

STATE OF CALIFORNIA

Energy Resources Conservation
and Development Commission

In the Matter of:)
)
Application for Certification for the Ivanpah Solar)
Electric Generating System)
_____)

Docket No. 07-AFC-5

DOCKET	
07-AFC-5	
DATE	NOV 16 2009
RECD	NOV 16 2009

**APPLICANT'S PRELIMINARY PREHEARING
CONFERENCE STATEMENT**

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On November 5, 2009, the Committee issued a Notice of Prehearing Conferences and Evidentiary Hearing. This Preliminary Prehearing Conference Statement contains the requested information as follows.

1. *The topic areas that are complete and ready to proceed to evidentiary hearing.*

All topics are complete and ready to proceed.

2. *The topic areas that are not complete and not yet ready to proceed to evidentiary hearing, and the reasons therefor.*

All topics are complete and ready to proceed.

3. *The topic areas that remain disputed and require adjudication, and the precise nature of the dispute for each topic.*

Biological Resources requires adjudication. Applicant disagrees with the Desert Tortoise Compensatory Mitigation measures proposed by Staff. Applicant's letter of August 7, 2009 attached hereto as Attachment 1, sets forth Applicant's position: 1:1 mitigation per BLM's existing programs is all that is required by federal and state law. The lands are not converted in perpetuity, as Staff argues. Instead, the Applicant has an obligation to restore the project site at the end of the right of way grant. BLM requires a bond to assure restoration. Moreover, while it is CDFG's policy preference, the California ESA does not require "acquisition" of mitigation property, and there is no showing that acquisition is feasible. In contrast, the Applicant's Comprehensive Settlement Proposal provides an additional 2:1 mitigation for a total of mitigation at 3:1. The Applicant's proposal at 3:1 clearly satisfies both federal ESA requirements and California ESA requirements.

Applicant also disagrees with the Staff's proposals on rare plants, both as to the proposed finding of significant impacts and the proposed scope of avoidance measures. The Applicant's Low Impact Design, among other Project design features, provides mitigation that avoids and

minimizes potentially significant impacts. Applicant has proposed an alternative condition, BIO-18, providing a plan for avoidance and minimization of impacts to rare plants that would be focused on each of the applicable species.

Applicant also disagrees with the conclusion that the impacts to the Nelson's Bighorn Sheep and State waters are significant. The Bighorn Sheep do not occur on site and there is no evidence supporting impacts on the Sheep. Notwithstanding these facts, Applicant has made initial contacts with the Society for the Conservation of Bighorn Sheep and communicated Applicant's willingness and commitment to work with the Society in installing one or more artificial water sources for Nelson's bighorn sheep, outside the regulatory process. The State Waters potential impacts are mitigated to less than significant via the mitigation incorporated into the Project's design, including the Low Impact Design and via compliance with the Regional Water Quality Control Board's requirements. Further mitigation is not required in the absence of any significant unmitigated impact. Applicant has also provided proposed clarifications and modification to certain conditions, as set forth in Applicant's Biological Resources testimony, which should not require oral testimony, since the facts are not disputed as to these remaining issues.

Traffic and Transportation may require adjudication, though the Applicant would anticipate reaching consensus with Staff after an opportunity to meet and confer that may avoid the need for oral testimony. The two issues to be discussed are the temporary construction-related impacts to I-15 north on Friday evenings and the potential Glare and Reflectivity issues set forth in the FSA/DEIS. The latter issues are closely tied to the Visual Resources issues. It may make sense to combine testimony on these issues or sequence them one after the other.

Soil & Water Resources requires adjudication. The Applicant disagrees with the Staff's recommendations related to potential for "scour" and the depth for setting heliostats. Rather than

a prescriptive, 6.5 foot depth requirement for all heliostats that does not reflect site-specific characteristics, the Applicant believes that the project owner should submit site-specific plans for heliostat placement that will recognize the unique hydrological and geological conditions in each area. Where site conditions require deeper placement, the CPM (in concert with the CBO) should require deeper heliostat depths. Conversely, in areas with little potential for scour, heliostat depths need not be so deep. Again, as with some of these other issues, Applicant hopes that Staff may agree with proposed changes to the Soils & Water Conditions to provide this flexibility, which would eliminate the need for adjudication of these issues.

