

## DOCKETED

<b>Docket Number:</b>	09-AFC-07C
<b>Project Title:</b>	Palen Solar Power Project - Compliance
<b>TN #:</b>	200758
<b>Document Title:</b>	Notice of Prehearing Conference and Evidentiary Hearing and Hearing Orders
<b>Description:</b>	Notice
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<b>Organization:</b>	California Energy Commission
<b>Submitter Role:</b>	Commission Staff
<b>Submission Date:</b>	10/7/2013 10:12:22 AM
<b>Docketed Date:</b>	10/7/2013



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

***PALEN SOLAR ELECTRIC  
GENERATING SYSTEM AMENDMENT***

**Docket No. 09-AFC-07C**

**NOTICE OF PREHEARING CONFERENCE AND  
EVIDENTIARY HEARING AND HEARING ORDERS**

**PLEASE TAKE NOTICE** that the Committee designated by the Energy Commission to conduct proceedings on the Petition to Amend the Palen Solar Electric Generating System (PSEGS) has scheduled the Prehearing Conference and Evidentiary Hearings as follows:

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

***THURSDAY, OCTOBER 24, 2013  
Beginning at 9:00 a.m.***

**California Energy Commission  
Hearing Room A  
1516 Ninth Street  
Sacramento, CA 95814  
(see map below)**

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

***MONDAY, OCTOBER 28, 2013  
And (if necessary)  
TUESDAY AND WEDNESDAY, OCTOBER 29 AND 30, 2013  
Beginning at 10:00 a.m. at:***

**University of California, Riverside  
Palm Desert Campus, Building B Auditorium  
75080 Frank Sinatra Drive  
Palm Desert, CA 92211  
(Map Attached)**

**TELECONFERENCE OPTION:** You may participate in the Prehearing Conference and Evidentiary Hearings either in person, by telephone, and/or by computer via our “WebEx” conferencing system. Please see the "Participation through WebEx" section attached to this notice.

**PLEASE TAKE NOTICE** that the Committee has established the following schedule which supersedes all prior schedules:

<u>EVENT</u>	<u>DATE</u>	<u>INTERVAL</u>
Final Staff Assessment (FSA) Part 1 containing all sections except Cultural Resources, Air Quality and Public Health	9/11/13	
Final Staff Assessment (FSA) Part 2 containing Cultural Resources	9/23/13	3 weeks from FSA Part 1
Petitioner and Staff File Testimony	10/9/13	2 weeks from FSA Part 2
Intervenors File Testimony	10/16/13	3 weeks from FSA
All Parties File Rebuttal Testimony	10/21/13	4 weeks from FSA
All Parties File Prehearing Conference Statements with Exhibit Lists	10/22/13	4 weeks from FSA
Staff files Statement of Unresolved Issues Title 20 Cal. Code Regs.1718.5(c)	10/22/13	4 weeks from FSA
Prehearing Conference	10/24/13	4 weeks from FSA
Evidentiary Hearings (EH)	10/28/13 – 10/30/13	5 weeks from FSA
Final Staff Assessment (FSA) Part 3 containing Air Quality and Public Health	11/1/13	5 weeks from FSA Part 2
Evidentiary Hearings (EH) on Air Quality and Public Health	11/14/13	2 weeks from FSA Part 3
All Parties File Opening Briefs	11/15/13	2 weeks from EH
All Parties File Reply Briefs	11/21/13	3 weeks from EH
Presiding Members Proposed Decision (PMPD) published	12/9/13	6 weeks from EH
Committee Conference on PMPD	1/7/14	4 weeks from PMPD
Close of public comment period on PMPD	1/8/14	4 weeks from PMPD
Errata/Revisions to PMPD	1/31/13	4 weeks from close of comment period
Final Adoption Hearing by the California Energy Commission	TBD	TBD

## **Purpose of Prehearing Conference**

The Prehearing Conference is a public forum where the Committee will assess the parties' readiness for the evidentiary hearing, identify areas of agreement or dispute, and discuss the remaining schedule and procedures necessary to conclude the amendment review process.

