



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
PIO PICO ENERGY CENTER

DOCKET No. 11-AFC-01

**NOTICE OF PREHEARING CONFERENCE
AND
EVIDENTIARY HEARING**

California Energy Commission

**DOCKETED
11-AFC-01**

TN # 65919

JUN 22 2012

PLEASE TAKE NOTICE that the Committee designated by the Energy Commission to conduct proceedings on the Application for Certification (AFC) for the Pio Pico Energy Center has scheduled the prehearing conference and evidentiary hearing as follows:

The Prehearing Conference will be conducted on:

***MONDAY, July 9, 2012
Beginning at 9:00 a.m.***

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

***(Wheelchair accessible)
(Map Attached)***

The Evidentiary Hearing will be conducted on:

***MONDAY, July 23, 2012
Beginning at 2:30 p.m.***

**Chula Vista City Hall
Council Chambers
276 Fourth Avenue
Chula Vista, CA 91910**

***(Wheelchair accessible)
(Map attached)***

Teleconference Option

Parties and the Public may attend the prehearing conference and evidentiary hearing in person at the above locations or by telephone and/or by computer via our “WebEx” web conferencing system. For details on how to participate by WebEx, please see the “**Participation through WebEx**” directions attached to this notice.

PLEASE TAKE NOTICE that the Committee has established the following **SCHEDULE** for the filings and activities leading to the evidentiary hearing:

<i>Event</i>	<i>Date</i>
Staff publishes Final Staff Assessment (FSA)	May 22, 2012
Last day to file Petitions to Intervene	June 25, 2012
Applicant’s opening testimony, witness list, and identification of contested issues filed	June 26, 2012
Staff and other parties file opening testimony, witness lists, and identification of contested issues	June 29, 2012
All parties file rebuttal testimony, identify which materials referenced in other parties’ opening testimony they want copies of, and file Prehearing Conference Statements	July 6, 2012
Prehearing Conference	July 9, 2012
Evidentiary Hearing	July 23, 2012

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 certification process. (Cal. Code Regs., tit. 20, § 1718.5.)

At the prehearing conference, all parties (Staff, Applicant, and Intervenors) shall present their respective positions regarding: the substantive topic areas ready for evidentiary hearing; those topics that require further analysis, including the nature of, and time frame for, any such analysis; the topic areas that have been resolved; and the topic areas that are disputed and require adjudication. The parties shall also 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. 11-AFC-01**" on any written comments.

Prehearing Conference Statements

Each party shall serve and file a **Prehearing Conference Statement** containing all of the information described below, which shall be received by mail or e-mail by the other parties and the Commission's Docket Unit by **2 p.m. on Friday, July 6, 2012**. The parties shall submit a **WORD version** of their statements to the Hearing Adviser via e-mail.

Each statement shall specify:

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**: 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;
5. The identities of the witnesses, if any, that the party desires to have testify via telephone;
6. 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;
7. 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);
8. Proposals for briefing deadlines, vacation schedules, and other scheduling matters; and
9. A description of any modifications to the conditions of certification listed in the Final Staff Assessment that the party intends to propose.

Format for Presenting Evidence

The parties shall provide written testimonial and documentary evidence in two formats.

1. Each document shall be numbered and identified on an **Exhibit List**. (*Use example format attached to this Notice.*)

- Applicant's exhibits shall be numbered consecutively as ***Exhibits 1 through 199.*** The AFC shall be exhibit 1.
- Staff's exhibits shall be numbered consecutively as ***Exhibits 200 through 299.*** The FSA shall be exhibit 200.
- Intervenor Simpson's exhibits shall be numbered consecutively as ***Exhibits 300 through 399.***

Printed or electronic (i.e., compact disc) copies of the exhibits shall be provided to the Committee and other parties **no later than 2 p.m.** on the dates set forth in the filing schedule table, above. In addition, a printed copy of all exhibits shall be provided to the Hearing Adviser **no later than Monday, July 9, 2012.**

2. To facilitate the Committee's efficient organization and review of the project, printed copies of the exhibits for each topic area shall **also** be compiled in separate file folders designated by topic with the appropriate exhibit number attached to each document. This compilation shall include all opening and rebuttal testimony filed by the party and shall be provided to the Hearing Adviser **no later than Monday, July 9, 2012.**

Petitions to Intervene to Become a Formal Party

The Energy Commission's decision on the Pio Pico Energy Center will be based on the official evidentiary record developed at the evidentiary hearing. Only formal parties (Applicant, Staff, and Intervenors) may present evidence and cross-examine witnesses at the evidentiary hearing. Public comment may not, by itself, support a finding or conclusion in the decision but it can supplement formal written or oral testimony.