Visual Resources requires adjudication. Applicant disputes the Staff's proposed findings regarding direct, indirect and cumulative visual impacts. The Visual Resource issues fall into three general categories. First, there are the views from the golf course. All parties agree these can be mitigated to less than significant. Second, there are the views from I-15. Given the low sensitivity of motorists, the short durations of the views, and other factors explained in testimony, these impacts are not significant. Third are the views from the Umberci Mine. The Applicant believes the views from KOPs 9 and 10 likely overstate the prominence of the project as it would actually appear from the Umberci Mine. As with other issues, the Applicant is amenable to meet and confer with Staff on these issues. For example, off site mitigation possibilities should be considered.

Finally, in the event that any party may dispute that this project is required for public convenience and necessity, the Applicant's witnesses will provide a summary of major project features, the purpose and need for the project, the basic project objectives, and the policy issues associated with the siting of this first major solar thermal project in California in two decades. This discussion is in furtherance of the Applicant's satisfying its burden of proof for approval of the project and provide important context for consideration of other issues in this proceeding.

Applicant has suggested improvements to certain Conditions of Certification, as discussed below. However, those issues are not factual in nature, do not require adjudication, and can be addressed in briefings.

4. ***The identity of each witness sponsored by each party (note: expert witnesses must have professional expertise in the scope 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.***

The Applicant's witnesses, their topic areas, a brief summary of their testimony, and their qualifications are set forth in the Applicant's pre-filed testimony filed concurrently with this Statement. As for direct examination, Applicant anticipates direct examination for the five subjects, as follows: (1) Project Description, 20 minutes; (2) Biological Resources, 60 Minutes; (3) Visual Resources, 30 minutes; (4) Soil & Water Resources, 20 minutes; and (5) Traffic and Transportation, 20 minutes. Again, as with some of these other issues, Applicant hopes that Staff may agree with proposed modifications that would reduce or eliminate the need for adjudication of these issues.

5. ***Topic areas upon which a party desires to cross-examine witnesses, a summary of the scope of such cross-examination, and the time desired for such cross-examination***

Applicant anticipates cross-examination of CEC Staff on the following four subjects, if it proves necessary to adjudicate them after review of Applicant's proposed clarifications and modifications: (1) Biological Resources, 75 Minutes; (2) Visual Resource, 60 minutes; (3) Soil & Water Resources, 20 minutes; and (4) Traffic and Transportation, 20 minutes.

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 format)*

The Applicant's Exhibit List is attached hereto as Attachment 2. The Declarations are attached to Applicant's pre-filed testimony.

7. *Proposals for briefing deadlines, vacation schedules, and other scheduling matters*

On July 15, 2009, the Committee issued an order setting forth the Schedule for this proceeding. The Committee should stand by the dates provided by the Committee's July 15, 2009 Order. The Committee-issued schedule, with the dates filled is based on Evidentiary Hearings in December, is attached hereto as Attachment 3.

One of Applicant's witnesses works in Jerusalem, Israel. This witness, Yoel Gilon, is the company's expert on reflective light issues associated with the BrightSource technology. Mr. Gilon should be available to testify in person; however, if circumstances require, Applicant may seek permission to have Mr. Gilon testify telephonically.

All of Applicant's other witnesses are available for hearings in December.

8. *For all topics, the parties shall review the Proposed Conditions of Certification listed in the Final Staff Assessment (FSA) for enforceability, comprehension, and consistency with the evidence, and submit any proposed modifications.*

Suggested improvements to the Conditions are incorporated in the Applicant's pre-filed testimony. The Applicant's proposed modifications to the Conditions fall into the following general categories:

- **Clarify and simplify approval process.** Conditions that require separate approvals of post-certification compliance activities by both BLM and CPM are unworkable. If the approval is sequential, it will result in doubling the required approval time for everything.

If the approval is concurrent, approvals will be potentially conflicting. As a general rule, consistent with current Commission practice, we have identified the Commission's CPM as the authority to review and approve post-certification compliance submissions or actions of the Applicant.

