

DOCKETED

Docket Number:	09-AFC-07C
Project Title:	Palen Solar Power Project - Compliance
TN #:	201001
Document Title:	PSH's Prehearing Conference Statement
Description:	N/A
Filer:	Marie Fleming
Organization:	Galati Blek LLP
Submitter Role:	Applicant Representative
Submission Date:	10/22/2013 2:59:51 PM
Docketed Date:	10/22/2013


October 22, 2013

California Energy Commission
Dockets Unit
1516 Ninth Street
Sacramento, CA 95814-5512

**Subject: PALEN SOLAR HOLDINGS, LLC'S PREHEARING CONFERENCE
STATEMENT
PALEN SOLAR ELECTRIC GENERATING SYSTEM
DOCKET NO. (09-AFC-7C)**

Enclosed for filing with the California Energy Commission is the electronic version of **PALEN SOLAR HOLDINGS, LLC'S PREHEARING CONFERENCE STATEMENT**, for Palen Solar Electric Generating System (09-AFC-7C).

Sincerely,



Marie Fleming

Scott A. Galati
GALATIBLEK LLP
455 Capitol Mall
Suite 350
Sacramento, CA 95814
(916) 441-6575

STATE OF CALIFORNIA

Energy Resources
Conservation and Development Commission

In the Matter of:

DOCKET NO: 09-AFC-7C

Petition For Amendment for the
**PALEN SOLAR ELECTRIC
GENERATING SYSTEM**

**PALEN SOLAR HOLDINGS, LLC'S
PREHEARING CONFERENCE
STATEMENT**

INTRODUCTION

Palen Solar Holdings, LLC (PSH), in accordance with 20 CCR § 1718.5 and the Committee Order dated October 7, 2013, hereby files its Prehearing Conference Statement for its Petition For Amendment for the Palen Solar Electric Generating System (PSEGS). PSH is prepared to proceed to evidentiary hearing on all topic areas contained in the Final Staff Assessment, Parts A and B.

In accordance with the above referenced order, PSH presents its Prehearing Conference Statement, as follows:

A. Topic Areas Complete and Ready to Proceed To Evidentiary Hearing

PSH believes that all topic areas (and/or disciplines) contained in Parts A and B are complete and ready for adjudication at the Evidentiary Hearings.

B. Topic Areas Not Ready to Proceed to Evidentiary Hearing

Part C of the FSA will address air quality and has not yet been published and therefore is not ready for adjudication at the Evidentiary Hearings.

C. Disputed Topic Areas Requiring Adjudication

PSH characterizes the topic areas into the following four categories:

- Category 1. Areas where PSH agrees with Staff's analysis, ultimate conclusions, and Proposed Conditions of Certification and where live testimony is not warranted.
- Category 2. Areas where PSH requested minor modifications to Staff's Proposed Conditions of Certification where PSH believes live testimony is not warranted because the written testimony is clear and no further explanation is necessary.
- Category 3. Topic areas where PSH disagrees with Staff's analysis and ultimate conclusions and/or Conditions of Certification where live direct testimony and cross-examination are warranted.
- Category 4. Topic areas where PSH disagrees with Interveners' positions where live direct testimony and cross-examination are warranted.

Brief descriptions of the disputes are provided below and are summarized in Table 1.

D. Proposed Witnesses and Testimony

Table 1 identifies the witnesses that PSH intends to call and offer direct testimony. The table also includes a brief summary of the subject areas of the testimony and an estimate of the amount of time necessary for direct live testimony. The table also identifies those areas where PSH believes live testimony is not warranted and, therefore, offers to submit testimony for these topics upon sworn declaration.

E. Cross-Examination

Table 1 identifies those witnesses that PSH requests cross-examination, including an estimate of the amount of time necessary for cross-examination. PSH does not challenge the qualifications of any witness to provide expert testimony in accordance with the testimony received to date, but reserves the right to identify levels of experience and degree of qualification. A brief description of the subject areas in dispute that will encompass the scope of cross-examination is included in Table 1. While PSH understands that the Committee may conduct the proceedings using an informal hearing procedure, PSH strongly objects to such procedure, as it will result in the loss of PSH's due process rights to conduct relevant cross-examination.

F. Exhibit List

Table 2 is PSH's Proposed Exhibit List. In order to give the parties additional opportunity to comment on PSH's Opening Testimony, PSH filed a large portion of its Opening Testimony prior to the Committee's publication of its PreHearing Conference and Evidentiary Hearing Order on October 7, 2013. As is customary, the Opening Testimony sponsors exhibits by exhibit numbers. PSH used a number system for its Exhibits that began with the number 1. The PreHearing Conference and Evidentiary Hearing Order subsequently required PSH to use the numbers for its exhibits beginning at 1000. To utilize a 4 digit system of exhibit numbers, Table 2 rennumbers PSH's exhibits beginning with Exhibit Number 1001.

G. Findings of Override

The FSA Parts A and B identified potential unmitigatable impacts in Cultural Resources, Visual Resources, and Biological Resources relating to avian species. The Commission made the necessary Findings of Override for Cultural and Visual Resources in the Final Decision for the Approved Project. PSH requests the Commission renew that finding for Cultural and Visual Resources and also include Biological Resources relating to Avian Species. Specific reasons are contained in PSH's previously filed Opening Testimony relating to Project Description and Overriding Considerations.

H. Scheduling

In order to facilitate the schedule, PSH requests that the Committee allow the parties to make a brief closing argument at the end of testimony for each section so that the Committee can decide whether or not briefs are necessary and, if so, determine the scope.

I. Proposed Modifications to Conditions of Certification

PSH has carefully reviewed the FSA, Parts A and B, and is in general agreement with the substantial majority of Staff Conditions of Certification. Conditions of Certification where PSH requests modifications or deletions are presented in our previously filed Opening Testimony and are summarized below.

BIOLOGICAL RESOURCES

Condition of Certification BIO-14

In its Opening Testimony, PSH requested a minor modification to the Condition of Certification **BIO-14**. Staff agreed with the change in its Rebuttal Testimony.

Condition of Certification BIO-17

In its Opening Testimony, PSH requested a modification to this Condition of Certification. In its Rebuttal Testimony, Staff agreed.

Condition of Certification BIO-16b

In its Opening Testimony, PSH described a modification to Condition of Certification **BIO-16b**. Specifically, PSH requests minor modifications to clarify the makeup and role of the Technical Advisory Committee (TAC) that Staff added as a new Item 2 to the condition in the FSA.

