



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
PALMDALE HYBRID POWER PROJECT

DOCKET No. 08-AFC-9

EVIDENTIARY HEARING ORDER

Parties wishing to present evidence or cross-examine witnesses at the Evidentiary Hearings scheduled as follows shall be prepared to proceed in accordance with this Order.

The EVIDENTIARY HEARING will be conducted on:

***WEDNESDAY, MARCH 2, 2011
 Beginning at 10:00 a.m.***

***Larry Chimbole Cultural Center
 38350 Sierra Highway
 Palmdale, California 93550***

DOCKET	
08-AFC-9	
DATE	FEB 18 2011
RECD.	FEB 18 2011

The Committee will hear PUBLIC COMMENT at 2:00 p.m. and, if time allows, again at the close of the hearing.

TELECONFERENCE OPTION: You may participate in the Prehearing Conference and Evidentiary Hearings by telephone and/or by computer via “WebEx” conferencing system. Please see the "Participation Through WebEx" section attached to this notice.

Background

At the Prehearing Conference on February 14, 2011, Applicant, Staff, and Intervenors, Center for Biological Diversity (CBD) and Desert Citizens Against Pollution (DCAP), indicated they were ready to proceed to the Evidentiary Hearing on all issues. Intervenor CBD, appeared telephonically at the Prehearing Conference and had timely submitted a Prehearing Conference Statement enumerating seven matters in dispute (Purpose and Need, Air Quality, Biological Resources, Cultural Resources, Soil and Water Resources, Cumulative and Growth Inducing Impacts, and Alternatives). Intervenor DCAP appeared at the Prehearing Conference but did not submit a Prehearing Conference Statement, electing instead to join in CBD’s Prehearing Conference Statement.

Undisputed Topics

At the Prehearing Conference, the following topics set forth in the Application for Certification (AFC) and the Final Staff Analysis (FSA), were deemed undisputed so that evidence and testimony on these topics shall be entered into the record solely by declaration:

1. **Executive Summary;**
2. **Project Description** (apart from adding a description of road paving in the Project Description in the PMPD);
3. **Cultural Resources** (apart from impacts from road paving);
4. **Transmission Line Safety and Nuisance;**
5. **Waste Management;**
6. **Facility Design;**
7. **Geology and Paleontology;**
8. **Land Use** (apart from impacts from road paving);
9. **Power Plant Efficiency;**
10. **Power Plant Reliability;**
11. **Noise and Vibration;**
12. **Socioeconomics;**
13. **Traffic and Transmission** (apart from impacts from road paving);
14. **Transmission System Engineering;**
15. **Visual Resources;** and
16. **Worker Safety.**

The Tentative Exhibit List has been sent separately to all parties electronically and will also be made available on the web page for this project at:

<http://www.energy.ca.gov/sitingcases/palmdale/index.html>

Disputed Topics

The following topics may be disputed and the Committee will receive evidence in the form of written and live testimony, cross-examination, and documentary evidence at the Evidentiary Hearing, except as indicated:

1. **Air Quality;**
2. **Alternatives** (purpose and need);
3. **Biological Resources;**
4. **Cultural Resources** (limited to issues arising from road paving);
5. **Hazardous Materials** (limited to argument; no witnesses);
6. **Land Use** (limited to issues arising from road paving);
7. **Project Description** (limited to adding a description of road paving);
8. **Public Health;**
9. **Soil And Water Resources** (limited to issues arising from road paving); and
10. **Traffic And Transportation** (limited to issues arising from road paving; no witnesses on Aviation).

Required Filings

Prior to the start of the Evidentiary Hearing on Wednesday, March 2, 2011, Applicant, Staff, and Intervenors shall present a CD or DVD of their evidence to the Hearing Officer. Applicant, Staff, and Intervenors shall be prepared to present evidence and testimony on the disputed topics. **Testimony shall be limited to those witnesses listed in the Prehearing Conference Statements (see attached Witness List). Applicant, Staff, and Intervenors shall exchange copies of any documentary evidence not already provided, including, but not limited to, witness qualifications.**

Opening Briefs will be due 10 days after the transcript of the last day of hearings is published and Rebuttal Briefs will be due 7 days after the Opening Briefs.

Copies must be provided to the Committee, the Hearing Adviser, and those on the Proof of Service and mailing lists and may be filed electronically according to the Committee's November 3, 2010, Committee Order Adopting Filing and Electronic Documents Directives. The briefs shall be received by the other parties and the Commission's Docket Unit, 1516 9th Street, MS 14, Sacramento, California, 95814-5512, **no later than 5:00 p.m. on the due date**. Briefs must contain "**Palmdale Hybrid Power Project, Docket No. 08-AFC-9**" in the caption or heading. In addition to providing printed copies, the parties shall e-mail their briefs to the Hearing Officer and to those with e-mail addresses as indicated on the Proof-of-Service list.

The parties shall provide electronic copies of the above-referenced briefs to the Hearing Officer via e-mail, in Microsoft **Word** format.

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 available for cross-examination. Each party sponsoring a witness shall submit the qualifications of the witness into the record by declaration before moving the testimony and relevant documents into evidence. 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.

Time limits on testimony or cross-examination were established at the Prehearing Conference. However, the Committee may, at its discretion, curtail testimony or examination of a witness if it becomes cumulative or in any other way unproductive, in the interest of completing all topics areas at the Evidentiary Hearing efficiently. The Committee intends to proceed according to the following schedule:

PALMDALE HYBRID EVIDENTIARY HEARING DAY

10: 00	Introductions and Motions and Procedures
11:00	Air Quality and Public Health
12:00-12:30	Lunch
12:30	Air Quality and Public Health (continued)
1:00	Road Paving Issues (Biology, Cultural, Land Use, Soil and Water, Traffic and Transportation, Growth Inducing Impacts)
2:00	PUBLIC COMMENT
3:00	Road Paving Issues (continued)
4:00	Alternatives
5:00	PUBLIC COMMENT
6:00	Adjourn

Public Participation

The Energy Commission invites members of the public and other interested parties to participate on an informal basis in the proceeding by submitting written and oral comments. Public comments are considered by the Commissioners and are part of the record, but are not part of the formal evidentiary record.

