

DOCKETED	
Docket Number:	16-AFC-01
Project Title:	Stanton Energy Reliability Center
TN #:	223840
Document Title:	Notice of Prehearing Conference and Evidentiary Hearing, Scheduling Order, and Further Orders
Description:	<p>***SUPERCEDES TN 223839*** The PREHEARING CONFERENCE will be conducted on: WEDNESDAY, JULY 25, 2018 Beginning at 10:00 a.m. California Energy Commission Art Rosenfeld Room – Hearing Room A 1516 Ninth Street Sacramento, CA 95814</p> <p>The EVIDENTIARY HEARING will take place on: FRIDAY, AUGUST 3, 2018 Beginning at 10:00 a.m. Stanton Community Center/City Hall 7800 Katella Avenue Stanton, California 90680</p>
Filer:	Cody Goldthrite
Organization:	California Energy Commission
Submitter Role:	Committee
Submission Date:	6/18/2018 10:50:50 AM
Docketed Date:	6/18/2018



Before the Energy Resources Conservation and Development
Commission of the State of California
1516 Ninth Street, Sacramento, CA 95814
1-800-822-6228 – www.energy.ca.gov

APPLICATION FOR CERTIFICATION FOR THE:

STANTON ENERGY RELIABILITY CENTER

Docket No. 16-AFC-01

NOTICE OF PREHEARING CONFERENCE AND EVIDENTIARY HEARING, SCHEDULING ORDER, AND FURTHER ORDERS

PLEASE TAKE NOTICE that the Energy Commission Committee¹ assigned to conduct proceedings on the Application for Certification (application) for the Stanton Energy Reliability Center (proposed project) has scheduled a Prehearing Conference and Evidentiary Hearing as follows:

The **PREHEARING CONFERENCE** will be conducted on:

WEDNESDAY, JULY 25, 2018
Beginning at 10:00 a.m.

California Energy Commission
Art Rosenfeld Room – Hearing Room A
1516 Ninth Street
Sacramento, CA 95814
(Wheelchair Accessible)

The **EVIDENTIARY HEARING** will take place on:

FRIDAY, AUGUST 3, 2018
Beginning at 10:00 a.m.

Stanton Community Center/City Hall
7800 Katella Avenue
Stanton, California 90680
(Wheelchair Accessible)

Remote access available by computer or phone via WebEx™
(instructions below)

¹ The Committee consists of Commissioner Janea A. Scott, Presiding Member, and Commissioner, Karen Douglas Associate Member. The full Commission made this Committee assignment at an Energy Commission Business Meeting on March 8, 2017 (TN 216643).

BACKGROUND

On October 26, 2016, Stanton Energy Reliability Center, LLC (Applicant), filed an Application for Certification to construct and operate the proposed project, a 98-megawatt hybrid electrical generating and battery energy storage facility at 10711 Dale Avenue, Stanton, Orange County, California. The application,² Energy Commission Final Staff Assessment,³ and all proceeding-related documents are available at <https://efiling.energy.ca.gov/Lists/DocketLog.aspx?docketnumber=16-AFC-01>.

The Applicant filed an application for certification under the Energy Commission's licensing process. If approved, construction is proposed to begin by November 2018 with pre-operational testing of the power plant estimated to begin by September 2019, and full-scale commercial operation to begin by December 2019.

PURPOSE OF PREHEARING CONFERENCE

The Prehearing Conference is a public forum in which the Committee will assess the parties' (Applicant, Energy Commission Staff, and Intervenors) readiness for an Evidentiary Hearing, discuss the format of the Evidentiary Hearing, identify areas of agreement or dispute, and discuss the remaining schedule and procedures necessary to conclude the application process.⁴

PURPOSE OF THE EVIDENTIARY HEARING

The Evidentiary Hearing is an administrative adjudicatory proceeding to receive evidence into the formal hearing record from the parties. Only the parties may present evidence for introduction into the formal hearing record, which is the only evidence upon which the Energy Commission may base its decision under the law. Testimony offered by the parties shall be under oath. Each party has the right to present witnesses, introduce exhibits, and to rebut the evidence of another party.

Formal and Informal Hearing Procedures

Pursuant to California Government Code section 11445.10 et seq., and the California Code of Regulations, title 20, section 1210,⁵ the Committee may conduct all or portions of the Evidentiary Hearing using an informal procedure.

