



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
PALEN SOLAR POWER PROJECT

DOCKET No. 09-AFC-7

DOCKET

09-AFC-7

DATE SEP 21 2010

RECD. SEP 21 2010

**NOTICE OF PREHEARING CONFERENCE
AND
EVIDENTIARY HEARING
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 **PALEN SOLAR POWER PROJECT** has scheduled a Prehearing conference and Evidentiary Hearings as follows:

The Prehearing Conference will be conducted as follows:

TUESDAY, OCTOBER 5, 2010
Beginning at 2:00 p.m.

California Energy Commission
Hearing Room B
1516 9th Street
Sacramento, CA 95814

The Evidentiary Hearings will take place on:

WEDNESDAY, OCTOBER 13, 2010
And
THURSDAY, OCTOBER 14, 2010
Beginning at 10:00 a.m.

California Energy Commission
Hearing Room B
1516 9th Street
Sacramento, CA 95814

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

PLEASE TAKE NOTICE that the Committee has established the following schedule, as set forth in the Revised Committee Scheduling Order dated September 16, 2010:

***Revised Palen Solar Power Project Schedule
09-AFC-7***

Milestone/Task	Date
Revised Staff Assessment (RSA) Part I published	9/1/10
Status Conference	9/9/10
RSA Part II published	9/16/10
Committee-sponsored workshop on RSA Parts I and II	9/27/10
Parties file Prehearing Conference Statements	10/4/10
Prehearing Conference; Parties file Opening Testimony and Exhibits	10/5/10
All parties file Rebuttal Testimony and Exhibits, and submit exhibits organized numerically and by topic to the Hearing Office	10/11/10
Evidentiary Hearings	10/13/10 and 10/14/10
Parties file post-hearing briefs (if necessary)	10/21/10
Presiding Member's Proposed Decision (PMPD) published	11/15/10
Last day for parties to file comments on PMPD	12/7/10
Committee Conference on PMPD (if necessary)	12/9/10
PMPD Errata published (if necessary)	TBD
Energy Commission Final Decision	12/15/10

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.)

We invite BLM representatives to attend the Prehearing Conference to facilitate coordination of BLM's process with this AFC process.

Local, state, and federal governmental agencies may participate at the Prehearing Conference and Evidentiary Hearings, 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.09-AFC-7" on any written comments.

COMMITTEE ORDER: Parties to Provide Prehearing Conference Statements

To facilitate the process, each party is **ORDERED** to serve and file a **PREHEARING CONFERENCE STATEMENT** containing the information listed below. Each party's Prehearing Conference Statement shall be provided to and received by the other parties and the Commission's Docket Unit, 1516 9th Street, MS-4, Sacramento, California 95814-5512, **NO LATER than 3:00 p.m., Monday, October 4, 2010**. The parties shall e-mail their statements to the Hearing Officer as well as to the Docket Unit and the parties as indicated on the Proof-of-Service list. The parties shall also submit a **Word version** of their statements to the Hearing Officer via e-mail.

FAILURE TO FILE A TIMELY PREHEARING CONFERENCE STATEMENT MAY PRECLUDE A PARTY FROM PARTICIPATING AT THIS HEARING.

Each statement shall set forth under a separate heading:

- a) The topic areas that are complete and ready to proceed to Evidentiary Hearing;
- b) The topic areas that are not complete and not yet ready to proceed to Evidentiary Hearing, and the reasons therefore;
- c) The topic areas that remain disputed and require adjudication, and the precise nature of the dispute for each topic;
- d) The identity of each witness sponsored by each party (***note***: witnesses must have professional expertise in the discipline of their 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; the time required to present direct testimony by each witness; and whether the party seeks to have the witness testify in person or telephonically;
- e) Topic areas upon which a party desires to cross-examine witnesses, a summary of the scope of each such cross-examination (including voir dire of any witness' qualifications), and the time desired for each such cross-examination;
- f) A list identifying exhibits and declarations that each party intends to offer into evidence and the technical topics to which they apply (as explained in the following section on Formats for Presenting Evidence);
- g) Topic areas for which the Applicant will seek a commission override due to public necessity and convenience pursuant to Pub. Res. Code § 25525.
- h) Proposals for briefing deadlines, impact of vacation schedules, and other scheduling matters; and

- i) For all topics, any proposed modifications to the proposed Conditions of Certification listed in the Revised Staff Analysis (RSA) based upon enforceability, ease of comprehension, and consistency with the evidence.

COMMITTEE ORDER: Parties to Provide Written Testimonial and Documentary Evidence in Two Formats

The parties are **ORDERED** provide their written testimonial and documentary evidence, if any, in **two formats**.

