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STATE OF CALIFORNIA  
ENERGY RESOURCES CONSERVATION AND DEVELOPMENT COMMISSION

In the Matter of: )  
 )  
Application for Certification for the )  
Alamitos Energy Center )

Docket No. 13-AFC-01

**APPLICANT'S REPLY BRIEF  
PART 2 ISSUES**

January 17, 2016

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STATE OF CALIFORNIA  
ENERGY RESOURCES CONSERVATION AND DEVELOPMENT COMMISSION

In the Matter of:	)	
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<u>Alamitos Energy Center</u>	)	

**APPLICANT’S REPLY BRIEF PART 2 ISSUES**

Pursuant to the Committee’s *Notice of Second Evidentiary Hearing, Scheduling Order, and Further Orders*,<sup>1</sup> AES Alamitos Energy Center, LLC (the “Applicant”) submits this Reply Brief Part 2 (“Brief”) in support of the Application for Certification (“Application”) of the Alamitos Energy Center (“AEC”).

**I. INTRODUCTION**

The entirety of the Los Cerritos Wetlands Land Trust (“Trust”) *Part Two Opening Brief* (“Trust’s Brief”) should be disregarded for the following reasons:

- Pages 2-6 of the Trust’s Brief incorrectly argue that the California Energy Commission (“Commission”) must first follow the statutory Notice of Intention (“NOI”) process that simply does not apply to non-utility generators like the Applicant. This proceeding is an Application for Certification (“AFC”), and the antiquated utility NOI procedures simply do not apply.
- Pages 6-11 of the Trust’s Brief raise the same arguments as in its Part 1 briefs that the Commission is somehow constrained in its evaluation of a project by the decisions of the California Public Utilities Commission (“CPUC”). As before, those arguments should be dismissed as without merit and lacking any statutory or regulatory basis.

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<sup>1</sup> TN#: 214564.

- Pages 11-18 of the Trust’s Brief raise unfounded arguments relating to the operational capabilities of the AEC that are factually false and untimely as they attempt to relitigate issues from the FSA Part 1. These arguments should be disregarded as a collateral attack on closed issues in this proceeding and on the CPUC’s authorization of the AEC’s Power Purchase Agreement (“PPA”). Again, these arguments are devoid of any statutory, regulatory, or factual basis.
- Pages 18-19 of the Trust’s Brief finally focus on Air Quality issues, but do so by simply attempting to “incorporate by reference” testimony filled with legal arguments that the Committee should weigh and then disregard. The Trust’s cursory Air Quality arguments are premised upon the opinions of lay witnesses who are not qualified in the areas of biological resources or air quality, and should be dismissed as without merit and lacking any statutory, regulatory, or factual basis.

**II. THE TRUST CONFUSES THE LARGELY OBSOLETE NOTICE OF INTENT STATUTORY SCHEME WITH THE COMMISSION’S APPLICATION FOR CERTIFICATION PROCESS.**

Beginning at page 2 of the Trust’s Brief and continuing through page 6, the Trust argues - for the first time and without any evidence offered -- that the AEC should be subject to the California Energy Commission’s (“Commission’s”) Notice of Intention (“NOI”) process. The Trust’s argument is incorrect, and is not supported by the plain language of the Warren Alquist Act.<sup>2</sup>

When it was enacted, the Warren Alquist Act provided a process for the Commission to provide guidance on the siting, design, construction and operation of projects proposed by investor-owned utilities (“IOU”) prior to the filing of an AFC. (See generally, Assembly Bill

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<sup>2</sup> The Warren Alquist Act may be found at Pub. Resources Code §§ 25000 *et seq.*

(“AB”) 1575).<sup>3</sup> This IOU-specific process required the filing and review of a NOI for the proposed construction of any thermal powerplant that would be built by the IOUs and funded by captive ratepayers. (See, Pub. Resources Code § 25502.)

When the electric industry was deregulated, the Legislature enacted an exemption from the NOI process for natural gas-fired thermal powerplants. (See, Pub. Resources Code § 25540.6(a)(1).) While NOI proceedings are required for certain kinds of thermal powerplants, such as nuclear facilities or coal plants, such NOI proceedings are not required for a natural gas-fired thermal powerplant. Natural gas-fired thermal powerplants such as the AEC may instead proceed to filing an AFC to obtain certification for a site and related facilities without the need for an NOI. (Pub. Resources Code §§ 25519, 25540.6(a)(1).)

