

## DOCKETED

<b>Docket Number:</b>	15-AFC-01
<b>Project Title:</b>	Puente Power Project
<b>TN #:</b>	216588
<b>Document Title:</b>	Transcript of 02/22/2017 Continuation of Evidentiary Hearing
<b>Description:</b>	N/A
<b>Filer:</b>	Cody Goldthrite
<b>Organization:</b>	California Energy Commission
<b>Submitter Role:</b>	Committee
<b>Submission Date:</b>	3/16/2017 12:22:22 PM
<b>Docketed Date:</b>	3/16/2017

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BEFORE THE CALIFORNIA ENERGY COMMISSION

In the Matter of: )  
 )  
Application for Certification for )  
the PUENTE POWER PROJECT ) Docket No. 15-AFC-01

CONTINUATION OF EVIDENTIARY HEARING  
PUENTE POWER PROJECT

CALIFORNIA ENERGY COMMISSION  
CHARLES R. IMBRECHT HEARING ROOM  
1516 9th STREET  
SACRAMENTO, CALIFORNIA

WEDNESDAY, FEBRUARY 22, 2017

2:02 PM

Reported By: Brittany Flores, CSR 13460

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APPEARANCES

COMMISSIONERS:

Janea Scott, Presiding Member

ADVISERS:

Rhetta deMesa, Adviser to Commissioner Scott

Matthew Coldwell, Adviser to Commissioner Scott

Jennifer Nelson, Adviser to Commissioner Douglas

Le-Quyen Nguyen, Adviser to Commissioner Douglas

Kristy Chew, Commissioners' Technical Adviser

for Siting Matters

HEARING OFFICER:

Kenneth Celli, for Paul Kramer

PUBLIC ADVISER'S OFFICE:

Rosemary Avalos, Outreach Specialist

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INDEX

Meeting Agenda

1. Call to Order, Introduction	4
2. Public Comment	6
3. Closed Session	11
4. Adjournment	16

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Proceedings

FEBRUARY 22, 2017 2:02 p.m.

COMMISSIONER SCOTT: Hello. Good afternoon, everybody, and welcome. This is a continued evidentiary hearing closed session for the Puente Power Project, AFC. I'm Commissioner Janea Scott. I'm the presiding member. I'm joined here by my adviser, Matt Coldwell. We also have with us our hearing adviser, Ken Celli, who is sitting in for Paul Kramer, who will be joining us by phone. And Commissioner Douglas's advisers, Jennifer Nelson and Le-Quyen Nguyen. We have some folks from staff here in the room, so let me let them introduce themselves if they'd like.

Okay. They're saying, "no," they would not like to, but let me run through the rest of the folks.

Do we have anyone from the applicant on WebEx who would like to introduce themselves at this time?

Okay. The Energy Commission staff that I see sitting there are Kerry Willis and Shawn Pittard and RoseMary Avalos. So they're here.

Let me check with intervenors. Do we have any intervenors from the City of Oxnard who would like to introduce themselves on the WebEx?

Okay. How about the Environmental Coalition, Environmental Defense Center and Sierra Club?

1 All right. How about Bob Sarvey?

2 Oh, is Alicia on the phone there?

3 No one's muted, so if you'd like to introduce  
4 yourselves when I call on you, please go ahead and speak  
5 up.

6 Do we have anyone from the California  
7 Environmental Justice Alliance?

8 How about Center for Biological Diversity?

9 Fighting for Informed Environmentally Responsible  
10 Clean Energy, FFIERCE?

11 Okay. And do we have any others from the  
12 California Coastal Commission or any other federal,  
13 state, or local agencies that would like to introduce  
14 themselves on the WebEx?

15 Okay. And I will note that RoseMary is with us  
16 from our public adviser's office.

17 Now I will turn the conduct of this proceeding  
18 over to hearing officer, Ken Celli.

19 HEARING OFFICER CELLI: Thank you,  
20 Commissioner Scott. Kenneth Celli here. I'm sitting in  
21 for Paul Kramer today who is on vacation, but he will be  
22 calling in. For the record, we already identified Kerry  
23 Willis and Shawn Pittard from staff, and from the public  
24 adviser's office, RoseMary Avalos, and from the hearing  
25 office, I have Ralph Lee, who is running WebEx, and I

1 have Raj Dixit who is also present, and we have a  
2 guest who just came in, so have a seat.