Pursuant to the Power Plant Site Certification Regulations, California Code of Regulations, Title 20, Chapter 5, Section 1711, any person wishing to provide public comment in written form in this proceeding, shall submit such materials to the Commission's Docket Unit, 1516 9th Street, MS 14, Sacramento, California 95814-5512. Comments must contain "**Palmdale Hybrid Power Project, Docket No. 08-AFC-9**" in the caption or heading. In lieu of providing printed copies, members of the public may e-mail their comments to Jennifer Jennings, the Commission's Public Adviser, at the e-mail address provided below.

The Energy Commission's Public Adviser's Office is available to provide the public with an understanding of the proceedings and to make recommendations for meaningful participation. For assistance, contact Jennifer Jennings, the Public Adviser, at (916) 654-4489 or 800-822-6228 or e-mail: **[publicadviser@energy.state.ca.us]**.

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

Information

Questions of a legal or procedural nature should be directed to Kenneth Celli, the Hearing Officer, at (916) 651-8893 or e-mail: [\[kcelli@energy.state.ca.us\]](mailto:kcelli@energy.state.ca.us).

Technical questions concerning the Project should be addressed to Felicia Miller, the Staff Project Manager, at (916) 654-4640, or e-mail: [\[fmiller@energy.state.ca.us\]](mailto:fmiller@energy.state.ca.us).

Media inquiries should be directed to the Office of Media and Public Communications at (916) 654-4989 or e-mail: [\[mediaoffice@energy.state.ca.us\]](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: [\[www.energy.ca.gov/sitingcases/palmdale/\]](http://www.energy.ca.gov/sitingcases/palmdale/). You may also subscribe to receive e-mail notification of all notices at [\[www.energy.ca.gov/listservers/\]](http://www.energy.ca.gov/listservers/).

Dated: February 18, 2011, at Sacramento, California



KAREN DOUGLAS
Commissioner and Presiding Member
Palmdale Hybrid Power Project AFC Committee



JIM BOYD
Vice Chair and Associate Member
Palmdale Hybrid Power Project AFC Committee

**REMOTE ATTENDANCE AND PARTICIPATION IN THE EVIDENTIARY HEARINGS THROUGH WEBEX
THE ENERGY COMMISSION'S ON-LINE MEETING SERVICE**

1. **COMPUTER LOG-ON WITH A DIRECT PHONE NUMBER:**

- Please go to <https://energy.webex.com> and enter the **UNIQUE MEETING NUMBER** to the specific hearing date:
 - 3/2/11 – Evidentiary Hearing meeting number: **928 861 449**

When prompted, enter your information and the **MEETING PASSWORD:** **palmdale#1**

After logging in on the computer, an AUDIO CONFERENCE BOX will offer you the choice of phone connections:

1. **TO HAVE WEBEX CALL YOU BACK:** Type your area code and phone number and click "Call Me"
2. **TO CALL INTO THE TELECONFERENCE:** Use the drop-down box to select "I will call in" and follow the on-screen directions
3. **INTERNATIONAL CALLERS:** Click on the "Global call-in number" link in part (2) above
4. **TO LISTEN OVER THE COMPUTER:** If you have the needed equipment and your computer is configured, click on "Use Computer Headset" and then "Call Using Computer" to use VoIP (Internet phone)

2. **TELEPHONE ONLY (NO COMPUTER ACCESS):**

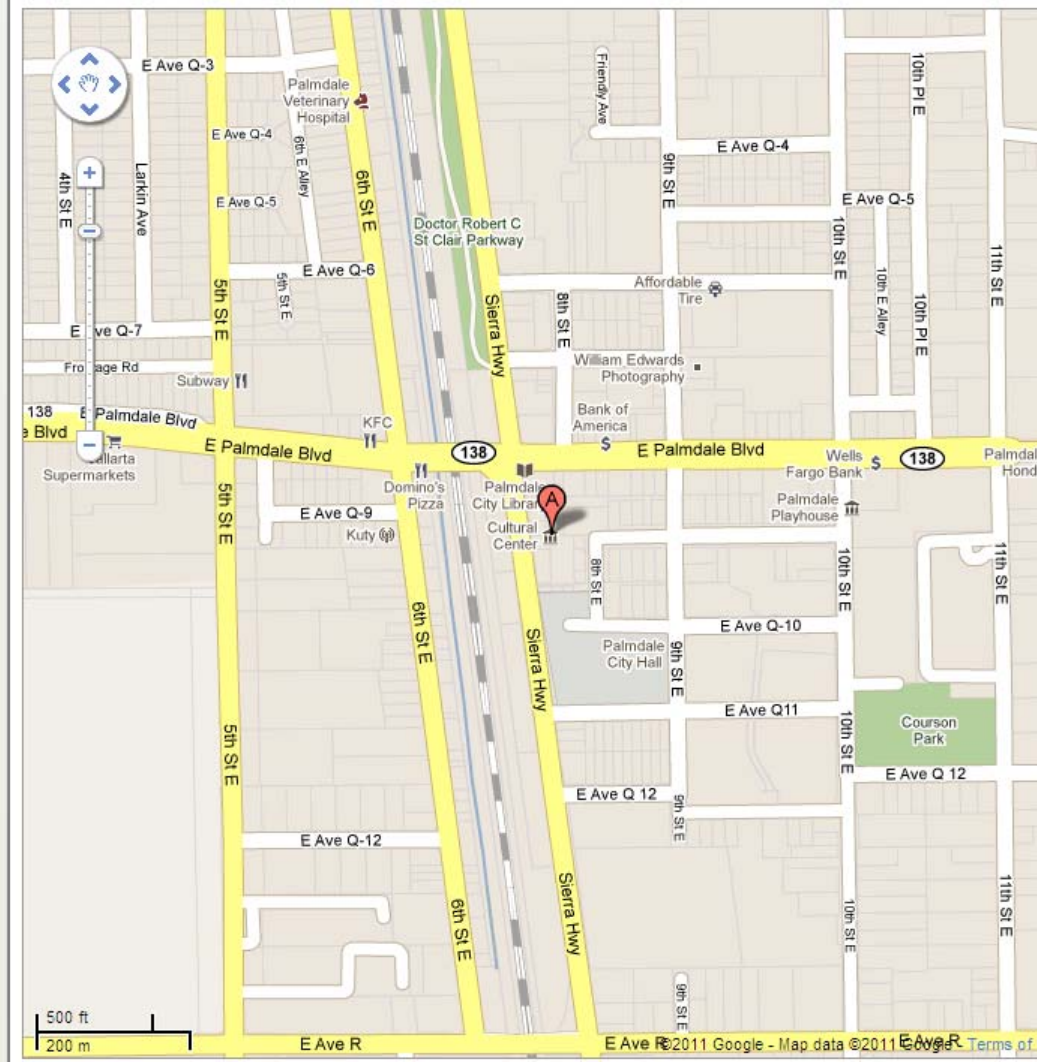
Call **1-866-469-3239** (toll-free in the U.S. and Canada) and when prompted enter the **unique meeting number:**

- 3/2/11 – Evidentiary Hearing meeting number: **928 861 449**

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.