Pages 2 through 6 of the Trust’s Brief are based on NOI statutory provisions that are simply inapplicable to this AFC proceeding. Therefore, the Trust’s arguments that the AEC should have been subject to the Warren Alquist Act’s NOI provisions should be wholly disregarded, as the AEC is statutorily exempt from such requirements.

**A. The AEC Is Not A “Multiple Facility Site”.**

The Trust asserts that the AEC is an NOI-specific “multiple facility site” and “should have followed the procedures for a ‘multiple facility site’.” (Trust’s Brief, p. 3.) The Trust is incorrect. The “multiple facility site” designation is granted only *after* Commission approval of a NOI, and only *after* the Commission has made a specific finding “that a particular [NOI-approved] site is suitable to accommodate a particular additional generating capacity.” (See, Pub. Resources Code § 25516.5.)<sup>4</sup> Specifically, Commission authorization of the designation of a

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<sup>3</sup> [http://www.energy.ca.gov/reports/Warren-Alquist\\_Act/history/1974-05-16\\_AB\\_575\\_enrolled\\_bill.pdf](http://www.energy.ca.gov/reports/Warren-Alquist_Act/history/1974-05-16_AB_575_enrolled_bill.pdf)

<sup>4</sup> Pub. Resources Code § 25516.5 provides, in pertinent part:

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“multiple facility site” is available only where an applicant first completes a required NOI proceeding. (Pub. Resources Code § 25504.5.)

As set forth above, natural gas-fired thermal powerplants are exempt from the NOI process; therefore, the NOI provisions of the Warren Alquist Act are not applicable to the AEC. The AEC is not in the NOI process; therefore, the statutory provisions for a “multiple facility site” designation arising from the NOI process are simply inapplicable. (See generally, Ex. 1500.) Because the Trust’s arguments are without a statutory or factual basis, the Commission should disregard the entirety of pages 2 through 6 of the Trust’s Brief.

**III. THERE ARE NO LORS SUPPORTING THE TRUST’S ALLEGED “LORS VIOLATION #1”.**

Pages 6 through 11 of the Trust’s Brief raise the same arguments as in its Part 1 briefs that the Commission is somehow constrained in its evaluation of a project by the PPA authorization decisions of the California Public Utilities Commission (“CPUC”).<sup>5</sup> This is incorrect. For the reasons set forth in the Applicant’s *Reply Brief on EH, Part 1*, which are incorporated by reference herein, the Trust’s arguments should be dismissed as without merit, and lacking any statutory or regulatory basis.<sup>6</sup>

**A. The Commission’s Site Certification Authority Under The Warren Alquist Act Is Not Related To Or Constrained By The PPA Approvals Of The CPUC.**

The Trust’s arguments that the Commission must “ensure certification of the proposed AEC facilities is consistent with the PUC decision,” or that the Commission is constrained by

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*If a notice is approved which includes a finding that a particular site is suitable to accommodate a particular additional generating capacity, the site shall be designated a potential multiple-facility site. The commission may, in determining the acceptability of a potential multiple-facility site, specify conditions or criteria necessary to insure that future additional facilities will not exceed the limitations of the site. (Emphasis added.)*

<sup>5</sup> See, page 24 of the Trust’s Opening Brief Part 1 (TN# 214629-1). The Applicant’s Reply Brief responded to the Trust’s unfounded arguments at pages 18-20 (TN#: 214738).

<sup>6</sup> Applicant’s Reply Brief, pp. 17-18 (TN#: 214738).



“the interpretation of state LORS by the CPUC in approving a specific capacity needed at a given site for grid reliability” are not related to any decision the Commission must make in this proceeding and are not supported by the Trust’s own recommendations in this proceeding. (Trust Brief, pp. 7, 9.)

CPUC Decision 15-11-041 (“D. 15-11-041”) authorized Southern California Edison to enter into a power purchase agreement with the Applicant for 640 megawatts of capacity from combined-cycle gas turbine units. (D.15-11-041, pp. 23, 26-29; Ordering Paragraph 1.) Yet the Trust argues that the Commission should not only deny certification of the AEC, but that the Commission should not even certify the 640 megawatt CCGTs subject to the PPA approved by the CPUC. The Trust argues simultaneously that the Commission (1) is bound by the CPUC decision and (2) should act inconsistently with the CPUC decision by not approving the AEC. These arguments are internally inconsistent, and neither is legally or factually correct.

