



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  
**CPV SENTINEL ENERGY PROJECT**  
 BY THE CPV SENTINEL, L.L.C

DOCKET No. 07-AFC-3

**REVISED**

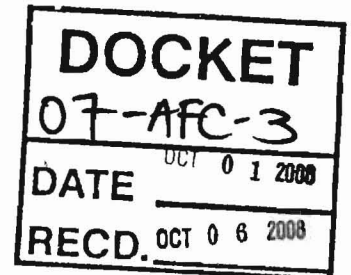
**NOTICE OF PREHEARING CONFERENCE AND NOTICE OF EVIDENTIARY HEARING**

**PLEASE TAKE NOTICE** that the Committee designated by the Energy Commission to conduct proceedings on the Application for Certification for the **CPV SENTINEL ENERGY PROJECT** has scheduled a Prehearing Conference and an Evidentiary Hearing as follows:

The Prehearing Conference will be conducted on:

**TUESDAY, October 21, 2008**

Beginning at 9:00 a.m.  
 California Energy Commission  
 Hearing Room A  
 1516 Ninth Street  
 Sacramento, CA 95814



The Evidentiary Hearing will be conducted on:

**MONDAY, November 3, 2008**

Beginning at 9:00 a.m.  
 California Energy Commission  
 Hearing Room A  
 1516 Ninth Street  
 Sacramento, CA 95814

**TELECONFERENCE OPTION:** The following toll free phone number will be available on both dates, at 9:00 a.m. for callers to participate in the hearings:

Call: 1-888-946-7604  
 Use Passcode: "Sentinel"  
 Conference Leader: "Ken Celli"

PLEASE TAKE NOTICE that the Committee has established the following schedule:

<i>ITEM</i>	<i>DATE</i>
Last date to file Petition to Intervene	Tuesday, October 21, 2008
Prehearing Conference Statements due	Thursday, October 16, 2008

### **Purpose of Prehearing Conference**

The Prehearing Conference is a public forum where the Committee will assess the parties' readiness for an evidentiary hearing, identify areas of agreement or dispute, and discuss the remaining schedule and procedures necessary to conclude the review of the application for certification. (Cal. Code Regs., tit. 20 §1718.5).

At the Prehearing Conference, all parties (Staff, Applicant, and Intervenor) shall be prepared to present their respective positions regarding the substantive topic areas that are ready for evidentiary hearing; those that require further analysis, including the nature of, and timeframe for, any such analysis; those that have been resolved; and those that are disputed and require adjudication. The parties shall also be prepared to identify proposed witnesses, as well as the time required for direct testimony and/or cross-examination.

Local, state, and federal governmental agencies may participate at the Prehearing Conference and Evidentiary Hearing, as necessary. (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. Please include "Docket No. 07-AFC-3" on any written comments.

### **Prehearing Conference Statements**

To facilitate the process, each party shall serve and file a **Prehearing Conference Statement**. The statements shall be received by the other parties and the Commission's Docket Unit, 1516 9th Street, MS-15, Sacramento, California 95814-5512, by **no later than 3:00 p.m. on Thursday, October 16, 2008**. The parties shall e-mail their statements to the Hearing Officer as well as to the Docket Unit and the parties as indicated on the Proof-of-Service list.

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

Each statement shall set forth:

1. The topic areas that are complete and ready to proceed to evidentiary hearing;
2. The topic areas that are not complete and not yet ready to proceed to evidentiary hearing, and the reasons therefor;
3. The topic areas that remain disputed and require adjudication, and the precise nature of the dispute for each topic;
4. The identity of each witness sponsored by each party (**note**: witnesses must have professional expertise in the discipline of their testimony); the topic area(s) which each witness will present; a brief summary of the testimony to be offered by each witness; qualifications of each witness; and the time required to present direct testimony by each witness;
5. Topic areas upon which a party desires to cross-examine witnesses, a summary of the scope of each such cross-examination, and the time desired for each such cross-examination;
6. A list identifying exhibits and declarations that each party intends to offer into evidence and the technical topics to which they apply (**see** following section on formats);
7. Proposals for briefing deadlines, impact of vacation schedules, and other scheduling matters; and
8. For all topics, any proposed modifications to the proposed Conditions of Certification listed in the Final Staff Analysis (FSA) based upon enforceability, ease of comprehension, and consistency with the evidence.

