



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 **AVENAL ENERGY PROJECT**

DOCKET No. 08-AFC-1

**NOTICE OF PREHEARING CONFERENCE *and* EVIDENTIARY HEARING**

**PLEASE TAKE NOTICE** that the Committee designated by the Energy Commission to conduct proceedings on the Application for Certification (AFC) for the Avenal Energy Project has scheduled a Prehearing Conference and an Evidentiary Hearing as follows:

*The Prehearing Conference will be conducted on:*

**TUESDAY, JUNE 30, 2009**  
**Beginning at 9 a.m.**

**California Energy Commission**  
**1516 Ninth Street**  
**Hearing Room A**  
**Sacramento, CA 95814**  
**(Map Attached)**

<b>DOCKET</b>	
08-AFC-1	
DATE	June 15 2009
RECD.	June 15 2009

**TELECONFERENCE OPTION:** The following toll free phone number will be available at 9:00 a.m. for callers to participate in the Prehearing Conference:

**Call: 800-369-1850**  
**Use Passcode: "Avenal"**  
**Conference Leader: "Gary Fay"**

*The Evidentiary Hearing will be conducted on the following date and location:*

**TUESDAY, JULY 7, 2009**  
**Beginning at 10:00 a.m.**

**Public Comment will be Received at the Evidentiary Hearing and at 5:30 p.m.**

**Avenal Superior Court**  
**501 E. Kings Street**  
**Avenal, CA**  
**(Map Attached)**

## 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 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. 08-AFC-1**" 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-4, Sacramento, California 95814-5512, no later than **5 p.m. on June 22, 2009**. 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.

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, 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 a summary of direct testimony by each witness;

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

### **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**.
  - Applicant's exhibits shall be numbered consecutively as Exhibits 1 through 199.
  - Staff's exhibits shall be numbered consecutively as Exhibits 200 through 299.
  - Intervenor's exhibits shall be numbered consecutively as 300-399.

***Printed copies of the exhibits shall be submitted at the Prehearing Conference and supplemented at the Evidentiary Hearing, as necessary.***

2. To facilitate the 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.

### **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:

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

## **Formal Parties**

Only formal parties (Applicant, Staff, and Intervenors) may present evidence and cross-examine witnesses at the Evidentiary Hearing. 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. Time extensions will not be granted for new Intervenors to review case materials.

The deadline to file a Petition to Intervene in this case **was June 8, 2009**. (Cal. Code Regs., tit. 20, § 1207.)

## **Public Participation**

Members of the public are welcome to attend and offer comments at the Prehearing Conference and at the Evidentiary Hearing. It is not necessary to be an Intervenor to participate in the public process. For information on how to participate, contact the Energy Commission's Office of the Public Adviser at 916-654-4489 or 800-822-6228, or e-mail: [\*\*publicadviser@energy.state.ca.us\*\*](mailto:publicadviser@energy.state.ca.us).

## **Energy Commission Information**

Questions of a legal or procedural nature should be directed to Gary Fay, the Hearing Officer, at 916-654-3893 or e-mail: [\*\*gfay@energy.state.ca.us\*\*](mailto:gfay@energy.state.ca.us)

Technical questions concerning the Project should be addressed to Joseph Douglas, the Staff Project Manager, at 916-653-4677 or e-mail: [\*\*jdouglas@energy.state.ca.us\*\*](mailto:jdouglas@energy.state.ca.us)

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

If you have a disability and need assistance to participate at Commission-sponsored events, please contact Lourdes Quiroz at 916-654-5146 or e-mail: [\*\*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 website at:  
[\[www.energy.ca.gov/sitingcases/avenal\]](http://www.energy.ca.gov/sitingcases/avenal).

Dated June 15, 2009, at Sacramento, California.