At the Prehearing Conference, all parties (Staff, Petitioner, and Intervenors) shall present their respective positions regarding: the substantive subject areas ready for Evidentiary Hearing; those subject areas that require further analysis, including the nature of, and time frame for, any such analysis; the subject areas that have been resolved; the subject areas that are disputed and require adjudication, and subject areas where a party may seek an overriding finding of public necessity and convenience for unmitigable significant impacts. (Pub. Resources Code, § 25525, tit.14 Cal. Code Regs. § 15093.).

Local, state, and federal governmental agencies may participate at the Prehearing Conference and Evidentiary Hearings, as necessary. (cf. Cal. Code Regs., tit. 20, § 1714.5.) Elected officials and members of the public may present public comments at these events and/or submit written comments to the Energy Commission's Docket Unit (see email and postal address below). Please include "**PALEN SOLAR ELECTRIC GENERATING SYSTEM, Docket No. 09-AFC-07C**" on any written comments.

**e-Filing and e-Commenting Options:** You may now file (docket) and serve documents (including exhibits and prehearing statements), submit electronic comments and search docketed documents using the new The California Energy Commission e-filing and e-commenting system. Simply visit the website at <http://www.energy.ca.gov/sitingcases/palen> and click on the appropriate link in the "Compliance Proceeding" box.

## **ORDER RE: PREHEARING CONFERENCE STATEMENTS**

To facilitate the hearing process, each party shall file a **PREHEARING CONFERENCE STATEMENT**. Parties are encouraged to use the e-Filing system described above. Each party's Prehearing Conference Statement shall be uploaded to the e-filing system or received by the Commission's Docket Unit, 1516 9th Street, MS-4, Sacramento, California 95814-5512, **NO LATER THAN 3:00 p.m., Tuesday, October 22, 2013**. Staff

is further ordered to provide a Statement of Unresolved Issues pursuant to Title 20, section 1718.5(c), which may be included in its Prehearing Conference Statement.

***FAILURE TO FILE A TIMELY PREHEARING CONFERENCE STATEMENT MAY PRECLUDE THAT PARTY FROM PARTICIPATING AT THE EVIDENTIARY HEARING.***

## **CONTENTS OF THE PREHEARING CONFERENCE STATEMENTS**

“Subject areas” are the general topics identified below:

1. Introduction
2. Executive Summary
3. Project Description
4. Alternatives
5. Facility Design
6. Efficiency (of the Power Plant)
7. Reliability (of the Power Plant)
8. Compliance
9. Transmission System Engineering
10. Transmission Line Safety and Nuisance
11. Air Quality
12. Greenhouse Gas Emissions
13. Public Health
14. Worker Safety and Fire Protection
15. Hazardous Materials Management
16. Waste Management
17. Biological Resources
18. Soil and Water Resources
19. Cultural Resources
20. Geology and Paleontology
21. Land Use
22. Traffic and Transportation
23. Socioeconomics (including Environmental Justice and Growth Inducing Impacts)
24. Noise and Vibration
25. Visual Resources
26. Overrides

Each Prehearing Conference Statement shall specify under separate headings:

- a) The subject areas that you believe are complete and ready to proceed to Evidentiary Hearing;
- b) The subject areas that you believe are not complete and not yet ready to proceed to Evidentiary Hearing, and the reasons therefor;

- c) The subject areas that you believe remain disputed and require adjudication, and the precise nature of the dispute for each subject area;
- d) The identity of each witness you intend to sponsor (**Note:** Witnesses must have professional expertise in the discipline of their testimony); the subject area(s) about which your witness(es) will testify; a brief summary of the testimony to be offered by each of your witnesses; qualifications of each of your witnesses; the time required to present direct testimony by each of your witnesses; and whether you seek to have a witness testify telephonically;
- e) Subject areas upon which you desire to question other parties' witnesses, a summary of the scope of the questions (including the 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 the scope, relevance and time for questioning other parties' witnesses risks preclusion from questioning on that subject area**);
- f) A list identifying exhibits and declarations that each party intends to offer into evidence and the technical subject areas to which they apply (as explained in the following section on "Format for Presenting Evidence"). **Note: Parties must identify any evidence which has been given or for which they intend to request confidential status**;
- g) Subject areas for which the Petitioner will seek to introduce evidence either a Commission override due to public necessity and convenience pursuant to Public Resources Code section 25525 and/or a specific finding that overriding economic, legal, social, technical or other benefits outweigh the significant effects on the environment pursuant to Public Resources Code section 21081(b);
- h) Proposals for briefing deadlines, impact of scheduling conflicts, or other scheduling matters; and
- i) For all subject areas, a description of any proposed modifications to the proposed conditions of certification listed in the Final Staff Assessment (FSA).