**Larry Chimbole Cultural Center
38350 Sierra Highway
Palmdale, CA 93550**



Mailed to lists: POS, 7317, 7318, 7319, 7320

ATTACHMENT A

**PALMDALE ENERGY PROJECT
08-AFC-9
PREHEARING CONFERENCE AND EVIDENTIARY HEARING
TOPIC AND WITNESS LIST**

TOPIC	WITNESSES (Direct Testimony)	CROSS-EXAMINATION Or Declaration
1. Executive Summary and Project Description	<ul style="list-style-type: none"> • Applicant: Tom Barnett, Sara Head, Arrie Bachrach, Laurie Lile • Staff: No dispute, testimony by declaration 	<ul style="list-style-type: none"> • Applicant: • Staff:
2. Cultural Resources	<ul style="list-style-type: none"> • Applicant: Jim Allan, WSA • Staff: Beverly Bastian, Pamela Daly 	<ul style="list-style-type: none"> • Applicant: • Staff:
3. Hazardous Materials Management	<ul style="list-style-type: none"> • Applicant: Russ Kingsley • Staff: Dr. Alvin Greenberg 	<ul style="list-style-type: none"> • Applicant: • Staff:
4. Soil and Water Resources	<ul style="list-style-type: none"> • Applicant: Justin Westrum, Mike Flack, Carmen Caceres-Schnell, Roy Xu, Sara Head, Roy Hauger, Laurie Lile • Staff: Christopher Dennis 	<ul style="list-style-type: none"> • Applicant: • Staff: • CBD
5. Traffic and Transportation	<ul style="list-style-type: none"> • Applicant: John Wilson, Tom Barnett, Roy Hauger, Howard Balentine • Staff: James Adams 	<ul style="list-style-type: none"> • Applicant: • Staff:
6. Transmission Line Safety and Nuisance	<ul style="list-style-type: none"> • Applicant: Dave Larsen, Navigant • Staff: Obed Odoemelam, Ph.D. No dispute, testimony by declaration 	<ul style="list-style-type: none"> • Applicant: • Staff:
7. Waste Management	<ul style="list-style-type: none"> • Applicant: Mike Arvidson, Carl Lindner • Staff: Suzanne Phinney No dispute, testimony by declaration 	<ul style="list-style-type: none"> • Applicant: • Staff:

8. Facility Design	<ul style="list-style-type: none"> • Applicant: Arrie Bachrach • Staff: Erin Bright <p>No dispute, testimony by declaration</p>	<ul style="list-style-type: none"> • Applicant: • Staff:
9. Geology and Paleontology	<ul style="list-style-type: none"> • Applicant: Justin Westrum, Cara Corsetti, Carmen Caceres-Schnell • Staff: Dal Hunter <p>No dispute, testimony by declaration</p>	<ul style="list-style-type: none"> • Applicant: • Staff:
10. Power Plant Efficiency	<ul style="list-style-type: none"> • Applicant: • Staff: Shahab Khoshmashrab <p>No dispute, testimony by declaration</p>	<ul style="list-style-type: none"> • Applicant: • Staff:
11. Air Quality	<ul style="list-style-type: none"> • Applicant: Sara Head, Russ Kingsley, Rich Hamel, Tom Barnett, Roy Xu • Staff: Steve Radis • CBD: Gregory Tholen 	<ul style="list-style-type: none"> • Applicant: • Staff: • CBD
12. Public Health	<ul style="list-style-type: none"> • Applicant: Greg Wolffe, Rich Hamel • Staff: Dr. Alvin Greenberg <p>No dispute, testimony by declaration</p>	<ul style="list-style-type: none"> • Applicant: • Staff:
13. Socioeconomic Resources	<ul style="list-style-type: none"> • Applicant: Elizabeth Copley, Sara Head • Staff: Kristin Ford <p>No dispute, testimony by declaration</p>	<ul style="list-style-type: none"> • Applicant: • Staff:
14. Biological Resources	<ul style="list-style-type: none"> • Applicant: Matt Amalong, Alice Karl, Phil Leitner, Nick Ricono, Sara Head • Staff: Chris Huntley, Erinn Wilson 	<ul style="list-style-type: none"> • Applicant: • Staff: • CBD:
15. Noise and Vibration	<ul style="list-style-type: none"> • Applicant: Sara Head • Staff: Shahab Khoshmashrab, Erin Bright <p>No dispute, testimony by declaration</p>	<ul style="list-style-type: none"> • Applicant: • Staff:
16. Transmission System Engineering	<ul style="list-style-type: none"> • Applicant: Tom Barnett, Dave Larson • Staff: Laiping Ng, Mark Hesters <p>No dispute, testimony by declaration</p>	<ul style="list-style-type: none"> • Applicant: • Staff:
17. Power Plant Reliability	<ul style="list-style-type: none"> • Applicant: • Staff: Shahab Khoshmashrab <p>No dispute, testimony by declaration</p>	<ul style="list-style-type: none"> • Applicant: • Staff:

18. Visual Resources	<ul style="list-style-type: none"> • Applicant: Merlyn Paulson • Staff: James Adams <p style="color: red;">No dispute, testimony by declaration</p>	<ul style="list-style-type: none"> • Applicant: • Staff:
19. Worker Safety and Fire Protection	<ul style="list-style-type: none"> • Applicant: Mike Arvidson • Staff: Rick Tyler, Dr. Alvin Greenberg <p style="color: red;">No dispute, testimony by declaration</p>	<ul style="list-style-type: none"> • Applicant: • Staff:
20. Land Use	<ul style="list-style-type: none"> • Applicant: Elizabeth Copley, Arrie Bachrach, Laurie Lile, Sara Head • Staff: Negar Vahidi, Susanne Huerta <p style="color: red;">No dispute, testimony by declaration</p>	<ul style="list-style-type: none"> • Applicant: • Staff:
21. Alternatives	<ul style="list-style-type: none"> • Applicant: Tom Barnett, Sara Head, Dave Larsen, Arrie Bachrach, Laurie Lile • Staff: Hedy Born Koczwarra, Suzanne Phinney 	<ul style="list-style-type: none"> • Applicant : • Staff: • CBD:



Docket Number: 08-AFC-09

Project Name: Palmdale Hybrid Power Plant

TENTATIVE EXHIBIT LIST

Applicant's Exhibits 1 - 299

Exhibit	Docket Transaction Number	Brief Description	Offered	Refused	Admitted
1	47383	AFC – Section 1.0 – Executive Summary	8/4/08		
2	47383	AFC – Section 2.0 – Project Description	8/4/08		
3	47383	AFC – Section 3.0 – Closure	8/4/08		
4	47383	AFC – Section 4.0 – Project Alternatives	8/4/08		
5	47383	AFC – Section 5.1 – General Environmental	8/4/08		
6	47383	AFC – Section 5.2 – Air Quality	8/4/08		
7	47383	AFC – Section 5.3 – Biological Resources	8/4/08		
8	47383	AFC – Section 5.4 – Cultural Resources	8/4/08		
9	47383	AFC – Section 5.5 – Geology & Paleontology	8/4/08		
10	47383	AFC – Section 5.6 – Hazardous Materials Handling	8/4/08		
11	47383	AFC – Section 5.7 – Land Use	8/4/08		
12	47383	AFC – Section 5.8 - Noise	8/4/08		
13	47383	AFC – Section 5.9 - Paleontological Resources	8/4/08		
14	47383	AFC – Section 5.10 – Public Health	8/4/08		
15	47383	AFC – Section 5.11 – Socioeconomics	8/4/08		
16	47383	AFC – Section 5.12 - Soils	8/4/08		
17	47383	AFC – Section 5.13 – Traffic & Transportation	8/4/08		
18	47383	AFC – Section 5.14 - Transmission Line Safety and Nuisance	8/4/08		
19	47383	AFC – Section 5.15 – Visual Resources	8/4/08		
20	47383	AFC – Section 5.16 – Waste Management	8/4/08		
21	47383	AFC – Section 5.17 – Water Resources	8/4/08		
22	47383	AFC – Section 5.18 – Worker Safety	8/4/08		
23	47383	AFC – Appendix A - Surrounding Properties: Assessor's Parcel Nos./Property Owners - Project Description	8/4/08		

24	47383	AFC – Appendix B - Preliminary Geotechnical Investigation Report - Kleinfelder	8/4/08		
25	47383	AFC – Appendix C - Engineering Design Criteria – Facility Design	8/4/08		
26	47383	AFC – Appendix D - Therminol™ VP1 Heat Transfer Fluid: Material Safety Data Sheet	8/4/08		
27	47383	AFC – Appendix E - Agency and Other Correspondence re: Soil & Water (Appendix E.1 and E.2) AFC – Appendix E - Agency and Other Correspondence re: Haz Mat (Appendix E.3) AFC – Appendix E - Agency and Other Correspondence re: Traffic & Transportation (Appendix E.4 and E.5)	8/4/08		
28	47383	AFC – Appendix F - System Impact Study (Electrical Interconnection) re: TSE	8/4/08		
29	47383	AFC – Appendix G - Air Quality Supporting Documentation	8/4/08		
30	47383	AFC – Appendix H - Biological Resources Technical Report/Biological Assessment	8/4/08		
31	47383	AFC – Appendix I - Cultural Resources Technical Report	8/4/08		
32	47383	AFC – Appendix J - Paleontological Resources Technical Report	8/4/08		
33	47383	AFC – Appendix Appendix K - Phase I Environmental Site Assessment – Waste Mgmt	8/4/08		
34	47383	AFC Appendix L Drainage Erosion Sediment Control Plan – Soil & Water	8/4/08		
35	47384	Appendix G.6 Air Quality and Public Health Modeling Files	7/30/08		
36	47753	Paleontological Resources Technical Report (This exhibit has been deemed confidential and is on file with Melissa Jones, CEC Executive Director. Only the application for confidential designation of this document is included with Applicant’s exhibits)	8/21/08		

37	48067	<p>California Department of Parks and Recreation Form 523 for Primary 19-2730 showing the location of previous archaeological studies and previously recorded archaeological sites</p> <p>(This exhibit has been deemed confidential and is on file with Melissa Jones, CEC Executive Director. Only the application for confidential designation of this document is included with Applicant's exhibits)</p>	9/16/08		
38	48245	<p>Paleontological Resources Technical Report</p> <p>(This exhibit has been deemed confidential and is on file with Melissa Jones, CEC Executive Director. Only the application for confidential designation of this document is included with Applicant's exhibits)</p>	9/26/08		
39	48300 (48317)	<p>Applicant's Data Adequacy Supplement, Volume 3 (Project Overview and Transmission System Engineering)</p> <p>Applicant's Data Adequacy Supplement, Volume 3 (Biological Resources)</p> <p>Applicant's Data Adequacy Supplement, Volume 3 (Cultural Resources)</p> <p>Applicant's Data Adequacy Supplement, Volume 3 (Socioeconomics)</p> <p>Applicant's Data Adequacy Supplement, Volume 3 (Soils)</p> <p>Applicant's Data Adequacy Supplement, Volume 3 (Traffic and Transportation)</p> <p>Applicant's Data Adequacy Supplement, Volume 3 (Visual Resources)</p> <p>Applicant's Data Adequacy Supplement, Volume 3 (Soil and Water Resources)</p>	10/1/08		
40	n/a	Intentionally omitted			
41	n/a	Intentionally omitted			
42	n/a	Intentionally omitted			
43	49555	<p>Objections to Certain Data Requests from the California Energy Commission Staff, Data Requests Set 1 (Nos. 22-25) – Cultural Resources</p> <p>Objections to Certain Data Requests from the California Energy Commission Staff, Data Requests Set 1 (Nos. 86-87) – Waste Management</p>	12/30/08		