JEFFREY D. BYRON  
Commissioner and Presiding Member  
Avenal AFC Committee

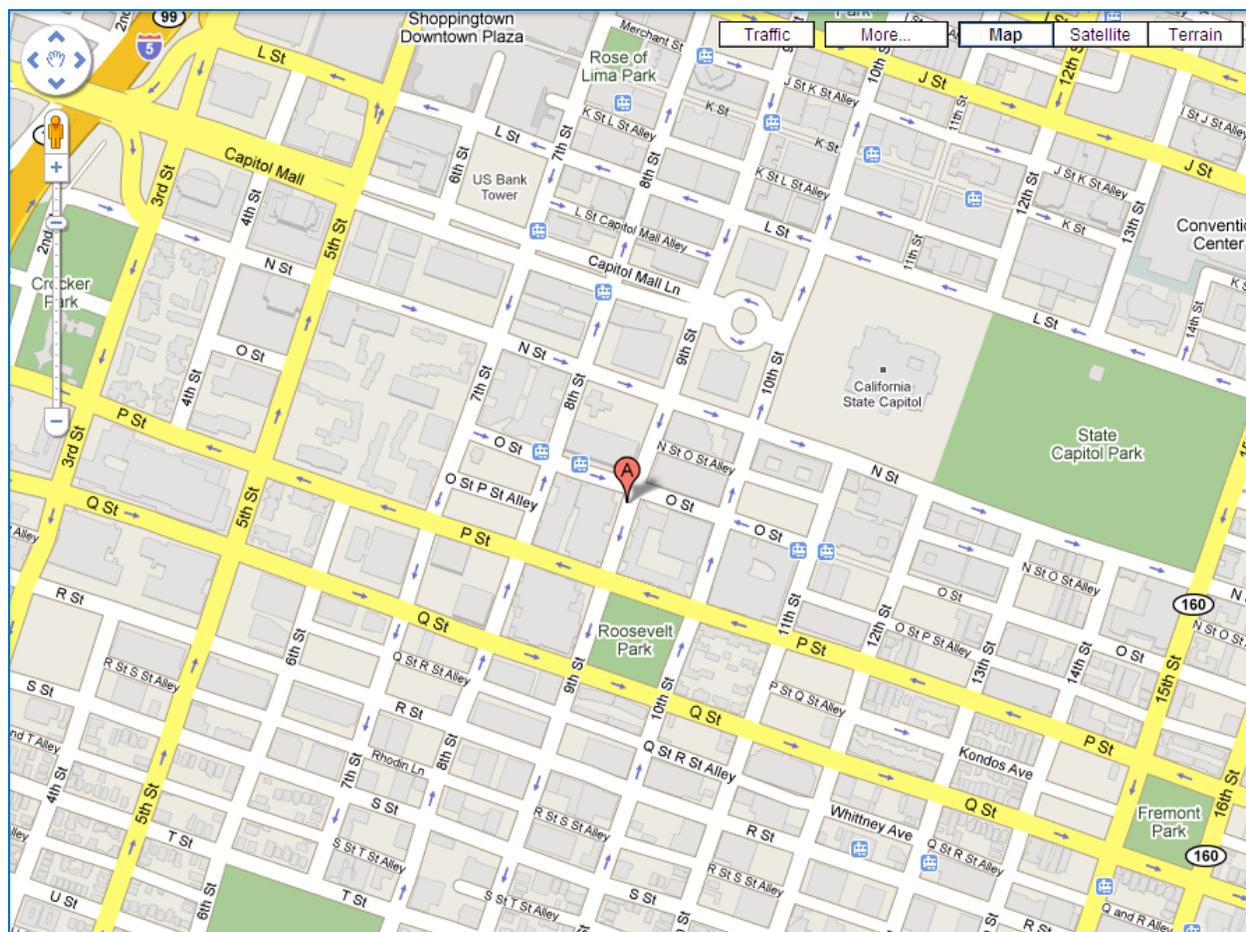


ARTHUR H. ROSENFELD  
Commissioner and Associate Member  
Avenal AFC Committee

**Mailed to Lists: POS, 7280, 7281, 7282, 7283**



## MAP TO CALIFORNIA ENERGY COMMISSION



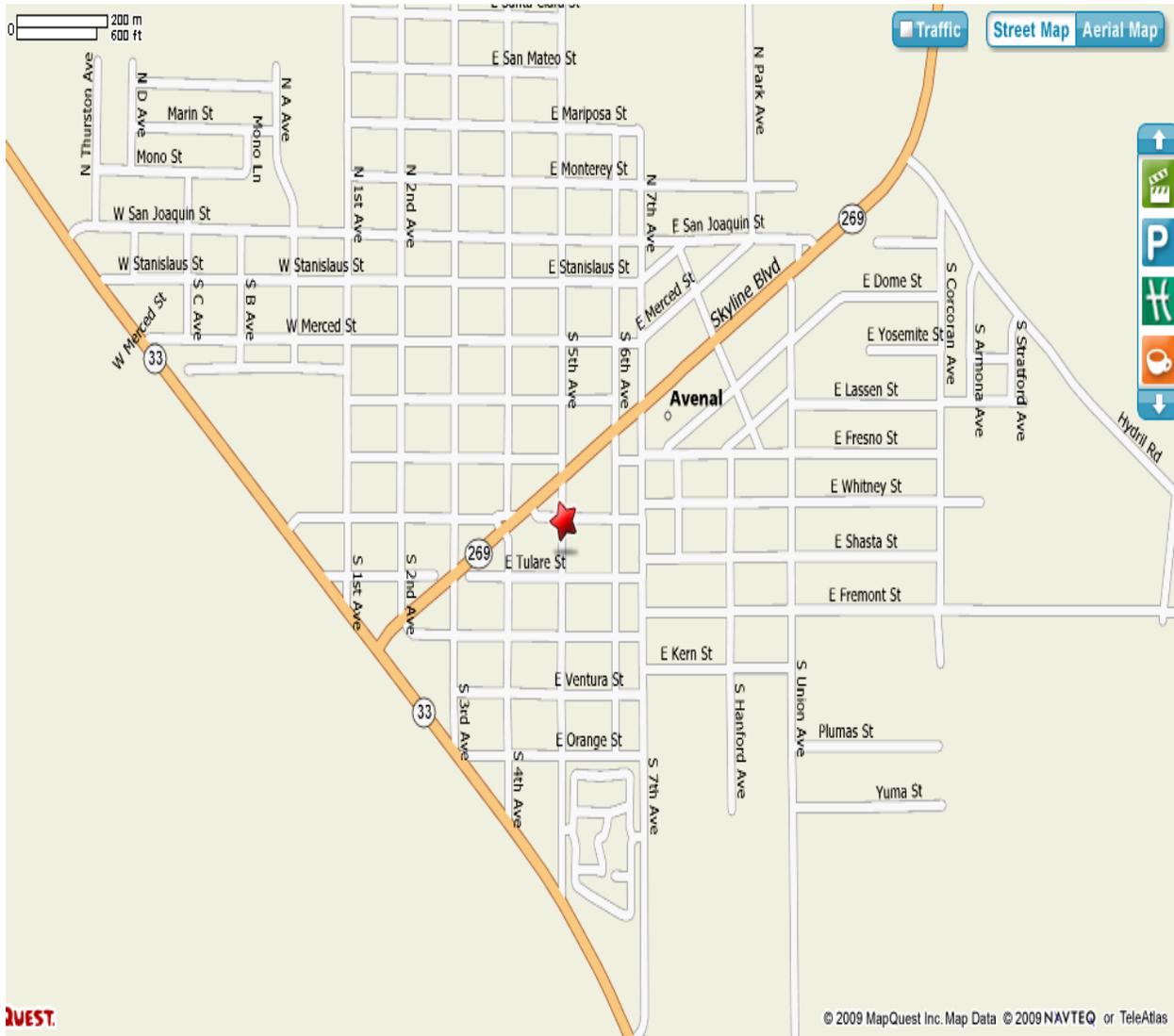
### ***AVENAL ENERGY PROJECT***

### ***PREHEARING CONFERENCE***

**TUESDAY, JUNE 30, 2009 - Beginning at 9:00 a.m.**

**California Energy Commission  
1516 9<sup>th</sup> Street  
First Floor Hearing Room A  
Sacramento, CA 95814**

## MAP TO AVENAL SUPERIOR COURT



### **AVENAL ENERGY PROJECT**

### **EVIDENTIARY HEARING**

**TUESDAY, JULY 7, 2009 - Beginning at 10:00 a.m.**

**Public Comment will be received at the Evidentiary Hearing and at 5:30 p.m.**

### **AVENAL SUPERIOR COURT**

**501 E. Kings Street  
Avenal, CA**