The Trust encourages the Commission to instead “substitute” 400 megawatt simple-cycle gas turbine units “along with additional 200 MW of battery capacity” for the AEC, and for the 640 MW CCGTs. (Ex. 3076, p. 21; Trust Brief, pp. 1-2, 17-18.) This is an Alternative, which should have been raised in briefings on Part 1 issues. Notwithstanding this failure, the Trust has the burden of proof for any alternative it seeks the Committee to consider. (20 C.C.R. § 1723.5 (e).) However, the Trust has not satisfied this burden, as the Trust fails to provide substantial evidence that the Trust’s proposal is reasonable, feasible, or satisfies most of the basic project objectives of the AEC. (See, 14 C.C.R. § 15126.6.) Therefore, the Trust’s proposed alternative should be rejected.

**IV. THERE ARE NO LORS SUPPORTING THE TRUST'S ALLEGED "LORS VIOLATION #2".**

**A. The Trust's Argument Is A Collateral Attack On The CPUC's Decision Making Process.**

At pages 11 through 15 of its Brief, the Trust asserts that the combined-cycle generating turbine units ("CCGTs") of the AEC do not meet the requirements of Southern California Edison's ("SCE's") 2013 Local Capacity Requirements Request for Offers for the Western Los Angeles Basin ("SCE RFO"). The Trust further argues that the CCGTs cannot act as a grid reliability resource to assure grid reliability in the Western Los Angeles ("LA") Basin because California Independent System Operator ("CAISO") requirements are not met. These assertions are without merit, and are simply an attempt by the Trust to collaterally attack the CPUC's decision approving the AEC's PPA with SCE.

Whether the AEC met the requirements for the SCE RFO and can provide grid reliability in the Western LA Basin is a factual and legal issue that has been litigated and decided by the CPUC, and upheld by the California Supreme Court.<sup>7</sup> Specifically, in D.15-11-041, the CPUC determined that the results of SCE's RFO, which included the CCGTs proposed for the AEC, were "consistent with the CAISO's planning assumptions in the 2014-2015 transmission plan and support the safe and reliable operation of SCE's electrical service." (D.15-11-041, Finding of Fact 2.) The CPUC rejected Mr. Power's arguments that "[c]hoosing these combine cycle GFG plants. . . violates the Loading Order." (D.15-11-041, p. 28.)

The CPUC found that the CAISO "analyzed the results of the RFO... and found that the proposed RFO procurement can meet long-term local capacity requirement needs..." (D.15-11-041, Finding of Fact 3.) The CPUC further found that both SCE and the CAISO confirmed that

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<sup>7</sup> See, *Powers Engineering v. P.U.C. (Southern California Edison Company)* (Nov. 30, 2016, S237487) \_\_ Cal.4<sup>th</sup> \_\_ [2016 Cal. LEXIS 9496].

“the location and characteristics of the procured resources”, which includes the AEC’s CCGTs, “would meet local capacity needs.” (D.15-11-041, Finding of Fact 4.) Thus, the issue of whether AEC met the SCE RFO requirements and can provide grid reliability attributes has already been litigated and decided by the CPUC in a separate proceeding where the Trust was an active party. The Trust’s arguments in that proceeding were rejected by the CPUC, and subsequently by the California Supreme Court. These same arguments should be similarly rejected by the Commission. The Trust should not be allowed to collaterally attack the CPUC’s determinations in this proceeding, particularly since these issues are not relevant to any decision that the Commission must make. The Commission should disregard the entirety of pages 11 through 15 of the Trust’s Brief.

**B. The Trust’s Fabricated “20-Minute Response Time Requirement” Is Not An Applicable LORS.**

At pages 11 through 15 of its Brief, the Trust asserts that the AEC does not comply with applicable LORS based on: (1) a fabrication of CPUC decisional language and (2) an erroneously alleged non-compliance with Section 40.3.1.1 of the CAISO Tariff. The Trust’s assertions on these issues, as with the other assertions made throughout its Brief, are entirely devoid of either legal or factual support. In short, the Trust has fabricated a 20-minute response time requirement for a LORS that does not actually exist to support its assertions that the AEC not does comply with LORS.

First, the Trust asserts that “any resource” that bid into the SCE RFO “must provide full output within 20 minutes of dispatch.” (Trust Brief, p. 13.) This is incorrect, as evident by the plain language of D.15-11-041, as subsequently modified by Decision 16-05-053 (“D.16-05-053”). D.15-11-041 clearly states that the 20-minute response time condition applied to *demand resource resources* procured in the RFO. (D.16-05-053, Ordering Paragraph 1(d), modifying D.