3 Are you with a particular party?

4 MS. AMERSON: Senator Hannah-Beth Jackson.

5 HEARING OFFICER CELLI: Oh, okay. Good. So  
6 at this point, we're going to --

7 COMMISSIONER SCOTT: We're going into closed  
8 session.

9 HEARING OFFICER CELLI: We're going to take  
10 some comments. We have one person here. The reason I  
11 was just saying who was here in the room because I  
12 wanted to say that, otherwise, there were no members of  
13 the public until one member of the public just walked  
14 in.

15 So if your mic is on, it should have a red -- a  
16 red button on there. Yes, you're live. Go ahead and  
17 introduce yourself.

18 MS. AMERSON: Good afternoon. My name is  
19 Alicia Amerson, and I work for Senator Hannah-Beth  
20 Jackson in the Santa Barbara district and I'm -- would  
21 you like me to continue --

22 COMMISSIONER SCOTT: Yes

23 MS. AMERSON: Oh, okay. With my comments.

24 So thank you for hearing our -- my statement  
25 today. I'm representing Senator Hannah-Beth Jackson,

1 Senate president pro tem Kevin de Leon, Assembly Member  
2 Monique Limon, Senator Mike McGuire, Senator Ben Allen,  
3 Senator Scott Wiener, Senator Ricardo Lara, and Senator  
4 Nancy Skinner.

5 Dear Commissioners of the California Energy  
6 Commission, as members of the California state  
7 legislature, we write to express our deep concern over  
8 the proposed siting of the Puente Power Project  
9 combustion turbine generator along the shoreline in  
10 Oxnard, California. As you know, this project stems  
11 from a determination made more than five years ago by  
12 the California Independent System Operator Corporation,  
13 CAISO, that a facility capable -- a facility capable of  
14 providing an ancillary grid support was needed in order  
15 to meet projected low capacity requirements in this  
16 area, Ventura County. We recognize that with the  
17 retirement of both Oxnard Beach and Mandalay Facility,  
18 something must be done to protect the region from  
19 temporary loss of the transmission corridor from the  
20 large Edison substation near Six Flags in Valencia  
21 Moorpark. However, locating an additional fossil  
22 fuel plant in the coastal zone is not the answer.

23 Over the intervening five years, we have  
24 witnessed a tremendous growth in clean energy  
25 technologies and strategies to meet local grid

1 reliability and resiliency needs including demand  
2 response, conservation, and battery storage. These  
3 clean energy technologies and strategies may adequately  
4 meet CAISO's needs, protections for the area, but they  
5 have yet to be fully studied as a suitable alternative to  
6 the Puente Power Project.

7 We strongly urge you to thoroughly study these  
8 and any other feasible alternatives that will align with  
9 California's renewable energy goals. We believe that  
10 any use of Puente to supply flexibility for renewable  
11 integration can be adequately supplied by existing  
12 facilities that are not located in disadvantaged  
13 communities and do not limit the public's access --  
14 coastal access. In fact, there are already a surplus of  
15 gas facilities capable of supplying that flexibility.  
16 The state has two relatively new and efficient plants,  
17 Las Palomas, south of Bakersfield, and Sutter, east of the  
18 Bay Area, that are sitting unused because there is no  
19 need for them. Constructing a Puente Power Project is  
20 not in line with the state goals to move towards carbon  
21 neutrality. As a state, we will continue to face  
22 mounting pressure to retire additional gas plants  
23 especially as we move towards achieving the fifty  
24 percent renewable portfolio standard by 2030, policy  
25 that was signed into law by Governor Brown in 2015.

1           We would also like to point out that Puente is a  
2 terrible misuse of coastal land. Although the project  
3 would occupy only three acres, two acres of protected  
4 coastal wetlands would have to be filled in. More than  
5 50 acres of prime oceanfront property will have to  
6 remain encumbered in order to get the facility built.  
7 The California Coastal Act mandates that development  
8 shall not interfere with the public's access to the  
9 beach. Yet, this project would be located in close  
10 proximity to McGrath State Beach, Mandalay State Beach,  
11 and the Santa Clara River Estuary. Not only would  
12 public access to this precious coastal region be  
13 hindered, the project construction will require the CEC  
14 to make specific override findings under CEQA since  
15 Puente is in conflict with Oxnard's general plan.

