

DOCKETED

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STATE OF CALIFORNIA

Energy Resources
Conservation and Development Commission

In the Matter of:

Application For Small Power Plant
Exemption for the **WALSH BACKUP
GENERATING FACILITY**

DOCKET NO: 19-SPPE-2

**651 WALSH PARTNERS,
LLC'S PREHEARING
CONFERENCE STATEMENT**

651 Walsh Partners, LLC (WP) in accordance with the Committee Order dated April 30, 2020, hereby files its Prehearing Conference Statement for its Application for Small Power Plant Exemption for the Sequoia Backup Generating Facility (SBGF). WP is prepared to proceed to evidentiary hearing on all topic areas. In accordance with the above referenced order, WP presents its Prehearing Conference Statement, as follows:

1. **Subject Areas Complete And Ready to Proceed To Evidentiary Hearing**

WP believes that all subject areas (and/or disciplines) are complete and ready for adjudication at the Evidentiary Hearings.

2. **Subject Areas Where WP Proposes To Introduce Testimony In Writing Rather Than Through Oral Testimony**

WP proposes to introduce all of its testimony in all uncontested areas in writing rather than through oral testimony. WP is in complete agreement with Staff on every issue and only disputes Intervenor Robert Sarvey's contentions outlined in Section 4 below. WP will, however, have representatives available at the evidentiary hearing or via Webex to answer questions from the Committee in

uncontested topic areas.

3. Subject Areas Not Complete and Not Ready To Proceed to Evidentiary Hearing

None.

4. Disputed Topic Areas Requiring Adjudication

WP and Staff have reached complete agreement on all subject areas and therefore there are no disputed topic areas requiring adjudication relating to the Initial Study/Mitigated Negative Declaration (IS/MND) and Staff's Response to Comments, including Staff's findings, conclusions and proposed new and modified mitigation measures.

WP disputes all issues raised by Intervenor Robert Sarvey. The topic areas that are therefore contested include:

- Energy Resources
- GHG Emissions
- Air Quality and Public Health
- Utilities and Public Services
- Environmental Justice

5. Proposed Witnesses

At this time, WP witnesses, which have filed Opening and/or Rebuttal Testimony, include Joe Hubbard, Michael Lisenbee, and Gregory Darwin. WP estimates that it would need no longer than 30 minutes for direct examination, but reserves up to 1 hour for rebuttal testimony and Committee questions.

WP reserves the right to provide additional live oral witness testimony for uncontested subject areas, or new issues raised by the Intervenor, to rebut any Intervenor witness, and/or to answer questions from the Committee.

6. Cross-Examination

WP proposes to cross-examine Intervenor Robert Sarvey in all contested topic areas.

- Energy Resources – 10 minutes

- GHG Emissions – 10 minutes
- Air Quality and Public Health – 20 minutes
- Utilities and Public Services – 5 minutes

WP reserves the right for additional time to cross-examine Intervenor Robert Sarvey if any information is provided at evidentiary hearing that was not included in Intervenor's Opening or Reply Testimony.

7. Exhibit List

Table 1 is WP's Proposed Exhibit List.

8. Proposed Briefing Schedule

WP does not propose any legal briefs unless directed by the Committee.

