



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 MAY 03 2010

RECD. MAY 03 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

SUPPLEMENTAL EVIDENTIARY HEARING ORDER

The Committee has been monitoring the parties' preparations for the May 24, 2010 Evidentiary Hearings and is pleased to see the parties working diligently to comply with the Revised Schedule issued in the Evidentiary Hearing Order dated April 8, 2010 (reproduced below for reference).

REVISED SCHEDULE

ACTIVITY OR FILING	DATE OR FINAL DEADLINE
All intervenors file written and documentary testimony and exhibits as to ready topics	Thursday, April 15, 2010
All parties file and serve supplemental and rebuttal written and documentary testimony as to ready topics	Thursday, April 22, 2010
All parties file and serve opening written and documentary testimony on remaining topics, supplemental testimony on ready topics, and rebuttal to evidentiary filings of intervenors	Monday, May 10, 2010
Parties file and serve supplemental and/or rebuttal written and documentary testimony on all topics	Monday, May 17, 2010
Applicant submits compilation of its opening and rebuttal testimony on all topics to Hearing Officer	Monday, May 17, 2010
Evidentiary Hearings	Monday, May 24, 2010, and if needed, Tuesday, May 25, 2010

At the Prehearing Conference held on March 25, 2010, it was agreed among the parties that certain topics were ready for hearing (the “ready topics”) and others would be ready by Mid-May, 2010 (the “remaining topics”). Please refer to the April 8, 2010 Hearing Order for a listing of those topics.

The Committee’s Hearing Adviser, Raoul Renaud, has informed us that some parties have indicated that some of the remaining topics—notably but not necessarily limited to Water Resources and Cultural Resources—will not be ready by May 24, 2010. The Committee views these inquiries as cause for concern, and therefore is taking this opportunity to reiterate and clarify its expectations regarding the May 24, 2010 Evidentiary Hearings.

1. Each party is expected to be prepared to put on its evidence on all topics on May 24, 2010. If some information necessary for a complete presentation on a topic is not available, the parties are nonetheless expected to put on all of the evidence that is then available. The parties will furthermore be expected at the hearing to provide the Committee with both an offer of proof concerning the unavailable information, and an explanation of why it is not then available, so that the Committee may make a determination regarding whether or not the missing information has sufficient relevance and probative value to justify scheduling a future hearing concerning that information.
2. In the event that the Committee determines an additional hearing is necessary, the Committee will only hear evidence and rebuttal to that evidence that was not available in time to meet the deadlines in the above schedule.
3. Intervenors must be prepared to put on their affirmative cases on May 24, 2010. The Committee will not accept as an excuse for failure to put on an affirmative case that the intervenor needs to see a complete presentation of evidence from other parties before it can develop its case in chief. An intervenor’s case in chief consists of its own, original evidence. An intervenor’s response to the evidence from other parties is rebuttal. The Committee will allow sufficient opportunity for all parties to rebut the other parties’ evidence whenever it is presented.
4. In fairness to all parties to this proceeding, failure of a party to participate in the submission of evidence in accord with the above schedule shall constitute cause for that party to be precluded, at the sole discretion of the Committee, from participating as a party in the Evidentiary Hearing. Only evidence which has been exchanged in accord with the schedule may be admitted into the record. The Committee will not accept evidentiary submissions other than those submitted in accord with the schedule.
5. At least one of the evidentiary submissions to date has included hundreds of pages copied from the National Environmental Policy Act (NEPA) and the California Environmental Quality Act (CEQA). It is not necessary for parties to

submit the texts of laws as evidence. The Committee will not accept such submissions into evidence. The Committee will take official notice of all laws, ordinances, regulations, and standards (LORS) either of its own accord or on request of a party. Citations and limited quotations from relevant LORS are appropriate and will assist the Committee in making its determinations.

In summary, the Committee will not tolerate unnecessary delay in completing the evidentiary portion of this AFC proceeding. The parties are expected to be prepared to make a full and complete presentation of evidence on May 24, 2010. Only evidence which is not available in time to meet the above schedule may be heard later, in the discretion of the Committee. The parties are further expected to continue their efforts to resolve disputed issues.

Dated: May 3, 2010, at Sacramento, California.

Original signed by:
JEFFREY D. BYRON
Commissioner and Presiding Member
Imperial Valley Solar AFC Committee

Original signed by:
ANTHONY EGGERT
Commissioner and Associate Member
Imperial Valley Solar AFC Committee



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**Docket No. 08-AFC-5
PROOF OF SERVICE
(Revised 4/12/10)**

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*indicates change

DECLARATION OF SERVICE

I, Maggie Read, declare that on May 3, 2010, I served and filed copies of the attached, Supplemental Evidentiary Hearing Order. The original documents, filed with the Docket Unit, are 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:
Maggie Read
Hearing Adviser's Office