2. **Formation of a technical advisory committee (TAC)**. The TAC will **consist of a representative of the CEC, CDFW, USFWS, one representative of the Project Owner involved in operation of the PSEGS and one representative of the Project Owner with environmental compliance responsibilities.** The TAC will facilitate concurrent project owner, CPM, and state and federal wildlife agency review of seasonal and annual survey results, **development of a decision-framework for evaluating** the effectiveness of the adaptive management measures implemented by the project owner, modification of the surveys in response to the results, if necessary, and the identification of additional mitigation responses that are commensurate with the extent of impacts that may be identified in the monitoring studies. A meeting schedule for the TAC will be identified, for regular review of avian and bat injury and mortality monitoring results, and recommend any necessary changes to monitoring, adaptive management, and appropriate dissemination of mitigation funds per BIO-16a #2. The TAC will also assist the CPM in implementing the following provisions #3 - #8.

Staff rejected this change in its Rebuttal Testimony on the grounds that it would limit the TAC which is currently being discussed at ISEGS. We disagree and this remains a disputed item.

Staff made additional changes to the Condition of Certification in its Rebuttal Testimony, some of which are not acceptable to PSH and, therefore, are disputed. Since the Rebuttal Testimony was filed yesterday, PSH has not had time to propose modified language but will be able to discuss specific

modifications it requests at the evidentiary hearings. Below is a summary of Staff's recent modifications to this Condition of Certification that are unacceptable.

Staff added new requirements for public hearings and meetings to reconsider critical provisions of this and other Conditions of Certification. Specifically, Staff modified Item 6 and added Item 9 to this Condition of Certification in its Rebuttal Testimony. For reasons we will explain thoroughly at the evidentiary hearings, PSH believes the concepts embodied in Items 6 and 9 may render the project unfinanceable. As the Commission is aware, it has the authority to begin a compliance proceeding if there is non-compliance with Conditions of Certification. Staff's approach is to build in an automatic "reopening" of the proceedings after three years of commercial operation. This runs counter to the use of the Technical Advisory Committee (TAC) which will be continually approving and reviewing the data collected and measures taken under the BBCS. The TAC will be made up of BLM, CEC, USFWS, and CDFW as well as the project owner. Notwithstanding the fact that the new provisions would force lenders to assume that the granting of a license would not authorize project operation for the life of the PPA, input from the general public about complex statistics, biological monitoring data, and performance standards for adaptive management techniques is simply not necessary for the agencies serving on the TAC to make decisions. Therefore, PSH requests that these new provisions be rejected.

In addition, Staff added a requirement to fund rehabilitation facilities. PSH agrees that it should pay the costs of rehabilitation activities when the construction or operation of the PSEGS causes the need for those activities. The problem with Staff's new provision is it that the language is overbroad and requires funding of the entire facility instead of reimbursement for costs incurred solely as a result of the PSEGS. Therefore, we propose the following modification to Staff's new provision added to Item 7 (a).

(a) Reasonable measures for characterizing the extent and significance of detected mortality and injuries clearly attributable to the project, and ensuring adequate funding for wildlife rehabilitation facilities *activities necessary for injuries clearly attributed to the project* approved by the CPM, in conjunction with the USFWS and CDFW.

Additionally, Staff added the requirement to Item 2 of the Condition of Certification that the project owner should fund independent third party monitoring if advisable by the TAC. Since the TAC will consist of the agencies reviewing the BBCS which will include monitoring, PSH requests that the requirement to fund independent third party monitoring apply only in the event

that the monitoring being performed by PSH fails to comply with the approved BBCS as follows:

...and will have the authority to require independent, third-party monitoring, if the TAC determines advisable *that the project owner is not monitoring consistent with the approved BBCS and the project owner fails to timely cure such inconsistency after reasonable advance notice from the TAC.*

CULTURAL RESOURCES

Condition of Certification CUL-1

PSH requests the Committee reject Staff Proposed Condition of Certification **CUL-1** and instead adopt the version of **CUL-1** that was included in the Final Decision. This is because the impacts that Staff attributes to the PSEGS Amendment are overestimated, the Condition of Certification bears no nexus to the impacts identified, and the Condition of Certification is overly broad and burdensome (costing, at a minimum, over \$2 Million with no cap on financial obligations which would likely prevent PSH from obtaining financing).

Condition of Certification CUL-11

PSH provided the following comment in its Final Comments on the PSA and since it was rejected by Staff, renews its request.

Condition of Certification **CUL-11** was developed to ensure that certain sites were further evaluated and, if necessary, data recovery was performed ***prior to construction that could potentially disturb them.*** However, the verification is inconsistent with the condition language which allows construction to take place elsewhere for the project as long as the activities were not within 30 meters of the potential sites. PSH proposed in its Initial Comments to simply modify the verification language to be consistent with the language in the condition. At the Workshops, Staff explained that it wanted to revisit the concept of allowing construction to occur within 30 meters of a site that would need additional evaluation pursuant to the condition and indicated that it may modify the condition to provide an interim analysis step to determine whether the buffer distance should be 30 meters of some other distance.

As described in the FSA, Staff simply rejected the concept that construction could take place on the site in the manner currently allowed by the Condition of Certification for the Approved Project. Specifically, the Approved Condition of Certification includes the language:

If allowed by BLM, prior to ***ground disturbance within 30 meters of the site boundaries of each of these sites***, the project owner shall ensure that the CRS, the PPA and/or archaeological team members implement the plan, which, for sites where CARIDAP does not apply, shall include, but is not limited to the following tasks: **(emphasis added)**

The Commission allowed this specific language for the Approved Project even though the Approved Project involved mass grading across the site involving cuts and fills in excess of 4.5 million cubic yards. Yet Staff refuses to acknowledge that construction on the site for the PSEGS, which involves 22.5 times less grading than the Approved Project, poses less risk to these sites. In fact, with the additional survey work, geoarchaeology studies, and on-site trenching that have been performed since the original Final Decision to support the PSEGS, there has been no scientific reason associated with the amendment to the PSEGS that the Commission should remove the flexibility previously adopted by the Commission in the Final Decision.

For this exact reason that Staff has changed its interpretation of the Approved Condition language and approach, we request the specific direction be also included in the Verification in the manner outlined below:

1. At least 45 days prior to ground disturbance **within 30 meters of the “prehistoric sites”**, the project owner shall notify the CPM that data recovery for small sites has ensued.

In addition, with the additional survey work performed in support of the Amendment for the PSEGS, it is clear that Site SMP-P-2018 is a simple prehistoric site without features and therefore it should be removed from Condition of Certification **CUL-12** and added to the list of sites in **CUL-11**.

Condition of Certification CUL-12

As discussed above, Staff rejected PSH’s request to modify the Verification language of Condition of Certification **CUL-12** so that it is consistent with the language contained in the actual condition. For the reasons discussed under Condition of Certification **CUL-11** above, we request the following modification to the Verification.

1. At least 45 days prior to ground disturbance within 30 meters of the “complex PreHistoric sites”, the project owner shall notify the CPM that data recovery for large complex sites has ensued.