Dated: May 15, 2020

Respectfully Submitted,



Scott A. Galati
Counsel to 651 Walsh Partners, LLC

651 Walsh Partners, LLC
Walsh Backup Generating Facility (19-SPPE-2)
Table 1 - EXHIBIT LIST

EXHIBIT NO.	TN	TITLE	SUBJECT
1	228877-2	<p style="text-align: center;"><u>WBGF SPPE Application</u> Main application, absent appendices. 221 pages</p>	All
2	228877-1	<p style="text-align: center;"><u>WBGF SPPE Application Appendices</u> Technical Appendices to the Walsh Backup Generating Facility Application for SPPE 397 page(s)</p>	Air Quality, Biology, Greenhouse Gas Emissions, Hazards, Soil and Water, Noise
3	229542	<p style="text-align: center;"><u>WP, LLC's Response to Staff's Memo re Its Issue Identification Report and Proposed Schedule</u> 2 page(s)</p>	All
4	229543	<p style="text-align: center;"><u>WP LLC's Initial Responses to CEC Data Request Set 1 (1-67)</u> 35 pages</p>	Air Quality, Cultural Resources, Facility Design, Land Use, Project Description, Public Health, Socioeconomics
5	229547-1	<p style="text-align: center;"><u>WP LLC's Initial Response to CEC Data Request Set 1 Appendix Part I of II</u> 24 pages</p>	Air Quality, Cultural Resources, Facility Design, Land Use, Project Description, Public Health, Socioeconomics

EXHIBIT NO.	TN	TITLE	SUBJECT
6	229547-2	<u>WP LLC's Initial Response to CEC Data Request Set 1 Appendix Part II of II</u> 41 pages	Air Quality, Cultural Resources, Facility Design, Land Use, Project Description, Public Health, Socioeconomics
7	229561	<u>PCC Drawings to Present at 82719 Status Conference</u> 2 pages	Project Description
8	229827	<u>WBGF Supplemental Data Responses 20-22 and 29</u> 4 pages	Socioeconomics, Traffic and Transportation
9	229828	<u>WBGF Supplemental Status Report</u> 2 pages	All
10	230307	<u>WP LLC Responses to CEC Data Request Set 2</u> 12 pages	Air Quality, Public Health, Project Description
11	230447	<u>WP LLC Supplemental Response to DR Set 1 Appendix TRANS DR-64 Thermal Plume Analysis</u> 15 pages	Traffic and Transportation
12	230448	<u>WP LLC Response to DR Set 1 - Supplemental 2 DR-59</u> 2 pages	Traffic and Transportation
13	230449	<u>WP LLC Supplemental Status Report 2</u> 2 pages	All
14	230764	<u>WP LLC Supplemental Response to DR-8</u> 3 pages	Air Quality

EXHIBIT NO.	TN	TITLE	SUBJECT
15	230892	<u>WP LLC Status Report 3</u> 2 pages	Air Quality, Cultural Resources, Traffic and Transportation
16	231293	<u>WP, LLC's Responses to Report of Conversation TN 230445 - FAA Surfaces Analysis</u> 11 pages	Traffic and Transportation
17	231814	<u>WNGF Proposed Design Measures Numbered</u> 7 pages	Air Quality, Biological Resources, Cultural Resources, Geology/Paleontology, Hazardous Materials, Noise and Vibration, Soil and Water
18	232019	<u>Wlash Data Center FAA No Hazard Determination</u> 60 pages	Traffic and Transportation
19	232213	<u>WBGF Status Report 4</u> 2 pages	All
20	232609	<u>CEC Executive Director's Jurisdictional Determination VDC</u> 2 pages	Project Description
21	232680	<u>651 WL LLC's Opening Testimony Package - WBGF</u> 14 pages	All
22	232927	<u>WP LLC Supplemental Data Responses</u> 4 pages	Air Quality, Public Health, Greenhouse Gas Emissions

EXHIBIT NO.	TN	TITLE	SUBJECT
23	232968	<u>Annual Data Center Survey Results - Uptime Institute</u> 6 pages	Energy Resources
24	232975	<u>651 Walsh Partners LLC Supplemental Testimony</u> 19 pages	Air Quality, Public Health, Greenhouse Gas Emissions, Energy Resources
25	232980	<u>2017 CEQA Guidelines - BAAQMD</u> 224 pages	Air Quality, Public Health, Greenhouse Gas Emissions
26	232981	<u>BAAQMD Diesel Free - Technology Assessment</u> 5 pages	Air Quality, Public Health, Greenhouse Gas Emissions