The joint review and approval of documents has been fraught with difficulty, in large part due to the lack of clear assignment of responsibility for coordination, timely comments, and adherence to schedule. Where only one agency has legal jurisdiction, such as the CEC's jurisdiction for California-designated rare plants, it should provide courtesy copies to the other agency, but it should commit to its own review and approval schedule (in this example, the CPM should be responsible for adhering to schedule). Where the agencies share legal jurisdiction, one agency should be designated as lead, should be responsible for ensuring coordination of review and comments that follows a schedule determined at the outset, and that agency should make its decision in accordance with the schedule regardless of whether the other agency has submitted comments.

As a practical matter, the Applicant can concurrently provide information to the BLM's Authorized Officer at the same time it is provided to the CPM, and the BLM's Authorized Officer will have access to materials on the Compliance website. The BLM Authorized Officer will be free to consult with the CPM regarding any post-certification matter. In addition, as a condition of its Right-of-Way grant – BLM can require submission of any information that is necessary to enforce the terms of the grant. Accordingly, there will be no regulatory gap in information, given the Applicant's willingness to provide electronic copies directly to BLM, the information in the project's CEC files and websites, and BLM's independent enforcement of the rights-of-way grants.

- **Preservation of the Commission's Exclusive Siting Authority:** Conditions that unlawfully delegate the Commission's one-stop, in-lieu permitting authority to other state and local entities have been revised to reflect the Commission's exclusive state law authorities. As to all state law issues, materials should be submitted to the CPM for "review and approval" and to other relevant non-federal governmental entities for "review and comment." Changes consistent with the law are suggested.
- **Recognition of the Need to Commence Construction in 2010.** Applicant has suggested accelerating certain time frames to ensure that the project can commence construction in 2010. Desert Tortoise clearance activities are temperature sensitive, meaning those activities will most likely have to occur in the Spring or Fall. Timely review and approval of these items is critical. The Applicant also added requirements for the CPM to approve submittals in a reasonable time frame. Once submitted, the CPM should have an obligation to respond in a set number of days. (This obligation should be in the "Verification" language, not Condition language.)
- **Avoiding Unnecessary Amendments Via Verification Implementation Language.** The Commission is burdened with numerous pending amendments to currently licensed

projects. One reason for so many post-certification amendments is the tendency to put implementation details into the Condition language. Changes to Condition language generally require approval of the full Commission while changes to implementing language in the verification can be made at the Staff level.

Applicant proposes to move overly detailed implementation language from the Condition into the Verifications to avoid unnecessary delays and drains on resources for unneeded amendments to Condition language that are within the normal purview of the Staff. In this connection, Applicant is amenable to further revisions to the Conditions to move implementing language from the Condition to the Verification.

- 9. For the preliminary statement only, for discussion at the November 18 Prehearing Conference:**
- a) any comments the party wishes to make about this schedule, including any alternative schedule proposals; and**
 - b) updated information about the remaining steps in the BLM process, including a projected timetable, to assist the Committee in coordinating this AFC process with BLM's process.**

For the evidentiary hearings scheduled for December 14 and 15, the Applicant recommends that the Committee plan to make maximum use of these days, by reserving the evenings of both days for additional hearing time, if required. The Commission has in the past scheduled extended hearing days when necessary to meet important deadlines. In addition, we recommend that the Committee explore the availability of further hearings on December 17 and 18, if necessary, in lieu of further hearings in January.

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Given the extensive delays that this proceeding has incurred, the Committee should not entertain alternative schedules that would defer the close of the evidentiary record beyond December 18, 2009.

November 16, 2009

Respectfully submitted,

ELLISON, SCHNEIDER & HARRIS L.L.P.

By:  _____

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August 7, 2009

John Kessler, Project Manager
Ivanpah Solar Project (07-AFC-5)
California Energy Commission
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Dear Mr. Kessler:

Thank you for your leadership at the recent Issue Resolution Workshop. The forum was both enlightening and productive. Per the discussion at the workshop, the purpose of this letter is to memorialize the Applicant's position on biological resources mitigation.

As stated during the workshop, regarding Ivanpah Solar Project's overall Biological Resources plan, it is important to distinguish between: (1) what the law requires, and (2) what additional measures the Applicant may be willing to agree to contribute towards California's environmental interests and in order to resolve the issues related to biological mitigation. The following discussion reflects the settlement framework we first presented to CDFG and the Resources Agency in December of 2008.