16           Recently, we have witnessed other California  
17 communities benefitting from two successfully implemented  
18 Edison requests for offers, a resource pilot project in  
19 Orange County, and storage procurement that occurred to  
20 mitigate the closure of Aliso Canyon. Both projects  
21 have demonstrated ability of battery storage backed up  
22 by local solar and plan customer demand response to  
23 quickly meet the need identified for Puente. Both of  
24 these projects have been successfully conducted at a  
25 fraction of the cost proposed for the Puente without any

1 combustion or resulting air pollution and greenhouse gas  
2 emission.

3 For these reasons and because this project is not  
4 consistent with the City of Oxnard's general plan, we  
5 urge you to pause and reevaluate the Puente Power  
6 Project before committing our communities and our  
7 ratepayers to yet another coastal power plant that will  
8 be with us for decades to come. Thank you.

9 COMMISSIONER SCOTT: Thank you. Thank you  
10 very much for being here. We don't have any other  
11 members of the public here in the room, but let me turn  
12 back to the WebEx in case we have members of the public  
13 on the WebEx who would like to make a comment now. If  
14 you would, please go ahead and hand raise or go ahead  
15 and speak up, and we're happy to hear your comment as  
16 well.

17 And I'm hearing silence, so I will guess that  
18 there is no one from the public on the WebEx at this  
19 time who would like to make a public comment. We will  
20 come back at 4:00 o'clock at the end of our closed  
21 session to take public comment at that point in time.

22 And let me turn it back to Hearing Officer Ken  
23 Celli to appropriately adjourn us to our closed session.

24 HEARING OFFICER CELLI: Thank you.

25 And also, if you have a business card you can

1 give to the court reporter, that would be great. Thank  
2 you.

3 COMMISSIONER SCOTT: And a copy of the  
4 letter for our public adviser.

5 HEARING OFFICER CELLI: Okay. Ladies and  
6 gentleman, in the notice of continuance of the February  
7 15th, 2017 evidentiary hearing, which was filed on  
8 February 15th, 2017, the notice indicated that  
9 today's -- the primary purpose of today's hearing was to  
10 have a closed session. The committee may adjourn to a  
11 closed session in accordance with Government Code  
12 Section 11126 subdivision (c)(3), which allows a state  
13 body, including a delegated committee, to hold a closed  
14 session to deliberate on a decision to be reached in a  
15 proceeding hearing that a state body is required by law  
16 to conduct.

17 So at this time, it's about 11 minutes after  
18 2:00, the committee will go into a closed session. We  
19 will return at 4:00 o'clock and take public comment at  
20 that time. When we finish public comment at that time,  
21 then we will adjourn. Okay.

22

23 (Closed session.)

24

25 COMMISSIONER SCOTT: Hello, everyone. This

1 is Commissioner Janea Scott, and we are ready for our  
2 public comment. I hear that we may have one or two on  
3 the WebEx. So let me see.

4 If you would like to make a public comment from  
5 the WebEx, please speak up if -- and we'll go from  
6 there.

7 Hello. I heard a phone noise, but I'm not sure  
8 if that was someone trying to make a public comment or  
9 just juggling their phone. If you would like to make a  
10 public comment, we're here and available. Please go  
11 ahead and speak up. Okay.

12 MS. FOLK: So this is Ellison Folk.

13 COMMISSIONER SCOTT: Hello.

14 MS. FOLK: Hi. Can you hear me?

15 COMMISSIONER SCOTT: Yes, I can. Please go  
16 ahead.

17 MS. FOLK: Okay. Well, I actually wasn't  
18 going to make public comment because I was just  
19 listening to see if there was any report out of closed  
20 session, but since I'm here, I would just, on behalf of the  
21 City of Oxnard, would really urge the commission to look  
22 at alternatives that are specifically designed to meet the  
23 LCR need here. And at this point, there's -- it's almost  
24 four years before new resources need to be brought online  
25 and I think at the very least, you know, the community of

1 Oxnard and really, you know, the residents and  
2 ratepayers in California, deserve to, to have the  
3 commission, you know, assure that the resources that  
4 are procured here and that, that actually get built meet  
5 the specific needs that's been identified, and so in a  
6 way, that really closely aligns with the State's policies  
7 on reducing greenhouse gas emissions and ensuring that  
8 projects are consistent with local planning documents  
9 and policies, and that's it.

