

## DOCKETED

<b>Docket Number:</b>	09-AFC-06C
<b>Project Title:</b>	Blythe Solar Power Project - Compliance
<b>TN #:</b>	201093
<b>Document Title:</b>	Notice of Evidentiary Hearing
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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

***BLYTHE SOLAR POWER  
PROJECT AMENDMENT***

**Docket No. 09-AFC-06C**

**NOTICE OF EVIDENTIARY HEARING**

**PLEASE TAKE NOTICE** that the Committee designated by the Energy Commission to conduct proceedings on the Petition to Amend the Blythe Solar Power Project (BSPP) has scheduled an Evidentiary Hearing as follows:

***The EVIDENTIARY HEARING will take place on:***

***TUESDAY, NOVEMBER 19, 2013  
Beginning at 10:00 a.m.***

**California Energy Commission  
Hearing Room A  
1516 Ninth Street  
Sacramento, CA 95814  
(see map below)**

**TELECONFERENCE OPTION:** You may participate in the Evidentiary Hearing either in person, by telephone, and/or by computer via our “WebEx” conferencing system. Please see the instructions included in this notice.

Local, state, and federal governmental agencies may participate at the Evidentiary Hearing. Elected officials and members of the public may present public comments at this event and/or submit written comments to the Energy Commission’s Docket Unit (see email and postal address below).

**E-FILING AND E-COMMENTING OPTIONS:** You may file (docket) and serve documents (including exhibits and prehearing statements), submit electronic comments and search docketed documents using the California Energy Commission e-filing and e-commenting system. Simply visit the website at [http://www.energy.ca.gov/sitingcases/blythe\\_solar/compliance/index.html](http://www.energy.ca.gov/sitingcases/blythe_solar/compliance/index.html) and click on the appropriate link in the “Compliance Proceeding” box.

## **ORDER RE: PREHEARING STATEMENTS**

To facilitate the hearing process, each party shall file a **PREHEARING STATEMENT**. Parties are encouraged to use the e-Filing system described above. Each party's Prehearing Statement shall be uploaded to the e-filing system or received by the Commission's Docket Unit, 1516 9th Street, MS-4, Sacramento, California 95814-5512, **NO LATER THAN 3:00 p.m., Tuesday, November 12, 2013.**

***FAILURE TO FILE A TIMELY PREHEARING STATEMENT MAY PRECLUDE THAT PARTY FROM PARTICIPATING AT THE EVIDENTIARY HEARING.***

## **CONTENTS OF THE PREHEARING STATEMENTS**

"Subject areas" are the general topics identified below:

1. Introduction
2. Executive Summary
3. Project Description
4. Alternatives
5. Facility Design
6. Efficiency (of the Power Plant)
7. Reliability (of the Power Plant)
8. Compliance
9. Transmission System Engineering
10. Transmission Line Safety and Nuisance
11. Air Quality
12. Greenhouse Gas Emissions
13. Public Health
14. Worker Safety and Fire Protection
15. Hazardous Materials Management
16. Waste Management
17. Biological Resources
18. Soil and Water Resources
19. Cultural Resources
20. Geology and Paleontology
21. Land Use
22. Traffic and Transportation
23. Socioeconomics (including Environmental Justice and Growth Inducing Impacts)
24. Noise and Vibration
25. Visual Resources
26. Overrides (possible section, as needed)

Each Prehearing Statement shall specify under separate headings:

- a) The subject areas that you believe are complete and ready to proceed to Evidentiary Hearing;
- b) The subject areas that you believe are not complete and not yet ready to proceed to Evidentiary Hearing, and the reasons therefor;
- c) The subject areas that you believe remain disputed and require adjudication, and the precise nature of the dispute for each subject area;
- d) The identity of each witness you intend to sponsor (**Note:** Witnesses must have professional expertise in the discipline of their testimony); the subject area(s) about which your witness(es) will testify; a brief summary of the testimony to be offered by each of your witnesses; qualifications of each of your witnesses; the time required to present direct testimony by each of your witnesses; and whether you seek to have a witness testify telephonically;
- e) Subject areas upon which you desire to question other parties' witnesses, a summary of the scope of the questions (including the witness' qualifications), the issue(s) to which the questions pertain, and the time desired to question each witness. (**Note: A party who fails to provide the scope, relevance and time for questioning other parties' witnesses risks preclusion from questioning on that subject area**);
- f) A list identifying exhibits and declarations that each party intends to offer into evidence and the technical subject areas to which they apply (as explained in the following section on "Format for Presenting Evidence"). **Note: Parties must identify any evidence which has been given or for which they intend to request confidential status**;
- g) Subject areas for which the Petitioner will seek to introduce evidence supporting either a Commission override due to public convenience and necessity pursuant to Public Resources Code section 25525 and/or a specific finding that overriding economic, legal, social, technical or other benefits outweigh the significant effects on the environment pursuant to Public Resources Code section 21081(b);
- h) Proposals for briefing deadlines, impact of scheduling conflicts, or other scheduling matters; and
- i) For all subject areas, a description of any proposed modifications to the proposed conditions of certification listed in the Staff Assessment (SA).

### **Format for Presenting Evidence**

The parties shall present their written testimonial and documentary evidence as follows:

1. All written testimony and documentary evidence must be docketed and have a transaction number (TN), assigned by the California Energy Commission Dockets Unit. Materials without a TN will not be received into evidence absent a showing of good cause.

2. Each document shall be identified in an **Exhibit List**. (*Follow the example attached to this notice.*)

- Petitioner's exhibits shall be numbered *consecutively* as **Exhibits 1000 through 1999**. (Note: The Application for Certification may be numbered as a single exhibit)
- Staff's exhibits shall be numbered *consecutively* as **Exhibits 2000 through 2999**. (Note: The Staff Assessment, parts A and B, may be numbered as two exhibits)
- Intervenor California Unions for Reliable Energy's exhibits shall be numbered consecutively as **Exhibits 3000 through 3999**.

***Copies of the Exhibit List shall be provided filed no later than 3 p.m. on Tuesday, November 12, 2013. Failure to timely file an Exhibit List may result in exclusion of evidence.***

3. Parties using the e-Filing option must identify the subject area(s) to which each exhibit pertains. Otherwise, if a party seeks to submit more than twenty (20) exhibits into evidence, copies of the exhibits for each subject area shall be compiled in a CD or DVD containing separate file folders designated by subject area identified with the appropriate Exhibit Number for each document within the folder. This compilation shall include all opening and rebuttal testimony filed by the party and shall be provided to the Hearing Officer at the beginning of the evidentiary hearing.

***FAILURE OF ANY PARTY TO COMPLY WITH THE FILING REQUIREMENTS STATED IN THIS ORDER MAY PRECLUDE THAT PARTY FROM PARTICIPATING AT THE EVIDENTIARY HEARINGS.***

#### **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 (url is case-sensitive):

<http://www.energy.ca.gov/2009publications/CEC-700-2009-004/CEC-700-2009-004.PDF>

#### **Notice of Committee's Intention to Use Informal Hearing Procedures**

Pursuant to Government Code, section 11445.10 et seq. and section 1217 of the Commission's regulations, the Committee may conduct all or portions of the Evidentiary Hearings in an informal manner in which, for example but not by way of limitation, a panel of witnesses sponsored by a single party or by multiple parties testify at one time, with an exchange of questions and responses between the witnesses and the Committee substituting for formal direct and cross-examination by counsel.

## **Notice of Closed Session Deliberations**

At any time during the hearings, the Committee may adjourn to a closed session in accordance with Government Code, section 11126, subdivision (c)(3), which allows a state body, including a delegated committee, to hold a closed session to deliberate on a decision to be reached in a proceeding the state body was required by law to conduct.

## **Transcripts**

Parties are responsible for identifying errors in the transcripts of the proceedings. Corrections to the transcripts must be submitted to the Committee within 30 days of the filing of a transcript.

