

DOCKETED

Docket Number:	13-AFC-01
Project Title:	Alamitos Energy Center
TN #:	214564
Document Title:	Notice of Second Evidentiary Hearing, Scheduling Order, and Further Orders
Description:	Second Evidentiary Hearing December 20, 2016
Filer:	Maggie Read
Organization:	Energy Commission Hearing Office
Submitter Role:	Committee
Submission Date:	11/23/2016 3:52:27 PM
Docketed Date:	11/23/2016



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

*APPLICATION FOR CERTIFICATION FOR THE
ALAMITOS ENERGY CENTER*

Docket No. 13-AFC-01

**NOTICE OF SECOND EVIDENTIARY HEARING, SCHEDULING ORDER,
AND FURTHER ORDERS**

PLEASE TAKE NOTICE that the Energy Commission Committee assigned to conduct proceedings on the Application for Certification (Application) for the Alamos Energy Center (AEC) has scheduled an Evidentiary Hearing on Part 2 of the Final Staff Assessment (FSA).

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

**TUESDAY, DECEMBER 20, 2016
Evidentiary Hearing Begins at Noon
Public Comment Period Begins at 2:00 p.m.**

**The Grand Event Center
4101 E. Willow Street
Long Beach CA 90815
(See map below)**

TELECONFERENCE OPTION: You may participate in the Evidentiary Hearing either in person, by telephone, and/or by computer via the "WebEx" conferencing system. Please see the "**INSTRUCTIONS FOR USING WEBEX 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 AEC Application which **supersedes** all prior schedules. The Committee encourages the parties to consider this schedule an outer boundary and make their best efforts to complete the milestones ahead of these dates.

<i>EVENT</i>	<i>DATE</i>
Last Day to File Petition to Intervene	6/3/16 ¹
Final Determination of Compliance from SCAQMD	11/18/16
Transcript of Evidentiary Hearing (EH), Part 1 Filed	11/18/16
Opening Briefs on EH, Part 1 (optional)	12/2/16
Rebuttal Briefs on EH, Part 1 (optional)	12/9/16
Final Staff Assessment (FSA)	12/9/16
All Parties File Opening Testimony on FSA, Part 2	12/14/16
All Parties File Rebuttal Testimony ² on FSA, Part 2	12/16/16
All Parties File Prehearing Conference Statements and Exhibit Lists Part 2	By noon 12/19/16
Evidentiary Hearing (EH) on FSA, Part 2	12/20/16
Transcript of Evidentiary Hearing (EH), Part 2 Filed	12/30/16
Opening Briefs on EH, Part 2 (optional)	1/9/17
Rebuttal Briefs on EH, Part 2 (optional)	1/17/17
Presiding Members Proposed Decision (PMPD) Published	Late February 2017
Committee Conference on PMPD	Within 30 Days after PMPD publication
Close of public comment period on PMPD	Late March 2017
Errata/Revisions to PMPD	Early April 2017
Final Adoption Hearing by the California Energy Commission	April 2017

Purpose of Evidentiary Hearing

The Evidentiary Hearing is an administrative adjudicatory proceeding to receive evidence into the formal hearing record from the parties. Only the parties (Applicant, Intervenor, and Energy Commission Staff) may present evidence for introduction into

¹ See the Revised Scheduling Order TN 213403, filed 8/31/16.

² Rebuttal testimony 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.

the formal hearing record, which is the only evidence upon which the Commission may base its decision under the law. Testimony offered by the parties shall be under oath. Each party has the right to present witnesses, introduce exhibits, and to rebut evidence of another party. Local, state, federal, and tribal governmental agencies may participate in the Evidentiary Hearing as necessary. (Cal. Code Regs. tit. 20, § 1714.5.)

The Committee conducted the Evidentiary Hearing, Part 1, on November 15, 2016 in Long Beach. The Evidentiary Hearing, Part 1 took in all proffered evidence and closed the record on all subject areas except Air Quality, including Greenhouse Gases, and Public Health.³ The Evidentiary Hearing, Part 2, will be limited to evidence and testimony related to Air Quality, including Greenhouse Gases, and Public Health. The Committee will allow the parties to reopen subject areas covered in the Evidentiary Hearing, Part 1, only upon a demonstration that the subject area is materially affected by the evidence received on Air Quality or Public Health.

ORDER REGARDING PREHEARING CONFERENCE STATEMENTS AND EXHIBIT LISTS, AND WITNESSES.

All parties are **ORDERED** to docket a Prehearing Conference Statement and Exhibit List **no later than noon (12:00 p.m.) on Monday, December 19, 2016**, unless otherwise directed by the Committee. Failure to timely docket a Prehearing Conference Statement and Exhibit List may result in exclusion of evidence.

