commission's web page at:

http://www.energy.ca.gov/sitingcases/huntington_beach_energy/

Dated: October 20, 2016, at Sacramento, California

ORIGINAL SIGNED BY:

ANDREW McALLISTER
Commissioner and Presiding Member
Huntington Beach Energy Project Amendment Committee

ORIGINAL SIGNED BY:

KAREN DOUGLAS
Commissioner and Associate Member
Huntington Beach Energy Project Amendment Committee

Mailed to list number(s): 7437, 7438, 7439

**INSTRUCTIONS FOR USING WEBEX TELECONFERENCING
USING YOUR COMPUTER AND/OR TELEPHONE**

EVENT	HEARING DATE AND TIME	MEETING NUMBER
Prehearing Conference	<i>Monday, November 14, 2016 2:30 p.m.</i>	928 218 464
Evidentiary Hearing	<i>Wednesday, November 30, 2016 10:00 a.m.</i>	924 112 266

Using Your Computer:

1. Go to <https://energy.webex.com/ec> and click on the link for the meeting in the list of upcoming meetings. If you can't find the link, click on the "Unlisted Events" link on the left side of your screen and enter the above meeting number.
2. When prompted, enter your name and e-mail address.
3. After a moment, an Audio Conference Box will offer you a choice of audio connections:
 - a) To have WebEx call you back: Type your area code and phone number into the drop down box and click "Call Me" (Click on "Use Phone" if you do not see the drop down box.)
 - b) To call into the teleconference from your phone (if, for example, your phone is an extension or you are an international caller): Use the drop-down box to select "I will Call in" and follow the on-screen directions. Click "All global call-in numbers" if you need to look up an international call-in number.
 - c) To listen and talk over your computer: If you have the needed equipment and your computer is configured, click the "Call Using Computer" button. (You may need to click "Use Computer for Audio" to make the button visible.)

Telephone Only:

1. Call 1 (866) 469-3239 (toll-free in the U.S. and Canada. International Callers can select a global call-in number at <https://energy.webex.com/energy/globalcallin.php>).
2. When prompted enter the meeting number above.

Muting:

We greatly appreciate your cooperation in reducing unwanted noise on our audio connection by muting yourself when you are not speaking. Mute yourself rather than placing us on hold. Using WebEx, you may mute yourself by right clicking on your name in the panelists or attendees list and selecting 'Mute'. If you are only using a telephone connection, press *6 once to mute and again to unmute.

Please be aware that WebEx audio and on-screen activity may be recorded. WebEx Technical Support is available at 1 (866) 229-3239.

Huntington Beach Energy Project Amendment

PREHEARING CONFERENCE AGENDA

Monday, November 14, 2016

2:30 p.m.

**California Energy Commission
Charles Imbrecht Hearing Room (Hearing Room B)
1516 Ninth Street
Sacramento, CA 95814**

1. Call to Order
2. Report from Applicant, Staff and Intervenor(s) regarding their readiness for the upcoming Evidentiary Hearing, proposed testimony and witnesses; Committee discussions with the parties about the order of subject areas, use of informal and formal procedures, and other matters in preparation for the Evidentiary Hearing.

3. Public Comment

Members of the public and other interested persons and entities may speak up to three minutes on a matter appearing on this agenda.

4. Closed Session (if necessary)

Committee Closed Session consideration of the following item:

PETITION TO AMEND THE HUNTINGTON BEACH ENERGY PROJECT

Deliberation by the Committee on any matters submitted for decision by the Committee including, but not limited to, pending motions and scheduling.

The Committee will adjourn to Closed Session in accordance with Government Code section 11126, subdivision (c)(3), which allows a state body, including a delegated committee, to hold a Closed Session to deliberate on a decision to be reached in a proceeding the state body was required by law to conduct.

5. Adjourn

Agency Contact: Susan Cochran, Hearing Officer, by email at susan.cochran@energy.ca.gov, or at (916) 654-3965.

Huntington Beach Energy Project Amendment

EVIDENTIARY HEARING AGENDA

Wednesday, November 30, 2016

10:00 a.m.

**California Energy Commission
Charles Imbrecht Hearing Room (Hearing Room B)
1516 Ninth Street
Sacramento, CA 95814**

1. Call to Order.

2. Evidentiary Hearing

The order of subject areas will be determined following the November 9, 2016 Prehearing Conference and announced by a separate document filed in the Docket and available via the webpage at:

http://www.energy.ca.gov/sitingcases/huntington_beach_energy/.

Receipt of evidence from Applicant, Staff, and Intervenors on the Petition to Amend for the Huntington Beach Energy Project.

3. Public Comment

Members of the public and other interested persons and entities may speak up to three minutes on a matter appearing on this agenda.

4. Closed Session (if necessary)

Committee Closed Session consideration of the following item:

PETITION TO AMEND THE HUNTINGTON BEACH ENERGY PROJECT

Deliberation by the Committee on any matters submitted for decision by the Committee including, but not limited to, pending motions and scheduling.

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5. Adjourn

Agency Contact: to Susan Cochran at (916)654-3965 or by email at susan.cochran@energy.ca.gov.