44	49688	<p>Applicant's Responses to CEC Data Request, Sets 1 to 88</p> <ul style="list-style-type: none"> a) Applicant's Responses to CEC Data Request, Set 1 (Nos. 1-17) - Biological Resources b) Applicant's Responses to CEC Data Request, Set 1 (Nos. 18-25) – Cultural Resources c) Applicant's Responses to CEC Data Request, Set 1 (No. 26) – Geology and Paleontology d) Applicant's Responses to CEC Data Request, Set 1 (No. 27) – Haz Mat e) Applicant's Responses to CEC Data Request, Set 1 (Nos. 28-49) – Land use f) Applicant's Responses to CEC Data Request, Set 1 (Nos. 50-66) – Soil and Water g) Applicant's Responses to CEC Data Request, Set 1 (Nos. 67-72) – Socioeconomics h) Applicant's Responses to CEC Data Request, Set 1 (Nos. 73-79) – TSE i) Applicant's Responses to CEC Data Request, Set 1 (No. 80) – Visual j) Applicant's Responses to CEC Data Request, Set 1 (Nos. 81-87) – Waste k) Applicant's Responses to CEC Data Request, Set 1 (No. 88) – Worker Safety 	1/12/09		
45	49750	Comments from LA County Public Works, re: Soils/ Geotechnical – Soil & Water	1/15/09		
46	50094	<p>Applicant Supplemental Responses to CEC Data Request Set 1</p> <ul style="list-style-type: none"> a) Transmission System Engineering b) Alternatives c) Air Quality d) Biological Resources e) Haz Mat f) Traffic and Transportation g) Visual Resources h) Waste Management i) Soil & Water 	2/13/09		

47	50363	Responses to CEC Data Request Set 1 a) Project Description b) TSE (Nos. 73-79) c) Alternatives d) Biological Resources (Nos. 4, 7 and 10) e) Cultural Resources (Nos. 21-22) f) Land Use (Nos. 28, 31, 39-49)	3/2/09		
48	50368	Revised Attachment 7 Cultural Resources Technical Report, Palmdale Hybrid Power Project, Palmdale, California. (This exhibit has been deemed confidential and is on file with Melissa Jones, CEC Executive Director. Only the application for confidential designation of this document is included with Applicant's exhibits)	2/25/09		
49	n/a	Intentionally omitted			
50	50476	PHPP Socioeconomic Question	3/11/09		
51	50821	U.S. EPA Submittal – PSD Permit & Request for Endangered Species Act Consultation – Air Quality and Biological Resources	3/31/09		
52	50941	Applicant's Comments on Preliminary Determination of Compliance (PDOC) Air Quality	3/19/09		
53	50961	Responses to CEC Data Requests a) Supplemental Response #3 to CEC Data Request Set 1 – Biological Resources b) Supplemental Response #3 to CEC Data Request Set 1 – Cultural Resources c) Supplemental Response #3 to CEC Data Request Set 1 – Land Use d) Supplemental Response #3 to CEC Data Request Set 1 – Waste Management e) Response to CEC Data Request Set 2 (Nos, 147 and 155) – Visual Resources	4/9/09		

54	51012	<p>Response to Data Request 20: Archaeological Survey of Two Realignments of the Electrical Transmission Line, Twenty-Two Pull Areas, and Three Laydown Areas, within the Palmdale Hybrid Power Project Area</p> <p>(This exhibit has been deemed confidential and is on file with Melissa Jones, CEC Executive Director. Only the application for confidential designation of this document is included with Applicant's exhibits)</p>	4/1/09		
55	51746	U.S. EPA's Comments on the PDOC – Air Quality	3/19/09		
56	51417	<p>Responses to CEC Data Requests</p> <ul style="list-style-type: none"> a) Applicant's Response to CEC Data Request Set 2 (Nos. 91-114) Air Quality b) Applicant's Response to CEC Data Request Set 2 (Nos. 115-126) – Alternatives c) Applicant's Response to CEC Data Request Set 2 (Nos. 127-136) and Supplemental Response #4 to Data Request, Set 1 – Biological Resources d) Applicant's Response to CEC Data Request Set 2 (No. 137) – Cultural Resources e) Applicant's Response to CEC Data Request Set 2 (Nos. 91-114) – Land Use f) Applicant's Response to CEC Data Request Set 2 (Nos. 143, 157-162) Traffic & Transportation g) Applicant's Response to CEC Data Request Set 2 (Nos. 144-146) – TSE h) Applicant's Response to CEC Data Request Set 2 (Nos. 147-155) – Visual i) Applicant's Response to CEC Data Request Set 2 (No. 156) – Waste Mgmt. 	5/1/09		
57	51524	CDFG Submittal - Revised application for incidental take of endangered species, threatened species, and candidate species	5/11/09		
58	51623	E-mail response from Applicant to Data Request 142 - detailed land use maps	5/19/09		
59	51592	Applicant's Response to CEC Data Request re Cultural Resources	5/15/09		
60	n/a	Intentionally omitted			

61	51709	CDFG Comments on Applicant's Biological Resources Technical Report	5/27/09		
62	51773	Data Response 152 Corrections – Visual	6/2/09		
63	n/a	Intentionally omitted	6/2/09		
64	51782	Applicant's Revised Responses to CEC Data Requests 152 - 153 - Visual			
65	n/a	Intentionally omitted			
66	n/a	Intentionally omitted			
67	53579	PHPP Inventory Report for Joshua Trees and California Junipers, City of Palmdale Native Desert Vegetation Ordinance	6/2/09		
68	52147	Applicant's Response to CEC Staff Request for Clarification on Data Request 137 - Cultural	6/24/09		
69	52139	AVAQMD's Revised Preliminary Determination of Compliance	6/22/09		
70	52220	Applicant's Response to CEC Staff Status Report 4 - Various	6/30/09		
71	52185	SCE Letter in Response to CEC June 10th Request for Additional Information for Proposed Project - TSE	6/29/09		
72	52305	AVAQMD's Comments on Staff Status Report No. 4 – A.Q.	7/6/09		
73	n/a	Intentionally omitted			
74	52341	Applicant's Response to CDFG Comments on the Request for Incidental Take Permit for Mohave Ground Squirrel and Additional Comments	7/8/09		
75	52445	Applicant's New Simulations of the PHPP Transmission Line – Visual Resources	7/16/09		
76	52528	Supplemental Responses from July 9 th Committee Conference a) AQ b) Biological Resources c) TSE d) Soil & Water Resources	7/22/09		