The Prehearing Conference Statement must specify under separate headings:

1. The subject areas upon which any party proposes to introduce testimony in writing rather than through oral testimony;
2. The Air Quality and Public Health issues in dispute, and the precise nature of the dispute for each issue;
3. The subject areas that were closed in Evidentiary Hearing, Part 1 that need to be reopened; how those subject areas relate to Air Quality and Public Health and the reasons for not proffering the evidence during Evidentiary Hearing, Part 1;
4. The identity of each witness the party intends to sponsor at the Evidentiary Hearing, Part 2, 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 to present testimony by each witness, and whether the witness seeks to testify telephonically;
5. Subject areas upon which the party desires to question the other parties' witness(es), a summary of the scope of the questions (including questions regarding witness qualifications), the issue(s) to which the questions pertain, and the time desired to question each witness. (Note: A party who fails to specify the

³ TN 214529.

scope, relevance and time for questioning other parties' witness(es) risks preclusion from questioning witnesses on that subject area.);

6. A list identifying exhibits with transaction numbers (TN) that the party intends to offer into evidence during the Evidentiary Hearing, Part 2 and the technical subject areas to which they apply (see below for further details on Exhibit Lists); and
7. Proposals for briefing deadlines or other scheduling matters.

All documentary evidence must be docketed in this proceeding's docket (13-AFC-01) and have a transaction number 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, 2016.⁴ **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 1600 through 1999**;
- Energy Commission Staff's exhibits shall be numbered *consecutively* as **Exhibits 2014 through 2999**; and
- Intervenor Los Cerritos Wetlands Land Trust's exhibits shall be numbered *consecutively* as **Exhibits 3049 through 3999**.

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. Hearing Office Staff from the Energy Commission 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.

Formal and Informal Hearing Procedures

Pursuant to California Government Code section 11445.10 et seq., and California Code of Regulations, Title 20, §§ 1207, 1210, the Committee may conduct all or portions of the Evidentiary Hearing using an informal procedure. At the November 9, 2016

⁴ TN 212646.

Prehearing Conference, the Committee discussed the use of informal and formal procedures with the parties.

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. Intervenor's witnesses would provide a brief opening statement summarizing the key points and conclusions of their testimony;
5. Open discussion among the witness panelists led by the Committee;
6. Attorneys may follow up with questions to their own or other witnesses to the extent the Committee finds the questioning productive; and
7. At the conclusion of the attorneys' examination of the witnesses, 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 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.
5. Repeat the above steps for the witnesses offered by the other parties.

Notice of Closed Session Deliberations

At any time during the Evidentiary 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 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/alamitos> and clicking on the “Submit e-Comment” link in the “Original 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. 13-AFC-01
1516 Ninth Street, MS-4
Sacramento, CA 95814

For all comments, please include the document number and proceeding name, “**Docket No. 13-AFC-01, Alamitos Energy Center**” 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 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 Kenneth Celli, Hearing Officer, at (916) 651-8893, or by e-mail at ken.celli@energy.ca.gov.

Technical questions about the project should be directed to Keith Winstead, Staff Project Manager, at (916) 654-5191, or by e-mail at keith.winstead@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.

Information regarding the status of the project, as well as notices and other relevant documents pertaining to this proceeding, may be viewed on the Energy Commission's web page at <http://www.energy.ca.gov/sitingcases/alamitos>.

Dated: November 23, 2016 at Sacramento, California

Original signed by

KAREN DOUGLAS
Commissioner and Presiding Member
Alamitos Energy Center AFC Committee

Original signed by

JANEA A. SCOTT
Commissioner and Associate Member
Alamitos Energy Center AFC Committee

Sent to mailing list number 7502, 7503, 7504

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

EVENT	DATE	MEETING NUMBER
Alamitos Evidentiary Hearing, Part 2	Tuesday, December 20, 2016 Noon	921 224 138

Using Your Computer:

1. Go to <https://energy.webex.com> 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.

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

**Evidentiary Hearing Agenda
Alamitos Energy Center Amendment**

TUESDAY, DECEMBER 20, 2016

Beginning at Noon - Public Comment Period Begins at 2:00 p.m.

**The Grand Event Center
Catalina Room
4101 E. Willow Street
Long Beach CA 90815**

1. Call to Order – noon
2. Evidentiary Hearing

Receipt of evidence on Air Quality, including Greenhouse Gases, and Public Health from Applicant, Staff, and Intervenor(s) on the Application for the Alamitos Energy Center.

3. Public Comment – 2:00 p.m.

Members of the public and other interested persons and entities may speak up to three minutes on a matter appearing on this agenda. The Committee has set aside specific time to receive public comments at 2:00 p.m.

4. Closed Session (if necessary)

Committee Closed Session consideration of the following item:

APPLICATION FOR THE CERTIFICATION OF THE ALAMITOS ENERGY CENTER

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

The Committee may 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: Kenneth Celli, Hearing Officer, at (916) 651-8893 or e-mail ken.cell@energy.ca.gov.

**Alamitos Energy Center AFC Evidentiary Hearing
The Grand Event Center
4101 E. Willow Street
Long Beach CA 90815
(Wheelchair Accessible)**