As discussed above, Site SMP-P-2018 should be deleted from Condition of Certification **CUL-12** and added to the list of sites in **CUL-11**. In addition, the additional 2013 archaeological surveys and field checks performed in support of the Amendment for the PSEGS identified two new prehistoric sites with features. These sites, MH-009 and MH-010, should be added to the list of sites outlined in the Condition of Certification **CUL-12**.

Condition of Certification CUL-13

As discussed above, Staff rejected PSH’s request to modify the Verification language of Condition of Certification **CUL-13** so that it expressly states that construction activities that have no potential to disturb these sites can proceed prior to implementation of the condition. This would be consistent with the other Conditions of Certification which allow that flexibility. For the reasons discussed under Condition of Certification **CUL-11** above, we request the following modification to the Verification.

1. At least 45 days prior to ground disturbance within 30 meters of the “Historic Period Refuse Scatters”, the project owner shall notify the CPM that mapping and upgraded artifact analysis has ensued on the historic-period refuse scatter sites.

In addition, the additional 2013 archaeological surveys and field checks performed in support of the Amendment for the PSEGS identified eleven new historic refuse scatters that may date to the time period of the Desert Training Center Cultural Landscape. These sites, MH-001, MH-002, MH-003, MH-006, MH-008, MH-010, MH-011, MH-012, MH-013, MH-014, and MH-015, should be added to the list of sites outlined in the Condition of Certification **CUL-12**.

Condition of Certification CUL-14

As discussed above, Staff rejected PSH’s request to modify the Verification language of Condition of Certification **CUL-14** so that it expressly states that construction activities that have no potential to disturb these sites can proceed prior to implementation of the condition. This would be consistent with the other Conditions of Certification which allow that flexibility. For the reasons discussed

under Condition of Certification **CUL-11** above, we request the following modification to the Verification.

1. At least 45 days prior to ground disturbance **within 30 meters of the “Historic Period Sites with Features”**, the project owner shall notify the CPM that mapping and upgraded artifact analysis has ensued on the historic-period sites with features.

During the August 2013 surveys to support the Amendment to the PSEGS, one historic site with two features was recorded. This site, MH-007, is an artifact concentration of cans, glass, a kerosene lamp and two lids to a wood stove. The second feature is a hearth with rocks slightly buried and historic artifacts around it. Numerous other historic artifacts are present including oil cans. This site should be added to this condition.

Condition of Certification CUL-16

Staff deleted Condition of Certification **CUL-16** over PSH’s and BLM’s objection. At the PSA Workshops, BLM expressed a strong preference that this condition be left in place. PSH supports inclusion of the condition because it provides clear direction if there is a dispute between Commission and BLM Staff when it comes to compliance with federal requirements applicable to cultural resources and requests. Staff is incorrect in its assertion that the reason for its inclusion for the Approved Project was related to coordination on the joint documents. The reason for its inclusion is to simply recognize that when it comes to implementation of cultural resource requirements under the PA on BLM managed land, BLM is the final arbiter.

Condition of Certification CUL-17

PSH requests the Committee reject Staff’s addition of Condition of Certification **CUL-17** as unwarranted. Staff’s analysis that the PSEGS would cause impacts to the Ironwood Mining District is unsupported and the impacts are vastly overestimated.

SOIL AND WATER RESOURCES

Condition of Certification SOIL&WATER-1

In its Opening Testimony, PSH requested a minor modification to Staff’s Proposed Condition of Certification **SOIL&WATER-1**. On October 9, 2013, Staff

filed an Errata to the FSA in which it agreed to the modification proposed by PSH. The Committee should adopt the Condition of Certification **SOIL&WATER-1** as modified by Staff's Errata to the FSA.

TRAFFIC AND TRANSPORTATION

Condition of Certification TRANS-1

Staff modified the Condition of Certification adopted by the Commission in the Final Decision by adding a new requirement to the Traffic Control Plan (TCP). Specifically, Staff added the requirement that the Traffic Control Plan be required to ensure that the intersection at Corn Springs Road and I-10 always operate at Level of Service (LOS) C or better when no such requirement existed in the original condition. While PSH acknowledges that the peak and average construction traffic have increased, this increase does not warrant the additional requirement. The original condition included, and Staff's proposed condition continues to include, a more appropriate and measurable standard. Specifically, the condition states that the TCP shall use:

“one or more of the following measures designed to prevent stacking: staggered work shifts, off-peak work schedules, and/or restricting travel to and departures from each project site to 10 or fewer vehicles every three minutes”.

We disagree with replacement of the vehicle based performance standard with Staff's new LOS C performance standard (LOS Standard) for the following reasons. While the project-related vehicle trips are a part of the LOS Standard, project-related trips are not the only component. Even if PSEGS adds zero vehicle trips, the LOS may fall below LOS C due to other traffic at the intersection. We believe it is unreasonable to impose a LOS Standard that could be impossible to comply with even when the project is not adding any vehicle trips to the intersection.

The performance standard contained in the Condition of Certification for the Approved Project is based on limiting the actual Project Vehicle Trips (PVT Standard). This is a requirement which is quantifiable as it can easily be checked (i.e., cameras) for project trips and more importantly is under the direct control of the Project Applicant. The LOS based requirement will not be instantaneously quantifiable, as it will require traffic counts to be taken and an engineer to perform LOS analysis, which can take a few days from data collection to analysis and results. Furthermore, as noted above, the LOS may be worse than LOS C even with no project traffic being added. Setting a vehicle based performance standard is immediately quantifiable, enforceable, and will

directly mitigate the PSEGS's traffic. Therefore we propose the following modifications to the first two bullets of Condition of Certification **TRANS-1**:

- A work schedule designed to ensure that stacking does not occur at intersections necessary to enter and exit the project site., ~~and that LOS at these intersections and on I-10 remains at LOS C or better.~~
- A plan for monthly monitoring of traffic volume and/or delay ~~and LOS~~ at study roadways and intersections during periods of higher construction employment (Months 19 through 25, including Month 22, the peak construction month).

Condition of Certification TRANS-3

In its Opening Testimony, PSH proposed modifications to Condition of Certification **TRANS-3**. Staff accepted the modifications in its Rebuttal Testimony.

Condition of Certification TRANS-6

Staff made several changes to the Approved Condition of Certification that are acceptable to PSH. However, we recommend that the following language be deleted from the Condition as it is informational, does not require any action on the part of the Project Owner, and should therefore be considered to be part of the analysis as opposed to enforceable condition language.

~~The FAA has proposed publishing guidance on the use of Audio Visual Warning Systems (AVWS) for obstruction lighting. The project owner has the future option to change the tower obstruction lighting system to an Audio Visual Warning System. An AVWS was recommended by the National Park Service in a comment on the FAA Notice of Construction or Alteration for the PSEGS to preserve the natural darkness in this portion of the Mojave Desert. If it is feasible and the project owner wishes to implement an AVWS in the future, the project owner shall consult with the FAA and the CPM as necessary.~~

Condition of Certification TRANS-7

PSH proposed in its Petition For Amendment a Condition of Certification for a Heliostat Positioning and Monitoring Plan that was identical to that imposed by the Commission in its Final Decision for the Rice Solar Energy Project.