77	52890	<p>Map depicting potential compensation mitigation lands. The mitigation map is related to previously submitted materials associated with Applicant's Supplemental Responses to Data Request CC-B1, dated July 22, 2009. (Biological Resources)</p> <p>(This exhibit has been deemed confidential and is on file with Melissa Jones, CEC Executive Director. Only the application for confidential designation of this document is included with Applicant's exhibits)</p>	7/23/09		
78	n/a	Intentionally omitted			
79	52654	Final Arroyo Toad Survey Report	7/31/09		
80	52693	Responses to Requests from the July 28 th Phone Conference – Biological Resources	7/31/09		
81	pending	DVD entitled, “Avoidance of Potentially Jurisdictional Waters” - Biological Resources	8/4/09		
82	52790	Letter to U.S. EPA Transmitting an Addendum to the Biological Assessment - Biological Resources	8/7/09		
83	52836	Revised Will Serve Letters – Soil and Water	8/11/09		
84	52902	Letter to the U.S. EPA in Response to U.S. EPA's Comments on the Revised PDOC – Air Quality	8/18/09		
85	52960	<p>Revised map depicting potential compensation mitigation lands along with the locations of actual Mohave ground squirrel sitings since 1990 (first submitted to the CEC on July 23, 2009). Biological Resources</p> <p>(This exhibit has been deemed confidential and is on file with Melissa Jones, CEC Executive Director. Only the application for confidential designation of this document is included with Applicant's exhibits)</p>	8/20/09		
86	53021	Final Swainson's Hawk Nesting Survey Report	8/27/09		
87	53028	<p>Compilation of E-mail Responses to New Data Requests (Project Description)</p> <p>Compilation of E-mail Responses to New Data Requests (Land Use)</p>	8/27/09		
88	53215	CDFG Letter Regarding Streambed Alteration Agreement – Biological Resources	9/10/09		
89	53316	Applicant's KOP-1 and KOP-2 Photos	9/22/09		

90	53366	Map depicting potential compensation mitigation lands (first submitted to the CEC on July 23, 2009 and subsequently submitted in revised form on August 20, 2009). Biological Resources (This exhibit has been deemed confidential and is on file with Melissa Jones, CEC Executive Director. Only the revised application for confidential designation of this document is included with Applicant's exhibits)	9/10/09		
91	n/a	Intentionally omitted			
92	n/a	Intentionally omitted			
93	n/a	Intentionally omitted			
94	53825	ROC with Mike Mischel from City of Palmdale Public Works Department re Other Project Near Palmdale Site- Project Description	10/21/09		
95	53827	Map depicting potential compensation mitigation lands (first submitted to the CEC on July 23, 2009 and subsequently submitted in revised form on August 20, 2009). Biological Resources (This exhibit has been deemed confidential and is on file with Melissa Jones, CEC Executive Director. Only the revised application for confidential designation of this document is included with Applicant's exhibits)	10/21/09		
96	54366	Letter from J. Kelly to J. Ledford Regarding Southern California Edison's(SCE) Position on Transmission Line Technical Feasibility - TSE	12/7/09		
97	54709	Final Palmdale Facilities Study - TSE	1/6/10		
98	55125	Submittal to U.S Army Corps of Engineers – Revised Preliminary Jurisdictional and Delineation of Waters of the U.S.- Biological Resources	2/1/10		
99	55276	City of Palmdale's Comments on Volume 1 of the Preliminary Staff Assessment (PSA) - Various	2/8/10		
100	55060	Federal Aviation Administration Letter of Determination of “No Hazard to Air Navigation” – Traffic & Transportation	1/28/10		

101	55818	<p>City of Palmdale's Comments on Volume 2 of the PHPP Preliminary Staff Assessment (Various)</p> <p>City of Palmdale's Comments on Volume 2 of the PHPP Preliminary Staff Assessment (Air Quality)</p> <p>City of Palmdale's Comments on Volume 2 of the PHPP Preliminary Staff Assessment (Biology)</p>	3/9/10		
102	55995	<p>City of Palmdale's Supplemental Comments on Volumes 1 & 2 of the PHPP PSA (Various)</p> <p>City of Palmdale's Supplemental Comments on Volumes 1 & 2 of the PHPP PSA (Cultural Resources)</p> <p>City of Palmdale's Supplemental Comments on Volumes 1 & 2 of the PHPP PSA (Land Use)</p> <p>City of Palmdale's Supplemental Comments on Volumes 1 & 2 of the PHPP PSA (SWPPP and Water Resources)</p> <p>City of Palmdale's Supplemental Comments on Volumes 1 & 2 of the PHPP PSA (Traffic and Transportation)</p> <p>City of Palmdale's Supplemental Comments on Volumes 1 & 2 of the PHPP PSA (Visual Resources)</p>	3/20/10		
103	56148	<p>E-mail Correspondence Between Representatives of SCE & Inland Energy on Behalf of Applicant - TSE</p>	4/5/10		
104	65456	<p>Figures for the Assessment of Potential PHPP Impacts to Five Additional Archaeological Sites – Cultural Resources</p> <p>(This exhibit has been deemed confidential and is on file with Melissa Jones, CEC Executive Director. Only the application for confidential designation of this document is included with Applicant's exhibits)</p>	3/16/10		

