

DOCKETED

Docket Number:	16-RPS-02
Project Title:	Appeal by Los Angeles Department of Water & Power re Renewables Portfolio Standard Certification Eligibility
TN #:	214450
Document Title:	Notice of Committee Status Conference and Order Extending the Deadline for Ruling on LADWP Evidentiary Motion
Description:	Tuesday, November 22, 2016 at 9:30 a.m., Hearing Room B
Filer:	Liza Lopez
Organization:	Energy Commission Hearing Office
Submitter Role:	Committee
Submission Date:	11/9/2016 3:48:43 PM
Docketed Date:	11/9/2016



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

IN THE MATTER OF:

Docket No. 16-RPS-02

**APPEAL BY LADWP RE RPS CERTIFICATION
OR ELIGIBILITY**

**NOTICE OF COMMITTEE STATUS CONFERENCE AND
ORDER EXTENDING THE DEADLINE FOR RULING ON LADWP
EVIDENTIARY MOTION**

PLEASE TAKE NOTICE that the Energy Commission Committee¹ (Committee) assigned to conduct proceedings on the Los Angeles Department of Water & Power (LADWP) Appeal regarding its Renewables Portfolio Standard (RPS) certifications or eligibility has scheduled a Committee Status Conference to review and discuss progress made in the proceeding, consider any then-pending motions or petitions and deliberate in closed session on:

**TUESDAY, NOVEMBER 22, 2016
BEGINNING AT 9:30 a.m.
California Energy Commission
Charles Imbrecht Hearing Room (Hearing Room B)
1516 Ninth Street
Sacramento, CA 95814**

There will not be a Committee Conference on November 14, a date the parties were previously requested to hold open on their calendars.

Parties and the public may attend the Committee Status Conference in person at the above location, or by telephone, computer, or mobile device using our “WebEx” conferencing system. **As the primary purpose of the Committee Status Conference will be Committee deliberation in closed session, parties and the public are advised not to travel to Sacramento. The public portion of the agenda will be brief. Use the WebEx system instead.** For details on how to attend using WebEx, please see the instruction sheet attached to this Notice.

¹ The Committee consists of Chair Robert Weisenmiller, Presiding Member, and Commissioner David Hochschild, Associate Member. The full Energy Commission made this Committee assignment at an Energy Commission Business Meeting on June 14, 2016.

Background

On January 21, 2016, LADWP filed a Letter of Appeal² appealing the Executive Director's decision denying LADWP's Petition for Reconsideration of Energy Commission staff's denial of LADWP's Application for RPS certification for its Scattergood, Harbor, Valley, and Haynes Generating Stations Using Biomethane from 2009 Shell and Atmos Contracts. The Energy Commission appointed the Committee to conduct hearings and other proceedings on the appeal and recommend a decision for consideration by the full Energy Commission. On July 8, 2016, LADWP filed an additional request that the Committee consider the RPS-eligibility of specified British Columbia hydroelectric generation procurements (BC Hydro request).³

Purpose of the Committee Status Conference

The Committee will conduct the Committee Status Conference for the primary purpose of deliberating in closed session on the issues presented by the appeal and BC Hydro request. It may also address any then-pending motions or other requests that are ripe for consideration. The conference will be convened, public comment taken, and then the closed session will begin. The committee will return at the conclusion of the closed session to announce any reportable actions and adjourn the conference.

As allowed by California Code of Regulations, title 20, section 1205, the Status Conference may be conducted by the Hearing Officer without either Commissioner being present.

Order Extending the Deadline for Ruling on LADWP's Motion to Exclude

On October 31, 2016, LADWP filed a Motion to Exclude Documents and Supplemental Declarations Submitted by CEC Staff (Motion).⁴ Title 20, California Code of Regulations, Section 1211.5(a) requires that the other parties, including Commission staff, respond to the Motion within 14 days of its filing, (November 14). The Presiding Member is required to rule on the Motion within 21 days (November 21) and if he does not rule within 30 days (November 30), the Motion is deemed denied. The Presiding Member is permitted to extend these deadlines.