Subsequent to filing the Petition For Amendment, PSH representatives met with Riverside County to discuss and address its concerns that the heliostats may potentially interfere with the use of one of its nearby microwave towers that support its Public Safety Enterprise Communication Project (PSEC). After two meetings with Riverside County representatives, PSH proposed modifications to the Heliostat Positioning and Monitoring Plan condition to specifically address Riverside County concerns. Riverside County agreed to PSH's proposed modifications and the modified condition was docketed. Staff did not include the modified condition language in the Preliminary Staff Assessment (PSA). Staff did, however, include Condition of Certification **TRANS-7** in the FSA, but it did not include any of the modifications proposed by PSH with agreement of Riverside County to address its concerns for the PSEC. Staff has now proposed additional requirements relating to covering the heliostats and inserted a definition of what would be an event that would trigger mitigation by the project. We propose the following modifications to the Staff's proposed Condition of Certification **TRANS-7** to address the PSEC and to provide clarity and flexibility.

TRANS-7 Heliostat Positioning and Monitoring Plan

To reduce glint and glare from the project, the project owner shall prepare a Heliostat Positioning and Monitoring Plan (HPMP) which includes the following information. The HPMP shall be implemented during installation of the heliostats and during project operation.

1. Identify the heliostat movements and positions (including during normal operations, daytime mirror-washing, removal of solar flux due to high winds, and all non-normal known operational scenarios and possible malfunctions) that could result in potential exposure of observers at various locations, including pilots, motorists, pedestrians and hikers in nearby wilderness areas **and the Riverside County PSEC Project Tower**, to direct solar reflections from the heliostats (DSRH).
2. Describe within the HPMP how programmed heliostat operation would address potential **human health and safety hazards from DSRH (DSRH eEvents)** at locations of observers, and how it would maximally limit or avoid potential exposures. This shall include heliostat positioning and transition algorithm exclusion zones that maximally avoid ground-based DSRH events.
3. Describe how the mirrored surfaces of the heliostats would **either be covered or oriented to minimize DSRH Events on I-10 and at the Riverside County PSEC Project Tower** during construction until **calibration activities whereby** the heliostats

are properly seated, oriented, and under computer control to avoid exclusion zones.

4. Implement a set of baseline heliostat positioning and control algorithms to minimize DSRH **E**vents as soon as realistically possible after heliostat installation. The baseline control algorithms shall initially minimize ground-based DSRH **E**vents during site set-up, testing and calibration prior to power generation operations. If this does not work to minimize ground-based DSRH **E**vents **on I-10**, the project owner shall modify the perimeter fencing along I-10 to ~~prevent~~ **minimize** motorists from experiencing DSRH **E**vents **on I-10**.
5. Prepare a monitoring plan to quantify the frequency and locations of DSRH **E**vents and validate that the DSRH **E**vents are minimized by HPMP implementation. This may be implemented with a staring camera system along a known line of sight to ground-based observation points (e.g., I-10).

The monitoring plan shall be made available to interested parties, including the Department of Defense (DoD), California Department of Transportation (Caltrans), California Highway Patrol (CHP), Federal Aviation Administration (FAA), Riverside County Economic Development Agency Department of Aviation, the Riverside County ALUC, and the Riverside County Transportation and Land Management Agency. The monitoring plan shall be updated on an annual basis for the first 5 years and at 2-year intervals thereafter for the life of the project.

6. Obtain field measurements in candela per meters squared and watts per meter squared to validate that the HPMP avoids the potential for human health and safety hazards consistent with the methodologies detailed in the 2010 Sandia Lab document presented by Clifford Ho, et al., including those studies and materials related to ocular damage referenced within.
7. ***The HPMP shall include a communication protocol for Riverside County with specific contact information whereby Riverside County can speak to a representative at the PSEGS site 24 hours a day/seven days a week to respond to requests from the Riverside County PSEC Project to***

investigate potential interference with operation of the PSEC microwave tower.

8. Provide requirements and procedures to document, investigate and resolve legitimate complaints regarding glint and glare events. This includes establishing a toll-free number for the public to report complaints related to glint and glare and posting this number in the same location as that required in Condition of Certification COMPLIANCE-9.

The project owner shall notify the CPM within 3 days of receiving a glint or glare complaint. As soon as the complaint has been resolved or within 10 days of the complaint, the project owner shall submit to the CPM a report in which the complaint(s) as well as the actions taken to resolve the complaint are documented. The report shall include (a) a complaint summary, including the name and address of the complainant; (b) a discussion of the steps taken to investigate the complaint; (c) the reasons supporting a determination of whether or not the complaint is legitimate; and (d) the steps taken to address the complaint and the final results of these efforts. This information shall be included in the Monthly Compliance Reports.

Verification: 60 days prior to the start of construction, the project owner shall prepare and submit to the CPM for review and approval a plan for baseline heliostat positioning and control algorithms to minimize DSRH events after heliostat installation and during site set-up, testing, and calibration. 90 days prior to the start of operation of any unit, the project owner shall submit the remainder of the HPMP describing how the above measures will be implemented to reduce glint and glare during project operation, and how monitoring will occur.

If the project owner receives a complaint regarding glint or glare, the owner shall conduct an investigation to determine whether the complaint is legitimate and if the project is the source of such glint or glare. If it is determined that the ***complaint is legitimate and the*** project is the source of such glint or glare, the project owner shall take all feasible measures to eliminate or reduce the glint or glare. Such measures may include localized screening.

The project owner shall notify the CPM within 3 days of receiving a glint or glare complaint. As soon as the complaint has been resolved or within 10 days of the complaint, the project owner shall submit to the CPM a report in which the complaint(s) as well as the actions taken to resolve the complaint are documented. The report shall include (a) a complaint summary, including the name and address of the complainant; (b) a discussion of the steps taken to investigate the complaint; (c) the reasons supporting a determination of whether or not the complaint is legitimate; and (d) the steps taken to address the complaint and the final results of these efforts. This information shall be included in the Monthly Compliance Reports.

If no legitimate complaints are received and/or if a legitimate complaint is received and the project owner has resolved the source of the complaint(s) within the first 12 months of project operation, project owner can request that the CPM release the project owner from the obligations under Sections **5 and 6 4** of this condition after the 12th month of project operations.

VISUAL RESOURCES

Condition of Certification VIS-3

In its Opening Testimony, PSH proposed a minor modification to Staff's Proposed Condition of Certification **VIS-3**. On October 9, 2013, Staff filed an Errata to the FSA adopting PSH's modification. Therefore, the Committee should include Condition of Certification **VIS-3** from the FSA as modified by the Staff Errata.

