

DOCKETED

Docket Number:	15-AFC-01
Project Title:	Puente Power Project
TN #:	221401
Document Title:	Committee Statement re PMPD Status
Description:	N/A
Filer:	Paul Kramer
Organization:	Energy Commission Hearing Office
Submitter Role:	Committee
Submission Date:	10/5/2017 5:33:09 PM
Docketed Date:	10/6/2017



**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

APPLICATION FOR CERTIFICATION FOR THE:

PUENTE POWER PROJECT

Docket No. 15-AFC-01

COMMITTEE STATEMENT REGARDING THE STATE OF THE PRESIDING MEMBER'S PROPOSED DECISION

The Energy Commission Committee¹ (Committee) assigned to the Puente Power Project (Project) proceeding continues to work diligently in preparing a Presiding Member's Proposed Decision (PMPD) for the Project. As we do so, we find it appropriate to provide notice to the parties and interested members of the public of the current status of our deliberations.

Although the PMPD is not yet in final form, it is clear to us that the Project will be inconsistent with several Laws, Ordinances, Regulations or Standards (LORS) and will create significant unmitigable environmental effects. This, in turn, requires us to consider feasible alternatives that avoid or reduce those impacts and inconsistencies. The September 29, 2017 letter from the California Independent System Operator² (California ISO) addresses feasibility and informs us that preferred resource alternatives to the Project are technologically feasible. The California ISO also states that economic feasibility can only be ascertained through a new Request for Offer (RFO) process, and stresses that any such RFO would need to be expedited in order to ensure that the Mandalay facilities retire in accord with the State Water Resources Control Board's Policy on the Use of Coastal and Estuarine Waters for Power Plant Cooling.

While we have no current information about whether an expedited RFO is forthcoming, the timing constraints identified by the California ISO lead us to conclude that it is prudent to communicate the Committee's position before we complete the PMPD. We cannot recommend approval of a project that creates significant unmitigable impacts or is inconsistent with LORS unless we make the override findings required by law. That decision is entirely discretionary and allows the Energy Commission to consider the

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

² TN 221345.

balance of any project benefits against the impacts the project will cause. On the record currently before us, we are unwilling to override the significant impacts or LORS inconsistencies.

For this reason, we hereby notify the parties and interested members of the public that we intend to issue a PMPD that recommends denial of the Project on the grounds that it creates inconsistencies with LORS and significant environmental impacts that cannot be mitigated. The PMPD will contain a full discussion of all issues required by applicable statutes and regulations and will identify the facts and the analytical process underlying the conclusions reached therein.

We acknowledge that this statement is unusual, but observe that it in no way impairs the rights of the applicant or any other party. All procedural requirements will continue to be honored. After the PMPD is issued, the Committee will hold a PMPD conference to receive comments and determine whether any revisions are required. The Committee will then forward the PMPD (or a revised PMPD if one is issued) to the full Commission for consideration at a public hearing. The full Commission will have the opportunity to accept, reject, or modify the PMPD's conclusions. Indeed, the decision to issue this statement underscores our commitment to producing thorough and thoughtful decisions in a transparent public process that entails rigorous adherence to applicable legal requirements.

Una traducción al español de esta declaración será fichada a principios de la próxima semana. (A Spanish translation of this statement will be filed by early next week.)

Dated: October 5, 2017, at Sacramento, California

Original signed by

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

Original signed by

KAREN DOUGLAS
Commissioner and Associate Member
Puente Power Project AFC Committee