15-11-041, p. 11.) Demand response resources are programs that “provide an economic incentive for end users to modify energy use ... when requested to do so ... or rate structures that encourage reducing energy use during hours in which generation is expensive and/or system reliability is threatened.” (Ex. 2000, p. 6-12.)<sup>8</sup> Neither D.15-11-041 nor D.16-05-053 contain *any* language supporting the Trust’s assertion that the “20-minute response time condition applies to any grid reliability resource in the LA Basin, including combined cycled units.” (Trust Brief, p. 14.) This is readily apparent by the Trust’s lack of any citations to support its assertion. The purported “LORS” does not exist.

Second, the Trust asserts that the CAISO “specifically requires grid reliability resources to provide full load output within 20 minutes to meet the requirements of CAISO Tariff Section 40.3.1.1” (Trust Brief, p. 14), and that the AEC’s CCGTs cannot meet this requirement. Again, the Trust’s assertion is incorrect. The CPUC, CAISO, and SCE have all evaluated the AEC and found that it “would meet local capacity needs” necessary to provide grid reliability to the Western LA Basin. (D.15-11-041, Finding of Fact 4.) The Trust’s continual attempts to collaterally attack issues properly litigated and decided by the CPUC should be rejected as erroneous and irrelevant.

Third, CAISO Tariff Section 40.3.1.1 is not a LORS applicable to the AEC, as it sets forth the criteria for the Local Capacity Technical Study conducted by the CAISO. The Local Capacity Technical Study is used by the CAISO to determine the minimum amount of Local Capacity Area Resources needed to address the Contingencies identified in Section 40.3.1.2. (CAISO Tariff, § 40.3.1.1.) Section 40.3.1.1 does not require grid reliability resources to provide full load output within 20 minutes.

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<sup>8</sup> Further information regarding demand resource is also available at: <http://www.cpuc.ca.gov/General.aspx?id=5924>

Furthermore, the Local Capacity Technical Study referenced by the Trust does not require “full load output within 20 minutes.” (Trust Brief, p. 13) Instead, the CAISO requires, as a planning assumption, that local capacity resources “need to be available in no longer than 20 minutes”. (Ex. 3081, p. 16.) This is all part of the study conducted by the CAISO to determine what local capacity resources are needed to mitigate local reliability problems in areas identified by the Local Capacity Technical Study. The plain language of the Local Capacity Technical Study does not support the Trust’s assertion that the CAISO requires “full load output within 20 minutes.” A planning assumption for a study does not constitute an applicable LORS in an AFC proceeding.

Finally, as a factual matter, even if the Trust’s assertions about the legal requirements of Section 40.3.1.1 were relevant, its factual assertion regarding the operational capabilities of the AEC’s CCGTs are wrong. The CCGTs can achieve full power within 10 minutes (Ex. 1611, pp. 2-3), well within the Trust’s manufactured 20-minute response time requirement. For the reasons set forth above, pages 11 through 15 of the Trust’s Brief should be disregarded.

**V. SUBSTANTIAL EVIDENCE IN THE RECORD ESTABLISHES THAT THERE ARE NO UNMITIGATED SIGNIFICANT DIRECT, INDIRECT OR CUMULATIVE IMPACTS FROM THE CONSTRUCTION, COMMISSIONING, AND OPERATION OF THE AEC.**

In its Brief, the Trust repeats its unfounded assertions that the AEC’s CCGTs will “emit substantially more criteria air pollutants (with the exception of CO) and GHG emissions than the existing Alamos Units 1-6.” (See, Ex. 3076, pp. 21-22.) At the outset, it must be noted that the air emissions values for the AEC CCGTs set forth in Table 1 of the Trust’s Brief are not in the evidentiary record. (Trust Brief, p. 16.) The Trust’s footnote-based calculations were not pre-filed in written testimony as required by the Committee, and have not been subject to review or

cross-examination by other parties. For these reasons alone, the Trust's assertions are not part of the evidentiary record and should be given no weight.

Furthermore, the Trust's emissions comparison assumes, among other dubious assumptions, that the AEC CCGTs will run significantly more often than the Alamos Generating Station units. (See, for example, Ex. 1611, p. 1.) There is no evidentiary basis for such assumptions.