WORKER SAFETY AND FIRE PROTECTION

Condition of Certification WORKER SAFETY-5

In its Opening Testimony, PSH requested minor modifications to Condition of Certification **WORKER SAFETY-5**. Staff agreed to the modifications in its Rebuttal Testimony.

Condition of Certification WORKER SAFETY-6

PSH and Staff agree on the amount of mitigation compensation for the equipment to be provided to the RCFD. However, PSH disagrees with the

amount of annual, ongoing mitigation compensation to the Riverside County Fire Department (RCFD) proposed by Staff. PSH believes that Staff has underestimated the existing service capacity of the RCFD and the positive revenue impact to the RCFD from other approved solar energy projects. Therefore, PSH proposes mitigation compensation for ongoing emergency services that is lower than the amount proposed by Staff.

GEOLOGY AND PAELONTOLOGY

Condition of Certification PAL-5

The FSA includes flawed analyses that conclude that the PSEGS will result in more impacts to paleontological resources. The basic premise upon which Staff relies is that the vibratory installation of the heliostat pylons does not result in the excavation of subsurface material. In Staff's opinion it is this sole lack of excavated material that could result in an impact to a buried fossil from insertion of the pylon that may render the fossil "undiscovered". Staff then claims that this will be an impact. For the reasons discussed in detail in our opposition of Staff's new proposed Condition of Certification **PAL-9**, we strongly disagree.

However, after discussing this issue with Staff in workshops and for the sole purpose of providing a compromise, we suggested adding language to **PAL-5** requiring additional monitoring of geotechnical borings within the solar field. Staff incorporated that suggestion **AND** included a new burdensome condition that would render the PSEGS unfinanceable. PSH withdraws its proposed compromise and requests the Commission adopt the version of Condition of Certification **PAL-5** contained in the Final Decision without Staff's changes.

Condition of Certification PAL-9

Staff has proposed Condition of Certification **PAL-9** solely because it believes that the PSEGS poses more of a risk of impact to paleontological resources than the original project. This opinion is based solely on Staff's speculation of destruction of fossil resources with the vibratory technique of pylon insertion and that uncovering of fossils during mass grading is preferred to leaving them in place. This concept is new and runs contrary to many other environmental disciplines where avoidance is preferred; most notably, Cultural Resources.

First, Staff overestimates the sensitivity of the site for the presence of fossil resources. While it is clear that there is some potential for fossil resources, Staff ignored the information provided by PSH in its Response to Data Requests 76, Attachment 76-1 of Exhibit 60. Attachment 76-1 of Exhibit 60 is provided here for the Committee's convenience and clearly indicates that the potential for fossil discovery is low across most of the PSEGS site.

Second, Staff overestimates the potential disturbance activities associated with constructing the solar field. The PSEGS disturbance should be compared to the amount of disturbance for the Approved Project. The original project would have conducted mass grading across the site, including the installation of miles of large drainage channels. The total amount of mass grading for the Approved Project would have been 4.5 million cubic yards of cut and fill. In contrast, the PSEGS grading would include approximately 200,000 cubic yards of cut and fill. This represents 22.5 times less grading, a reduction of over 95 percent in the amount of disturbance over the Approved Project.

Lastly, Staff overestimates the probability that a pylon would encounter **AND** destroy a fossil resource. While it is true that the PSEGS will install up to 170,000 heliostats across the solar fields, Attachment 76-1, or Exhibit 60 correctly places this into context and concludes:

Consider, however, the following: emplacement of the 8-inch diameter pylons for the entire field will disturb a total surface area of only 1.4 acres. The disturbance over the total area of the project is thus less than 0.04 % of the total facility area. Further, it is conservatively estimated that less than 20 % of the total project area has any possibility of encountering anything other than coarse-grained fanglomerates within a depth of 4-8 feet. Thus, less than 0.01 % of the pylons have any realistic probability of encountering significant fossils. Given the frequency of fossil recovery in the previous paleontological survey, the probability of damaging buried fossil remains is astronomically small.

Notwithstanding the lack of impact from the PSEGS, Condition of Certification **PAL-9** simply renders the project unfinanceable because it defers analysis to after the Commission Decision is issued and contains undefined mitigation requirements including stopping construction and excavating an unknown area and unknown quantity of material. Additionally, the approach of **PAL-9** abandons the long held conservation strategy of leaving artifacts in place and minimizing disturbance. If Staff's approach were followed, the PSEGS would have the

potential to result in far greater impacts to cultural resources and potential biological habitat. In summary, we respectfully request the Commission to find that the PSEGS would result in less impact to paleontological resources than the Approved Project and reject the addition of this condition.

CONCLUSION

PSH looks forward to a productive and efficient PreHearing Conference and Evidentiary Hearings. PSH requests that the Committee reiterate that the scope of the proceeding before it is whether to Approve or Deny PSH's Petition For Amendment and the evidentiary burdens are governed by Commission Regulation Section 1769. To that end, PSH requests that the Committee inform and direct the parties that each party bears the burden of proof for presenting evidence that is specifically related to the amendment, the scope of which includes changing the technology from solar trough to power tower, addition of a natural gas supply line and shifting the a portion of the approved transmission line corridor 1,125 feet to the west. Therefore, unless there is 1) a change of law, ordinance, regulation or standard; 2) there is new scientific information that is relevant and was not available to the parties at the time of the original evidentiary hearings; or 3) the evidence is related specifically to the change in technology, addition of the natural gas pipeline, or shift of the approved transmission line corridor; the evidence or arguments are not relevant. This is also consistent with CEQA's provisions on the scope of preparing a subsequent EIR.¹ PSH respectfully requests this guidance from the Committee to eliminate the need for specific objections during evidentiary hearings and to prevent parties from "re-adjudicating" issues not related to the amendment and already decided in the Final Decision.

