

DOCKETED

Docket Number:	08-AFC-09C
Project Title:	Palmdale Energy Project (Formerly Palmdale Hybrid Power Plant) - Compliance
TN #:	216085
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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:

PALMDALE ENERGY PROJECT

Docket No. 08-AFC-09C

NOTICE OF PREHEARING CONFERENCE AND EVIDENTIARY HEARING, SCHEDULING ORDER, AND FURTHER ORDERS

PLEASE TAKE NOTICE that the California Energy Commission Committee¹ (Committee) assigned to conduct proceedings on the Petition to Amend (Petition) the Palmdale Energy Project² (PEP) has scheduled a Prehearing Conference and an Evidentiary Hearing as follows:

The **PREHEARING CONFERENCE** will be conducted on:

FRIDAY, MARCH 10, 2017
Beginning at 9:00 a.m.

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

The **EVIDENTIARY HEARING** will be conducted on:

WEDNESDAY, MARCH 22, 2017
Beginning at 11:00 a.m.
Public Comment Period Beginning at Noon
City of Palmdale City Hall
38300 Sierra Highway
Palmdale, CA 93550
(Wheelchair Accessible)

¹ The Committee consists of Commissioner Karen Douglas, Presiding Member, and Commissioner Janea A. Scott, Associate Member.

² The Petition to Amend the Palmdale Hybrid Power Project also includes a request to change the name of the project from Palmdale Hybrid Power Project to the Palmdale Energy Project (TN 205640). To avoid confusion, the proposed project will be referred to as the Palmdale Energy Project.

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

SCHEDULING ORDER

PLEASE TAKE NOTICE that the Committee has established the following schedule for the PEP Petition which **supersedes** all prior schedules.

<u>EVENT</u>	<u>DATE</u>
Energy Commission Staff Filed Final Staff Assessment (FSA)	September 12, 2016
Staff Filed Supplemental FSA	December 29, 2016
All Parties File Opening Testimony	February 22, 2017
Last Day to File Petition to Intervene	February 22, 2017
All Parties File Rebuttal Testimony. ³	February 28, 2017
All Parties File Prehearing Conference Statement, Witness Lists and Exhibit Lists	March 3, 2017
Prehearing Conference	March 10, 2017
Evidentiary Hearing	March 22, 2017
Transcript of Evidentiary Hearing Filed	April 3, 2017
Opening Briefs (optional)	April 10, 2017
Rebuttal Briefs (optional)	April 17, 2017
Committee Files Presiding Member's Proposed Decision (PMPD)	Early May 2017
Committee Conference on PMPD	Late May/June 2017
Close of public comment period on PMPD	30 days after filing of the PMPD
Committee Files Errata or Revised PMPD (if necessary)	June/July 2017
Energy Commission Final Decision	July/August 2017

Purpose of the Prehearing Conference

The Prehearing Conference is a public forum where the Committee will assess the parties' (Petitioner and Energy Commission Staff) readiness for an Evidentiary Hearing, discuss the format of the Evidentiary Hearing, identify areas of agreement or dispute, and discuss the order of topics at the Evidentiary Hearing, the remaining schedule and procedures necessary to conclude the amendment process.

³ 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.

Local, state, federal, and tribal governmental agencies may participate in the Prehearing Conference and Evidentiary Hearing as necessary. (Cal. Code Regs., tit. 20, § 1714.5.) Elected officials and members of the public may present public comments at these events and/or submit written comments via the Energy Commission's e-Commenting system at:

<https://efiling.energy.ca.gov/Ecomment/Ecomment.aspx?docketnumber=08-AFC-09C>

ORDER REGARDING PREHEARING CONFERENCE STATEMENTS, EXHIBIT LISTS, AND WITNESSES

All parties are **ORDERED** to file a Prehearing Conference Statement, Witness List, and Exhibit List ***no later than Friday, March 3, 2017***, 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 Statements 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.);
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); and
8. Proposals for briefing deadlines or other scheduling matters.