### **Formats for Presenting Evidence**

At the Evidentiary Hearing each party shall be prepared to present evidence on each of the topic areas addressed in the FSA, in the sequence established in the FSA. At the Prehearing Conference, the parties **shall provide copies** of all documentary and written testimonial evidence **in the following two formats to all parties, the Committee and the Hearing Adviser.**

1. Each document shall be numbered and identified on an **Exhibit List**:
  - Applicant's documents shall be numbered consecutively as Exhibits 1 -199.
  - Staff's documents shall be numbered consecutively as Exhibits 200 - 299.
  - Intervenors' documents shall be numbered consecutively as 300 - 399.
2. Copies of the exhibits for each topic area shall **also** be compiled in separate file folders identified by topic area with the appropriate Exhibit Number marked on each document, and the file folders placed in sequence corresponding to the sequence of topics in the FSA.

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

The Energy Commission's Decision on the **CPV SENTINEL ENERGY PROJECT** will be based on the official evidentiary record developed at the Evidentiary Hearing. Only formal parties (Applicant, Staff, or Intervenors) may present evidence and cross-examine witnesses at the Evidentiary Hearing.

Anyone with an appropriate interest in the **CPV SENTINEL ENERGY PROJECT** may file a Petition to Intervene and become a formal party. At the Evidentiary Hearing, the formal parties may offer testimony and documentary evidence, receive documents filed by other parties, and cross-examine witnesses. 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.

**The deadline to file a Petition to Intervene in this case is 9:00 a.m., Tuesday, October 21, 2008.** (Cal. Code Regs., tit. 20 § 1207.) Time extensions will not be granted for new Intervenors to review case materials since this proceeding has been ongoing for fifteen months.

## **How to Intervene**

The Energy Commission Public Adviser's office will assist any person or organization interested in preparing a Petition to Intervene. For assistance in this process, contact the Public Adviser's office at 916-654-4489 or 800-822-6228 or e-mail at: **[[publicadviser@energy.state.ca.us](mailto:publicadviser@energy.state.ca.us)]**.

## **Public Participation**

Members of the public are welcome to attend and offer comments at the Prehearing Conference and the Evidentiary Hearing. It is not necessary to be an Intervenor to participate in the public process. Anyone desiring information on how to participate may contact the Public Adviser's office as indicated above.

## **Energy Commission Information**

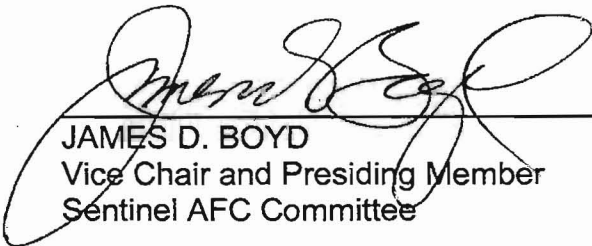
Questions of a legal or procedural nature should be directed to Kenneth Celli, the Hearing Officer, at (916) 651-8893, or e-mail: **[[kcelli@energy.state.ca.us](mailto:kcelli@energy.state.ca.us)]**.

Technical questions concerning the project should be addressed to John Kessler, Energy Commission Project Manager, at (916) 654-4679, or by e-mail at **[[jkessler@energy.state.ca.us](mailto:jkessler@energy.state.ca.us)]**.

Media inquiries should be directed to the Office of Media and Public Communications at (916) 654-4989 or e-mail at: [\[mediaoffice@energy.state.ca.us\]](mailto:mediaoffice@energy.state.ca.us). If you have a disability and need assistance to participate, please contact Lourdes Quiroz at 916-654-5146 or e-mail at: [\[lquiroz@energy.state.ca.us\]](mailto:lquiroz@energy.state.ca.us).