Dated: October 22, 2013

Respectfully Submitted,



Scott A. Galati
Counsel to Palen Solar Holdings, LLC

¹ Public Resources Code Section 21166, CEQA Guidelines 15162 and 15163. See also *Black Property Owners Association v. City of Berkeley*, 22 Cal. App. 4th 974; *Benton v. Board of Supervisors*, 226 Cal. App. 1467

TABLE 1

PALEN SOLAR HOLDINGS, LLC
Proposed Witness List

TOPIC AREA	DISPUTES BETWEEN PARTIES	WITNESS	TESTIMONY SUMMARY	DIRECT TESTIMONY ESTIMATE	CROSS-EXAM ESTIMATE
PROJECT DESCRIPTION AND OVERRIDING CONSIDERATIONS	Category 2	Charles Turlinski, PSH Matthew Stucky, PSH	Submitted on Declaration; one minor clarification about Project Description	None	None
BIOLOGICAL RESOURCES	Categories 3 and 4	Alice Karl, Alice Karl and Associates Fred Nials, centerline Matthew Stucky, PSH	<u>Category 3</u> – PSH disagrees with Staff’s estimate of indirect impacts for MFTL <u>Category 4</u> – PSH disagrees with the CBD positions regarding issues that were already adjudicated and unrelated to the PSEGS amendment; indirect impacts to MFTL; desert tortoise impacts; impact and LORS compliance for avian species	1 hour	<u>Total 1 hour</u> 30 minutes Cross Examination of Staff Biology expert panel including Dr. Lancaster 30 minutes Cross-Examination of CBD expert panel
COMPLIANCE CONDITIONS	Category 1	Andrea Grenier, Grenier and Associates Matthew Stucky, PSH	Submitted on Declaration	None	None
CULTURAL RESOURCES	Categories 2 and 3	Mary Barger, centerline Fred Nials, centerline Matt Stucky,	<u>Category 2</u> PSH requests minor modifications to Conditions of Certification CUL-11, CUL-12,	30 minutes	30 minutes for Staff witnesses PSH does not request cross-examination of the CRIT

TOPIC AREA	DISPUTES BETWEEN PARTIES	WITNESS	TESTIMONY SUMMARY	DIRECT TESTIMONY ESTIMATE	CROSS-EXAM ESTIMATE
		PSH	CUL-13 , and CUL-14 . PSH also requests that the Committee reject Staff's deletion of CUL-16 . <u>Category 3</u> PSH disagrees with Staff's analysis of potential impacts to the PRGTL and the Ironwood Mining District		Attorneys because it objects to their qualifications as experts on any subject matter. Their testimony is legal argument more appropriate for briefs.
HAZARDOUS MATERIALS	Category 1	Andrea Grenier, Grenier and Associates	Submitted on Declaration	None	None
LAND USE	Category 1	Andrea Grenier, Grenier and Associates	Submitted on Declaration	None	None
NOISE AND VIBRATION	Category 1	Andrea Grenier, Grenier and Associates	Submitted on Declaration	None	None
PUBLIC HEALTH	Category 1	Greg Darwin, Atmospheric Dynamics, Inc.	Submitted on Declaration	None	None
SOCIOECONOMICS	Category 1	Andrea Grenier, Grenier and Associates	Submitted on Declaration	None	None

TOPIC AREA	DISPUTES BETWEEN PARTIES	WITNESS	TESTIMONY SUMMARY	DIRECT TESTIMONY ESTIMATE	CROSS-EXAM ESTIMATE
SOIL AND WATER RESOURCES	Category 1	Matt Stucky, PSH Charles Turlinski, PSH	Submitted on Declaration	None	None
TRAFFIC AND TRANSPORTATION	Category 3	Matthew Stucky, PSH Charles Turlinski, PSH Rafael Cobian, P.E. Fehr and Peers Dan Franck, BSII	PSH requests modifications to Conditions of Certification TRANS-1, TRANS-3, TRANS-6 and TRANS-7	15 minutes	10 minutes
TRANSMISSION LINE SAFETY AND NUISANCE	Category 1	Andrea Grenier, Grenier and Associates	Submitted on Declaration	None	None
VISUAL RESOURCES	Category 1	Andrea Grenier, Grenier and Associates Timothy Zack, 3DScape (only if requested by Committee)	Submitted on Declaration	None	None
WASTE MANAGEMENT	Category 1	Andrea Grenier, Grenier and Associates	Submitted on Declaration	None	None
WORKER SAFETY	Category 3	Wesley A. Alston, Pacific Development Solutions Group	Minor modification to Condition of Certification WORKER SAFETY-5 . PSH disagrees with the amount of mitigation	1 hour	<u>Total 30 Minutes</u> 10 minutes for Staff and 20 minutes if Staff sponsors any representative of RCFD or

TOPIC AREA	DISPUTES BETWEEN PARTIES	WITNESS	TESTIMONY SUMMARY	DIRECT TESTIMONY ESTIMATE	CROSS-EXAM ESTIMATE
			compensation to RCFD proposed by Staff in WORKER SAFETY-6		Riverside County as a witness
FACILITY DESIGN	Category 1	Channing Haskell, P.E., CH2M Hill	Submitted on Declaration	None	None
GEOLOGY AND PALEONTOLOGY	Category 3	Fred Nials, centerline Matthew Stucky, PSH	PSH disagrees with Staff's analysis of impacts of the PSEGS Amendment and resulting proposed Condition of Certification PAL-7 .	20 minutes	10 minutes
POWER PLANT EFFICIENCY	Category 1	Channing Haskell, P.E. CH2M Hill	Submitted on Declaration	None	None
POWER PLANT RELIABILITY	Category 1	Channing Haskell, P.E. CH2M Hill	Submitted on Declaration	None	None
TRANSMISSION SYSTEM ENGINEERING	Category 1	Charles Turlinski, PSH	Submitted on Declaration	None	None
ALTERNATIVES	Category 1	Charles Turlinski, PSH	Submitted on Declaration	15 minutes to address the infeasibility of CBD's new Alternative	None

TABLE 2Palen Solar Electric Generating System (09-AFC-7C)
Exhibit List

Exhibit No.	Transaction No.	Document Title	Topic(s)
1001	65936	Petition for Ownership Transfer from Palen Solar I to NALEP Solar Project I LLC , dated June 25, 2012, and docketed on June 25, 2012	General Conditions, Closure and Compliance
1002	66018	Revision to June 25, 2012 Petition for Ownership Transfer , dated June 28, 2012, and docketed on June 28, 2012.	General Conditions, Closure and Compliance
1003	68910	PSH's Petition for Amendment , dated December 2012, and docketed on December 17, 2012.	Air Quality Alternatives Biological Resources Cultural Resources Facility Design Geology & Paleontology Hazardous Materials Management Land Use Noise & Vibration Power Plant Efficiency Power Plant Reliability Project Description

			Public Health Socioeconomics Soil & Water Resources Traffic & Transportation Transmission Line Safety & Nuisance Transmission System Engineering Visual Resources Waste Management Water Resources Worker Safety & Fire Protection
1004	69471	PSH's Supplement No. 1 , dated February 2013, and docketed on February 8, 2013.	Biological Resources Cultural Resources Soil & Water Resources Visual Resources
1005	69601	PSH's Response to Staff's Issue Identification Report , dated February 19, 2013, and docketed on February 19, 2013.	Biological Resources Cultural Resources Soil & Water Resources Traffic & Transportation Visual Resources

