



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

**NOTICE OF PREHEARING CONFERENCE AND EVIDENTIARY HEARING ON THE
 LIMITED ISSUE OF AIR QUALITY**

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 on the limited issue of Air Quality as follows:

The Prehearing Conference will be conducted on:

WEDNESDAY, MAY 19, 2010
 Beginning at 1:30 p.m.

The Evidentiary Hearing will be conducted on:

MONDAY, JULY 19, 2010
 Beginning at 10:00 a.m.

The location for both hearings will be:

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

TELECONFERENCE OPTION

You may participate in the Prehearing Conference and Evidentiary Hearing by telephone and/or by computer via our "WebEx" web conferencing system. For details on how to participate, please see the "Participation through WebEx" section at the end of this Notice.

DOCKET	
07-AFC-3	
DATE	<u>APR 07 2010</u>
RECD.	<u>APR 07 2010</u>

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

DATE	EVENT
March 2, 2010	SCAQMD issues addendum to the Determination of Compliance;
April 15, 2010	CEC Staff issues FSA Air Quality Analysis and Testimony;
April 21, 2010	Applicant files Air Quality Testimony;
April 28, 2010	Intervenors file Air Quality Testimony;
May 6, 2010	All parties file Rebuttal Testimony;
May 13, 2010	All parties file Prehearing Conference Statements;
May 19, 2010	Prehearing Conference and last day to file a Petition to Intervene;
July 19, 2010	Evidentiary Hearing on Air Quality
TBD	Issuance of Presiding Member's Proposed Decision (PMPD);
TBD	Committee Conference on PMPD;
TBD	End of 30-day comment period for PMPD;
TBD	PMPD Errata (if necessary);
TBD	Energy Commission Hearing--Final Decision;

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 Air Quality and identify those issues that have been resolved and those that are disputed which will 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, May 13, 2010**. 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. The parties shall also submit a *WORD* version of their statements to the Hearing Officer via email.

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

Each statement shall set forth:

1. The Air Quality issues that are complete and ready to proceed to evidentiary hearing;
2. The Air Quality issues that are not complete and not yet ready to proceed to evidentiary hearing, and the reasons therefor;
3. The Air Quality issues 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. Air Quality issues 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 (**see** following section on formats);
7. Proposals for briefing deadlines, impact of vacation schedules, and other scheduling matters; and
8. Any proposed modifications to the proposed Conditions of Certification listed in the Final Staff Analysis (FSA) Air Quality section 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 Air Quality issues 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.**
 - Intervenor, California Communities Against Toxic's documents shall be numbered consecutively as **Exhibits 300 - 399.**
 - Intervenor, Communities for a Better Environment's documents shall be numbered consecutively as **Exhibits 400 - 499.**
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., Wednesday, May 19, 2010. (Cal. Code Regs., tit. 20 § 1207.) Time extensions will not be granted for new Intervenors to review case materials since this proceeding has been on-going for over two years.

How to Intervene

The Energy Commission's 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]**.

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]**.

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]**.

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]**.

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]**.

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]**.

Dated: April 7, 2010 at Sacramento, California.

A handwritten signature in black ink, appearing to read "James D. Boyd", written over a horizontal line.

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

TELECONFERENCE OPTION

You may participate in the hearings by telephone and/or by computer via our "WebEx" web conferencing system. For details on how to participate, please see the "Participation through WebEx" directions below.

PARTICIPATION IN THE HEARINGS THROUGH WEBEX THE ENERGY COMMISSION'S ON-LINE MEETING SERVICE

1. COMPUTER LOG-ON WITH A DIRECT PHONE NUMBER:

- Please go to <https://energy.webex.com> and enter the MEETING NUMBER *unique* to the specific hearing date:
 - **5/19/10** – Pre-Hearing Conference meeting number: **925 602 722**
 - **7/19/10**– Evidentiary Hearing meeting number: **921 837 503**
- When prompted, enter your information and the MEETING PASSWORD: **sentinel#1**

After you login, a prompt will appear on-screen for you to provide **your** phone number. In the **Number box**, type your area code and phone number and click OK. **You will receive a call back on your phone for the audio of the meeting.** International callers can use the "Country/Region" button to help make their connection.

2. COMPUTER LOG-ON FOR CALLERS WITH AN EXTENSION PHONE NUMBER, ETC:

- Please go to <https://energy.webex.com> and enter the unique meeting number: and the meeting password (*above*).
- After you login, a prompt will ask for your phone number. Click "CANCEL."
- Instead 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.

