

STATE OF CALIFORNIA

**Energy Resources Conservation
And Development Commission**

In the Matter of:)	Docket No. 07-AFC-9
)	
Application for Certification)	October 27, 2009
<u>Canyon Power Plant</u>)	

Staff's Prehearing Conference Statement

The October 13, 2009, Notice of Prehearing Conference and Evidentiary Hearing issued by the Committee overseeing the Application for Certification for the Canyon Power Plant identified a date of October 27, 2009, for the filing of Prehearing Conference Statements. This is staff's Prehearing Conference Statement.

- 1) **Complete Topic Areas:** All topic areas are complete and ready to proceed to evidentiary hearings.
- 2) **Incomplete Topic Areas:** No incomplete topic areas.
- 3) **Disputed Areas Requiring Adjudication:** No topics disputed or requiring adjudication.
- 4) **Identity of witnesses, topic areas, testimony summaries, and time requirements:** The staff witnesses sponsoring testimony, a summary of that testimony, and the qualifications of those witnesses are presented in the Final Staff Assessment, originally filed on October 8, 2009. Staff does not plan to present direct testimony on any topic, and will submit all testimony by declaration. Staff reserves the right to request permission to present additional testimony, however, if comments provided at the Prehearing Conference indicate that such testimony is warranted. Staff will have witnesses available to answer questions posed by the Committee.
- 5) **Cross examination topic areas, summary of scope, and time requirements:** Although Applicant has indicated that it will present two witnesses for live testimony, staff believes that it will likely not need to

conduct cross examination of any witnesses. However, staff reserves the right to request cross-examination, if the comments provided at the Prehearing Conference or Evidentiary Hearing indicate that such cross-examination is warranted.

- 6) **Exhibit list:** Staff proposes to identify the Final Staff Assessment as Exhibit 200. The Final Staff Assessment addresses all technical areas associated with staff's review of the project. The declarations of all staff who prepared the Final Staff Assessment are included in that document. As requested by the Committee, staff will submit extra printed copies of each Final Staff Assessment topic area to the Committee.
- 7) **Schedule proposal:** Staff does not believe there will be a need for briefs. However, should the Committee determine briefing on a topic is required, Staff proposes that opening briefs be filed five business days after the hearing transcripts become available, and that reply briefs be filed five business days after the opening briefs are filed.
- 8) **Conditions of Certification:** Staff believes that the Conditions of Certification identified in the Final Staff Assessment are complete, enforceable, and supported by the evidence that will be presented at hearings.

Date: October 27, 2009

Respectfully submitted,

/s/

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BEFORE THE ENERGY RESOURCES CONSERVATION AND DEVELOPMENT
COMMISSION OF THE STATE OF CALIFORNIA
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**APPLICATION FOR CERTIFICATION
FOR THE *CANYON POWER*
*PLANT PROJECT***

Docket No. 07-AFC-9

PROOF OF SERVICE

(Revised 10/23/2009)

APPLICANT

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DECLARATION OF SERVICE

I, **Chester Hong**, declare that on **October 27, 2009**, I served and filed copies of the attached California Energy Commission "**Staff's Prehearing Conference Statement**". 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/canyon/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:

 X sent electronically to all email addresses on the Proof of Service list;

 X by personal delivery or by depositing in the United States mail at Sacramento, California with first-class postage thereon fully prepaid and addressed as provided on the Proof of Service list above to those addresses **NOT** marked "email preferred."

AND

For filing with the Energy Commission:

 X 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. 07-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.

/S/
CHESTER HONG