### **Format for Presenting Evidence**

The parties shall provide written testimonial and documentary evidence as follows:

1. All documentary evidence must be docketed and have a transaction number (TN Number), assigned by the California Energy Commission Dockets Unit. Evidence without a TN Number will not be received into evidence absent a showing of good cause.
2. Each document shall be identified in an **Exhibit List**. (**Follow the example attached to this notice.**)
  - Petitioner's exhibits shall be numbered *consecutively* as **Exhibits 1000 through 1999**.

- Staff's exhibits shall be numbered *consecutively* as **Exhibits 2000 through 2999**.
- Intervenor Center for Biological Diversity's exhibits shall be numbered *consecutively* as **Exhibits 3000 through 3999**.
- Intervenor Basin and Range Watch's exhibits shall be numbered *consecutively* as **Exhibits 4000 through 4999**.
- Intervenor Californians for Renewable Energy's exhibits shall be numbered *consecutively* as **Exhibits 5000 through 5999**.
- Intervenor California Unions for Reliable Energy's exhibits shall be numbered consecutively as **Exhibits 6000 through 6999**.
- Intervenor Laborers' International Union of North America's exhibits shall be numbered consecutively as **Exhibits 7000 through 7999**.
- Intervenor Colorado River Indian Tribe's exhibits shall be numbered consecutively as **Exhibits 8000 through 8999**.

***Copies of the Exhibit List shall be provided filed no later than 3 p.m. on Tuesday, October 22, 2013. Failure to timely file an Exhibit List may result in exclusion of evidence.***

3. Parties using the e-Filing option must identify the subject area(s) to which each exhibit pertains. Otherwise, if a party seeks to submit more than twenty (20) exhibits into evidence, copies of the exhibits for each subject area shall be compiled in a CD or DVD containing separate file folders designated by subject area identified with the appropriate Exhibit Number for each document within the folder. This compilation shall include all opening and rebuttal testimony filed by the party and shall be provided to the Hearing Officer at the beginning of the evidentiary hearing.

***FAILURE OF ANY PARTY TO COMPLY WITH THE FILING REQUIREMENTS STATED IN THIS ORDER MAY PRECLUDE THAT PARTY FROM PARTICIPATING AT THE EVIDENTIARY HEARINGS.***

#### **Official Notice**

Pursuant to Section 1213 of the Commission's regulations, the Committee intends to take Official Notice of the report issued by the Commission's Siting Committee entitled: *Committee Guidance on Fulfilling California Environmental Quality Act Responsibilities for Greenhouse Gas Impacts in Power Plant Siting Applications*. The report was issued in March 2009 and is found on the Commission website at (url is case-sensitive):

<http://www.energy.ca.gov/2009publications/CEC-700-2009-004/CEC-700-2009-004.PDF>

## **Notice of Committee's Intention to Use Informal Hearing Procedures**

Pursuant to Government Code, section 11445.10 et seq. and section 1217 of the Commission's regulations, the Committee may conduct all or portions of the Evidentiary Hearings in an informal manner in which, for example but not by way of limitation, a panel of witnesses sponsored by a single party or by multiple parties testify at one time, with an exchange of questions and responses between the witnesses and the Committee substituting for formal direct and cross-examination by counsel.

## **Notice of Closed Session Deliberations**

At any time during the hearings, the Committee may adjourn to a 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.

## **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.

## **Petitions to Intervene to Become a Formal Party**

Only formal parties (Petitioner, Staff, or Intervenors) may present evidence and cross-examine witnesses at the Evidentiary Hearings. The Energy Commission's Presiding Member's Proposed Decision (PMPD) on the PSEGS petition will be based solely upon the official evidentiary record developed at the Evidentiary Hearings.

Anyone with an appropriate interest in the PSEGS amendment may file a Petition to Intervene and become a formal party. At the Evidentiary Hearings, the formal parties may offer testimony and documentary evidence, receive documents filed by other parties, and cross-examine witnesses at the discretion of the Presiding Member. However, a formal party must also comply with all Committee orders, procedures, and filing requirements, and is subject to discovery and having its own witnesses cross-examined by other parties.

