

## DOCKETED

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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 PROJECT

Docket No. 97-AFC-1C

**PREHEARING CONFERENCE STATEMENT  
HIGH DESERT POWER PROJECT, LLC**

**INTRODUCTION**

In accordance with the Committee’s August 25, 2017 Notice of Prehearing Conference and Evidentiary Hearing, Scheduling Order, and Further Orders (“Notice of Prehearing Conference”),<sup>1</sup> High Desert Power Project, LLC (“HDPP”) files this prehearing hearing conference statement.

**RESPONSE TO SPECIFIC QUESTIONS FROM THE COMMITTEE**

**1. The subject areas that are complete and ready to proceed to Evidentiary Hearing.**

HDPP, CEC Staff, and the California Department of Fish and Wildlife (the “Parties”) entered into a Comprehensive Stipulation and Agreement on September 1, 2017<sup>2</sup> that is intended to serve as the final relief granted to HDPP on its Petition for Modification and resolve all claims made by CEC Staff and CDFW with respect to the Petition, with the exception of Condition of Certification Soil&Water-6.d that the parties are briefing. Accordingly, the Parties believe that all subject areas in this proceeding are complete except for Soil&Water-6.d.

An Evidentiary Hearing is not required for the Comprehensive Stipulation; however, the Parties will submit oral and written testimony in support of the Stipulation and Agreement if requested by the Committee. Further, HDPP requests the opportunity to provide oral and written comments on any draft Committee Order adopting changes to Soil&Water conditions addressed in the Stipulation, if necessary.

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<sup>1</sup> TN #: 220915.

<sup>2</sup> TN #: 221008.

An Evidentiary Hearing is not required to address the legal briefing on condition Soil&Water-6.d; however, HDPP requests the opportunity to provide oral argument on this issue if necessary.

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

HDPP does not intend to submit written testimony regarding the Stipulation unless requested by the Committee.

**3. The subject areas that are not complete and not yet ready to proceed to Evidentiary Hearing, and the reasons therefor.**

As discussed in Response 1 above, all subject areas are complete except for the legal briefing on Soil&Water-6.d.

**4. The subject areas that remain disputed and require adjudication, and the precise nature of the dispute for each issue.**

The only subject that remains disputed and requiring adjudication is whether to retain, amend or delete condition Soil&Water-6.d. Condition Soil&Water-6.d states that “The project shall not operate for longer than thirty (30) years unless the Commission has approved an amendment to its license that specifically evaluates the water resources impacts of continued operation and imposes any mitigation necessary to ameliorate any identified impacts.” HDPP’s Opening Brief filed August 25, 2017<sup>3</sup> and Reply Brief to be filed today, September 8, 2017, describes how the 2009 and 2015-2016 amendments to the license satisfied the express requirement of Soil&Water-6.d. The Opening Brief also describes how the concerns that led to condition Soil&Water-6.d. are no longer relevant today. The Parties’ Comprehensive Stipulation and Agreement on all Soil&Water conditions will definitely resolve and mitigate any water resources impacts of continued operation of the facility in satisfaction of condition Soil&Water-6.d.

**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.**

Witnesses will be identified and written testimony in support of the Stipulation will be prefiled if requested by the Committee.

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<sup>3</sup> TN #: 220912.

**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.**

The Parties have agreed to jointly submit evidence and written and oral testimony in support of the Stipulation. Accordingly, HDPP does not anticipate questioning any other party's witnesses.

**7. A list identifying exhibits with transaction numbers (TN) that the party intends to offer into evidence during the Evidentiary Hearing and the technical subject areas to which they apply.**

Exhibit	Docket Transaction Number	Title of Document	Subject Area
2000	221008	Comprehensive Stipulation and Agreement Between Parties	<ul style="list-style-type: none"><li>• Water Resources</li><li>• Percolation and Groundwater Banking</li><li>• Recycled Water</li></ul>

**8. Proposals for briefing deadlines, impact of scheduling conflicts, or other scheduling matters.**

HDPP does not propose any additional briefing in this proceeding.

**CONCLUSION**

HDPP thanks the Committee for overseeing this amendment proceeding.

Dated: September 8, 2017

Respectfully Submitted,

By: 

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