10 COMMISSIONER SCOTT: Okay. Thank you for  
11 joining us this afternoon.

12 And I'm being encouraged to call on Alicia. If  
13 you'd like to say anything, we're here.

14 MS. ROESSLER: Yes. Thank you. Well, I'll  
15 just add a couple, couple things. I fully support and  
16 agree with what Ms. Folk just stated about finding a  
17 reasonable alternative to the site and also to ensure  
18 that the energy gets built and used and not just paid  
19 for by the taxpayers.

20 In addition to that, I wanted to just raise again  
21 -- and I'm not sure if this was an issue that was  
22 covered in deliberations or not -- but just the --  
23 after -- I know we raised it before leaving  
24 Environmental Defense Center, Sierra Club, and  
25 Environmental Coalition in Ventura County, just wanted

1 to raise again to the committee's attention, the issue  
2 of a lack of biological data and specific surveys to  
3 detect species -- sensitive species and rare species and  
4 habitat that make up ESHA on the property and then also  
5 to draw the community's attention. What came to light  
6 in the last few days of evidentiary hearings as well is  
7 the coastal commission's hope of the work that they did  
8 with more limited, and it does create a problem in  
9 terms of identification ESHA to the effect that the FSA  
10 relied on the coastal commission's surveys and report to  
11 sustain a finding in part that no ESHA exist on the site.  
12 And we were hoping that the commission may be able to do  
13 a ruling on that issue to see if we even can go forward  
14 with briefing. We definitely take the position that it  
15 is certainly without having the proper analysis that  
16 what's on the ground going forward with briefing and  
17 siting for this plan is not appropriate at this time,  
18 and that's all for now. Thank you.

19 COMMISSIONER SCOTT: Okay. Thank you very  
20 much, and would you mind just stating your name and  
21 where you're from so our court reporter can be sure to  
22 get that right in the record.

23 MS. ROESSLER: Sure. Alicia Roessler, and  
24 I'm an attorney for Environmental Defense Center  
25 representing Sierra Club, Ventura Environmental

1 Coalition, and, and Environmental Defense Center.

2 COMMISSIONER SCOTT: Thank you, and I think  
3 Ms. Folk mentioned where, where she was from during her  
4 comments.

5 MS. FOLK: On behalf of the City of Oxnard.

6 COMMISSIONER SCOTT: Just making sure it's  
7 clear in our record. Thank you guys both very much.

8 MS. FOLK: Thank you.

9 COMMISSIONER SCOTT: Let me turn back. I'm not  
10 seeing any other dial-ins on the WebEx, but if you are  
11 there and you would like to make a public comment, now is  
12 your opportunity.

13 Please go ahead and speak up.

14 Okay. And I will also just note for the record  
15 that there is no one in the room.

16 Well, not literally. There are no members of the  
17 public here in the room. And the public adviser has  
18 indicated that he does not have any blue cards or other  
19 members who'd like to say anything.

20 So let me turn this now back over to our hearing  
21 officer, Ken Celli.

22 HEARING OFFICER CELLI: Thank you,  
23 Commissioner Scott. Kenneth Celli here, again,  
24 appearing on behalf of the committee for Paul Kramer,  
25 who is the hearing officer assigned to this matter. The

1 closed session, which was conducted in accordance with  
2 Government Code section 11126 subdivision (c)(3), which  
3 allows a state body, including a delegated committee, to  
4 hold a closed session to deliberate on a decision to be  
5 reached in a proceeding that a state body was required  
6 by law to conduct has been completed and concluded.  
7 There's nothing to report out at this time. Therefore,  
8 we are adjourned. Thank you.

8  
9 (Whereupon the proceeding concluded at 4:13 p.m.)

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1 I, Brittany Flores, a Certified Shorthand Reporter of  
2 the State of California, duly authorized to administer  
3 oaths, do hereby certify:

4 That the foregoing proceedings were taken before me  
5 at the time and place herein set forth; that a record of  
6 the proceedings was made by me using machine shorthand  
7 which was thereafter transcribed under my direction;  
8 that the foregoing transcript is a true record of the  
9 testimony given.

10 I further certify I am neither financially interested  
11 in the action nor a relative or employee of any attorney  
12 of party to this action.

13 IN WITNESS WHEREOF, I have this date subscribed my  
14 name.

15  
16 Dated:

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18 -----

19 Brittany Flores CSR 13460

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