1006	69693	PSH's Response to Staff's Request for GIS Data , dated February 27, 2013, and docketed on February 27, 2013.	Biological Resources
1007	69909	PSH's Supplement No. 2 - Complete Air Quality and Public Health Sections , dated March 13, 2013, and docketed on March 13, 2013.	Air Quality Public Health
1008	69931	PSH's Relocated Natural Gas Pipeline Drawing , dated March 15, 2013, and docketed on March 15, 2013.	Project Description
1009	70015	Preliminary Draft Construction Drainage, Erosion and Sedimentation Control Plan / Stormwater Pollution Prevention Plan , dated March 2013, and docketed on March 21, 2013.	Soil & Water Resources

1010	70096	PSH's Response to CEC Data Request Set 1 (1-18) , dated March 2013, and docketed on March 25, 2013.	Biological Resources (1-5) Soil & Water Resources (6-8) Traffic & Transportation (9-17) Transmission System Engineering (18)
1011	70152	Preliminary Draft Construction Drainage, Erosion and Sedimentation Control Plan/ Stormwater Pollution Prevention Plan Supplement - Appendix A , dated March 2013, and docketed March 27, 2013.	Soil & Water Resources
1012	70179	PSH's Status Report 1 , dated March 29, 2013 and docketed on March 29, 2013.	Biological Resources Traffic & Transportation Visual Resources Worker Safety & Fire Protection
1013	70200	PSH's Supplemental Response to CEC Staff Data Request 5 , dated March 29, 2013, and docketed on March 29, 2013.	Biological Resources

1014	70242	PSEGS Winter 2013 Golden Eagle Survey Results , dated April 8, 2013, and docketed on April 8, 2013.	Biological Resources
1015	70251	PSEGS Tower Viewshed Delineation - Potential Sensitive Receptors , dated April 8, 2013, and docketed on April 8, 2013.	Visual Resources
1016	70343	PSEGS Revised Tower Delineation - Potential Sensitive Receptors , dated April 16, 2013, and docketed on April 16, 2013.	Visual Resources
1017	70448	PSH's Supplement No.3 , dated April 24, 2013, and docketed on April 24, 2013.	Power Plant Efficiency

1018	70786	PSEGS Air Quality Modeling Files , dated March 2013, and docketed on May 7, 2013.	Air Quality
1019	70670	PSH's Status Report 2 , dated May 8, 2013, and docketed on May 8, 2013.	Biological Resources Cultural Resources Visual Resources Worker Safety & Fire Protection
1020	70763	PSH's Oblique View of PSEGS , dated May 10, 2013, and docketed on May 10, 2013.	Visual Resources
1021	70785	PSH's Response to Workshop Queries , dated May 2013, and docketed on May 13, 2013.	Air Quality (2-2 & 2-4) Biological Resources (1-5 through 1-13 and 3-8 through 3-11) Hazardous Materials Management (2-5) Public Health (2-3) Socioeconomics (2-1) Soil & Water Resources (1-15) Traffic & Transportation (3-1) Transmission System Engineering (1-1)

			through 1-4) Visual Resources (1-14, 2-6 & 3-7) Waste Management (3-4 through 3-6)
1022	70813	Email Correspondence Regarding Waters Guidance , dated May 8, 2013, and docketed on May 13, 2013.	Biological Resources
1023	70799	Response to Staff's Email Request Regarding Natural Gas Pipeline , dated April 25, 2013, and docketed on May 14, 2013.	Project Description
1024	70819	PSH's Request for Status Conference , dated May 14, 2013, and docketed on May 14, 2013.	All

1025	70861	PSH's Tower Viewshed Delineation— Minus Condensers , dated May 16, 2013, and docketed on May 16, 2013.	Visual Resources
1026	70896	PSH's Response to CEC Staff Data Request Set 2 (19-39) , dated May 2013, and docketed on May 20, 2013.	Biological Resources (19) Cultural Resources (20-32) Socioeconomics (33-34) Visual Resources (35-39)
1027	70897	PSH's Summary of Spring Wildlife & Plant Surveys , dated May 16, 2013, and docketed on May 21, 2013.	Biological Resources
1028	70912	Response to Staff's Email Request Regarding Project Description Questions , dated May 15, 2013, and docketed on May 21, 2013.	Project Description

1029	70970	Response to Staff's Email Request Regarding Hazardous Materials , dated May 28, 2013, and docketed on May 28, 2013.	Hazardous Materials Management
1030	70976	Resume of Wesley A. Alston , dated May 28, 2013, and docketed on May 28, 2013.	Worker Safety & Fire Protection
1031	70980	Additional Transmission System Engineering Information Related to SCE's Red Bluff Substation , dated May 28, 2013, and docketed on May 28, 2013.	Transmission System Engineering
1032	70991	PSH's Draft Weed Management Plan , dated May 28, 2013, and docketed on May 28, 2013.	Biological Resources

1033	71087	Joshua Tree National Park Visual Resources Analysis Report , dated May 31, 2013, and docketed on May 31, 2013.	Visual Resources
1034	71098	PSEGS Visual Resources Analysis Report , dated May 2013 and docketed on May 31, 2013.	Visual Resources
1035	71123	PSEGS Spring 2013 Golden Eagle Nest Survey Results Interim Report , dated April 15, 2013, and docketed on June 5, 2013.	Biological Resources
1036	71131	PSEGS Summary of Survey for Jurisdictional State Waters , dated June 5, 2013, and docketed on June 5, 2013.	Biological Resources

1037	71153	PSEGS Preliminary Spring 2013 Pre-Construction & Avian Field Survey Results , dated May 29, 2013, and docketed on June 5, 2013.	Biological Resources
1038	71154	Scope of Work for PSEGS Summer 2013 Pre-Construction & Avian Field Surveys , dated May 8, 2013, and docketed on June 6, 2013.	Biological Resources
1039	71244	Revised Table 2.4-1 Average Daily Water Requirements (Both Solar Plants) for PSH's Petition to Amend , dated June 13, 2013, and docketed on June 13, 2013.	Project Description Soil & Water Resources
1040	71280	PSH's Response to CEC Staff Data Request Set 3 (40-72) , dated June 2013, docketed on June 14, 2013	Biological Resources (40-53) Cultural Resources (54-57) Traffic & Transportation (58-69) Waste Management (70-72)

1041	71551	PSH's Initial Comments on the Preliminary Staff Assessment , dated July 11, 2013, docketed on July 11, 2013.	Air Quality Biological Resources Cultural Resources General Conditions, Closure and Compliance Hazardous Materials Management Soil & Water Resources Traffic & Transportation Worker Safety & Fire Protection
1042	71554	Response to Staff's Email Request Regarding Traffic & Transportation , dated July 11, 2013, and docketed on July 11, 2013.	Traffic & Transportation
1043	71692	PSEGS Air Quality Health Risk Assessment Modeling Files , dated June 2013, docketed on July 18, 2013.	Air Quality Public Health
1044	71688	PSH's Supplemental Response to Data Request 14 ; Traffic Study Update , dated July 3, 2013, docketed on July 19, 2013	Noise & Vibration Traffic & Transportation Visual Resources