The informal hearing process would generally proceed in the following order:

1. All parties' experts on the subject area at hand are sworn in as a panel.
2. Applicant's experts would provide a brief opening statement summarizing the key points and conclusions of their testimony.
3. Energy Commission staff's experts would provide a brief opening statement summarizing the key points and conclusions of their testimony.

² TN 214206 and 214207.

³ TN 223726.

⁴ Cal. Code Regs., tit. 20, § 1224.

⁵ Cal. Code Regs., tit. 20, §§ 1207, 1210.

4. Intervenor’s experts would provide a brief opening statement summarizing the key points and conclusions of their testimony.
5. Open discussion among the expert panelists led by the Committee.
6. The Committee may allow parties to follow up with questions of their own or other expert witnesses to the extent the Committee finds the questioning productive.
7. At the conclusion of the parties’ examination of the experts, the Committee may ask witnesses additional questions or allow panelists to ask additional questions of each other and to offer follow-up answers.

The formal hearing process would generally proceed as follows:

1. A party asks direct questions of its witnesses on the topic at hand, either one at a time or seated as a panel.
2. The other parties then, in turn, ask cross-examination questions of the witness or panel who just testified.
3. The offering party can ask re-direct questions.
4. The other parties can ask re-cross questions.
5. Repeat the above steps for the witnesses offered by the other parties.

SCHEDULING ORDER

The Committee has established the following schedule for this proceeding, which supersedes all prior schedules:

<u>EVENT</u>	<u>DATE</u>
Final Staff Assessment filed	June 7, 2018
Last Day to Petition to Intervene	June 22, 2018
Parties File Opening Written Testimony and Evidence	June 29, 2018
All Parties File Rebuttal Written Testimony and Evidence ⁶	July 6, 2018
All Parties File Prehearing Conference Statements with Exhibit Lists	July 13, 2018
Prehearing Conference in Sacramento	July 25, 2018
Evidentiary Hearing in Stanton	August 3, 2018
All Parties File Briefs (if determined to be necessary by the Committee)	5 days after the hearing transcripts are filed
Presiding Member’s Proposed Decision ⁷ filed	TBD

⁶ Rebuttal testimony is in response to an issue first raised in opening testimony. Testimony which could have, with reasonable diligence been filed as opening testimony, may be subject to exclusion on the motion of a party or the Committee’s own initiative.

Final Adoption Hearing by the California Energy Commission	TBD
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All deadlines stated in this Notice are at 5:00 p.m. local time in Sacramento, California, on the specified date, unless another time is specified.

TBD = To Be Determined

ORDERS REGARDING EVIDENCE, WRITTEN TESTIMONY, EXHIBIT LISTS, AND PREHEARING CONFERENCE STATEMENTS

All parties intending to submit evidence for consideration at the Evidentiary Hearing are **ORDERED** to docket evidence, written testimony, exhibit lists and prehearing conference statements no later than 5:00 p.m. on the dates specified in the above schedule. Failure by a party to comply with the filing requirements stated in this Order may preclude that party from participating in the Evidentiary Hearing.

Evidence and Written Testimony

All evidence and written testimony must be docketed in this proceeding's docket (16-AFC-01) and have a transaction number (TN) assigned by the Energy Commission Dockets Unit. Exhibits without a TN, or not docketed in this proceeding's docket, will not be received into evidence absent a showing of good cause. If the document is already docketed, it need not be refiled; simply provide the TN on the Exhibit List. **IMPORTANT:** Each exhibit must have a unique TN and exhibit number. Do not group several TNs under a single exhibit number or group several exhibits under a single TN.

Exhibit Lists

The parties shall exchange documentary evidence, including written testimony, by filing an Exhibit List. Each document shall be numbered and identified on the Exhibit List as follows:

- Applicant's exhibits shall be numbered *consecutively* as **Exhibits 1 through 299**.
- Staff's exhibits shall be numbered *consecutively* as **Exhibits 300 through 499**.
- Intervenor Robert Sarvey's exhibits shall be numbered *consecutively* as **Exhibits 500 through 699**.
- Intervenor Helping Hand Tools' exhibits shall be numbered *consecutively* as **Exhibits 700 through 899**.