Anyone with an appropriate interest in the project may file a Petition to Intervene and become a formal party. At the evidentiary hearing, a formal party may offer testimony and documentary evidence, receive documents filed by other parties, and cross-examine witnesses. However, a formal party must also comply with 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 **5 p.m., Monday, June 25, 2012.** Petitions filed after that date and time extensions for new Intervenors to review case materials will be granted only upon a showing of good cause. Intervenors generally take the case as they find it at the time intervention is granted. For example, if the deadline for filing opening testimony has passed, the newly approved Intervenor may not be allowed to file opening testimony. Persons interested in obtaining intervenor status are encouraged to file their petitions as soon as possible.

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: publicadviser@energy.ca.gov.

Public Participation and Public Adviser

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.

The Energy Commission Public Adviser's Office is available to assist the public in participating in the application review process. For those individuals who require general information on how to participate, please contact the Public Adviser's Office as described above.

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.

Information

Questions of a legal or procedural nature should be directed to Raoul Renaud, the Hearing Adviser, at (916) 651-2020 or e-mail: raoul.renaud@energy.ca.gov.

Technical questions concerning the project should be addressed to Eric Solorio, Energy Commission Project Manager, at (916) 651-0966, or by e-mail at: eric.solorio@energy.ca.gov.

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

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/piopico/index.html>.

Dated: June 15, 2012, at Sacramento, California.

Original Signed By:

CARLA PETERMAN
Commissioner and Presiding Member
Pio Pico Energy Center AFC Committee

Original Signed By:

KAREN DOUGLAS
Commissioner and Associate Member
Pio Pico Energy Center AFC Committee

Mailed to Lists: POS, 7397, 7398, 7399, 7400



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: 11-AFC-01

Date: July 23, 2012

Project Name: Pio Pico Energy Center

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.

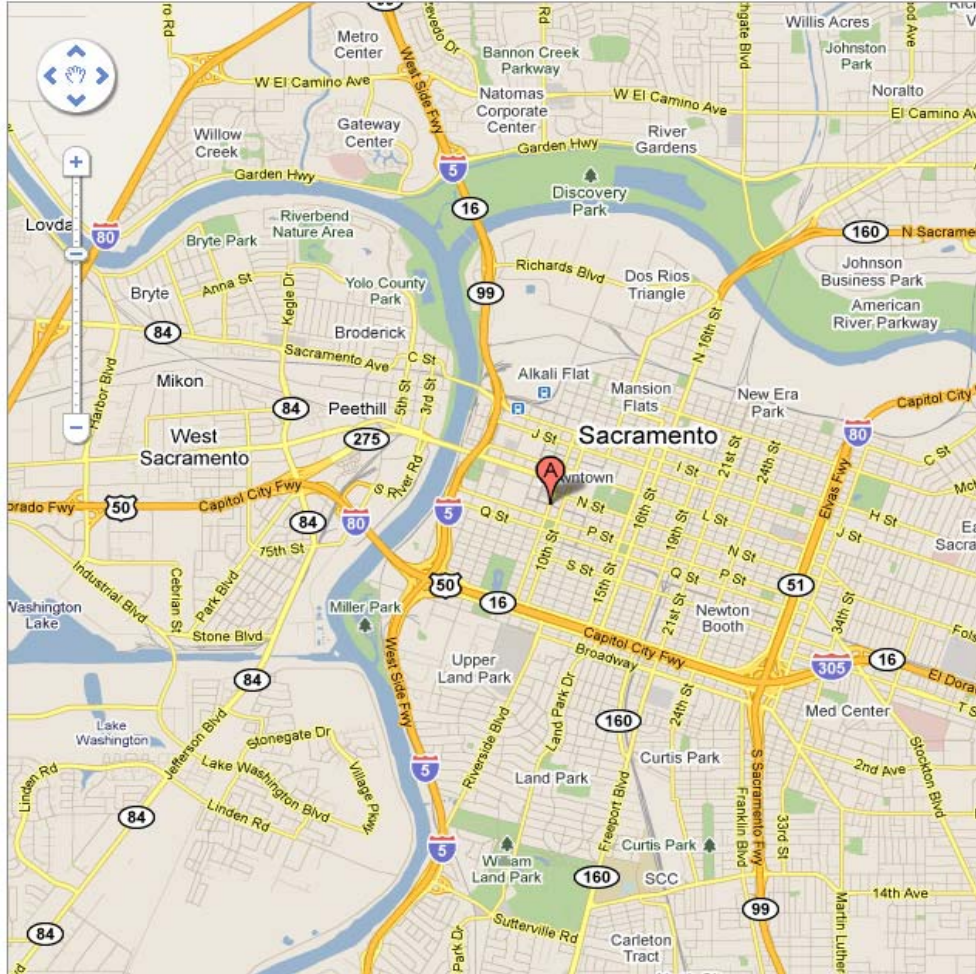
Exhibit	Docket Transaction Number	Brief Description	Offered	Admitted	Refused
APPLICANT'S EXHIBITS					
1		ABC Power Plant Project Application for Certification (AFC); dated [month, day, year], and docketed on [month, day, year].			
STAFF'S EXHIBITS					
200		Final Staff Assessment			
INTERVENOR CALIFORNIA UNIONS FOR RELIABLE ENERGY					
300		Testimony of Expert, John Doe			

