



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  
**GENESIS SOLAR ENERGY PROJECT**  
 GENESIS SOLAR, LLC

DOCKET No. 09-AFC-8

**REVISED NOTICE OF PREHEARING CONFERENCE AND EVIDENTIARY HEARING  
 AND ORDER**

**PLEASE TAKE NOTICE** that the Committee designated by the Energy Commission to conduct proceedings on the Application for Certification (AFC) for the **GENESIS SOLAR ENERGY PROJECT** has scheduled the Prehearing Conference and Evidentiary Hearings as follows:

*The Prehearing Conference will be conducted on:*

**THURSDAY, JULY 1, 2010**  
 Beginning at 10:00 a.m.

California Energy Commission  
 Hearing Room A  
 1516 Ninth Street  
 Sacramento, CA 95814

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

*The Evidentiary Hearing will take place on:*

**MONDAY, JULY 12 AND TUESDAY, JULY 13, 2010**  
 Beginning at 10:00 a.m.

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

<b>DOCKET</b>	
<b>09-AFC-8</b>	
DATE	APR 01 2010
RECD.	APR 05 2010

**PLEASE TAKE NOTICE** that the Committee has established the following schedule which **supersedes** all prior schedules:

<i>ITEM</i>	<i>DATE</i>
Staff publishes Staff Assessment	Friday, March 26, 2010
Status Conference	Monday, April 26, 2010
Staff Assessment Workshop	First week in May, 2010
Last day to file information requests	Monday, May 3, 2010
Applicant files testimony	Thursday, May 20, 2010
Staff files testimony	Thursday, May 27, 2010
Status Conference	Friday, May 28, 2010
Last day to file Petitions to Intervene	Tuesday, June 1, 2010
Intervenors file testimony	Thursday, June 3, 2010
All parties file rebuttal testimony and submit exhibits organized numerically and by topic (see below) to the Hearing Office	Thursday, June 10, 2010
Prehearing Conference Statements	Thursday, June 17, 2010
Prehearing Conference	Thursday, July 1, 2010
Evidentiary Hearing	Begin Monday, July 12, 2010
Issuance of Presiding Member's Proposed Decision (PMPD);	To Be Determined
Committee Conference on PMPD;	To Be Determined
End of 30-day comment period for PMPD;	To Be Determined
PMPD Errata (if necessary);	To Be Determined
Energy Commission Hearing--Final Decision	To Be Determined

### **Purpose of Prehearing Conferences**

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 Intervenor) 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; the topic areas that are disputed and require adjudication, and topic areas where a party seeks an overriding finding of public necessity and convenience. (Pub. Res. Code § 25525.) The parties shall also identify proposed witnesses, as well as the time required for direct testimony and/or cross-examination.

We invite BLM representatives to attend the Prehearing Conferences 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.09-AFC-8" on any written comments.

### **Prehearing Conference Statements**

To facilitate the process, each party shall serve and file a **PREHEARING CONFERENCE STATEMENT**. 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., Thursday, June 17, 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 therefor;
- 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 Final Staff Analysis (FSA) based upon enforceability, ease of comprehension, and consistency with the evidence.

### **Format for Presenting Evidence**

The parties shall provide written testimonial and documentary evidence in two formats.

1. Each document shall be numbered and identified on an **Exhibit List**. (*See example attached to this Notice.*)
  - Applicant's exhibits shall be numbered consecutively as **Exhibits 1 through 399**.
  - Staff's exhibits shall be numbered consecutively as **Exhibits 400 through 499**.
  - Intervenor CURE's exhibits shall be numbered consecutively as **Exhibits 500 through 599**.
  - Intervenor CARE's exhibits shall be numbered consecutively as **Exhibits 600 through 699**.

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

2. To facilitate the Committee's efficient organization and review of the Project, printed copies of the 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 the party and shall be provided to the Hearing Officer no later than June 10, 2010.

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

**Official Notice**

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>

**Petitions to Intervene to Become a Formal Party**

Only formal parties (Applicant, Staff, or Intervenors) may present evidence and cross-examine witnesses at the Evidentiary Hearing. The Energy Commission's Presiding Member's Proposed Decision (PMPD) on the **GENESIS SOLAR ENERGY PROJECT** will be based solely upon the official evidentiary record developed at the Evidentiary Hearing.

Anyone with an appropriate interest in the **GENESIS SOLAR ENERGY PROJECT** may file a Petition to Intervene and become a formal party. At the Evidentiary Hearing, the formal parties may offer testimony and documentary evidence, receive documents filed by other parties, and cross-examine witnesses. However, a formal party must also comply with all Committee orders, procedures, and filing requirements, and is subject to discovery and having its own witnesses cross-examined by other parties.

To facilitate the participation of all parties at the Prehearing Conference, and allow for an orderly and efficient Evidentiary Hearing, **the DEADLINE TO FILE a Petition to Intervene in this case is 3:00 p.m., Tuesday, June 1, 2010.** (Cal. Code Regs., tit. 20 § 1203(f).) Time extensions will not be granted for new Intervenors to review case materials since this accelerated proceeding has been ongoing since November 4, 2009.

**Public Adviser and Public Participation**

The Energy Commission Public Adviser is available to assist the public in participating in the application review process. For information on how to participate, please contact the Public Adviser's Office at (916) 654-4489 or 1-800-822-6228 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 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 Kenneth Celli, the Hearing Officer, at (916) 651-8893 or e-mail: **[kcelli@energy.state.ca.us]**.