1. Each document shall be numbered and identified on an Exhibit List. (***USE THE FORM ATTACHED TO THIS NOTICE.***)
 - Applicant's exhibits shall be numbered consecutively as **Exhibits 1 through 299**.
 - Staff's exhibits shall be numbered consecutively as **Exhibits 300 through 399**.
 - Intervenor CURE's exhibits shall be numbered consecutively as **Exhibits 400 through 599**.
 - Intervenor CBD's exhibits shall be numbered consecutively as **Exhibits 600 through 799**.
 - Intervenor CARE's exhibits shall be numbered consecutively as **Exhibits 800 through 999**.
 - Intervenor Basin & Range Watch's exhibits shall be numbered consecutively as **Exhibits 1000 through 1199**.

Printed copies of the Written Testimony and Exhibits shall be provided to the Committee and other parties no later than 3 p.m. on the dates set forth in the Revised Schedule, above. Failure to timely exchange Written Testimony and Exhibits may result in exclusion of evidence.

2. To facilitate the Committee's efficient organization and review of the Project, the parties are also **ORDERED** to compile **printed** copies of the exhibits for each topic area **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 the party and shall be provided to the Hearing Officer **no later than Monday, October 11, 2010**.

FAILURE TO COMPLY WITH THE FILING REQUIREMENTS STATED IN THIS ORDER MAY PRECLUDE A PARTY FROM PARTICIPATING AT THIS HEARING.

Public Participation

The Energy Commission's Public Adviser, is available to assist the public in participating in the application review process. Contact the Public Adviser's Office 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 any scheduled event, contact Lourdes Quiroz no less than five days prior to the hearing at (916) 654-5146 or e-mail: **[lquiroz@energy.state.ca.us]**.

Information

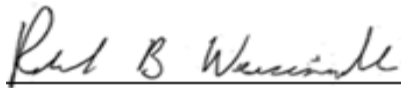
Questions of a legal or procedural nature should be directed to Raoul Renaud, the Hearing Officer, at (916) 651-2020 or e-mail: **[rrenaud@energy.state.ca.us]**.

Technical questions concerning the Project should be addressed to Alan Solomon, the Staff Project Manager, at (916) 653-8236 or e-mail: **[asolomon@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]**.

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: **[http://www.energy.ca.gov/sitingcases/solar_millennium_palen]**.

Dated: September 21, 2010 at Sacramento, California.



ROBERT B. WEISENMILLER
Commissioner and Presiding Member
Palen Solar AFC Committee



KAREN DOUGLAS
Chairman and Associate Member
Palen Solar AFC Committee

PARTICIPATION IN THE PRE-HEARING CONFERENCE AND 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 MEETING NUMBER unique to the specific hearing date:
 - 10/5/10 – Prehearing Conference meeting number: 925 109 552
 - 10/13/10 – Evidentiary Hearing meeting number: 922 461 706
 - 10/14/10 – Continued Evidentiary Hearing meeting number: 929 159 553
- When prompted, enter your information and the same MEETING PASSWORD for each meeting: **palen#123**

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 portion of the meeting.** International callers can use the "Country/Region" button to help make their connection.

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

- Please go to <https://energy.webex.com> and enter the unique meeting number and the meeting password (above).
- *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 computer screen after you login.*

3. TELEPHONE ONLY (NO COMPUTER ACCESS):

- *Call 1-866-469-3239 (toll-free in the U.S. and Canada) and when prompted enter the meeting number unique to the specific hearing date:*
 - 10/5/10 – Additional Evidentiary Hearing meeting number: 925 109 552
 - 10/13/10 – Evidentiary Hearing meeting number: 922 461 706
 - 10/14/10 – Continued Evidentiary Hearing meeting number: 929 159 553

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.



Docket Number: _____

Date: _____

Project Name: _____

TENTATIVE EXHIBIT LIST

Exhibit	Witness	Brief Description (Include Date and Docketed Date)	Offered	Admitted



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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 PALEN SOLAR POWER
PLANT PROJECT**

Docket No. 09-AFC-7

**PROOF OF SERVICE
(Revised 8/27/10)**

APPLICANT

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INTERVENORS

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INTERESTED AGENCIES

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ENERGY COMMISSION

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e-mail service preferred
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DECLARATION OF SERVICE

I, RoseMary Avalos, declare that on September 21, 2010, I served and filed copies of the attached NOTICE OF PREHEARING CONFERENCE and EVIDENTIARY HEARING, EVIDENTIARY ORDER, dated September 21, 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/solar_millennium_palen]

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. 09-AFC-7
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
Hearing Adviser's Office