On federal Endangered Species Act ("ESA") issues, the law is clear. The project has certain mitigation obligations under the federal ESA. Those mitigation obligations are implemented by the BLM through its fee programs and the inclusion of certain project-specific mitigation measures, such as desert tortoise fencing, relocation and translocation protocols and alike.

On California ESA ("CESA") issues, the law is also clear. Significantly, there are no substantive differences between ESA mitigation and CESA "full mitigation." California case law supports this conclusion.

On all non-CESA state law issues, commonly referred to as California Environmental Quality Act ("CEQA") issues, we will of course do what the law requires. This will include compliance with applicable provisions related to streambed crossing and rare plants. But again, what is legally required on these non-CESA issues is much less than what some have suggested. The Applicant is willing to contribute more than is legally required, but the Commission and all concerned must recognize that putting too much economic burden on renewable energy projects will cause them—and both the California RPS program and its ambitious climate objectives – to

fail. Current discussions on adopting a 33% RPS program have focused sharply on costs, including the 33% RPS analysis performed by the Public Utilities Commission, to which the Energy Commission contributed. It is not in any of the State's environmental interests, including desert ecosystem concerns, to slow or stop the displacement of conventional energy with renewable resources.

The attached Table 1, entitled "Legal Requirements," is a summary of the Applicant's mitigation obligations under California and federal law.

While what the law requires is clear, the Applicant has also prepared a proposal aimed at contributing more than what is legally required to contribute towards California's environment and to resolve these issues. The Applicant has made clear; it is the Applicant and its parent company's policies to go beyond the minimum that the law requires. In accordance with this direction, we have prepared the attached Table 2, entitled "Applicant's Comprehensive Settlement Proposal."

The Applicant's Comprehensive Settlement Proposal greatly exceeds the mitigation required by the BLM, which is the only mitigation required in other neighboring Western States and, in combination with the funds to be provided to CDFG and for tortoise education, compensates at a ratio greater than 3:1 at the BLM in-lieu fee rates.

The BLM's 1:1 mitigation is consistent with the recommendations in the Final EIS for the Northern and Eastern Mojave Desert Management Plan (the "NEMO"). The additional 2:1 mitigation funds could be given to CDFG to be used for any additional mitigation CDFG seeks on CESA and non-CESA issues. Any remaining monies could serve as seed money for the Desert Renewable Energy Conservation Plan ("DRECP"), which is in development.

The Applicant's Comprehensive Settlement Proposal is intended to allow the parties to "agree to disagree" while still reaching a successful outcome in this permitting proceeding. The Applicant believes the its proposed mitigation package goes well beyond satisfying all applicable legal requirements, and it establishes sound precedent for future projects.

Again, thank you for your help in bringing the parties together to discuss these important issues.

Sincerely,



Ellison, Schneider & Harris L.L.P.
Jeffery D. Harris
Attorneys for the Applicant

**IVANPAH SOLAR PROJECT MITIGATION PACKAGE
WHAT THE LAW REQUIRES**

TABLE 1

FEDERAL MITIGATION		
Desert Tortoise	Mitigation Fees	ENFORCEMENT VEHICLE
BLM mitigation fees: 4,060 acre project site		
BLM Mitigation Fees: (1) BLM Management Fee plus (2) Land Acquisition Fee ¹ Ratio: One-to-one	(BLM Mitigation Fees) X (4,060 acres) X (1:1 ratio)	Right-of-way grant condition Monies to be used by BLM for project mitigation.
CALIFORNIA MITIGATION		
CESA “full mitigation” and non-CESA mitigation ¹	Satisfied by the federal mitigation	Satisfied by the federal mitigation

1: In addition to the land mitigation fees, additional administration fees may be required per BLM regulations.

