

DOCKETED

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TN #:	220937
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**BEFORE THE ENERGY RESOURCES CONSERVATION AND DEVELOPMENT
COMMISSION OF THE STATE OF CALIFORNIA**

Application for Certification for the
HIGH DESERT POWER PLANT

Docket No. 97-AFC-01C

**MOTION TO WITHDRAW
PRIOR TESTIMONY AND EXHIBITS**

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The Committee's *Notice of Prehearing Conference and Evidentiary Hearing, Scheduling Order, and Further Orders* states, in pertinent part, "If a party does not file updated opening or rebuttal testimony is provided, the Committee and other parties shall revert to the previously docketed opening and/or rebuttal testimony." (TN #: 220915, p. 3; the "PHC Notice and Order".)

The circumstances have changed substantially since the prior filing of testimony. In particular, the Project Owner seeks only to make permanent the percolation of State Water Project ("SWP") Water using Mojave Water Agency's existing facilities. Accordingly, the Project Owner hereby files this Motion To Withdraw Prior Testimony and Exhibits ("Motion").

Since the previously scheduled hearings were cancelled, no testimony or exhibits were moved into the hearing record. Nevertheless, there remains the possibility that the hearing record in this proceeding could become confusing with two sets of exhibit numbers in the docket log. Accordingly, the Project Owner hereby moves for an Order as follows:

- 1) The Project Owner's previously filed Opening Testimony, Rebuttal Testimony and Prehearing Conference Statement are withdrawn. (TN #: 210088; TN #: 210654, Exhibits 1000 through 1010; and TN #: 210301.)
- 2) The Project Owner's Exhibits on making permanent the percolation of State Water Project ("SWP") Water using Mojave Water Agency's existing facilities shall be numbered consecutively as Exhibits 4000 through 4999.

Dated: August 29, 2017

ELLISON SCHNEIDER HARRIS & DONLAN LLP

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