The Trust's Brief also fails to acknowledge that on a per megawatt basis, GHG emissions from the new AEC CCGT units will be much less than from existing units. (Ex. 1611, p. 2.) Commission Staff, the South Coast Air Quality Management District, and the Applicant have all analyzed the potential impacts from the AEC, and have determined that there are no unmitigated significant impacts. Therefore, the Trust's assertions are without merit, and should be disregarded.

**A. The Potential Air Quality Impacts From The AEC Have Been Mitigated To Less Than Significant.**

The Trust argues that the Applicant "gets a free pass" regarding mitigation for PM<sub>10</sub> and PM<sub>2.5</sub> impacts. (Trust Brief, p. 16.) The evidentiary record is clear that all potential impacts from emissions, including PM<sub>10</sub> and PM<sub>2.5</sub>, have been mitigated to less than significant.

For PM<sub>10</sub> and PM<sub>2.5</sub>, the Applicant will be responsible for the following mitigation measures during commissioning and operations. The AEC will be required to provide Emission Reduction Credits ("ERCs") from the South Coast Air Quality Management District ("SCAQMD") emissions offset bank under Rule 1303 to offset all PM, SO<sub>2</sub> and volatile organic compound ("VOC") emissions, in addition to Regional Clean Air Incentive Market Trading Credits. (*Id.*) The amount of RTCs and ERCs required were conservatively estimated as the total commissioning emissions plus a full year of operation emissions. (Ex. 1610, p. 9.)

In addition to the mitigation measures discussed above, the Applicant is also required by SCAQMD Rule 1304.1 to provide the SCAQMD with fees to fund air pollution improvement projects commensurate with the pollutant being offset (i.e., PM<sub>10</sub> for PM<sub>10</sub>, VOC for VOC). These fees will be used to create emission reductions consistent with the SCAQMD's Air Quality Management Plan, with priority given to air quality improvement projects in the communities surrounding the AEC.

For the AEC, the Applicant will be required to submit an Emissions Offset Fee of over \$90 million to fund local and regional air quality mitigation projects. (Ex. 1608, p. 212.) Approximately \$57 million of that amount will be offset fees solely for the combined-cycle units. (Ex. 1608, p. 212.) These mitigation measures hardly constitute a "free pass". With these mitigation measures in place, both Staff and the Applicant concur that the potential commissioning and operational impacts will be less than significant.

**B. Substantial Evidence In The Record Demonstrates That There Are No Potential Impacts To The Wetlands.**

The Trust asserts that neither the Applicant nor Commission staff "challenged" the Trust's layperson opinions that "emissions of dust in the form of particulate matter from operation of the proposed facility will be a significant cumulatively considerable impact to Biological Resources." (Trust's Brief, p. 19.) This assertion is incorrect for several reasons.

First, the entirety of the Trust "testimony" was challenged as legal argument. In its Prehearing Conference Statement, the Applicant challenged the entirety of the Trust's testimony:

The majority of the Trust's Part 2 Opening Testimony provides legal argument, not evidence. Except for a few citations to factual matters already set forth in the hearing record, the vast majority of the Trust's Part 2 Opening Testimony, beginning on page 8 of its filing, is legal argument (TN# 214853).

As for exhibits, the Trust has proffered documents that are not “the sort of information on which responsible persons are accustomed to relying on in the conduct of serious affairs.” (20 C.C.R. § 1212(c)(2).) For example, the Trust relies heavily on Mr. Power’s own legal brief in a different matter before the California Public Utilities Commission (“CPUC”) (Reply Brief of Powers Engineering,” TN# 214861). The Trust cannot convert its arguments from its own legal brief in a different forum into “facts” to become part of the evidentiary record in this proceeding.<sup>9</sup>

In making this challenge before the start of evidentiary hearings, the Applicant reserved the right to bring a “Motion to Strike” the Trust legal arguments.<sup>10</sup>

Before the presentation of evidence at the evidentiary hearings, the Applicant restated its concerns with the non-evidentiary nature of the arguments in the Trust’s “testimony.”<sup>11</sup> The Applicant properly noted that the Trust’s testimony included both legal argument and documents, such as a legal brief, that should not be part of the evidentiary record.<sup>12</sup> Rather than delaying the proceedings, the Applicant proffered that the Committee and the Hearing Officer could instead distinguish between legal argument and factual matters as it reviews the record:

In the interest of moving things along, and also, more importantly, recognizing that the Committee can distinguish between factual arguments and legal arguments, we’re not going to go through line by line and try to strike out portions of [the Trust’s] written testimony that we think is legal argument. We won’t do that. We’ll rely on you all [the Committee and the Hearing Officer] to understand the distinction between those two things when you’re looking at it.<sup>13</sup>

Despite claims to the contrary, the Trust’s assertions were challenged before and during evidentiary hearings.