**IVANPAH SOLAR PROJECT
APPLICANT'S COMPREHENSIVE SETTLEMENT PROPOSAL**

TABLE 2

FEDERAL MITIGATION		
Desert Tortoise	Mitigation Fees	ENFORCEMENT VEHICLE
BLM Mitigation Fees: 4,060 acre project site		
BLM mitigation fees: (1) BLM management fee plus (2) land acquisition fee ¹ Ratio: One-to-one	(BLM mitigation fees) X (4,060 acres) X (1:1 ratio)	Right-of-way grant condition Monies to be used by BLM for project mitigation.
CALIFORNIA MITIGATION		
CESA "full mitigation" and non-CESA mitigation ¹ Ratio: Two-to-one	(BLM mitigation fees) X (4,060 acres) X (2:1 ratio)	Surety bond agreement (due upon commencement of construction) Monies to be used by CDFG for activities deemed necessary by CDFG: (1) for CESA, and (2) for non-CESA biological resources [rare plants, streambeds, etc.]. Any remaining funds to be used as "seed money" for DRECP programs.
Restoration Contingency Funding (Endowment) Under existing law, the Ivanpah Solar Project has an obligation to restore the site and revegetate at the end of the BLM right-of-way grant. If at a later date via Act of Congress the project's restoration obligations are removed, then the land will be permanently removed as potential habitat. Under an agreed to CEC Condition of Certification, if the Ivanpah Solar Project is relieved of its land restoration obligations, then and only then, the Restoration Contingency Fund will be due and owing.	An amount equal to the BLM Site Restoration bonding requirements, per BLM's Right of Way Regulations, as determined by BLM upon issuance of the Right of Way grant	CEC Condition of Certification
Desert Tortoise Education Activities	\$250,000	Agreement between Ivanpah Solar Project and an appropriate non-governmental organization (NGO)
Notes: Federal and California Mitigation equals a 3:1 ratio. The Desert Tortoise Education Activities funding represents the Ivanpah Solar Project's commitment to fund these activities, and was not requested by CDFG or BLM.		

1: In addition to the land mitigation fees, additional administration fees may be required per BLM regulations and the CDFG's surety bond provisions.

APPLICANT'S TENTATIVE EXHIBIT LIST

Exhibit No.	Docket Log No.	Date of Document	Description	Page Estimate
1	42174	8/28/2007	AFC Volumes 1 & 2	1890
2	42681	10/5/2007	Data Adequacy Supplement A	73
3	42916	10/19/2007	Data Adequacy Supplement B	7
4	44310	1/14/2008	Data Response, Set 1A	170
5	45318	2/11/2008	Data Response, Set 1B	59
6	45608	3/10/2008	Data Response, Set 1C	9
7	46239	5/9/2008	Data Response, Set 1D (Optimization)	71
8	47192	7/22/2008	Data Response, Set 1E	13
9	47476	8/6/2008	Data Response, Set 1F	104
10	47983	9/10/2008	Data Response, Set 1G	41
11	48034	9/12/2008	Data Response, Set 1H	53
12	53104	10/24/2008	Data Response, Set 1I	8
13	49332	12/8/2008	Data Response, Set 1J	7
14	51717	5/27/2009	Data Response, Set 1K	73
15	51790	6/2/2009	Data Response, Set 1L	45
16	51799	6/3/2009	Data Response, Set 1M	10
17	52751	8/5/2009	Data Response, Set 1N	187
18	52872	8/13/2009	Data Response, Set 1O	8
19	53176	9/9/2009	Data Response, Set 1P	44
20	46666	6/10/2008	Data Response, Set 2A	113
21	47190	7/22/2008	Data Response, Set 2B	180
22	47477	8/6/2008	Data Response, Set 2C	38
23	48033	9/12/2008	Data Response, Set 2D	188
24	48082	9/19/2008	Data Response, Set 2E	23
25	48371	10/2/2008	Data Response, Set 2F	40
26	49921	1/28/2009	Data Response, Set 2G	103
27	51576	5/13/2009	Data Response, Set 2H	294
28	51597	5/18/2009	Data Response, Set 2I	82
29	52054	6/17/2009	Data Response, Set 2J	49
30	52208	6/30/2009	Data Response, Set 2K	252
31	53193	9/10/2009	Data Response, Set 2KR	25
32	47533	8/12/2008	Supplemental Data Response, Set 1A	18
33	47698	8/22/2008	Supplemental Data Response, Set 1B	48
34	48014	9/12/2008	Supplemental Data Response, Set 1C	31
35	48188	9/24/2008	Supplemental Data Response, Set 1D	117
36	49121	11/21/2008	Supplemental Data Response, Set 1E	7
37	49338	12/8/2008	Supplemental Data Response, Set 1F	10
38	50610	3/19/2009	Supplemental Data Response, Set 2A	32
39	51575	5/13/2009	Supplemental Data Response, Set 2B	492
40	51612	5/19/2009	Supplemental Data Response, Set 2C	45
41	51720	5/19/2009	Supplemental Data Response, Set 2D	116
42	51804	6/3/2009	Supplemental Data Response, Set 2E	30
43	51857	6/5/2009	Supplemental Data Response, Set 2F	9
44	51884	6/9/2009	Supplemental Data Response, Set 2G	11
45	51893	6/9/2009	Supplemental Data Response, Set 2H	6
46	52819	8/10/2009	Supplemental Data Response, Set 2I	21
47	52847	8/12/2009	Supplemental Data Response, Set 2J	27
48	52549	7/23/2009	Supplemental Data Response, Set 3A	29
49	52922	8/20/2009	Supplemental Data Response, Set 4	10
50	--	6/18/2007	Air Dispersion Modeling Protocol	27
51	--	8/20/2007	Cumulative Impacts Analysis	3

