

## DOCKETED

<b>Docket Number:</b>	15-AFC-01
<b>Project Title:</b>	Puente Power Project
<b>TN #:</b>	220100-1
<b>Document Title:</b>	Notice of Evidentiary Hearing and Related Orders
<b>Description:</b>	July 26 and, if necessary, July 27, and July 28 beginning at 9:00 a.m.
<b>Filer:</b>	Darlene Burgess
<b>Organization:</b>	Energy Commission Hearing Unit
<b>Submitter Role:</b>	Committee
<b>Submission Date:</b>	7/10/2017 12:01:38 PM
<b>Docketed Date:</b>	7/10/2017



**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](http://www.energy.ca.gov)

**APPLICATION FOR CERTIFICATION FOR THE:  
PUENTE POWER PROJECT**

**Docket No. 15-AFC-01**

## **NOTICE OF EVIDENTIARY HEARING AND RELATED ORDERS**

**PLEASE TAKE NOTICE** that the Energy Commission Committee<sup>1</sup> (Committee) assigned to conduct proceedings on the Application for Certification (Application) for the Puente Power Project (Project) has scheduled an **Evidentiary Hearing** as follows:

**WEDNESDAY, JULY 26, 2017, beginning at 9:00 a.m., with a  
Public Comment period beginning at 6:00 p.m.<sup>2</sup>  
and, if necessary,<sup>3</sup>**

**THURSDAY, JULY 27, 2017, beginning at 9:00 a.m., and  
FRIDAY, JULY 28, 2017, beginning at 9:00 a.m.**

If the Evidentiary Hearing continues to Thursday or Friday, the Committee will take public comment at the conclusion of the day's topics.

**Oxnard Performing Arts Center \***  
**800 Hobson Way**  
**Oxnard, CA 93030**  
**(Wheelchair Accessible)**

\* PLEASE NOTE: If, prior to or during the Evidentiary Hearing, circumstances make it impracticable to hold the event at the above location, the Committee may change the location of the Evidentiary Hearing to the Energy Commission's Offices at 1516 Ninth Street, Sacramento, CA 95814.

Notice of any change of location for the Evidentiary Hearing will be filed in the docket no less than 24 hours before the event begins or reconvenes in Sacramento.

<sup>1</sup> The Committee consists of Commissioner Janea A. Scott, Presiding Member, and Commissioner Karen Douglas, Associate Member.

<sup>2</sup> This time is specifically set aside for public comment.

<sup>3</sup> This will be decided following the review of Prehearing Statements, which are due on July 21, 2017.

**TELECONFERENCE OPTION:** You may participate in the Evidentiary Hearing either in person, by telephone, and/or by computer via the “WebEx” conferencing system. Please see the **Remote Attendance** section on page 6 below.

A **Spanish translation** of the proceedings will be provided in the meeting room and via a separate WebEx meeting.

### **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 (Applicant, Energy Commission Staff, and Intervenors) 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.

The subjects to be discussed are described in the March 10, 2017 Committee-issued *Orders for Additional Evidence and Briefing Following Evidentiary Hearings*,<sup>4</sup> which, ordered the Applicant and Energy Commission Staff (Staff) to submit additional evidence regarding specified subtopics related to biological resources, coastal flooding, the effects of smaller turbine(s) on aviation at alternative sites, and the Proposed Project’s eventual closure. All other parties were invited to submit additional evidence on these topics.<sup>5</sup>

Local, state, federal, and tribal governmental agencies may participate in the Evidentiary Hearing as necessary. (Cal. Code Regs., tit. 20, § 1714.5.) Elected officials and members of the public may present public comments at this event and/or submit written comments via the Energy Commission’s e-Commenting system at:

<https://efiling.energy.ca.gov/Ecomment/Ecomment.aspx?docketnumber=15-AFC-01>

### **ORDER FOR PREHEARING STATEMENTS INCLUDING WITNESS IDENTIFICATION AND EXHIBIT LISTS**

All parties are **ORDERED** to file a Prehearing Statement and Exhibit List **no later than 5:00 p.m. on Friday, July 21, 2017**, unless otherwise directed by the Committee.

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<sup>4</sup> TN 216505.

<sup>5</sup> On June 9, 2017, the Committee accepted an offer made by the California Independent System Operator to conduct a special study of the Moorpark subarea. That study will be the subject of an Evidentiary Hearing scheduled on September 14, 2017.