SUBMIT ALL EXHIBIT LISTS IN WORD FORMAT.

The Prehearing Conference will be conducted on:

**MONDAY, July 9, 2012
Beginning at 9:00 a.m.**

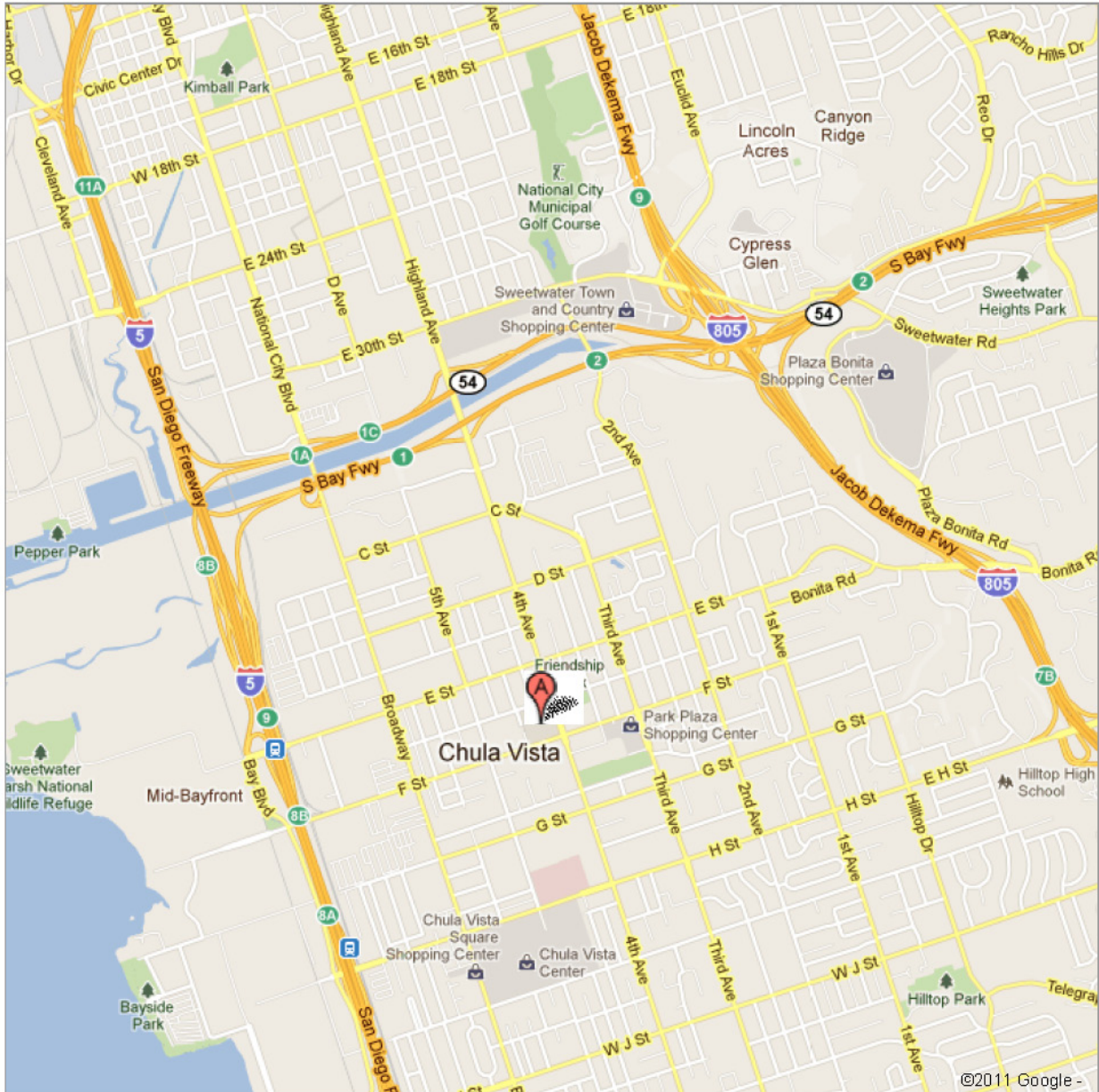
**California Energy Commission
Hearing Room A
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Sacramento, CA 95814**



