DOCKETED	
<b>Docket Number:</b>	15-AFC-01
Project Title:	Puente Power Project
TN #:	221116
<b>Document Title:</b>	Sierra Club, et al. Opposition to NRG's Motion to Strike Exhibits
Description:	Submitted by Sierra Club, Environmental Coalition, and Environmental Defense Center
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Organization:	Sierra Club
Submitter Role:	Intervenor
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## STATE OF CALIFORNIA

## State Energy Resources Conservation and Development Commission

In the Matter of:	
	Docket No. 15-AFC-01
APPLICATION FOR CERTIFICATION)	
<b>OF THE PUENTE POWER PROJECT</b> )	SIERRA CLUB LOS PADRES
,	CHAPTER, ENVIRONMENTAL
	COALITION OF VENTURA
	COUNTY AND ENVIRONMENTAL
	<b>DEFENSE CENTER OPPOSITION</b>
	TO MOTION TO STRIKE EXHIBITS

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September 11, 2017

SIERRA CLUB LOS PADRES CHAPTER, ENVIRONMENTAL COALITION OF VENTURA COUNTY AND ENVIRONMENTAL DEFENSE CENTER OPPOSITION TO MOTION TO STRIKE EXHIBITS

NRG's motion to strike exhibits filed by intervenors Sierra Club, Environmental Defense

Center, and Environmental Coalition of Ventura County ("Intervenors' Exhibits") is without

merit. NRG relies on the Committee's June 20th order stating "testimony responding to

[CAISO's] study is due on August 30, 2017." Intervenors' Exhibits are not testimony. They are

materials Intervenors' may use to cross-examine CAISO and party witnesses pursuant to

Intervenors' rights under Title 20 of the California Code of Regulations, § 1212(c). As such,

they are appropriately characterized as falling within the September 7<sup>th</sup> deadline set in the

Committee's August 25<sup>th</sup> order for the identification of "exhibits with transaction numbers ...

that the party intends to offer into evidence during the Evidentiary Hearing." (Aug. 25<sup>th</sup> Order at

3.) Invervenors' filing of exhibits complies with Committee direction.

Nor can NRG legitimately claim prejudice. A week is a substantial amount of time to

review potential exhibits that may be used for cross-examination. Indeed, circulation of cross-

exhibits in the context of hearings at the Public Utilities Commission frequently occurs at most,

the evening before a witness' appearance. In fact, it would be Intervenors' rights under Section

1212 that would be prejudiced were it required to both submit its own testimony and identify all

documents it may wish to cross-examine other parties with two full weeks prior to hearings.

Accordingly, Intervenors' request NRG's motion to strike be rejected.

Dated: September 11, 2017

Respectfully Submitted

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