**The Prehearing Statements must specify under separate headings:**

1. The subject areas and issues in dispute that require adjudication, limited to those subjects described on page 2, above, and the precise nature of the dispute for each issue;
2. The subject areas upon which the party proposes to introduce testimony in writing rather than through oral testimony;
3. 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;
4. Subject areas upon which the party desires to question the other parties' witness(es), a summary of the scope of the questions (including questions regarding witness qualifications), the issue(s) to which the questions pertain, and the time desired to question each witness. (Note: A party who fails to specify the scope, relevance and time for questioning other parties' witness(es) risks preclusion from questioning witnesses on that subject area.); and
5. A list identifying exhibits with transaction numbers (i.e., TN 215157) that the party intends to offer into evidence during the Evidentiary Hearing. Do not list exhibits previously identified in connection with the February 7-10, 2017 Evidentiary Hearings. The Exhibit List shall be formatted as four columns. The first column shall list the proposed Exhibit Number. The second column shall contain the Transaction Number of the corresponding document. The third column shall contain the title of the document as shown in the docket log. The fourth column shall state the subject area(s) to which the exhibit applies. Hearing Unit Staff from the Energy Commission will then add the Exhibit Number information into the e-filing system. Parties and the public may generate an up-to-the-moment Exhibit List by clicking the link on the proceeding's web page.<sup>6</sup>

All documentary evidence must be filed in this proceeding's docket (15-AFC-01) and have a Transaction Number assigned by the Energy Commission's electronic filing system in accordance with the Revised General Orders Regarding Electronic Document Formats, Electronic Filing and Service of Documents and Other Matters, filed August 5, 2016.<sup>7</sup> **Exhibits without a transaction number, or not filed in this proceeding's docket, will not be received into evidence absent a showing of good cause.**

***Failure of a party to comply with the filing requirements stated in this Order may preclude that party from introducing evidence and otherwise participating in the Evidentiary Hearing.***

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<sup>6</sup> <https://efiling.energy.ca.gov/Lists/ExhibitList.aspx?docketnumber=15-AFC-01>

<sup>7</sup> TN 212649.

## **Formal and Informal Hearing Procedures**

Pursuant to California Government Code section 11445.10 et seq., and California Code of Regulations, title 20, sections 1207 and 1210, the Committee may conduct all or portions of the Evidentiary Hearing using an informal procedure. The Committee will use the informal procedure at this Evidentiary Hearing but may switch to the formal procedure if it becomes necessary. All parties and their representatives shall be prepared to use either procedure.

The informal hearing procedure the Committee will use for this Evidentiary Hearing would generally proceed in the following order:

1. All parties' witnesses on the subject area at hand are sworn in as a panel;
2. Applicant's witnesses provide a brief opening statement summarizing the key points and conclusions of their testimony;
3. Energy Commission Staff's witnesses provide a brief opening statement summarizing the key points and conclusions of their testimony;
4. Intervenors' witnesses provide a brief opening statement summarizing the key points and conclusions of their testimony;
5. Open discussion among the witness panelists led by the Committee;
6. Parties may follow up with questions to their own or other witnesses to the extent the Committee finds the questioning productive;
7. At the conclusion of the parties' examination of the witnesses, the Committee may ask witnesses additional questions or allow panelists to ask additional questions of each other and to offer follow-up answers; and
8. Each party will be given up to 10 minutes at the close of testimony to present any relevant points or closing arguments it was unable to raise above.

The formal hearing procedure would generally proceed as follows:

1. A party asks direct questions of its witnesses on the subject area 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 at the Committee's discretion;
4. The other parties can ask re-cross questions at the Committee's discretion; and
5. Repeat the above steps for the witnesses offered by the other parties.

## **Notice of Closed Session Deliberations**

At any time during the 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.

## **Transcripts**

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

## **Public Participation**

Members of the public are welcome to attend and offer oral or written comments at the Evidentiary Hearing. 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 <http://www.energy.ca.gov/sitingcases/puente> and clicking on the “Submit e-Comment” link in the “Original Proceeding” box. Otherwise, written comments may be submitted by e-mailing them to [docket@energy.ca.gov](mailto:docket@energy.ca.gov), or by U.S. Mail to:

California Energy Commission  
Docket Unit  
Docket No. 15-AFC-01  
1516 Ninth Street, MS-4  
Sacramento, CA 95814

For all comments, please include the document number and proceeding name, “Docket No. 15-AFC-01, Puente Power Project” in the subject line and on the cover page.