On November 3, 2016, Hearing Officer Kramer filed a memo⁵ asking the parties to state their preferences regarding conducting a hearing on the Motion on November 22, a date for which LADWP has previously said it had schedule conflicts, or a later date. On November 4, LADWP filed a statement that it preferred to have the hearing in

² TN 211752-1. This and all of the documents filed in the docket for this proceeding may be found by consulting the Docket Log at: <https://efiling.energy.ca.gov/Lists/DocketLog.aspx?doctetnumber=16-RPS-02>

³ TN 212206

⁴ TN 214304

⁵ TN 214357

December.⁶ Staff said it would be ready to argue the Motion on November 22 but did not object to doing so in December.

We therefore **Order** that the time for the Committee or Presiding Member to rule upon the Motion is extended until December 23, 2016, subject to further extension if necessary. A Hearing on the Motion will be conducted during a Committee Status Conference in December, 2016. Of the two December dates the Committee previously asked the parties to hold—the morning of December 7 and all day on December 15—December 15 appears to better fit the availability of the parties as reported in their November 4 filings. We will confirm the date during or following the November 22 Committee Status Conference.

Closed Sessions

At any time during the conference, 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.

Public Participation and Public Adviser

Members of the public are welcome to attend and offer comments at the Committee Status Conference. Written comments may be submitted throughout the proceeding and should be electronically submitted via

<https://efiling.energy.ca.gov/Ecomment/Ecomment.aspx?docketnumber=16-RPS-02>

Alternatively, 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. 16-RPS-02
1516 Ninth Street, MS-4
Sacramento, CA 95814

For all written comments, please include the docket number and proceeding name, “16-RPS-02, LADWP RPS Appeal”, 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. This information may also become available via search engines such as Google and Yahoo.

⁶ TN 214365

The Energy Commission's Public Adviser's Office is available to assist the public in understanding the proceedings and to facilitate meaningful participation. 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 any event, contact Poneh Jones no less than five days prior to the event at (916) 654-4425, or by e-mail at poneh.jones@energy.ca.gov

Information

Information regarding the status of this proceeding, as well as committee notices, orders, and other documents filed in this proceeding, may be found by consulting the Docket Log at:

<https://efiling.energy.ca.gov/Lists/DocketLog.aspx?docketnumber=16-RPS-02>

To receive an e-mail when notices and other new documents are filed in this proceeding, you may sign up for the List Server list "ladwp_appeal." Navigate to <http://www.energy.ca.gov/listservers/index.html>, provide your name and e-mail address and select the "ladwp_appeal" list under "Renewable Energy Lists."

Questions of a legal or procedural nature should be directed to Paul Kramer, Hearing Officer, at 916-654-5103, or by e-mail at paul.kramer@energy.ca.gov.

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

Dated: November 9, 2016, at Sacramento, California.

Original signed by
ROBERT B. WEISENMILLER
Chair and Presiding Member
LADWP Appeal Committee

Original signed by
DAVID HOCHSCHILD
Commissioner and Associate Member
LADWP Appeal Committee

**INSTRUCTIONS FOR ATTENDING VIA WEBEX USING YOUR COMPUTER,
MOBILE DEVICE AND/OR TELEPHONE**

EVENT	DATE	MEETING NUMBER
Committee Status Conference	Tuesday, November 22, 2016, 9:30 a.m.	924 093 668

Using Your Computer or Mobile Device:

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 (if you are on an extension, use option b), below) 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 event from your phone (if, for example, your phone is on 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 or mobile device: 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.)
4. On a mobile device you may need to install and use the WebEx app instead of the above steps.

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. You mute yourself by right clicking on your name in the panelists or attendees list and selecting 'Mute'. If you are on 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.

LADWP RPS Appeal Committee Status Conference

Tuesday, November 22, 2016, beginning at 9:30 a.m.

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

Meeting Agenda

1. Call to Order
2. Hearing on any pending motions
 - a. (LADWP Motion to Exclude Documents and Supplemental Declarations Submitted by CEC Staff will be heard at a subsequent Committee meeting in December)
3. Committee Conference
 - a. Case progress and schedule
4. 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.

5. Closed Session

Committee closed session consideration of the following items:

LADWP RPS Appeal (16-RPS-02) and deliberation on matters for decision by the Committee such as 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. The Committee may adjourn to a closed session at any point during the meeting and may conduct multiple closed sessions as necessary.

6. Adjourn

If you have any questions regarding this agenda, please contact: Paul Kramer, Hearing Officer, at 916-654-5103, or by e-mail at paul.kramer@energy.ca.gov.