Pursuant to Title 20 Cal. Code Regs. §§ 1203(f) and 1207(b) and (c), the deadline to petition to intervene has passed and anyone who would seek to intervene now must show good cause. Discovery is now closed. Time extensions will not be granted for new Intervenors to review case materials.



## **Public Adviser and Public Participation**

Members of the public are welcome to attend and offer comments at the Prehearing Conference and at the Evidentiary Hearings. It is not necessary to be an Intervenor to participate in the public process. Parties are encouraged to submit written comments using the e-commenting system described above. Otherwise, written comments may be submitted for posting on the docket for the proceeding by handing them directly to the Public Adviser, e-mailing them to **docket@energy.ca.gov**, or by U.S. Mail to:

California Energy Commission  
Docket Unit  
Docket number: 11-AFC-02  
1516 Ninth Street, MS-4  
Sacramento, CA 95614

Please identify “***PALEN SOLAR ELECTRIC GENERATING SYSTEM, Docket No. 09-AFC-07C***” on any e-mailed or written comments.

**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. Additionally, this information may become available via Google, Yahoo, and other search engines.**

The Energy Commission Public Adviser’s Office is available to assist the public in participating in the amendment review process. For those individuals who require general information on how to participate, please contact the Public Adviser’s Office at (916) 654-4489 or (800) 822-6228 or e-mail: [publicadviser@energy.ca.gov](mailto:publicadviser@energy.ca.gov).

If you have a disability and need assistance to participate in this event, contact Lourdes Quiroz at (916) 654-5146 or e-mail: [lou.quiroz@energy.ca.gov](mailto:lou.quiroz@energy.ca.gov).

### **Information**

Questions of a legal or procedural nature should be directed to Kenneth Celli, the Hearing Adviser, at (916) 651-8893 or e-mail: [ken.celli@energy.ca.gov](mailto:ken.celli@energy.ca.gov).

Technical questions concerning the project should be addressed to Christine Stora, Compliance Project Manager, at (916) 654-4745 or e-mail: [christine.stora@energy.ca.gov](mailto:christine.stora@energy.ca.gov).

Media inquiries should be directed to the Office of Media and Public Communications at (916) 654-4989 or e-mail: [mediaoffice@energy.ca.gov](mailto:mediaoffice@energy.ca.gov).

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 Internet web page at: <http://www.energy.ca.gov/sitingcases/palen>.

**SO ORDERED.**

Dated: October 7, 2013, at Sacramento, California.

***Original Signed By:***

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KAREN DOUGLAS  
Commissioner and Presiding Member  
Palen Solar Electric Generating System  
Amendment Committee

***Original Signed By:***

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DAVID HOCHSCHILD  
Commissioner and Associate Member  
Palen Solar Electric Generating System  
Amendment Committee



**INSTRUCTIONS FOR USING WEBEX TELECONFERENCING  
USING YOUR COMPUTER AND/OR TELEPHONE**



EVENT	CONFERENCE OR HEARING DATE	MEETING NUMBER	PASSWORD
PREHEARING CONFERENCE	<i>Thursday, October 24, 2013</i>	<b>920 963 157</b>	<b>pwd#1516</b>
EVIDENTIARY HEARING DAY 1	<i>Monday, October 28, 2013</i>	<b>926 569 077</b>	<b>pwd#1516</b>
EVIDENTIARY HEARING DAY 2	<i>Tuesday, October 29, 2013</i>	<b>927 690 754</b>	<b>pwd#1516</b>
EVIDENTIARY HEARING DAY 3	<i>Wednesday, October 30, 2013</i>	<b>921 545 980</b>	<b>pwd#1516</b>

**STEP 1:** Go to <https://energy.webex.com>

**STEP 2:** Enter the **Meeting Number** from the table (above) for the conference/hearing you wish to participate in.

**STEP 3:** Enter the **Meeting Password:** **pwd#1516**

**STEP 4:** After you log-in, a prompt will appear on-screen asking for **your** phone number. In the **Number box**, type your area code and phone number, and then click "OK." **You will receive a call back on your phone that will carry the audio portion of the meeting.** International callers can use the "Country/Region" button to help make their connection.