APPLICANT'S TENTATIVE EXHIBIT LIST

52	--	8/23/2007	Letter dated August 23, 2007 from Mojave Desert Air Quality Management District (Alan De Salvio) to Sierra Research (Steve Hill) describing stationary sources within 6 miles of the Project.	11
53	--	9/18/2007	Application for Authority to Construct	9
54	48246	8/28/2008	DPT 2 System Impact Study Report (CONFIDENTIAL-DOC NOT INCLUDED IN FILES)	44
55	--	11/8/2008	Comments on PDOC for Ivanpah SEGS Project	3
56	49276	12/3/2008	Final Decision / Determination of Compliance	34
57	49839	1/23/2009	PSA Comments, Set 1	53
58	45444	2/15/2009	Preliminary Decision / Determination Ivanpah Solar Electric Generating System	33
59	--	3/31/2009	Revisions to the FDOC for Ivanpah SEGS Project	5
60	51200	4/9/2009	MDAQMD's FDOC for ISEGS	42
61	--	6/24/2009	Revisions to the FDOC for Ivanpah SEGS Project	2
62	52551	7/15/2009	Ivanpah Final Determination Rev B	42
63	52788	8/7/2009	Letter to John Kessler from the Applicant regarding Applicant's Biological Resources Mitigation	7
64	52898	8/12/2009	Email from Todd Stewart to John Kessler Regarding Duration of ISEGS Grading	2

**DRAFT SCHEDULE
Ivanpah Solar Project
November 16, 2009**

EVENT	CEC CERTIFICATION SCHEDULE
Preliminary Staff Assessment (“PSA”) issued	December 5, 2008
PSA Workshops	January 9, 2009
Final Staff Assessment (“FSA”) issued as “FSA/DEIS”	November 4, 2009
Applicant files Opening Testimony	November 16, 2009
Initial Prehearing Conference	November 18, 2009
Staff and Intervenors file Opening Testimony	December 2, 2009
Parties file Final Prehearing Conference Statements	December 8, 2009
Parties file Rebuttal Testimony	December 9, 2009
Second Prehearing Conference	December 10, 2009
Evidentiary Hearings	December 14 and 15 (See Applicant’s request to reserve December 17 th and 18 th as well)
Briefs Filed	January 5, 2010
PMPD issued	January 26, 2010
Hearing on PMPD	February 24, 2010
Comment period on PMPD concludes	February 25, 2010
CEC Decision	March 24, 2010

STATE OF CALIFORNIA

Energy Resources Conservation
and Development Commission

Application for Certification for the IVANPAH)
SOLAR ELECTRIC GENERATING SYSTEM) Docket No. 07-AFC-5
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_____)

PROOF OF SERVICE

I, Deric J. Wittenborn, declare that on November 16, 2009, I served the attached *Applicant's Prehearing Conference Statement for the Ivanpah Solar Project* via electronic mail and United States Mail to all parties on the attached service list.

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



Deric J. Wittenborn
Deric J. Wittenborn

**BEFORE THE ENERGY RESOURCES CONSERVATION AND DEVELOPMENT
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Application of Certification
For the *IVANPAH SOLAR ELECTRIC
GENERATING SYSTEM*

DOCKET No. 07-AFC-5

PROOF OF SERVICE
(Revised 7/20/09)

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