105	56467	<p>Confidential Term Sheet for Proposed Contingent Forward Purchase and Sale of San Joaquin Emission Reduction Credits by and between the City of Palmdale and Calpine Energy Services, L.P., dated March 8, 2010 – Air Quality</p> <p>(This exhibit has been deemed confidential and is on file with Melissa Jones, CEC Executive Director. Only the application for confidential designation of this document is included with Applicant’s exhibits)</p>	4/19/10		
106	56649	<p>City of Palmdale's Supplemental Information and Comments on PSA (Various)</p> <p>City of Palmdale's Supplemental Information and Comments on PSA (Air Quality)</p> <p>City of Palmdale's Supplemental Information and Comments on PSA (Biological Resources)</p> <p>City of Palmdale's Supplemental Information and Comments on PSA (Water Resources)</p>	5/12/10		
107	57732	Applicant's Submittal of Contract Information for ERC's to Offset NOx and VOC Emissions – Air Quality	7/23/10		
108	58013	Applicant's Special-Status Plants Pre-Construction Focused Survey Report –Biological Resources	8/11/10		
109	58217	AVAQMD’s Final Determination of Compliance	5/13/10		
110	58594	<p>Applicant's Response to Staff’s Status Reports</p> <p>a) Report No. 8 (Air Quality)</p> <p>b) Report No. 8 (Alternatives)</p> <p>c) Report No. 8 (Traffic & Transportation)</p>	9/22/10		
111	58778	E-mail Report of Conversation Los Angeles County Sanitation District regarding Tertiary Treated Water Supplied to PHPP – Soil & Water	10/31/10		
112	58903	Applicant's Comments to CEC Response to Additional Committee Questions Concerning Staff's Proposed Alternative T-Line Analysis (corrected version) - Alternatives	10/28/10		
113	59341	Antelope Valley Air Quality Management District’s Letter to Mr. Rios re Palmdale Emission Reduction Credits	12/15/10		

114	57079	PHPP, Email from USAF R. Cleaves to Mayor Ledford - Traffic/Transportation	6/9/10		
115	57467	Antelope Valley AQMD Response to Staff's Comments on FDOC	6/29/10		
116	pending	Applicant's Response to Final Staff Assessment - Various	1/12/11		
117	pending	Declaration of Jim Allan re Cultural Resources	1/12/11		
118	pending	Declaration of Matt Amalong re Biological Resources	1/12/11		
119	pending	Declaration of Mike Arvidson re Waste Management, and Worker Safety	1/12/11		
120	pending	Declaration of Arrie Bachrach re Project Description, Land Use, Facility Design, Alternatives, and Various	1/12/11		
121	pending	Declaration of Howard Balentine re Traffic and Transportation, and Visual Resources	1/12/11		
122	pending	Declaration of Tom Barnett re Project Description, Air Quality, Traffic and Transportation, Transmission System Engineering, Alternatives, and Various	1/12/11		
123	pending	Declaration of Elizabeth Copley re Land Use, and Socioeconomic Resources	1/12/11		
124	pending	Declaration of Cara Corsetti re Geology and Paleontology	1/12/11		
125	pending	Declaration of Mike Flack re Soil & Water Resources	1/12/11		
126	pending	Declaration of Rich Hamel re Air Quality, and Public Health	1/12/11		
127	pending	Declaration of Roy Hauger re Soil & Water Resources, Traffic and Transportation	1/12/11		
128	pending	Declaration of Sara Head re Project Description, Air Quality, Biological Resources, Land Use, Noise and Vibration, Socioeconomic Resources, Soil & Water Resources, Alternatives, and Various	1/12/11		
129	pending	Declaration of Alice Karl re Biological Resources	1/12/11		
130	pending	Declaration of Russ Kingsley re Air Quality, and Hazardous Materials	1/12/11		
131	pending	Declaration of Dave Larsen re Transmission Line Safety & Nuisance, Transmission System Engineering, and Alternatives	1/12/11		
132	pending	Declaration of Phil Leitner re Biological Resources	1/12/11		

133	pending	Declaration of Laurie Lile re Project Description, Land Use, and Soil & Water Resources	1/12/11		
134	pending	Declaration of Carl Lindner re Waste Management	1/12/11		
135	pending	Declaration of Merlyn Paulson re Visual Resources	1/12/11		
136	pending	Declaration of Nick Ricono re Biological Resources	1/12/11		
137	pending	Declaration of Carmen Caceres-Schnell re Soil & Water Resources, and Geology and Paleontology	1/12/11		
138	pending	Declaration of Justin Westrum re Soil & Water Resources, and Geology and Paleontology	1/12/11		
139	pending	Declaration of John Wilson re Traffic and Transportation	1/12/11		
140	pending	Declaration of Greg Wolffe re Public Health	1/12/11		
141	pending	Declaration of Roy Xu re Air Quality, and Soil & Water Resources	1/12/11		
142	pending	Rebuttal Testimony of Laurie Lile re Alternatives	1/19/11		
143	pending	Applicant's letter to U.S. EPA re: Supplemental Information for the Application for PSD Permit, dated July 21, 2010 (with enclosure)	7/21/10		
144	pending	Applicant's Rebuttal to "Opening Testimony & Rebuttal to Applicant's Response to Final Staff Assessment by Center for Biological Diversity" – (Air Quality)	1/26/11		
145	pending	Declaration of Sara Head to Sponsor New Exhibits	2/9/11		

STAFF EXHIBIT LIST 300 - 399

Exhibit	Docket Transaction Number	Brief Description	Offered	Admitted	Refused
300		<p>Final Staff Assessment dated December 22, 2010 and docketed December 22, 2010</p> <ul style="list-style-type: none"> (a) Air Quality (b) Biological Resources (c) Cultural Resources (d) Hazardous Materials (e) Land Use (f) Noise and Vibration (g) Public Health (h) Socioeconomic Resources (i) Soil and Water Resources (j) Traffic and Transportation (k) Transmission Line Safety and Nuisance (l) Visual Resources (m) Waste Management (n) Worker Safety (o) Facility Design (p) Geology and Paleontology (q) Power Plant Efficiency (r) Power Plant Reliability (s) Transmission System Engineering (t) Alternatives (u) Alternatives Appendix A (v) General Conditions 			

301		Staff's Rebuttal Testimony (a) Biological Resources (b) Cultural Resources (c) Geology and Paleontology (d) Hazardous Materials Management (e) Land Use (f) Public Health (g) Socioeconomics (h) Soil and Water Resources (i) Traffic and Transportation (j) Worker Safety and Fire Protection			
302		Antelope Valley Air Quality Management District Final Determination of Compliance, Palmdale Hybrid Power Project, May 13, 2010			
303		Reducing Predation by Common Ravens on Desert Tortoises in the Mojave and Colorado Deserts, USGS, July 18, 2002			
304		Environmental Assessment to Implement a Desert Tortoise Recovery Plan Task: Reduce Common Raven Predation on the Desert Tortoise, Final, USFWS, March 2008			
305		Region 8 Interim Guidelines for the Development of a Project-Specific Avian and Bat Protection Plan for Solar Energy Plants and Related Transmission Facilities, USFWS Pacific Southwest Region, September 2, 2010			
306		Energy Commission Staff's Prehearing Conference Statement (a) Visual Resources			