**TO LOG-IN USING A TELEPHONE NUMBER WITH AN EXTENSION:** follow Step 1 through Step 3, but after you log-in, when the prompt asks for your phone number, click "CANCEL." Then call **1-866-469-3239** (toll-free in the U.S. and Canada). When prompted, enter the meeting number above and your unique Attendee ID number which is listed in the top left area of your computer screen after you login.

**TO LOG-IN USING A TELEPHONE ONLY (WITHOUT COMPUTER ACCESS):**

Call 1-866-469-3239 (toll-free in the U.S. and Canada) and, when prompted, enter the **Meeting Number** from the table (above) for the conference/hearing you wish to participate in.

Please be aware that the meeting's WebEx audio and on-screen activity may be recorded. Performance of the WEBEX teleconferencing system cannot be guaranteed. The Committee encourages the parties and members of the public to attend in person if possible to avoid the risk of system malfunctions. If you have difficulty joining the meeting, please call the WebEx Technical Support number at 1-866-229-3239. To see if your computer is compatible, visit <http://support.webex.com/support/system-requirements.html>.

**PALEN SOLAR ELECTRIC GENERATING SYSTEM  
PETITION TO AMEND THE CERTIFICATION  
09-AFC-7C  
THURSDAY, OCTOBER 24, 2013  
Beginning at 9:00 a.m. at  
California Energy Commission  
Hearing Room A  
1516 Ninth Street  
Sacramento, CA 95814**

**Meeting Agenda – Prehearing Conference: Palen SEGS Amendment 09-AFC-7C**

1. Call to Order
2. Report from Petitioner, Staff and Intervenors regarding their readiness for the upcoming Evidentiary Hearings and Committee discussions in the Palen Solar Electric Generating System amendment proceedings.
3. 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.
4. Closed Session (if necessary)

Committee closed session consideration of the following Item:

**PETITION TO AMEND THE CERTIFICATION FOR THE *PALEN SOLAR ELECTRIC GENERATING SYSTEM*.** Deliberation by the Committee on any matters submitted for decision by the Committee including, but not limited to pending motions and scheduling. (Contact: Kenneth Celli)

The Committee will 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.

5. Adjourn

Agency Contact: Kenneth Celli, Hearing Adviser, phone: (916) 651-8893, or e-mail: [Ken.cell@energy.ca.gov](mailto:Ken.cell@energy.ca.gov).

**PALEN SOLAR ELECTRIC GENERATING SYSTEM  
PETITION TO AMEND THE CERTIFICATION  
09-AFC-7C  
MONDAY, OCTOBER 28, 2013, AND (IF NECESSARY)  
TUESDAY, OCTOBER 29, AND WEDNESDAY, OCTOBER 30, 2013  
Beginning at 10:00 a.m. at:**

**University of California, Riverside  
Palm Desert Campus, Building B Auditorium  
75080 Frank Sinatra Drive,  
Palm Desert, CA 92211**

**Meeting Agenda – Evidentiary Hearings: Palen SEGS Amendment 09-AFC-7C**

1. Call to Order
2. Evidentiary Hearing – Receipt of evidence from Petitioner, Staff and on the Palen Solar Electric Generating System petition to amend the certification. Committee rulings on motions, if any, and argument. The order of topics will be determined during or following the **October 24, 2013** Prehearing Conference.
3. 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.
4. Closed Session (if necessary)

Committee closed session consideration of the following Item:

**PETITION TO AMEND THE CERTIFICATION FOR THE *PALEN SOLAR ELECTRIC GENERATING SYSTEM*.** Deliberation by the Committee on any matters submitted for decision by the Committee including, but not limited to, pending motions and scheduling. (Contact: Kenneth Celli)

The Committee will 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.

5. Adjourn

Agency Contact: Kenneth Celli, Hearing Adviser, phone: (916) 651-8893, or e-mail: **Ken.cellli@energy.ca.gov**.



