

DOCKETED

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Project Title:	Alamitos Energy Center
TN #:	214461
Document Title:	Memo re: Conduct of the Evidentiary Hearing
Description:	Memorandum memorializing the procedures discussed at the prehearing conference, including informal/formal examination, timing, exhibits and witnesses.
Filer:	Ken Celli
Organization:	Energy Commission Hearing Office
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Memorandum

To: All Parties to the Alamos Energy Center (AEC),
(13-AFC-01)

Date: November 10, 2016

Telephone: (916) 651-8893

From: **Kenneth Celli, Hearing Officer**
Chief Counsel's Office
California Energy Commission
1516 Ninth Street
Sacramento CA 95814-5512

Subject: EVIDENTIARY HEARING

Pursuant to the Prehearing Conference, the parties have agreed and stipulated that all of Intervenor Los Cerritos Wetlands Land Trust's proffered evidence (marked for identification as Exhibits 3000 through 3047¹) is deemed moved into evidence without objection to its admission into the hearing record.

The purpose of the Evidentiary Hearings is to establish the factual record necessary for a decision on the project proposal. The record is developed by the presentation of sworn testimony and documentary evidence. Testimony on undisputed topics shall be submitted by sworn declarations filed under penalty of perjury and offered into evidence by the parties.

The Applicant has the burden of presenting sufficient substantial evidence to support the findings and conclusions required for certification of the site and related facilities. (Cal. Code Regs., tit. 20, § 1745(c).)

The parties' witnesses who appear in person or telephonically shall be available for cross-examination at the Committee's discretion. Each party sponsoring a witness shall submit the qualifications of the witness into the record by declaration before moving the testimony and relevant documents into evidence. To save time, the Committee will not take time to describe the Exhibits that are moved into evidence since the exhibit list has been made public prior to the hearings. (The exhibit list is available at: <https://efiling.energy.ca.gov/Lists/ExhibitList.aspx?doctnumber=13-AFC-01>). All parties' opening and rebuttal testimony is deemed direct examination. No time will be allowed to discuss experts' résumés unless there is an objection to the witness as an expert and the Committee allows inquiry into the expert's qualification.

Rather than taking time with the usual formal direct and cross examination of individual witnesses, the Committee will call witnesses to testify as a panel on topics or issues within their expertise. The testimony may include discussion among the panel without

¹ Ex. 3000 will be referred to as Ex. 2004, 3025 will be referred to as Ex. 2002, 3026 will be referred to as Ex. 1068, 3031 will be referred to as Ex. 2000, and 3037 will be referred to as Ex. 2006, as explained at the Prehearing Conference.

the lawyers asking the questions. Instead, the Committee will ask the questions of the panel. If time permits, the Committee may allow questioning of the panel by the parties. Dialogue between the panel members will be permitted to the extent that it is efficiently providing useful information to the Committee. The Committee may ask questions of any witnesses at any time. Parties may offer questions for the Committee to ask of any witness. The Committee may allow limited questions of the panel by the parties, at its discretion. The Committee will establish limits as needed on the number of questions a party may ask and/or the amount of time a party may consume asking questions.

If the informal process proves difficult or unproductive, the Committee may revert to formal examination at its discretion. The Committee, in the interest of completing all subject areas at the Evidentiary Hearing efficiently, may curtail testimony or examination of a witness if it becomes cumulative, argumentative, or in any other way unproductive. The Committee intends to proceed according to the following schedule:

SCHEDULE

Time	Evidence
Noon	Welcome from Presiding Member, Short Comments from Long Beach City Councilmen, Explanation of Procedure from the Hearing Officer, Housekeeping matters, Receipt of Undisputed Evidence
1:00	Finish taking in Undisputed Evidence, Call witnesses on Alternatives (witness Powers, Vidaver or Kerr, possibly Salmay) as a panel.
	Call witnesses on Cumulative Analysis of AGS demolition (witness White or Lancaster (Bio), Worrall (Traffic), Abulaban (Soil&Water), Hughes or Khoshmashrab (Noise).) Receipt of evidence to correct LORS in the FSA.
3:00	Public Comment
	Finish taking Disputed Evidence, if necessary
	Adjourn

None of the Parties have objected to witnesses appearing by way of WebEx teleconference.

WITNESS TIME TABLE

PARTY CALLING	WITNESS	SUBJECT AREA	DIRECT	CROSS
LCWLT	David Vidaver or Steven Kerr	Alternatives		10 mins
LCWLT	Scott D. White or Jennifer Lancaster	Biological Resources		10 mins
LCWLT	Lisa Worrall	Traffic		10 mins
LCWLT	Abdul-Karim Abulaban	Soil & Water		10 mins
LCWLT	Joseph Hughes or Shahab Khoshmashrab	Noise		10 mins
LCWLT	Bill Powers (Rebuttal Only)	Alternatives	5	10 mins