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<sup>9</sup> TN # 214905, p. 4.

<sup>10</sup> *Id.*

<sup>11</sup> 12/20 RT 32: 23-36:11.

<sup>12</sup> *Id.*

<sup>13</sup> 12/20 RT 34: 14-21.



Second, neither Mr. Powers nor Mr. Geever, the Trust's witnesses regarding potential impacts to biological resources from "dust", have demonstrable qualifications in the subject areas of biological resources. (Ex. 3023; Ex. 3082, p. 9.) Mr. Geever has no demonstrable qualifications or expertise in the subject area of air quality. (Ex. 3082, p. 9.) Therefore, Mr. Powers' and Mr. Geever's opinions regarding potential impacts from the AEC in those subject areas should be given no weight.<sup>14</sup>

Third, the Trust's lay opinion that there are "cumulatively considerable" impacts from "dust" is premised on the assertion that demolition of the AGS is part of the AEC. (Ex. 3005, pp. 4, 6; Ex. 3076, p. 15.) This argument has already been rejected by the Committee, and thoroughly briefed by both the Staff and Applicant.<sup>15</sup>

Fourth, the evidence in the record conclusively establishes that both the Applicant and Staff thoroughly analyzed any potential impacts to the resources at the Los Cerritos Wetlands and found that there are no significant impacts. (For example, see Ex. 1070, p. 19; Ex. 2000, pp. 4.2-5, 4.2-8, 4.2-26 to 36.) Staff specifically considered the issue of whether there was any potential cumulative effect of dust from demolition of the AGS, along with operation of the AEC, to the Los Cerritos Wetlands Land Trust. (11/15 RT 92: 5-12.) Staff concluded that the contribution of the AEC to any potential cumulative impacts would not be cumulatively considerable. (11/15 RT 92: 10-12.) Staff further testified at hearings that it analyzes the potential impacts from all forms of particulate matter, including PM<sub>10</sub> or PM<sub>2.5</sub>. (12/20 RT 98-

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<sup>14</sup> We also note that Mr. Geever offered no oral testimony at the hearings. (12/20 RT 29: 25.) Accordingly, none of Mr. Geever's statements or questions at the evidentiary hearings are testimony. Similarly, Mr. Powers asked for the right to cross examine certain witnesses on the panel. (12/20 RT 30: 8-10.) Thus, none of Mr. Powers' statements or questions with respect to cross-examination at the evidentiary hearings are testimony, except responses to questions posed by the Committee, Hearing Officer or the other parties.

<sup>15</sup> See, *Committee Ruling Re: Staff's Motion For Summary Adjudication* (Oct. 14, 2016) 13-AFC-01; Applicant's Reply Brief (TN#: 214738); Energy Commission Staff Reply Brief (TN#: 21476.)

100.) Mitigation appropriate for each type of particulate matter is required for any potentially significant impacts. (12/20 RT 100:6-24.) In the case of PM<sub>10</sub> or PM<sub>2.5</sub>, impacts will be mitigated on both a regional and local basis, including the payment of a substantial Offset Emission Fee of over \$90 million to fund local and regional air quality mitigation projects. (Ex. 1608, p. 212.)

Fifth, the Trust has not presented any evidence that supports its opinion that there will be localized deposition of either PM<sub>10</sub> or PM<sub>2.5</sub>, let alone a localized deposition amount that would constitute a significant impact on the Los Cerritos Wetlands. Unsupported opinions such as that offered by the Trust do not constitute evidence. (20 C.C.R. § 1214(c)(2).) In contrast, Commission Staff, SCAQMD, and the Applicant have all conducted extensive modeling, using conservative assumptions, to evaluate the potential air quality impacts, both local and regional, of the AEC. (See generally, Exs. 1047; 1608; 1610; and 2014.) Commission Staff, SCAQMD, and the Applicant have all concluded, based on extensive modeling, analysis and the implementation of the construction and operational mitigation measures, that there are no unmitigated impacts from the AEC. Therefore, the Trust's arguments must be given no weight.

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## VI. CONCLUSION

For the reasons set forth above, the Committee should dismiss the Trust's arguments as lacking any legal or factual basis. The AEC is the right project in the right location, and should be approved by the Commission.

Dated: January 17, 2016

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