Information concerning the status of the project, as well as notices and other relevant documents, may be viewed on the Energy Commission's Internet web page at: [\[http://www.energy.ca.gov/sitingcases/sentinel\]](http://www.energy.ca.gov/sitingcases/sentinel).

Dated: October 1, 2008, at Sacramento, California.



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JAMES D. BOYD  
Vice Chair and Presiding Member  
Sentinel AFC Committee



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JACKALYNE PFANNENSTIEL  
Chairman and Associate Member  
Sentinel AFC Committee

Mailed to Lists: POS, 7240, 7241, 7242, 7243



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PROOF OF SERVICE**  
*(Revised 10/01/2008)*

**INSTRUCTIONS: All parties shall 1) send an original signed document plus 12 copies OR 2) mail one original signed copy AND e-mail the document to the web address below, AND 3) all parties shall also send a printed OR electronic copy of the documents that shall include a proof of service declaration to each of the individuals on the proof of service:**

CALIFORNIA ENERGY COMMISSION  
Attn: Docket No. 07-AFC-3  
1516 Ninth Street, MS-15  
Sacramento, CA 95814-5512  
[docket@energy.state.ca.us](mailto:docket@energy.state.ca.us)

**APPLICANT**

CPV Sentinel, LLC  
Mark O. Turner, Director  
Competitive Power Ventures, Inc.  
55 2<sup>nd</sup> Street, Suite 525  
San Francisco, CA 94105  
[mturner@cpv.com](mailto:mturner@cpv.com)

**APPLICANT'S CONSULTANT**

Dale Shileikis - URS Corporation  
221 Main Street, Suite 600  
San Francisco, CA 94105-1916  
[dale\\_shileikis@urscorp.com](mailto:dale_shileikis@urscorp.com)

**COUNSEL FOR APPLICANT**

Michael J. Carroll  
LATHAM & WATKINS LLP  
650 Town Center Drive, 20th Floor  
Costa Mesa, CA 92626-1925  
[michael.carroll@lw.com](mailto:michael.carroll@lw.com)

**INTERESTED AGENCIES**

California ISO  
P.O. Box 639014  
Folsom, CA 95763-9014  
[e-recipient@caiso.com](mailto:e-recipient@caiso.com)

Mohsen Nazemi, PE  
South Coast AQMD  
21865 Copley Drive  
Diamond Bar, CA 91765-4178  
[Mnazemi1@amqmd.gov](mailto:Mnazemi1@amqmd.gov)

**INTERVENORS**

**ENERGY COMMISSION**

JAMES D. BOYD  
Commissioner and Presiding Member  
[jboyd@energy.state.ca.us](mailto:jboyd@energy.state.ca.us)

JACKALYNE PFANNENSTIEL  
Commissioner and Associate Committee Member  
[jpfannen@energy.state.ca.us](mailto:jpfannen@energy.state.ca.us)

Kenneth Celli, Hearing Officer  
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John Kessler, Project Manager  
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Caryn Holmes, Staff Counsel  
[cholmes@energy.state.ca.us](mailto:cholmes@energy.state.ca.us)

**\* Public Adviser's Office**  
[publicadviser@energy.state.ca.us](mailto:publicadviser@energy.state.ca.us)

**DECLARATION OF SERVICE**

I, RoseMary Avalos, declare that on October 6, 2008, I deposited copies of the attached Revised Notice of Prehearing Conference and Notice of Evidentiary Hearing in the United States mail at Sacramento, California with first-class postage thereon fully prepaid and addressed to those identified on the Proof of Service list above.

**OR**

Transmission via electronic mail was consistent with the requirements of California Code of Regulations, title 20, sections 1209, 1209.5, and 1210. All electronic copies were sent to all those identified on the Proof of Service list above.

I declare under penalty of perjury that the foregoing is true and correct.

  
RoseMary Avalos  
Hearing Advisor's Office