Intervenor Center for Biological Diversity's Exhibits No. 400-499

Exhibit	Docket Transaction Number	Brief Description	Offered	Admitted	Refused
400	TN 57740	Letter from Center for Biological Diversity Re: FDOC for the Palmdale Hybrid Power Project (08-AFC-9) dated July 22, 2010, and attachment letter re: Proposed Paving Emission Reduction Credits for Palmdale Hybrid Power Project, dated July 19, 2010, from Phyllis Fox, Ph.D., QEP, PE, BCEE, Consulting Engineer. (July 22, 2010)			
401		Center Opening Testimony and Rebuttal to Applicant's Response to the Final Staff Assessment (Filed January 19, 2011)			
402		Tholen Testimony (Filed February 4, 2011)			

Intervenor Desert Citizens Against Pollution - Exhibits No. 500-599

Exhibit	Docket Transaction Number	Brief Description	Offered	Admitted	Refused
500	59629	Comments from Desert Citizens Against Pollution, dated February 4, 2011.			
501		Green Chemistry Hazard Traits, Endpoints, and Other Relevant Data – Pre-Regulatory Draft for Discussion Purposes Only – Office of Environmental Health Hazard Assessment – California Environmental Protection Agency, dated August 10, 2010.			
502		Official Energy Commission reporter’s transcript of the December 18, 2007, Evidentiary Hearing on the Eastshore Energy Center Project, Volume II, CEC Docket No. 06-AFC-6.			
503		Letter October 26, 2010 from U.S. EPA - AVAQMD			
504		July letter from U.S. EPA Comments of FDOC			



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 *PALMDALE HYBRID*
POWER PROJECT

Docket No. 08-AFC-9

PROOF OF SERVICE

(Revised 1/14/2011)

APPLICANT

Thomas M. Barnett
Executive Vice President
Inland Energy, Inc.
3501 Jamboree Road
South Tower, Suite 606
Newport Beach, CA 92660
tbarnett@inlandenergy.com

Antonio D. Penna Jr.
Vice President
Inland Energy, Inc.
18570 Kamana Road
Apple Valley, CA 92307
tonypenna@inlandenergy.com

Laurie Lile
Assistant City Manager
City of Palmdale
38300 North Sierra Highway, Suite A
Palmdale, CA 93550
llile@cityofpalmdale.org

APPLICANT'S CONSULTANTS

Sara J. Head, QEP
Vice President
AECOM Environment
1220 Avenida Acaso
Camarillo, CA 93012
sara.head@aecom.com

COUNSEL FOR APPLICANT

Michael J. Carroll
Marc Campopiano
Latham & Watkins, LLP
650 Town Center Drive, Ste. 2000
Costa Mesa, CA 92626
michael.carroll@lw.com
marc.campopiano@lw.com

INTERESTED AGENCIES

Ronald E. Cleaves, Lt. Col, USAF
Commander ASC Det 1 Air Force
Plant 42
2503 East Avenue P
Palmdale, CA 93550
Ronald.Cleaves@edwards.af.mil

Erinn Wilson
Staff Environmental Scientist
Department of Fish & Game
18627 Brookhurst Street, #559
Fountain Valley, CA 92708
E-mail Service Preferred
ewilson@dfg.ca.gov

Richard W. Booth, Sr. Geologist
Lahontan Regional
Water Quality Control Board
2501 Lake Tahoe Blvd.
South Lake Tahoe, CA 96150-2306
rbooth@waterboards.ca.gov

Rick Buckingham
3310 El Camino Avenue, LL-90
State Water Project
Power & Risk Office
Sacramento, CA 95821
E-mail Service Preferred
rbucking@water.ca.gov

Manuel Alvarez
Southern California Edison
1201 K Street
Sacramento, CA 95814
Manuel.Alvarez@sce.com

Robert C. Neal, P.E.
Public Works Director
City of Lancaster
44933 Fern Avenue
Lancaster, CA 93534-2461
rneal@cityoflancasterca.org

California ISO
E-mail Service Preferred
e-recipient@caiso.com

Robert J. Tucker
Southern California Edison
1 Innovation Drive
Pomona, CA 91768
Robert.Tucker@sce.com

Christian Anderson
Air Quality Engineer
Antelope Valley AQMD
43301 Division St, Suite 206
Lancaster, CA 93535
E-mail Service Preferred
canderson@avaqmd.ca.gov

Keith Roderick
Air Resources Engineer
Energy Section/Stationary Sources
California Air Resources Board
P.O. Box 2815
Sacramento, California 95812
E-mail Service Preferred
kroderic@arb.ca.gov

INTERVENORS

Lisa T. Belenky, Senior Attorney

***John Buse, Senior Attorney**

Center for Biological Diversity

351 California St., Suite 600

San Francisco, CA 94104

E-mail Service Preferred

lbelenky@biologicaldiversity.org

jbuse@biologicaldiversity.org

Jane Williams

Desert Citizens Against Pollution

Post Office Box 845

Rosamond, CA 93560

**E-mail Service Preferred*

dcapjane@aol.com

ENERGY COMMISSION

***KAREN DOUGLAS**

Commissioner and Presiding Member

KLdougl@energy.state.ca.us

***JAMES D. BOYD**

Vice Chair and Associate Member

jboyd@energy.state.ca.us

Kristy Chew

Adviser to Commissioner Byron

E-mail Service Preferred

kchew@energy.state.ca.us

Ken Celli

Hearing Officer

kcelli@energy.state.ca.us

Felicia Miller

Project Manager

fmiller@energy.state.ca.us

Lisa DeCarlo

Staff Counsel

ldecarlo@energy.state.ca.us

Jennifer Jennings

Public Adviser

E-mail Service Preferred

publicadviser@energy.state.ca.us

DECLARATION OF SERVICE

I, Maggie Read, declare that on, February 18, 2011, I served and filed copies of the attached Evidentiary Hearing Order dated February 18, 2011. 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/palmdale/index.html>]. The document has 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-9

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