



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  
**IMPERIAL VALLEY SOLAR PROJECT**  
 (formerly known as SES Solar Two Project)  
**IMPERIAL VALLEY SOLAR, LLC**

DOCKET No. 08-AFC-5

<b>DOCKET</b>	
<b>08-AFC-5</b>	
DATE	JUL 12 2010
RECD.	JUL 12 2010

**NOTICE OF EVIDENTIARY HEARING  
 REVISED COMMITTEE SCHEDULE  
 EVIDENTIARY HEARING ORDER**

**PLEASE TAKE NOTICE** that the Committee designated by the Energy Commission to conduct proceedings on the Application for Certification (AFC) for the **IMPERIAL VALLEY SOLAR PROJECT** (formerly known as SES Solar Two Project) has scheduled additional Evidentiary Hearings for the purpose of taking final additional testimony and evidence on those topics as to which the Staff Assessment was incomplete at the time of the May sessions.

*The Evidentiary Hearings will be conducted on:*

**MONDAY, July 26, 2010**  
**Beginning at 10 a.m.**

**Public Comment period at 5:30 p.m.**

*and, if needed, on:*

**TUESDAY, July 27, 2010**  
**Beginning at 9 a.m.**

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

The Committee may, in appropriate circumstances, extend the hearings into the evening hours.

## Remote Attendance

As an alternative to in-person attendance, you may participate in the 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" directions attached to this Notice.

## 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>

## Revised Committee Schedule

The Committee issued a revised Scheduling Order on June 30, 2010. The Supplemental Staff Assessment was published one day after the scheduled date. Therefore the Committee will allow one additional day for submission of Opening Testimony and Rebuttal Testimony on Air Quality, Alternatives, Biological Resources, and Soil & Water Resources, and has revised the schedule accordingly. The revised schedule is set forth below:

ACTIVITY	DATE
Status Conference	6/21/2010
CEC Supplemental Staff Assessment no later than	7/6/2010
All Parties' Opening Testimony on Air Quality, Alternatives, Biological Resources, Soil & Water Resources	7/14/2010
All Parties' Rebuttal Testimony on Air Quality, Alternatives, Biological Resources, Soil & Water Resources	7/21/2010
Evidentiary Hearings on Air Quality, Alternatives, Biological Resources, Soil & Water Resources	7/26 - 27/2010
Post Hearing Briefs on Air Quality, Alternatives, Biological Resources, Soil & Water Resources Filed	8/2/2010
CEC Supplemental Staff Assessment—Cultural Resources	8/2/2010
All Parties' Opening Testimony on Cultural Resources	8/9/2010
All Parties' Rebuttal Testimony on Cultural Resources	8/13/2010

ACTIVITY	DATE
Evidentiary Hearings on Cultural Resources	8/16/2010
Post Hearing Briefs on Cultural Resources Filed	8/20/2010
Publish Presiding Member's Proposed Decision (PMPD)	8/25/2010
PMPD Committee Conference, if needed	TBD
PMPD Comment Period Ends	9/24/2010
PMPD Errata, if needed	TBD
Commission Decision	9/29/2010

**Required Filings and Format for Presenting Written Testimonial and Documentary Evidence not Previously Presented**

On or before **Monday, July 26, 2010**, Applicant, Staff, and Intervenors shall each provide a CD or DVD of their additional evidence **on the four topics noted in the Schedule** to the Hearing Officer. Witness testimony shall be limited to those witnesses listed in the submissions of the parties.

The parties shall also provide copies of their written testimonial and documentary evidence (to the extent not previously provided) **ON OR BEFORE the dates shown in the schedule above**. They shall also provide it to the Committee in two formats, as follows.

- Format 1.** Each document shall be numbered and identified on an **Exhibit List**. (See attached sample Exhibit List.)
- Applicant's exhibits shall be numbered consecutively as **Exhibits 1 through 299**. **Exhibit 1** shall be the Application for Certification. (note: provide the AFC only upon request);
  - Staff's exhibits shall be numbered consecutively as **Exhibits 300 through 399**. **Exhibit 300** shall be the Staff Assessment. (note: provide the Staff Assessment only upon request);
  - Intervenor CURE's exhibits shall be numbered consecutively as **Exhibits 400 through 499**.
  - *Intervenor Tom Budlong's exhibits shall be numbered consecutively as Exhibits 500 through 599.*
  - *Intervenor California Native Plant Society's exhibits shall be numbered consecutively as Exhibits 600 through 699.*

- *Intervenor Hossein Alimamaghani's exhibits shall be numbered consecutively as **Exhibits 700 through 799**.*

Printed copies of each party's additional exhibits, including Intervenors' exhibits, organized as described under Format No. 1, above, shall be submitted to all other parties, including intervenors, the Hearing Officer, and the Committee, on or before the dates shown in the schedule above.

**Format 2.** To facilitate the Committee's efficient organization and review of the exhibits, printed copies of **Applicant's new** 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 **new** opening and rebuttal testimony filed by Applicant and shall be provided to the Hearing Officer **NO LATER than July 26, 2010**. ***Presentation of their exhibits by other parties in similar fashion would be helpful to the Committee, but is not mandatory.***

**NOTE: FAILURE TO EXCHANGE WRITTEN TESTIMONIAL AND DOCUMENTARY EVIDENCE BY THE DEADLINES MAY PRECLUDE A PARTY FROM PARTICIPATING AT THE EVIDENTIARY HEARING.**

### **Evidentiary Hearing Procedures**

The purpose of the Evidentiary Hearing is to establish the factual record necessary for a decision on the Project proposal. The record is developed by the presentation of sworn testimony and documentary evidence. Testimony on undisputed topics shall be submitted by sworn declarations filed under penalty of perjury and offered into evidence by stipulation of the parties.