1045	71690	PSH's Revised Supplement No. 2 - Complete Air Quality and Public Health Sections , dated July 19, 2013, docketed on July 19, 2013.	Air Quality Public Health
1046	71695	Supplemental Socioeconomic Information Requested By Staff in PSA , dated July 22, 2013, docketed on July 22, 2013.	Socioeconomics
1047	200009	PSH's Bat Habitat Assessment , dated July 22, 2013, docketed on July 23, 2013	Biological Resources
1048	200010	PSH's Spring 2013 Avian Survey Results , dated July 2013, docketed on July 23, 2013	Biological Resources

1049	200011	PSH's Supplemental Spring 2013 Biological Surveys , dated July 2013, docketed on July 23, 2013	Biological Resources
1050	200012-200030	PSH's Final Sand Transport Study , dated July 23, 2013, docketed on July 23, 2013.	Biological Resources
1051	200031	PSH's Fire & Emergency Services Risk Assessment , dated July 2013, docketed on July 23, 2013.	Worker Safety & Fire Protection
1052	200036-200037	PSH's Advance Response to Data Request 82 , dated July 24, 2013, docketed on July 24, 2013.	Socioeconomics

1053	200040	PSH's Wastewater Discharge Requirements , dated July 25, 2013, docketed July 25, 2013	Soil & Water Resources
1054	200043	SCAQMD Letter Deeming Application Package Complete , dated July 25, 2013, docketed on July 26, 2013	Air Quality
1055	200046	PSH's Response to Data Requests 78-81 , dated July 26, 2013, docketed on July 26, 2013.	Public Health
1056	200048	Record of Conversation between G. Darvin & A. Chu Regarding Palen HRA with Mirror Washing - Reduced Risk Values in Table , dated July 26, 2013, docketed on July 26, 2013	Air Quality Public Health

1057	200077	<p>PSH's Final Comments on the Preliminary Staff Assessment, dated July 29, 2013, docketed on July 29, 2013.</p>	<p>Air Quality Biological Resources General Conditions, Closure and Compliance Cultural Resources Hazardous Materials Management Soil & Water Resources Traffic & Transportation Worker Safety & Fire Protection</p>
1058	200085	<p>PSH's Supplemental Comments on the 7/26/13 Version of Condition of Certification BIO-17, dated July 30, 2013, docketed on July 30, 2013.</p>	<p>Biological Resources</p>
1059	200090	<p>PSH's Status Report 3, dated July 30, 2013, docketed July 30, 2013.</p>	<p>Biological Resources Cultural Resources Traffic & Transportation Worker Safety & Fire Protection</p>

1060	200098	PSH's Response to Data Request Set 4 (73-89) , dated July 2013, and docketed on July 31, 2013.	Biological Resources (73-75) Geology & Paleontology (76-77) Public Health (78-81) Socioeconomics (82-83) Worker Safety & Fire Protection (84-89)
1061	200100	PSH's Supplemental Response to Data Request 40d & 44 , dated July 2013, docketed on July 31, 2013.	Biological Resources
1062	200115	PSH's Response to Center for Biological Diversity's Data Requests (1-2) , dated August 6, 2013, docketed on August 6, 2013.	Biological Resources
1063	200116	Supplemental Traffic Data Information Requested by Staff in 7/31/13 Email , dated August 5, 2013, docketed on August 6, 2013.	Traffic & Transportation

1064	200118	PSH's Supplemental Response to CEC Staff Data Requests 54 & 55 , dated August 6, 2013, docketed on August 6, 2013.	Cultural Resources
1065	200148	PSH's Supplemental Response to CEC Staff Data Request 56 , dated July 11, 2013, docketed August 9, 2013.	Cultural Resources
1066	200170-200184	PSH's Supplemental Response to CEC Staff Data Request 57 , dated August 12, 2013, docketed on August 12, 2013.	Cultural Resources
1067	200186	PSH's Revised Supplemental Response to DR 54 & 55 , dated August 13, 2013, docketed on August 13, 2013.	Cultural Resources

1068	200188	PSH's Response to Staff's 8/2/13 Email Request , dated August 13, 2013, docketed on August 13, 2013.	Biological Resources
1069	200190-200196	Response to Traffic Questions from CEC and CalTrans , dated August 13, 2013, and docketed on August 14, 2013.	Traffic & Transportation
1070	200204	PSH's Lake or Streambed Alteration Agreement Amendment Notification , dated August 15, 2013, docketed on August 15, 2013.	Biological Resources
1071	200213	PSH's Final Sand Transport Study Supplement No.1 , dated August 19, 2013, docketed on August 19, 2013.	Biological Resources

1072	200268	Response to Staff's Email Request Regarding Mojave Fringe Toed Lizard GIS Data , dated August 13, 2013, docketed on August 20, 2013.	Biological Resources
1073	200371	FAA Determinations of No Hazard to Air Navigation , dated July 18, 2013, docketed on August 29, 2013.	Traffic & Transportation
1074	200381	Response to Staff's Email Request Regarding Palen Operations Traffic , dated on August 19, 2013, docketed on August 30, 2013.	Traffic & Transportation
1075	200463	Revised-Table I. Estimated Area of Impact Resulting from Construction of PSEGS Facility , dated September 12, 2013, and docketed on September 12, 2013.	Biological Resources

1076	200667	<p>PSH's Opening Testimony – Batch 1, dated, September 30, 2013 and docketed on September 30, 2013.</p>	<p>Facility Design General Conditions, Closure and Compliance Hazardous Materials Management Land Use Noise & Vibration Power Plant Efficiency Power Plant Reliability Socioeconomics Soil & Water Resources Transmission Line Safety & Nuisance Transmission System Engineering Visual Resources Waste Management</p>
1077	200806	<p>PSH's Opening Testimony – Batch 2, dated October 9, 2013, and docketed on October 9, 2013.</p>	<p>Alternatives Biological Resources Cultural Resources Geology & Paleontology Project Description Public Health Traffic & Transportation Worker Safety & Fire Protection</p>
1078	200848	<p>PSEGS I-10 Desert Tortoise Exclusion Fence Project Description, dated October 2013, and docketed on October 15, 2013.</p>	<p>Biological Resources Project Description</p>

1079	200951	Preliminary Determination of Compliance/ Title V/ Notice of Intent to Issue Permit , dated October 18, 2013, and docketed on October 18, 2013.	Air Quality
1080	200968	PSH'S Rebuttal Testimony to Intervenor Center for Biological Diversity's Opening Testimony , dated October 21, 2013, and docketed on October 21, 2013.	Biological Resources
1081	200969	PSH's Rebuttal Testimony to Intervenor Colorado River Indian Tribe's Opening Testimony , dated October 21, 2013, and docketed on October 21, 2013.	Cultural Resources