Technical questions concerning the project should be addressed to Mike Monasmith, Staff Project Manager, at (916) 654-4894 or e-mail: **[mmonasmi@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 regarding the status of the Project, as well as notices and other relevant documents pertaining to this proceeding, may be viewed on the Energy Commission's Internet web page at:

**[[http://www.energy.ca.gov/sitingcases/genesis\\_solar/index.html](http://www.energy.ca.gov/sitingcases/genesis_solar/index.html)].**

Dated: April 1, 2010 at Sacramento, California.

*Original signed by:* \_\_\_\_\_  
JAMES D. BOYD  
Vice Chair and Presiding Member  
Genesis Solar AFC Committee

*Original signed by:* \_\_\_\_\_  
ROBERT B. WEISENMILLER  
Commissioner and Associate Member  
Genesis Solar AFC Committee

*Mailed to Lists: POS, 7376, 7377, 7378, 7379*

**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:
  - 4/26/10 – Status Conference meeting number: 921 186 521
  - 5/28/10 – Status Conference meeting number: 928 947 807
  - 7/1/10 – Pre-Hearing Conference meeting number: 927 566 616
  - 7/12/10 – Evidentiary Hearing meeting number: 928 229 524
  - 7/13/10 - Evidentiary Hearing meeting number: 922 780 127
  
- When prompted, enter your information and the **MEETING PASSWORD:** **genesis#1**

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:**
  - 4/26/10 – Status Conference meeting number: 921 186 521
  - 5/28/10 – Status Conference meeting number: 928 947 807
  - 7/1/10 – Pre-Hearing Conference meeting number: 927 566 616
  - 7/12/10 – Evidentiary Hearing meeting number: 928 229 524
  - 7/13/10 - Evidentiary Hearing meeting number: 922 780 127

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.

## SAMPLE EXHIBIT LIST

### APPLICANT'S EXHIBITS - EXHIBITS 1 TO 399

- EXHIBIT 1** Application for Certification, Volume I and II, dated \_\_\_\_\_, docketed on \_\_\_\_\_.
- EXHIBIT 2** Air Quality – Information, dated, 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 400 - 499

- EXHIBIT 400** Staff Assessment for the Solar Two Project, dated \_\_\_\_\_, and docketed on \_\_\_\_\_.

### INTERVENOR CURE EXHIBITS – EXHIBITS 500 – 599

- EXHIBIT 500** Clearly indicate subject matter or document, dated \_\_\_\_\_; docketed on \_\_\_\_\_.

### INTERVENOR CARE EXHIBITS – EXHIBITS 600 – 699

- EXHIBIT 600** Clearly indicate subject matter or document, dated \_\_\_\_\_; docketed on \_\_\_\_\_.

**SUBMIT ALL EXHIBIT LISTS IN WORD FORMAT.**



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**APPLICATION FOR CERTIFICATION FOR THE  
GENESIS SOLAR ENERGY PROJECT**

**Docket No. 09-AFC-8**

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

**APPLICANT**

Ryan O'Keefe, Vice President  
Genesis Solar LLC  
700 Universe Boulevard  
Juno Beach, Florida 33408  
E-mail service preferred  
[Ryan.okeefe@nexteraenergy.com](mailto:Ryan.okeefe@nexteraenergy.com)

Scott Busa/Project Director  
Meg Russel/Project Manager  
Duane McCloud/Lead Engineer  
NextEra Energy  
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**APPLICANT'S CONSULTANTS**

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**COUNSEL FOR APPLICANT**

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**INTERESTED AGENCIES**

California-ISO  
[e-recipient@caiso.com](mailto:e-recipient@caiso.com)

Allison Shaffer, Project Manager  
Bureau of Land Management  
Palm Springs South Coast  
Field Office  
1201 Bird Center Drive  
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[Allison\\_Shaffer@blm.gov](mailto:Allison_Shaffer@blm.gov)

**INTERVENORS**

California Unions for Reliable  
Energy (CURE)  
c/o: Tanya A. Gulesserian,  
\*Rachael E. Koss,  
Marc D. Joseph  
Adams Broadwell Joesph  
& Cardoza  
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[rkoss@adamsbroadwell.com](mailto:rkoss@adamsbroadwell.com)

Californians for Renewable  
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[michaelboyd@sbcglobal.net](mailto:michaelboyd@sbcglobal.net)

**OTHER**

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**ENERGY COMMISSION**

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Commissioner and Presiding  
Member  
[jboyd@energy.state.ca.us](mailto:jboyd@energy.state.ca.us)

ROBERT WEISENMILLER  
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Jennifer Jennings  
Public Adviser's Office  
[publicadviser@energy.state.ca.us](mailto:publicadviser@energy.state.ca.us)

DECLARATION OF SERVICE

I, Maggie Read, declare that on April 5, 2010, I served and filed copies of the attached REVISED Notice of Prehearing Conference and Evidentiary Hearing and Order, dated April 1, 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/genesis\\_solar](http://www.energy.ca.gov/sitingcases/genesis_solar)].

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. 09-AFC-8  
1516 Ninth Street, MS-4  
Sacramento, CA 95814-5512  
[docket@energy.state.ca.us](mailto: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