



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
08-AFC-5

DATE MAR 09 2010
RECD. MAR 10 2010

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

REVISED
**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 **IMPERIAL VALLEY SOLAR PROJECT** (formerly known as SES Solar Two Project) has re-scheduled the Prehearing Conference as follows:

The *Prehearing Conference* will be conducted on:

Thursday, March 25, 2010
Beginning at 1 p.m.
California Energy Commission
Bonderson Building
Hearing Room 102
901 P Street
Sacramento, CA 95814

TELECONFERENCE OPTION: The following toll free phone number will be available at 1 p.m. for callers to participate in the Prehearing Conference:

Call: 1-888-957-9863
Use Passcode: "WORKSHOP"
Conference Leader: "Raoul Renaud"

The *Evidentiary Hearing* will be conducted on:

Monday, April 19, 2010
Beginning at 9 a.m.
El Centro City Council Chambers
1275 Main Street
El Centro, CA 92243

and, if needed, on:

**Tuesday, April 20, 2010
Beginning at 9 a.m.
El Centro City Council Chambers
1275 Main Street
El Centro, CA 92243**

Please note that the Committee may, in appropriate circumstances, extend the hearings into the evening hours.

TELECONFERENCE OPTION: The following toll free phone number will be available at 9 a.m. both days for callers to participate in the hearing:

**Call: 1-888-957-9863
Use Passcode: "WORKSHOP"
Conference Leader: "Raoul Renaud"**

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>

PLEASE TAKE NOTICE that the Committee has established the following **REVISED SCHEDULE** for the filings and activities leading to the Evidentiary Hearings.

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REVISED SCHEDULE

ACTIVITY OR FILING	DATE OR FINAL DEADLINE
Staff publishes Staff Assessment	Friday, February 12, 2010
Applicant files written and documentary opening testimony	Monday, March 15, 2010
ALL Parties file Prehearing Conference Statements; Staff files written and documentary opening testimony and exhibits NOT contained in the Staff Assessment	Wednesday, March 24 , 2010
Last day to file Petitions to Intervene	Thursday, March 25, 2010
Prehearing Conference	Thursday, March 25, 2010
Intervenor files written and documentary testimony and exhibits	Thursday, April 1, 2010
Parties file and serve supplemental and rebuttal Written and Documentary testimony	Thursday, April 8, 2010
Applicant submits compilation of opening and rebuttal testimony to Hearing Officer	Thursday, April 15, 2010
Evidentiary Hearings	Monday, April 19, 2010, and if needed, Tuesday, April 20, 2010

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 Conferences, 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.

We invite Bureau of Land Management (BLM) representatives to attend the Prehearing Conference and Evidentiary Hearings to facilitate coordination of BLM's process with this AFC process.

Local, state, and federal governmental agencies may participate at the Prehearing Conferences 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-5" on any written comments.

Prehearing Conference Statements

Each party is **ORDERED** to serve and file a **PREHEARING CONFERENCE STATEMENT** containing all of the information described below. The parties shall e-mail and/or mail their statements to the Hearing Officer, to the parties as indicated on the Proof-of-Service list, and submit both e-mail and paper copy to the Commission's Docket Unit, 1516 9th Street, MS-4, Sacramento, California 95814-5512, so as to be received **NO LATER than 4 P.M. on Wednesday, March 24, 2010**. The parties shall also submit a **Word version** of their statements to the Hearing Officer via e-mail.

NOTE: FAILURE TO FILE A PREHEARING CONFERENCE STATEMENT BY THE DEADLINE MAY PRECLUDE A PARTY FROM PARTICIPATING AT THE PREHEARING CONFERENCE AND EVIDENTIARY HEARING.

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 demonstrate professional expertise in their area(s) of 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. 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. Briefing dates (if needed) and other scheduling matters;
8. For all topics, the parties shall review the Proposed Conditions of Certification listed in the Staff Assessment (SA) for enforceability, comprehension, and consistency with the evidence, and submit any proposed modifications.

Format for Presenting Written Testimonial and Documentary Evidence

In addition to the witness lists and exhibit lists provided with the Prehearing Conference Statements, the parties shall also provide copies of their written testimonial and documentary evidence **ON OR BEFORE the dates shown in the schedule above**. They shall also provide it to the Committee in two formats, as follows.

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

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 Analysis. (note: provide the Staff Analysis only upon request);
- Intervenor CURE's exhibits shall be numbered consecutively as ***Exhibits 400 through 499***.

Printed copies of each party's 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** 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 Applicant and shall be provided to the Hearing Officer **NO LATER than April 15, 2010**.

Presentation of their exhibits by other parties in similar fashion would be helpful to the Committee, but is not mandatory.

Petitions to Intervene to Become a Formal Party

The Energy Commission's Decision on the Imperial Valley Solar Project 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 the Committee may consider it to the extent it can supplement formal written or oral testimony sponsored by a party.

