

DOCKETED

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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:

HUNTINGTON BEACH ENERGY PROJECT

Docket No. 12-AFC-02C

NOTICE OF PREHEARING CONFERENCE AND EVIDENTIARY HEARING 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** and **EVIDENTIARY HEARING** will be conducted on:

WEDNESDAY, DECEMBER 21, 2016
Prehearing Conference: Beginning at 10:00 a.m.
Evidentiary Hearing: Beginning at 12:00 p.m.

California Energy Commission
Art Rosenfeld Hearing Room (Hearing Room A)
1516 Ninth Street
Sacramento, CA 95814
(Wheelchair Accessible)

Remote Access Available by Computer or Phone via WebEx™
(Instructions below)

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.² This Prehearing Conference is the second

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.

² Cal. Code Regs., tit. 20, § 1224.

conference held for this proceeding. The first was held on November 14, 2016, with orders issued on December 2, 2016.³

Local, state, federal, and tribal governmental agencies may participate at the Prehearing Conference and Evidentiary Hearing.⁴ Public participation is welcome and is discussed later in this notice.

ORDER REGARDING PREHEARING CONFERENCE STATEMENTS AND EXHIBIT LISTS

All parties are **ORDERED** to file a Prehearing Conference Statement and Exhibit List, Part 2, **no later than 5:00 p.m. on Friday, December 16, 2016**, unless otherwise directed by the Committee. Failure to timely file 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 that are complete and ready to proceed to the 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 the 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 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.);

³ TN 214627.

⁵ TN 214627.

7. A list identifying exhibits with transaction numbers (TNs) 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);
8. Proposals for briefing deadlines or other scheduling matters; and
9. Legal briefing as set forth in the “Order Shortening Time; Order Granting Motion to Advance Date for Evidentiary Hearing; and Scheduling Order” filed December 2, 2016.⁵

All documentary evidence must be filed in this proceeding’s docket (No. 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, 2016.⁶ **Exhibits without a TN, or not filed 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 filing 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**.

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 and 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.

Purpose of Evidentiary Hearing

The purpose of the Evidentiary Hearing is to hear from the parties’ witnesses on any disputed issues from either Part 1.⁷ or Part 2.⁸ of the Final Staff Assessment.

⁵ TN 214627.

⁶ TN 212639.

⁷ TN 214025.

⁸ Part 2 of the Final Staff Assessment is to be published no later than December 9, 2016, pursuant to the December Order.

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 1210,⁹ the Committee may conduct all or portions of the Evidentiary Hearing using an informal procedure. At the first Prehearing Conference held on November 14, 2016, the Committee, with the concurrence of Staff and Petitioner, opted to use informal procedures for the topics in Part 1 of the FSA; the Prehearing Conference will include a discussion of the process to be used for Part 2 of the FSA.

The **informal hearing** process will 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.

In the event that the Committee reverts to the **formal hearing** process, it will 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.

⁹ Cal. Code Regs., tit. 20, §§ 1207, 1210.

Notice of Closed Session Deliberations

At any time during the Prehearing Conference or 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 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 mailing them 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 docket number and proceeding name ("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.

Public Adviser and Other Commission Contacts

The Energy Commission's Public Adviser's Office provides the public assistance in participating in Energy Commission proceedings. If you want information on how to participate in this forum, please contact the Public Adviser's Office at PublicAdviser@energy.ca.gov or (916) 654-4489, or toll free at (800) 822-6228.

If you have a disability and need assistance to participate in either event, 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.

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

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

Media inquiries should be sent to the Media and Public Communications Office at Mediaoffice@energy.ca.gov or at (916) 654-4989.

Remote Attendance

You may participate in this meeting through WebEx, the Energy Commission's online meeting service. Any presentations will appear on your computer screen, and you may listen to audio via your computer or telephone. Please be aware that the meeting may be recorded.

To join a meeting:

VIA COMPUTER: Go to <https://energy.webex.com> and enter the unique meeting number: **922 109 571**. When prompted, enter your name and email address. No meeting password is needed.

The “Join Conference” menu will offer you a choice of audio connections:

1. To call into the meeting: Select "I will call in" and follow the on-screen directions.
2. International Attendees: Click on the "Global call-in number" link.
3. To have WebEx call you: Enter your phone number and click "Call Me."
4. To listen over the computer: If you have a broadband connection, and a headset or a computer microphone and speakers, you may use VoIP (Internet audio) by going to the Audio menu, clicking on “Use Computer Headset,” then “Call Using Computer.”

VIA TELEPHONE ONLY (no visual presentation): Call 1-866-469-3239 (toll-free in the U.S. and Canada). When prompted, enter the unique meeting number: **922 109 571**. International callers may select their number from:

<https://energy.webex.com/energy/globalcallin.php>.

VIA MOBILE ACCESS: Access to WebEx meetings is now available from your mobile device. To download an app, go to:

www.webex.com/products/web-conferencing/mobile.html.

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

Muting:

We greatly appreciate your cooperation in reducing unwanted noise on the audio connection by muting your line when you are not speaking. Mute your line rather than placing your phone 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.

Availability of Documents

Information concerning the status of the Proposed 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: December 7, 2016, at Sacramento, California

ORIGINAL SIGNED BY:

J. ANDREW McALLISTER, PhD
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

**Huntington Beach Energy Project Amendment
Meeting Agenda
Wednesday, December 21, 2016
Prehearing Conference begins at 10:00 a.m.
Evidentiary Hearing begins at 12:00 p.m.**

**California Energy Commission
Art Rosenfeld Hearing Room (Hearing Room A)
1516 Ninth Street
Sacramento, CA 95814**

Prehearing Conference and Evidentiary Hearing Agenda

1. Call to Order

2. **Prehearing Conference (begins at 10:00 a.m.):**

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. **Evidentiary Hearing (begins at 12:00 p.m.):**

The order of subject areas will be determined during the Prehearing Conference immediately preceding the Evidentiary Hearing.

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

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 (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.

6. Adjourn

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