**PLEASE NOTE:** Your written and oral comments, attachments, and associated contact information (e.g., your address, phone, e-mail, etc.) become part of the viewable public record and may become available via search engines such as Google and Yahoo.

## **Public Advisor and Other Energy Commission Contacts**

The Energy Commission’s Public Adviser’s Office is available to assist the public in participating in the proceedings. For assistance, contact Alana Mathews, Public Adviser, at (916) 654-4489 or (800) 822-6228, or by e-mail at [publicadviser@energy.ca.gov](mailto:publicadviser@energy.ca.gov).

If you have a disability and need assistance to participate in the Evidentiary Hearing, 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](mailto:poneh.jones@energy.ca.gov).

Questions of a procedural nature should be directed to Paul Kramer, Hearing Officer, at (916) 654-5103, or by e-mail at [paul.kramer@energy.ca.gov](mailto:paul.kramer@energy.ca.gov).

Technical questions about the Project should be directed to Leonidas Payne, Staff Project Manager, at (916) 651-0966, or by e-mail at [leonidas.payne@energy.ca.gov](mailto:leonidas.payne@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](mailto:mediaoffice@energy.ca.gov).

## **Remote Attendance**

You may participate in these meetings 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.

**VIA COMPUTER:** Go to <https://energy.webex.com> and enter the meeting number **928 916 316 (English)** or **924 895 957 (Spanish)**. 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 direct dial phone number (no extensions are permitted) 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 meeting number from the above table. 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](http://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 regarding the status of the Project, as well as notices and other relevant documents pertaining to this proceeding, may be viewed on the Energy Commission's web page at <http://www.energy.ca.gov/sitingcases/puente>.

Dated: July 10, 2017 at Sacramento, California

*ORIGINAL SIGNED BY:*

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JANEA A. SCOTT  
Commissioner and Presiding Member  
Puente Power Project AFC Committee

*ORIGINAL SIGNED BY:*

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KAREN DOUGLAS  
Commissioner and Associate Member  
Puente Power Project AFC Committee

Sent to mailing list number 7507



**Evidentiary Hearing Agenda  
Puente Power Project**

**Wednesday, July 26, 2017, 9:00 a.m.**

Public Comment begins at 6:00 p.m.

**Thursday, July 27, 2017, 9:00 a.m. (if necessary)**

**Friday, July 28, 2017, 9:00 a.m. (if necessary)**

If the Evidentiary Hearing continues to Thursday or Friday, Public Comment will begin at the conclusion of the day's topics.

**Oxnard Performing Arts Center \*  
800 Hobson Way  
Oxnard, CA 93030**

1. Call to Order, Introductions
2. Prehearing Matters (Wednesday, July 26th, only)
  - a. Review Prehearing Statements and Order of Subjects

Following filing of Prehearing Statements, a schedule of subject areas and witnesses prepared by the Hearing Officer will be available via the Docket Log found on the Energy Commission's webpage at:  
<https://efiling.energy.ca.gov/Lists/DocketLog.aspx?docketnumber=15-AFC-01>.
3. Evidentiary Hearing

Receipt of evidence from Applicant, Staff, and Intervenor(s) on the following topics:

  - a. Coastal flooding;
  - b. Biological resources;
  - c. Effects of smaller turbine(s) on aviation at alternative sites; and
  - d. Proposed Project's eventual closure.
4. Public Comment

Members of the public and other interested persons and entities may speak up to three minutes on a matter appearing on this agenda.

The Committee has set aside specific time to receive public comments on the evening of Wednesday, July 26th, beginning at 6:00 p.m. On Thursday, July 27th, and on Friday, July 28<sup>th</sup>, if the Evidentiary Hearing continues to those days, the Committee will receive public comments at the conclusion of the day's testimony.

5. Closed Session (if necessary)

Committee Closed Session consideration of the following item:

**Application for Certification of the Puente Power Project.** Deliberation by the Committee on any matters submitted for decision by the Committee including, but not limited to, pending motions and scheduling.

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.

6. Adjourn

A **Spanish translation** of the proceedings will be provided in the meeting room and via a separate WebEx meeting.

\* If, prior to, or during the Evidentiary Hearing, circumstances make it impracticable to hold the event at the above location, the Committee may change the location of the Evidentiary Hearing to the Energy Commission's Offices in Sacramento. See the Notice of Evidentiary Hearing for further information.

Agency Contact: Paul Kramer, Hearing Officer, at (916) 654-5103 or e-mail at [paul.kramer@energy.ca.gov](mailto:paul.kramer@energy.ca.gov)