

DOCKETED	
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Project Title:	Complaint Against the Stockton Port District re: RPS Program Compliance
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Document Title:	Order re Evidence
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**Before the Energy Resources Conservation and Development
Commission of the State of California**
1516 Ninth Street, Sacramento, CA 95814
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IN THE MATTER OF:

***COMPLAINT AGAINST STOCKTON PORT
DISTRICT FOR NONCOMPLIANCE WITH THE
RENEWABLES PORTFOLIO STANDARD***

Docket No. 18-RPS-01

ORDER RE EVIDENCE

The Energy Commission Committee assigned to conduct proceedings on the Complaint filed by Energy Commission Executive Director Drew Bohan against the Stockton Port District alleging noncompliance with the Renewables Portfolio Standard issues this Order regarding the receipt of evidence in the hearing record of this proceeding.

Background

On January 8, 2018, the Executive Director of the California Energy Commission (Energy Commission), on behalf of Energy Commission staff (Staff), filed a complaint against the Stockton Port District (Port), alleging noncompliance with the Renewables Portfolio Standard (RPS) Program for the 2011-2013 compliance period (Complaint).¹ On February 21, 2018, the Energy Commission appointed a committee of Commissioner Karen Douglas and Commissioner David Hochschild to oversee the proceeding (Committee).

Evidence

The Complaint was accompanied by a series of Staff exhibits, and the Port subsequently filed several exhibits and declarations. On July 13, 2018, the parties filed a Joint Statement of Stipulated Facts and Remaining Contested Factual Issues (Joint Statement). The Joint Statement stated that the parties had not identified any remaining contested factual issues and that there was no need for evidentiary hearings to resolve factual claims. As a result, on September 7, 2018, the Committee issued a Notice of Committee Hearing, setting the time and place for oral argument on legal issues. The Notice also directed Staff to provide declarations that authenticate the exhibits attached to the Complaint and to provide a foundation for four of Staff's exhibits. Staff filed two declarations on September 13, 2018, and one declaration on September 14, 2018. On September 17, 2018, in anticipation of the upcoming hearing, the Hearing Office issued a memo regarding the draft exhibit list for the proceeding. At the September 18, 2018

¹ The complaint and all other documents filed in this proceeding can be found in the docket for this proceeding at: <https://efiling.energy.ca.gov/Lists/DocketLog.aspx?docketnumber=18-RPS-01>.

Committee Hearing, the Committee pointed out that the Staff declarations failed to identify and provide a foundation for some of the individual documents that were included in the Staff exhibits. Staff filed two supplemental declarations on September 28, 2018, one new declaration on October 30, 2018, and a Motion for Official Notice of several Energy Commission RPS rulemaking documents on October 31, 2018.

The Energy Commission's regulations state that a decision in an adjudicative proceeding shall be based on the evidence in the hearing record and shall include legally-required findings of fact and conclusions of law. (Cal. Code Regs., tit. 20 § 1212, subd. (c)(1).) The hearing record consists of, among other items, documents and testimony received into evidence at a hearing, and materials or facts officially noticed. (Cal. Code Regs., tit. 20, § 1212, subd. (b)(1).) Due to the need for additional declarations from Staff, the Committee did not receive any of the proffered evidence into the hearing record at the September 18, 2018 Committee Hearing.

Pursuant to the authority granted to me in Cal. Code Regs., tit. 20 § 1203, subd. (c) and § 1212, subd. (b), I hereby order that unless either party files an objection by December 6, 2018, all evidence identified in the Exhibit List found at <http://efiling.energy.ca.gov/Lists/ExhibitList.aspx?docketnumber=18-RPS-01>, including the Staff declarations of September 28 and October 30, 2018 and the information that is the subject of Staff's October 31, 2018 Motion for Official Notice, will be received into the hearing record as of December 7, 2018.

SO ORDERED, on this 21st day of November, 2018.

A handwritten signature in black ink, appearing to read 'K. Douglas', written over a horizontal line.

KAREN DOUGLAS
Commissioner and Presiding Member
Complaint Against Stockton Port District for Noncompliance
with the Renewables Portfolio Standard Committee