The Exhibit Lists shall be formatted as four columns. The first column shall list the proposed exhibit number. The second column shall contain the TN of the corresponding document. The third column shall state the title of the document as shown in the docket. The fourth column shall state the subject area(s) to which the exhibit applies. Hearing Office staff will then add the exhibit number information to the e-filing system. An exhibit

⁷ The Committee will file a Presiding Member's Proposed Decision for consideration by the Energy Commission. After the Presiding Member's Proposed Decision is filed, there will be a 30-day public comment period.

list may be generated by clicking on the Exhibit List link on the proposed project's web page.⁸

Prehearing Conference Statements

The Prehearing Conference Statement must specify under separate headings:

1. The subject areas⁹ that are complete and ready to proceed to Evidentiary Hearing.
2. The subject areas upon which any party proposes to introduce testimony in writing rather than through oral testimony.
3. The subject areas that are not complete and not yet ready to proceed to Evidentiary Hearing and the reasons therefor.
4. The subject areas that remain disputed and require adjudication, and the precise nature of the dispute for each issue.
5. The identity of each witness the party intends to examine 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.
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. **NOTE:** A party who fails to provide, with specificity, the scope, relevance and time for questioning other parties' witness(es) risks preclusion from questioning on that subject area.
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 (see below for further details on Exhibit Lists).
8. Proposals for briefing deadlines, impact of scheduling conflicts, or other scheduling matters.

NOTICE OF CLOSED SESSION DELIBERATIONS

At any time during the Prehearing Conference or Evidentiary Hearing, the Committee may adjourn to a closed session in accordance with California Government Code section 11126, subdivision (c)(3), which allows a state body, including a delegated committee, to hold a closed session to deliberate on a decision to be reached in a proceeding the state body was required by law to conduct.

⁸ <http://www.energy.ca.gov/sitingcases/stanton/index.html>

⁹ "Subject areas" are identified in the table of contents of the Final Staff Assessment located at TN 223726.

TRANSCRIPTS

Parties are responsible for identifying errors in the transcripts of the proceedings. Corrections to the transcripts must be docketed within 30 days of the filing of a transcript.

AGENCY AND PUBLIC PARTICIPATION

Local, state, federal, and tribal governmental agencies and members of the public may participate in the Prehearing Conference and Evidentiary Hearing.¹⁰ It is not necessary to be an intervenor to participate in the public process. Written comments may also be submitted electronically by visiting the website at:

<https://efiling.energy.ca.gov/Ecomment/Ecomment.aspx?docketnumber=16-AFC-01>.

Written comments may also be submitted by e-mailing them to docket@energy.ca.gov, or by mailing them by U.S. Mail to:

California Energy Commission
Docket Unit
Docket number: 16-AFC-01
1516 Ninth Street, MS-4
Sacramento, CA 95814

For all mailed comments, please include the docket number and proceeding name “**Docket No. 16-AFC-01, Stanton Energy Reliability Center Project**,” in the subject line and on the cover page.

Please note: Written and oral comments, attachments, and associated contact information (e.g., address, phone, e-mail, etc.) become part of the viewable public record. Additionally, this information may become available via search engines, such as Google and Yahoo.

Translation

Spanish, Korean, or Vietnamese interpreters for the Prehearing Conference or Evidentiary Hearing will be made available if requested before 5:00 p.m. on Wednesday, July 18, 2018 (for the July 25 Prehearing Conference) and before 5:00 p.m., on Friday, July 27, 2018 (for the August 3 Evidentiary Hearing). To request interpretation services, please contact the Public Adviser’s Office at the e-mail address or phone number below.

PUBLIC ADVISER AND OTHER COMMISSION CONTACTS

The Energy Commission’s Public Adviser’s Office provides the public with assistance in participating in Energy Commission proceedings. For information on how to participate in these proceedings, please contact Alana Mathews, Public Adviser, at (916) 654-4489 or (800) 822-6228, or by e-mail at publicadviser@energy.ca.gov.

¹⁰ Cal. Code Regs., tit. 20, § 1714.5.

If you have a disability and need assistance to participate in either event, contact Poneh Jones at least five days prior to the event at (916) 654-4425, or by e-mail at poneh.jones@energy.ca.gov.

Questions of a legal or procedural nature should be directed to Kenneth Celli, Hearing Officer, at (916) 651-8893, or by e-mail at ken.celli@energy.ca.gov.

Technical questions concerning the project should be addressed to John Heiser, Project Manager, by e-mail at (916) 653-8236, or by email at john.heiser@energy.ca.gov.

Media inquiries should be directed to the Media and Public Communications Office at (916) 654-4989, or by e-mail at mediaoffice@energy.ca.gov.