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

Docket Number: 09-AFC-07C

Date: \_\_\_\_\_

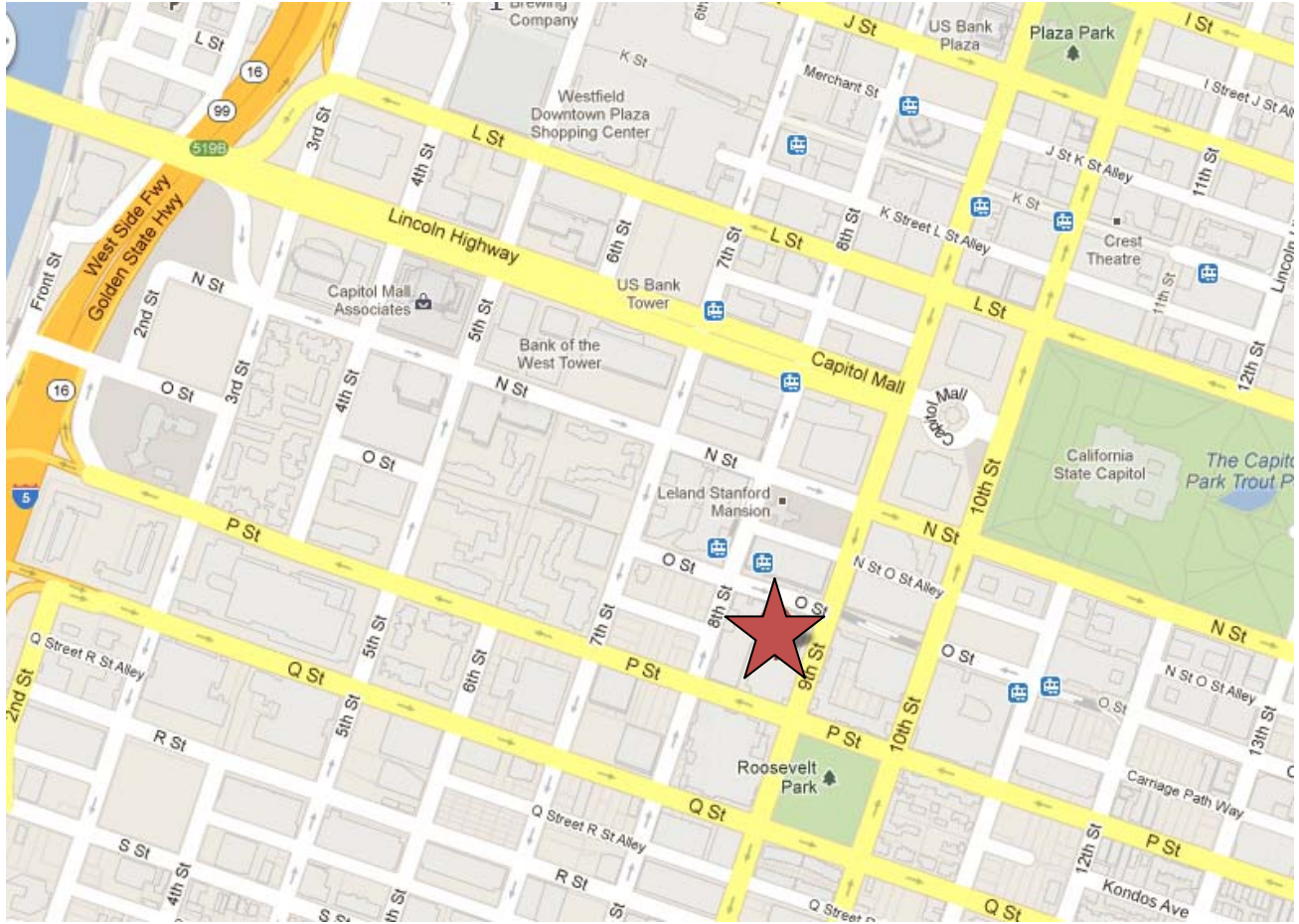
Project Name: **PALEN SOLAR ELECTRIC GENERATING SYSTEM**

**NOTE:** The format of the samples provided below is equally applicable to all parties.

**SAMPLE EXHIBIT LIST**

Exhibit	Docket Transaction Number	Title of Document (from Docket Log)	Subject Areas
1000	TN 71688	SUPPLEMENTAL RESPONSE TO DATA REQUEST 14; TRAFFIC STUDY UPDATE	TRAFFIC, NOISE, VISUAL

**California Energy Commission  
Hearing Room A  
1516 Ninth Street  
Sacramento, CA 95814**



University of California, Riverside  
Palm Desert Campus, Building B Auditorium  
75080 Frank Sinatra Drive  
Palm Desert, CA 92211