3. TELEPHONE ONLY (NO COMPUTER ACCESS):

- Call **1-866-469-3239** (toll-free in the U.S. and Canada) and when prompted enter the meeting number:
- **5/19/10** – Pre-Hearing Conference meeting number: **925 602 722**
- **7/19/10**– Evidentiary Hearing meeting number: **921 837 503**

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>.

Please be aware that the meeting's WebEx audio and on-screen activity may be recorded.

SAMPLE EXHIBIT LIST

NOTE: The format of the samples provided below is equally applicable to all parties. However, given the likely differences in the documentary evidence submitted by the parties, the samples illustrate how to address specific types of evidence that might be unique to each party.

APPLICANT'S EXHIBITS - EXHIBITS 1 TO 199

EXHIBIT 1 Application for Certification, Volume I and II, dated _____, docketed on _____.

EXHIBIT 2 Air Quality – Information, dated, docketed on _____.

ENERGY COMMISSION STAFF'S EXHIBITS - EXHIBITS 200 - 299

EXHIBIT 200 Staff Assessment for the Solar Two Project, dated _____, and docketed on _____.

INTERVENOR CALIFORNIA COMMUNITIES AGAINST TOXICS EXHIBITS – EXHIBITS 300 – 399

EXHIBIT 300 Clearly indicate subject matter or document, dated _____; docketed on _____.

INTERVENOR COMMUNITIES FOR A BETTER ENVIRONMENT EXHIBITS – EXHIBITS 400 – 499

EXHIBIT 400 Clearly indicate subject matter or document, dated _____; docketed on _____.

SUBMIT ALL EXHIBIT LISTS IN WORD FORMAT.



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

PROOF OF SERVICE
(Revised 3/24/2010)

APPLICANT

CPV Sentinel, LLC
Mark O. Turner, Director
Competitive Power Ventures, Inc.
55 2nd Street, Suite 525
San Francisco, CA 94105
mturner@cpv.com

APPLICANT'S CONSULTANT

Dale Shileikis - URS Corporation
221 Main Street, Suite 600
San Francisco, CA 94105-1916
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

INTERESTED AGENCIES

California ISO
E-mail preferred
e-recipient@caiso.com

Mohsen Nazemi, PE
South Coast AQMD
21865 Copley Drive
Diamond Bar, CA 91765-4178
mnazemi@aqmd.gov

INTERVENORS

Angela Johnson Meszaros
CA Communities Against Toxics
1107 Fair Oaks Avenue, #246
South Pasadena, CA 91030
Angela@CleanAirMatters.net

*Communities for a Better Environment
c/o Shana Lazerow
1440 Broadway, Suite 701
Oakland, California 94612
slazerow@cbecal.org

ENERGY COMMISSION

JAMES D. BOYD
Vice Chair and Presiding Member
jboyd@energy.state.ca.us

Kenneth Celli, Hearing Officer
kcelli@energy.state.ca.us

John Kessler, Project Manager
jkessler@energy.state.ca.us

Caryn Holmes, Staff Counsel
cholmes@energy.state.ca.us

Jennifer Jennings
Public Adviser
publicadviser@energy.state.ca.us

DECLARATION OF SERVICE

I, Maggie Read, declare that on April 7, 2010, I served and a filed copy of the attached NOTICE OF PREHEARING CONFERENCE AND EVIDENTIARY HEARING ON THE LIMITED ISSUE OF AIR QUALITY. The original document, filed with the Docket Unit, is accompanied by a copy of the most recent Proof of Service list, located on the web page for this project at:

[\[http://www.energy.ca.gov/sitingcases/sentinel/index.html\]](http://www.energy.ca.gov/sitingcases/sentinel/index.html)

The documents has been sent to both the other parties in this proceeding (as shown on the Proof of Service list) and to the Commission's Docket Unit, in the following manner:

(Check all that Apply)

For service to all other parties:

sent electronically to all email addresses on the Proof of Service list;

by personal delivery;

by delivering on this date, for mailing with the United States Postal Service with first-class postage thereon fully prepaid, to the name and address of the person served, for mailing that same day in the ordinary course of business; that the envelope was sealed and placed for collection and mailing on that date to those addresses **NOT** marked "email preferred."

AND

For filing with the Energy Commission:

sending an original paper copy and one electronic copy, mailed and emailed respectively, to the address below (preferred method);

OR

depositing in the mail an original and 12 paper copies, as follows:

CALIFORNIA ENERGY COMMISSION

Attn: Docket No. 07-AFC-3

1516 Ninth Street, MS-4

Sacramento, CA 95814-5512

docket@energy.state.ca.us

I declare under penalty of perjury that the foregoing is true and correct, that I am employed in the county where this mailing occurred, and that I am over the age of 18 years and not a party to the proceeding.



Maggie Read