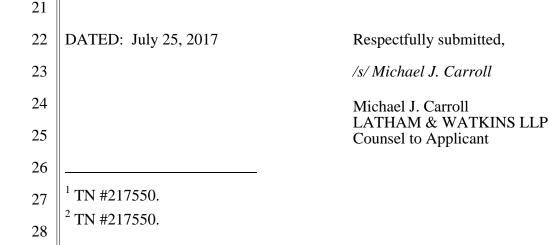
DOCKETED		
Docket Number:	15-AFC-01	
Project Title:	Puente Power Project	
TN #:	220356	
Document Title:	Applicant's Motion to Strike City of Oxnard Proposed Exhibit No. 3071	
Description:	N/A	
Filer:	Paul Kihm	
Organization:	Latham & Watkins LLP	
Submitter Role:	Applicant Representative	
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8	State of California			
9	Energy Resources			
10	Conservation and Development Commission			
11	In the Matter of:	Docket No. 15-AFC-01		
12	Application for Certification for the PUENTE POWER PROJECT	APPLICANT'S MOTION TO STRIKE CITY OF		
13	IOI THE FOUNTE FOWER FROJECT	OXNARD PROPOSED EXHIBIT NO. 3071		
14				
15	Pursuant to Title 20, California Code of Regulations ("CCR") § 1211.5(a) and			
16	§ 1212(b)(2), Applicant hereby requests that the Committee exercise its authority under Title 20,			
17	CCR § 1203(c) to exclude from the evidentiary record intervener City of Oxnard's proposed			
18	Exhibit No. 3071 "Download from Our Coast Our Future Website" (TN #220300) on the basis			
19	that the proposed evidence was not filed with the California Energy Commission Dockets Office			
20	on a timely basis as required by numerous Committee Orders.			
21	In its March 10, 2017 "Committee Orders for Additional Evidence and Briefing			
22	Following Evidentiary Hearings" (TN #216505) (the "March 10 Orders"), and June 9, 2017			
23	"Committee Ruling on Motion to Exclude Caldwell Testimony and Acceptance of ISO Special			
24	Study Offer" (TN #218016), the Committee established the permissible scope of any additional			
25	testimony or documentary evidence that may be introduced in the upcoming evidentiary			
26	hearings.			
27	The Committee's May 11, 2017 "Revised Scheduling Order" provides for the submission			
28	of additional evidence from all parties on all four subtopics within the scope of the March 10			
	State of California			

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Orders by June 15, 2017, with the exception of the Applicant's filing of the focused biological 1 survey results, which are due by June 23, 2017.¹ Responsive evidence was due no later than 2 July 14, 2017.² These deadlines were affirmed in the June 9, 2017 "Committee Ruling on 3 Motion to Exclude Caldwell Testimony and Acceptance of ISO Special Study Offer" (TN 4 5 #218016), and again in the June 20, 2017 "Committee Orders Extending ISO Study Time, 6 Denying City Request for Additional Time and Revised Committee Schedule Committee Orders 7 Extending ISO Study Time, Denying City Request for Additional Time and Revised Committee 8 Schedule" (TN #219815). The City of Oxnard's proposed Exhibit No. 3071 was docketed on 9 July 21, 2017, well after the deadline for submission of additional evidence, and must be 10 excluded from the evidentiary record.

11 Furthermore, proposed Exhibit No. 3071 is identified for the first time by simply being 12 included in Attachment A to the City's Prehearing Statement. The proposed exhibit consists of a 13 two-page website download with no further explanation as to what it depicts, how it is relevant 14 to these proceedings and within the scope of the March 10 Orders, which of the City's proposed 15 witnesses intends to sponsor the proposed exhibit, or whether and how the sponsoring witness 16 intends to utilize the proposed exhibit during the upcoming evidentiary hearings. The late filing 17 of Proposed Exhibit No. 3071 without any context or explanation means that other Parties are 18 precluded or severely limited in their ability to respond to the proposed exhibit and any 19 arguments based thereon. Under these circumstances, it would be highly prejudicial to allow 20 proposed Exhibit No. 3071 into the record and it must be excluded.



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