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BEFORE THE ENERGY RESOURCES CONSERVATION AND DEVELOPMENT
COMMISSION OF THE STATE OF CALIFORNIA
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APPLICATION FOR CERTIFICATION FOR THE:
PUENTE POWER PROJECT

Docket No. 15-AFC-01

STAFF’S PREHEARING STATEMENT AND EXHIBIT LIST

On March 10, 2017, the California Energy Commission Committee (Committee) assigned to conduct proceedings on the Application for Certification for the Puente Power Project filed “Committee Orders for Additional Evidence and Briefing Following Evidentiary Hearings,” which required Staff and the Applicant to prepare and submit additional evidence on Biological Resources, Soil and Water Resources, Alternatives, and Compliance and Closure. On July 10, 2017, the Committee filed a “Notice of Evidentiary Hearing and Related Orders,” requiring all parties to file a Prehearing Statement and Exhibit List in advance of Evidentiary Hearings beginning on July 26, 2017.

1. The subject areas and issues in dispute that require adjudication and the precise nature of the dispute for each issue.

Staff has identified the following issues in dispute:

a. Soil and Water Resources:

- Staff and the City of Oxnard do not agree on coastal flooding risk and potential consequences at the proposed project site.
- City of Oxnard disagrees with Staff’s use of only the Coastal Storm Modeling System (CoSMoS) to model coastal flooding risk at the proposed project site.

- Staff disagrees with City of Oxnard's proposal to rerun multiple coastal hazard models in a site specific fashion with a sensitivity analysis.

b. Biological Resources:

- Staff and Sierra Club, Environmental Coalition of Ventura County, and Environmental Defense Center (Environmental Intervenors) do not agree on whether the proposed project site constitutes an Environmentally Sensitive Habitat Area.
- Staff and Environmental Intervenors do not agree that the presence of pickleweed on 0.52 acres of the project area warrants assessment as a potential wetland.

c. Alternatives:

- Staff and Environmental Intervenors do not agree on the assumptions and calculations underlying the Spillane Approach to model aviation impacts; however, adjustment to Staff's modeling approach in response to Environmental Intervenors' comments would not change Staff's conclusion that plume impacts would be potentially significant.
- Staff does not agree with the City of Oxnard and Environmental Intervenors' conclusion that aviation impacts at the Del Norte/Fifth Street Off-site Alternative and Ormond Beach Area Off-site Alternative would not be significant.

Staff's Proposed Schedule of Hearings:

Staff requests that the Committee begin the proceedings on July 26 with the panel on Soil and Water Resources and hear the panel on Biological Resources on July 27. The adjudication of Alternatives can be completed as time permits on July 26 and, if necessary, continued to July 27.

Staff has not identified issues in dispute regarding Compliance and Closure. However, Staff witnesses who completed or supervised the completion of the analysis will be available to respond to Committee questions, if requested. These witnesses are available on July 26. If the Committee has no questions for Staff's Compliance and Closure witnesses, Staff would appreciate notice by Monday, July 24, to adjust travel plans accordingly.

2. The subject areas upon which the party proposes to introduce testimony in writing rather than through oral testimony.

The March 10, 2017 Committee Orders directed Staff to “[a]nalyze a possible requirement that the Puente facilities be demolished and removed when they are decommissioned” No new analysis was conducted by Staff. Staff relied on Condition of Certification Compliance-15 (COM-15) in response to the Committee Orders. Staff has not planned to present direct oral testimony on this question.

Staff was also ordered to “[s]upplement the existing analysis of the demolition of existing Mandalay units 1 and 2 to the extent necessary to analyze the environmental effects of Puente’s demolition and removal.” Staff in various technical areas contributed to the analysis performed in response to the Committee’s request. (See Exhibit 2025, p. 85.) Staff has not planned to present direct oral testimony on this question. However, as stated under item 1, Staff witnesses who supervised the completion of the analysis will be available to respond to Committee questions.

3. 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.

Staff intends to provide oral testimony from the witnesses identified in the table below. All Staff witnesses offering oral testimony intend to appear in person; none seek to testify telephonically at this time. For Staff's qualifications, please refer to Exhibit 2003, FSA Declarations and Resumes, Exhibit 2027, Staff Supplemental Testimony Declarations and Resumes, and Exhibit 2028, Resume for Joseph Hughes P.E.

Staff requests that the Committee allow for brief direct testimony in lieu of an opening statement from Staff's witnesses for Soil and Water Resources, Biological Resources, and Alternatives. Staff would also request time for direct testimony for Compliance and Closure, only if issues in dispute are identified for this subject area.

| Subject Area | Witnesses | Summary | Estimated Time for Direct Testimony |
|--------------------------|---|----------------|--|
| Alternatives | Jonathan Fong, Joseph Hughes | Exhibit 2025 | 10-15 minutes |
| Biological Resources | Carol Watson, Jon Hilliard | Exhibit 2026 | 10-15 minutes |
| Compliance and Closure | Christine Root, Matthew Layton, Eric Knight | Exhibit 2025 | 10 minutes |
| Soil and Water Resources | Marylou Taylor, Paul Marshall | Exhibit 2025 | 15-20 minutes |

- 4. 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.**

At this time, Staff does not have any questions for the other parties' witnesses. However, Staff reserves the right to address disputed issues identified at the Evidentiary Hearings through cross-examination.

- 5. A list identifying exhibits with transaction numbers that the party intends to offer into evidence during the Evidentiary Hearing, and the technical subject areas to which they apply.**

| Exhibit No. | Transaction No. | Document Title | Subject Area |
|--------------------|------------------------|---|--|
| 2025 | 218274 | Staff's Supplemental Testimony Filed in Response to the Committee's March 10, 2017 Order for the Puente Power Project | Soil and Water Resources, Alternatives, Compliance and Closure |

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|------|--------|--|---|
| 2026 | 220168 | Biological Resources Supplemental Testimony of Carol Watson and Jon Hilliard | Biological Resources |
| 2027 | 220107 | Staff Supplemental Declarations and Resumes | Soil and Water Resources, Alternatives, Compliance and Closure ¹ |
| 2028 | 220112 | Resume for Joseph Hughes P.E. | Alternatives |
| 2029 | 220289 | Biological Resources Illustrative Figures for Presentation at Evidentiary Hearings | Biological Resources |

6. Other scheduling matters.

Staff respectfully requests that the Committee provide 45-60 minute lunch breaks during the hearings on July 26 and July 27 and 45-60 minute dinner breaks, if the hearings will extend past 7:00 p.m. Staff also requests a hard stop of the proceedings at 5:00 p.m. on Friday, July 28 to accommodate travel plans.

Dated: July 21, 2017

Respectfully submitted,

Original signed by
MICHELLE E. CHESTER
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Attorneys for Energy Commission Staff

¹ For declarations and resumes of Biological Resources Staff, please refer to FSA Declarations and Resumes, Exhibit 2003.