

**STATE OF CALIFORNIA
ENERGY RESOURCES CONSERVATION
AND DEVELOPMENT COMMISSION**

In the Matter of:)	Docket No. 08-AFC-5
)	
Application for Certification for the)	March 24, 2010
Imperial Valley Solar Project (formerly)	
known as SES Solar Two Project),)	
<u>Imperial Valley Solar, LLC</u>)	

Staff's Prehearing Conference Statement

On March 9, 2010, the Committee assigned to the Imperial Valley Solar Project issued a **Revised Notice of Prehearing Conference and Evidentiary Hearing**. In that **Notice**, the Committee directed all parties to serve and file a Prehearing Conference Statement on March 24, 2010. This is staff's Prehearing Conference Statement.

1. Topic Areas Ready for Hearing

All topic areas except Biological Resources, Cultural Resources, and Soil & Water Resources are ready for hearing.

2. Topic Areas Not Ready for Hearing

Biological Resources, Cultural Resources, and Soil & Water Resources are not ready for hearing. Staff notes that the applicant's identification of a new project back-up water source last week -- which was provided without any engineering or environmental information -- creates a significant scheduling challenge for staff in completing its Soil & Water Resources assessment. The applicant will provide supplemental information about the water source sometime next month. In addition, the applicant is planning to file a glint and glare study in mid-April, which is after the April 8th deadline for supplemental testimony. Staff will evaluate the need for additional testimony to address the study once it is filed. However, staff believes that all other portions of the Visual Resources assessment are ready for hearing. The applicant is also planning to submit a modeling analysis to address the new NO₂ standard, and may provide additional information from Imperial County to address consistency with County requirements. If provided in time for staff to evaluate the filings and prepare any needed testimony in supplemental testimony due on April 8th, all portions of the Air Quality and Land Use assessments will be ready for hearing.

Finally, staff notes that it is still evaluating project alternatives in consultation with the United States Army Corps of Engineers and the Bureau of Land Management. Staff will provide its final determination about the feasibility of project alternatives and their

ability to meet most project objectives in the Supplemental Staff Assessment/Final Environmental Impact Report.

3. Topic Areas that Require Adjudication

Staff does not know what areas will require adjudication, as it has not seen the testimony of other parties.

4. Testimony and Witnesses

Staff will offer the Staff Assessment/Draft Environmental Impact Report (SA/DEIS) as the first part of its prepared testimony. The SA/DEIS was published February 12, 2010. The witnesses for each section are identified within the SA/DEAIS, and the qualifications of each witness are also included. A representative of the Imperial County Air Pollution Control District will be available at the hearing to sponsor the Final Determination of Compliance.

Staff will be evaluating the need to file a supplement to the SA/DEIS to address the upcoming applicant submittals, and will also provide additional testimony in the Supplemental Staff Assessment/Final Environmental Impact Report.

5. Cross Examination Estimates

Staff does not know whether it will need to cross examine any witnesses, as we do not know which portions, if any, of the SA/DEIS will be contested by other parties.

6. Exhibit List

Staff plans to introduce the SA/DEIS as Exhibit 300. The final Determination of Compliance can be identified as Exhibit 301.

7. Briefing dates

Staff does not have proposed briefing dates at this time. Staff will propose briefing dates when we know how many issues will require briefing.

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8. Modifications to the Conditions of Certification

Not applicable.

Date: March 24, 2010

Respectfully submitted,

/S/

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