The Applicant has the burden of presenting sufficient substantial evidence to support the findings and conclusions required for certification of the site and related facilities. [20 Cal. Code Regs. § 1748(e).]

The parties' witnesses who appear in person shall be sworn and made available for cross-examination. At the conclusion of direct testimony, the witness may be cross-examined by the parties, followed by redirect and re-cross examination as appropriate, subject to limitation by the Committee.

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

The **DEADLINE** to file a **Petition to Intervene** in this case was **THURSDAY, MARCH 25, 2010**. Petitions filed after that date may be granted only upon a showing by the Petitioner that extraordinary circumstances made it impossible to file by the deadline, in the judgment of the Committee.

## Public Participation and Public Adviser

Members of the public are welcome to attend and offer comments at the Evidentiary Hearing. It is not necessary to be an Intervenor to participate in this public process.

We encourage the public to submit comments prior to or during the Evidentiary Hearings. Comments submitted after the Evidentiary Hearings may be discussed in the Presiding Member's Proposed Decision (PMPD) or treated and discussed as comments on the PMPD, in the Committee's discretion. .

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 at (916) 654-4489 or (800) 822-6228 or e-mail: [\[publicadviser@energy.state.ca.us\]](mailto:publicadviser@energy.state.ca.us).

If you have a disability and need assistance to participate in this event, contact Lourdes Quiroz at (916) 654-5146 or e-mail: [\[lquiroz@energy.state.ca.us\]](mailto:lquiroz@energy.state.ca.us).

## Information

Questions of a legal or procedural nature should be directed to Raoul Renaud, the Hearing Officer, at (916) 651-2020 or e-mail: [\[rrenaud@energy.state.ca.us\]](mailto:rrenaud@energy.state.ca.us).

Technical questions concerning the project should be addressed to Christopher Meyer, the Staff Project Manager, at (916) 653-1639, or e-mail: [\[cmeyer@energy.state.ca.us\]](mailto:cmeyer@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).

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: [\[www.energy.ca.gov/sitingcases/solartwo\]](http://www.energy.ca.gov/sitingcases/solartwo).

Dated: July 12, 2010, at Sacramento, California.



JEFFREY D. BYRON  
Commissioner and Presiding Member  
Imperial Valley Solar AFC Committee

  
ANTHONY EGGERT

Commissioner and Associate Member  
Imperial Valley Solar AFC Committee

Mailed to Lists: POS, 7302, 7303, 7304, 7305

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

1. July 26, 2010, Meeting number: 496 717 256                      meeting password: 1@imperial
2. July 27, 2010, Meeting number: 490 647 410                      meeting password: 1@imperial
3. COMPUTER LOG-ON WITH A DIRECT PHONE NUMBER:

- Please go to <https://energy.webex.com> and enter the above meeting number.
- When prompted, enter your information and the above meeting password.

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.

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

- Please go to <https://energy.webex.com> and enter the above meeting number.
- When prompted, enter your information and the above meeting password.
- *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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5. TELEPHONE ONLY (NO COMPUTER ACCESS):

- ***Call 1-866-469-3239 (toll-free in the U.S. and Canada) and when prompted enter the above meeting number.***

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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**

**APPLICANT’S EXHIBITS - EXHIBITS 1 TO 299**

- EXHIBIT 1** Application for Certification, Volume I and II, docketed on\_\_\_\_\_.
- EXHIBIT 2** Air Quality – Information. Docketed on \_\_\_\_\_.

**ENERGY COMMISSION STAFF EXHIBITS - EXHIBITS 300 – 399**

- EXHIBIT 300** Staff Assessment for the Solar Two Project, dated \_\_\_\_\_, and docketed on \_\_\_\_\_.

**INTERVENOR CURE EXHIBITS – EXHIBITS 400 – 499**

- EXHIBIT 400** Clearly indicate subject matter or document, dated \_\_\_\_\_; docketed on \_

**INTERVENOR TOM BUDLONG EXHIBITS – EXHIBITS 500 – 599**

- EXHIBIT 500** Clearly indicate subject matter or document, dated \_\_\_\_\_; docketed on \_\_\_\_\_.

**INTERVENOR CALIFORNIA NATIVE PLANT SOCIETY EXHIBITS – EXHIBITS 600 – 699**

- EXHIBIT 600** Clearly indicate subject matter or document, dated \_\_\_\_\_; docketed on \_\_\_\_\_.

**INTERVENOR HOSSEIN ALIMAMAGHANI EXHIBITS – EXHIBITS 700 – 799**

- EXHIBIT 700** Clearly indicate subject matter or document, dated \_\_\_\_\_; docketed on \_\_\_\_\_.

**SUBMIT ALL EXHIBIT LISTS IN WORD FORMAT.**



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(formerly known as SES Solar Two Project)  
**IMPERIAL VALLEY SOLAR, LLC**

**Docket No. 08-AFC-5  
PROOF OF SERVICE  
(Revised 6/8/10)**

**APPLICANT**

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**INTERVENORS**

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\*indicates change



DECLARATION OF SERVICE

I, RoseMary Avalos, declare that on July 12, 2010, I served and filed copies of the attached NOTICE OF EVIDENTIARY HEARING, REVISED COMMITTEE SCHEDULE and EVIDENTIARY HEARING ORDER, dated July 12, 2010. 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 [\[http://www.energy.ca.gov/sitingcases/solartwo/index.html\]](http://www.energy.ca.gov/sitingcases/solartwo/index.html)

The documents have 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. 08-AFC-5  
1516 Ninth Street, MS-4  
Sacramento, CA 95814-5512  
[docket@energy.state.ca.us](mailto: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.

Original signed by: \_\_\_\_\_  
**ROSEMARY AVALOS**  
Hearing Adviser's Office