All documentary evidence must be filed in this proceeding's docket (No. 08-AFC-09C) 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, 2016.⁴ **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:

- Petitioner's exhibits shall be numbered *consecutively* as **Exhibits 1 through 499**; and
- Energy Commission Staff's exhibits shall be numbered *consecutively* as **Exhibits 500 through 699**.

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 the Evidentiary Hearing

The Evidentiary Hearing is an administrative adjudicatory proceeding to receive evidence into the formal hearing record from the parties. Only the parties may present evidence for introduction into the formal hearing record, which is the only evidence upon which the Energy 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 the evidence of another party.

Formal and Informal Hearing Procedures

Pursuant to California Government Code section 11445.10 et seq., and the California Code of Regulations, title 20, section 1210,⁵ the Committee may conduct all or portions of the Evidentiary Hearing using an informal procedure.

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

⁴ TN 212643.

⁵ Cal. Code Regs., tit. 20, §§ 1207, 1210.

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/palmdale/index.html>

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 number: 08-AFC-09C
1516 Ninth Street, MS-4
Sacramento, CA 95814

For all comments, please include the document number and proceeding name “**Docket No. 08-AFC-09C, Palmdale Energy Project**” in the subject line and on the cover page.

PLEASE NOTE: Written and oral comments, attachments, and associated contact information (e.g., your address, phone, e-mail, etc.) become part of the viewable public record which 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 with assistance in participating in Energy Commission proceedings. For information on how to participate in these proceedings, please 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 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 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 Eric Veerkamp, Staff Compliance Project Manager, at (916) 654-4611, or by e-mail at eric.veerkamp@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.

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 for either the **Prehearing Conference: 927 465 581** or the **Evidentiary Hearing: 926 087 143**. 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 for either the **Prehearing Conference: 927 465 581** or the **Evidentiary Hearing: 926 087 143**. 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 Palmdale Energy 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/palmdale>.

Dated: February 17, 2017, at Sacramento, California.

ORIGINAL SIGNED BY:

KAREN DOUGLAS
Commissioner and Presiding Member
Palmdale Energy Project Amendment
Committee

ORIGINAL SIGNED BY:

JANEA A. SCOTT
Commissioner and Associate Member
Palmdale Energy Project Amendment
Committee

Mailing list 7318c

**Palmdale Energy Project Amendment
Prehearing Conference Agenda
Friday, March 10, 2017
Prehearing Conference Beginning at 9:00 a.m.**

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

Meeting Agenda

1. Call to Order
2. Prehearing Conference (beginning at 9:00 a.m.):
Report from Petitioner and Staff 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, witness lists, and other matters in preparation for the Evidentiary Hearing.
3. 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.
4. Closed Session
Committee closed session consideration of the following items:
Palmdale Energy Project (08-AFC-09C) and deliberation on matters for decision by the Committee such as 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. The Committee may adjourn to a closed session at any point during the meeting and may conduct multiple closed sessions as necessary.
5. Adjourn
Agency contact: Kenneth Celli, Hearing Officer, at (916) 651-8893, or by e-mail at ken.celli@energy.ca.gov.

**Palmdale Energy Project Amendment
Evidentiary Hearing Agenda
Wednesday, March 22, 2017
Beginning at 11:00 a.m. - Public Comment Period Beginning at 12:00 p.m.**

**City of Palmdale City Hall
38300 Sierra Highway
Palmdale, CA 93550**

1. Call to Order – 11:00 a.m.

2. Evidentiary Hearing

The order of subject areas will be determined following the March 10, 2017 Prehearing Conference and announced by a separate document filed in the Docket and available via the Energy Commission's webpage at:

<http://www.energy.ca.gov/sitingcases/palmdale>

Receipt of evidence from all parties on the Petition to Amend the Palmdale Energy Project.

3. Public Comment – 12:00 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 12:00 p.m.

4. Closed Session (if necessary)

Committee Closed Session consideration of the following item:

PETITION TO AMEND THE PALMDALE 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 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 at ken.celli@energy.ca.gov.