REMOTE ATTENDANCE

You may participate in this meeting through WebEx, the Energy Commission's online meeting service. Any presentations will appear on your computer screen, and you may listen to audio via your computer or telephone. Please be aware that the meeting may be recorded.

To Join a Meeting

Via Computer: Go to <https://energy.webex.com> and enter the unique meeting number for either the **Prehearing Conference: 929 146 557** or the **Evidentiary Hearing: 921 128 388**. When prompted, enter your name and email address. No meeting password is needed.

The “Join Conference” menu will offer you a choice of audio connections:

1. To call into the meeting: Select "I will call in" and follow the on-screen directions.
2. International Attendees: Click on the "Global call-in number" link.
3. To have WebEx call you: Enter your phone number and click "Call Me."
4. To listen over the computer: If you have a broadband connection, and a headset or a computer microphone and speakers, you may use VoIP (Internet audio) by going to the Audio menu, clicking on “Use Computer Headset,” then “Call Using Computer.”

Via Telephone Only (no visual presentation): Call (866) 469-3239 (toll-free in the U.S. and Canada). When prompted, enter the unique meeting number for either the **Prehearing Conference: 929 146 557** or the **Evidentiary Hearing: 921 128 388**. International callers may select their number from:

<https://energy.webex.com/energy/globalcallin.php>

Via Mobile Access: Access to WebEx meetings is now available from your mobile device. To download an app, go to:

www.webex.com/products/web-conferencing/mobile.html

Please be aware that WebEx audio and on-screen activity may be recorded. WebEx Technical Support is available at (866) 229-3239.

Muting

We greatly appreciate your cooperation in reducing noise on the audio connection by muting your line when you are not speaking. Mute your line rather than placing your phone on hold. Using WebEx, you may mute yourself by right clicking on your name in the panelists or attendees list and selecting "Mute." If you are only using a telephone connection, press "*6" once to mute and again to unmute.

AVAILABILITY OF DOCUMENTS

Information concerning the status of the Application for Certification for the Stanton Energy Reliability Center, as well as notices and other relevant documents, may be viewed on the Energy Commission's web page at:

<http://www.energy.ca.gov/sitingcases/stanton>

Dated: June 18, 2018, at Sacramento, California.

Original Signed by:

JANEA A. SCOTT
Commissioner and Presiding Member
Stanton Energy Reliability
Center Committee

Original Signed by:

KAREN DOUGLAS
Commissioner and Associate Member
Stanton Energy Reliability
Center Committee

Stanton Energy Reliability Center (16-AFC-01)

**Prehearing Conference Agenda
Wednesday, July 25, 2018
10:00 a.m.**

**California Energy Commission
Art Rosenfeld Room (Hearing Room A)
1516 Ninth Street
Sacramento, CA 95814**

1. Call to Order
2. Prehearing Conference
3. Public Comment

Members of the public and other interested persons and entities may speak up to three minutes on matters related to this proceeding.

4. Closed Session (if necessary)¹¹
Committee closed session consideration of the following items:

***APPLICATION FOR CERTIFICATION OF THE STANTON ENERGY
RELIABILITY CENTER***

5. Adjourn

Agency Contact: Kenneth Celli, Hearing Officer, at: (916) 651-8893, or by e-mail at ken.celli@energy.ca.gov.

¹¹ The Committee may adjourn to closed session in accordance with Government Code section 11126, subdivision (c)(3), which allows a state body, including a delegated committee, to hold a closed session to deliberate on a decision to be reached in a proceeding the state body was required by law to conduct.

Stanton Energy Reliability Center (16-AFC-01)

**Evidentiary Hearing Agenda
Friday, August 3, 2018
10:00 a.m.**

**Stanton Community Center/ Stanton City Hall
7800 Katella Avenue
Stanton, CA 90680**

1. Call to Order
2. Evidentiary Hearing
3. Public Comment

Members of the public and other interested persons and entities may speak up to three minutes on matters related to this proceeding.

4. Closed Session (if necessary)¹²
Committee closed session consideration of the following items:

***APPLICATION FOR CERTIFICATION OF THE STANTON ENERGY
RELIABILITY CENTER***

6. Adjourn

Agency Contact: Kenneth Celli, Hearing Officer, at: (916) 651-8893, or by e-mail at ken.celli@energy.ca.gov.

¹² The Committee may adjourn to closed session in accordance with Government Code section 11126, subdivision (c)(3), which allows a state body, including a delegated committee, to hold a closed session to deliberate on a decision to be reached in a proceeding the state body was required by law to conduct.