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**MONDAY, July 23, 2012
Beginning at 2:30 p.m.**

**Chula Vista City Hall
Council Chambers
276 Fourth Avenue
Chula Vista, CA 91910**



PARTICIPATION IN THE PIO PICO ENERGY CENTER
PREHEARING CONFERENCE 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:

➤ 7/09/12 - meeting number: **928 150 232**

When prompted, enter your information and the meeting password: **piopico#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:

➤ 7/09/12 - meeting number: **928 150 232**

When prompted, enter your information and the meeting password: **piopico#1**

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 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:

➤ 7/09/12 - meeting number: **928 150 232**

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.

PARTICIPATION IN THE PIO PICO ENERGY CENTER
EVIDENTIARY HEARING THROUGH WEBEX
THE ENERGY COMMISSION'S ON-LINE MEETING SERVICE

4. 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:
 - 7/23/12 - meeting number: **920 934 764**

When prompted, enter your information and the meeting password: **piopico#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.

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

- Please go to <https://energy.webex.com> and enter the unique meeting number:
 - 7/23/12 - meeting number: **920 934 764**

When prompted, enter your information and the meeting password: **piopico#1**

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 screen after you login.

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1-800-822-6228 – WWW.ENERGY.CA.GOV**

**APPLICATION FOR CERTIFICATION
FOR THE *PIO PICO ENERGY CENTER PROJECT***

**Docket No. 11-AFC-01
PROOF OF SERVICE
(Revised 3/20/2012)**

APPLICANT

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INTERESTED AGENCIES

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INTERVENOR

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**ENERGY COMMISSION –
DECISIONMAKERS**

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**ENERGY COMMISSION – PUBLIC
ADVISER**

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Public Adviser
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publicadviser@energy.state.ca.us

DECLARATION OF SERVICE

I, Maggie Read, declare that on, June 15, 2012, I served and filed a copy of the attached Notice of Prehearing Conference & Evidentiary Hearing dated June 15, 2012. This document is accompanied by the most recent Proof of Service list, located on the web page for this project at: www.energy.ca.gov/sitingcases/piopico/index.html.

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

(Check all that Apply)

For service to all other parties:

- Served electronically to all e-mail addresses on the Proof of Service list;
- Served by delivering on this date, either personally, or for mailing with the U.S. 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 "e-mail service preferred."

AND

For filing with the Docket Unit at the Energy Commission:

- by sending one electronic copy to the e-mail address below (preferred method); **OR**
- by depositing an original and 12 paper copies in the mail with the U.S. Postal Service with first class postage thereon fully prepaid, as follows:

CALIFORNIA ENERGY COMMISSION – DOCKET UNIT
Attn: Docket No. 11-AFC-01
1516 Ninth Street, MS-4
Sacramento, CA 95814-5512
docket@energy.ca.gov

OR, if filing a Petition for Reconsideration of Decision or Order pursuant to Title 20, § 1720:

- Served by delivering on this date one electronic copy by e-mail, and an original paper copy to the Chief Counsel at the following address, either personally, or for mailing with the U.S. Postal Service with first class postage thereon fully prepaid:

California Energy Commission
Michael J. Levy, Chief Counsel
1516 Ninth Street MS-14
Sacramento, CA 95814
michael.levy@energy.ca.gov

I declare under penalty of perjury under the laws of the State of California 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.

Original Signed By:

Maggie Read
Hearing Adviser's Office