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 and cross-examine witnesses. **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 THURSDAY, MARCH 25, 2010. Petitions filed after that date and time extensions for new Intervenors to review case materials 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.

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.state.ca.us].**

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.

We encourage the public to submit comments prior to or during the Evidentiary Hearings but will accept comments made following the Evidentiary Hearings until the close of the 90-day comment period on the DEIS, which began on February 26, 2010 and will end on May 27, 2010.

Comments made 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. Comments made to BLM or the Energy Commission will be shared with the other agency.

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).

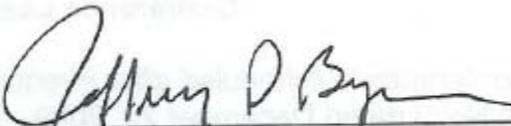
Technical questions concerning the project should be addressed to Christopher Meyer, the Staff Project Manager, at (916) 653-1639, or e-mail: [\[cmeyer@energy.state.ca.us\]](mailto:cmeyer@energy.state.ca.us).

Technical questions concerning the BLM permitting process should be addressed to Lynda Kastoll at (760) 337-4421, [\[lynda_kastoll@ca.blm.gov\]](mailto:lynda_kastoll@ca.blm.gov) or Jim Stobaugh, (775) 861-6478, [\[Jim_Stobaugh@blm.gov\]](mailto:Jim_Stobaugh@blm.gov).

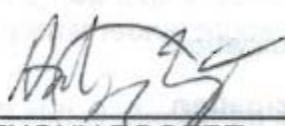
Media inquiries should be directed to the Office of Media and Public Communications at (916) 654-4989 or e-mail at: [\[mediaoffice@energy.state.ca.us\]](mailto:mediaoffice@energy.state.ca.us).

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: March 9, 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

**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

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 _____.
- EXHIBIT 3** Project Description - Conceptual Switch Yard One Line; docketed 5-30-08.
- EXHIBIT 4** Project Description - 69kv Riser Pole Artist Rendering; docketed 5-30-08.

ENERGY COMMISSION STAFF'S 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 _____.

SUBMIT ALL EXHIBIT LISTS IN WORD FORMAT.

CALIFORNIA ENERGY COMMISSION

1516 NINTH STREET
SACRAMENTO, CA 95814-5512
www.energy.ca.gov



TO: *All Parties*

Date: March 9, 2010

RE: **IMPERIAL VALLEY SOLAR PROJECT**

(Formerly SES Solar Two)

Proof of Service List

Docket No. 08-AFC-5

Attached is the **newly revised** Proof of Service List for the above-mentioned project, current as of March 9, 2010. The most recent change to the Proof of Service is the removal of Kim Whitney, of Imperial Valley Solar, as a party representing the Applicant. Please pay particular attention to the **new** filing instructions.

Energy Commission regulations (Cal. Code Regs., tit. 20, § 1210) require, in addition to any electronic service, that a paper copy be served in person or by first class mail except where a party requests to receive an electronic copy when one is available. Individuals and groups on the Proof of Service list who prefer to receive filings by email and do not require a paper copy shall inform the Hearing Officer assigned to the proceeding.

The Proof of Service list for this matter will delineate those individuals and groups and it is sufficient to serve those individuals with an emailed copy only. Those not so delineated must be served with a paper copy in addition to any emailed copy that the filing party chooses to provide. Signatures may be indicated on the electronic copy by "**Original Signed By**" or similar words. The original signed copy shall be filed with the Energy Commission's Dockets Unit.

Any new addition(s) to the Proof of Service will be indicated in **bold font** and marked with an asterisk (*). Additionally, if two or more persons are listed on a Proof of Service List with a single address, only one physical copy of a document need be mailed to the address.

Use this newly revised list for all future filings and submittals. This Proof of Service List will also be available on the Commission's Project Web Site at:

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

Please review the information and contact me at rmavalos@energy.state.ca.us, or (916) 654-3893, if you would like to be removed from the Proof of Service or if there are any changes to your contact information.

Original Signed By: _____
RoseMary Avalos
Hearing Adviser's Office

Attachment



**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
PROOF OF SERVICE
(Revised 3/9/10)**

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daniel_steward@ca.blm.gov

Jim Stobaugh,
Project Manager &
National Project Manager
Bureau of Land Management
BLM Nevada State Office
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Reno, NV 89520-0006
jim_stobaugh@blm.gov

INTERVENORS

California Unions for Reliable
Energy (CURE)
c/o Tanya A. Gulesserian
Loulena Miles, Marc D. Joseph
Adams Broadwell Joseph &
Cardozo
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Public Adviser
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DECLARATION OF SERVICE

I, RoseMary Avalos, declare that on March 10, 2010, I served and filed copies of the attached, NOTICE OF PREHEARING CONFERENCE and EVIDENTIARY HEARING, and ALL PARTIES LETTER, dated, March 9, 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 at:

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

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