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

Only formal parties (Petitioner, Staff, or Intervenors) may present evidence and cross-examine witnesses at the Evidentiary Hearings. The Energy Commission's Presiding Member's Proposed Decision (PMPD) on the BSPP petition will be based solely upon the official evidentiary record developed at the Evidentiary Hearings.

Anyone with an appropriate interest in the BSPP amendment 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 at the discretion of the Presiding Member. 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.

**Pursuant to Title 20 Cal. Code Regs. §§ 1203(f) and 1207(b) and (c), the deadline to petition to intervene has passed and anyone who would seek to intervene now must show good cause.** Discovery is now closed. Time extensions will not be granted for new Intervenors to review case materials.

## **Public Adviser and Public Participation**

Members of the public are welcome to attend and offer comments at the Prehearing Conference and at the Evidentiary Hearings. It is not necessary to be an Intervenor to participate in the public process. Parties are encouraged to submit written comments using the e-commenting system described above. Otherwise, written comments may be submitted for posting on the docket for the proceeding by handing them directly to the Public Adviser, e-mailing them to **docket@energy.ca.gov**, or by U.S. Mail to:

California Energy Commission, Docket Unit  
Docket number: 09-AFC-06C  
1516 Ninth Street, MS-4  
Sacramento, CA 95614

Please identify “**BLYTHE SOLAR POWER PROJECT, Docket No. 09-AFC-06C**” on any e-mailed or written comments.

**PLEASE NOTE: Your written and oral comments, attachments, and associated contact information (e.g. your address, phone, e-mail, etc.) become part of the viewable public record. Additionally, this information may become available via Google, Yahoo, and other search engines.**

The Energy Commission Public Adviser’s Office is available to assist the public in participating in the amendment review process. For those individuals who require general information on how to participate, please contact the Public Adviser’s Office at (916) 654-4489 or (800) 822-6228 or e-mail: publicadviser@energy.ca.gov.

If you have a disability and need assistance to participate in this event, contact Lourdes Quiroz at (916) 654-5146 or e-mail: lou.quiroz@energy.ca.gov.

**Information**

Questions of a legal or procedural nature should be directed to Raoul Renaud, the Hearing Adviser, at (916) 651-2020 or e-mail: raoul.renaud@energy.ca.gov.

Technical questions concerning the project should be addressed to Mary Dyas, Compliance Project Manager, at (916) 651-8891 or e-mail: mary.dyas@energy.ca.gov.

Media inquiries should be directed to the Office of Media and Public Communications at (916) 654-4989 or e-mail: mediaoffice@energy.ca.gov.

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/blythe\\_solar/index.html](http://www.energy.ca.gov/sitingcases/blythe_solar/index.html).

Dated: November 1, 2013, at Sacramento, California.

***Original Signed By:***

\_\_\_\_\_  
KAREN DOUGLAS  
Commissioner and Presiding Member  
Blythe Solar Power Project  
Amendment Committee

***Original Signed By:***

\_\_\_\_\_  
DAVID HOCHSCHILD  
Commissioner and Associate Member  
Blythe Solar Power Project  
Amendment Committee

*Mailed to List: 7368*



**INSTRUCTIONS FOR USING WEBEX TELECONFERENCING  
WITH YOUR COMPUTER AND/OR TELEPHONE**



EVENT	CONFERENCE OR HEARING DATE	MEETING NUMBER	PASSWORD
EVIDENTIARY HEARING	<i>Tuesday, November 19, 2013</i>	<b>926 628 912</b>	<b>pwd#1516</b>

**STEP 1:** Go to <https://energy.webex.com>

**STEP 2:** Enter the **Meeting Number: 926 628 912**

**STEP 3:** Enter the **Meeting Password: pwd#1516**

**STEP 4:** After you log-in, a prompt will appear on-screen asking for **your** phone number. In the **Number box**, type your area code and phone number, and then click "OK." **You will receive a call back on your phone that will carry the audio portion of the meeting.** International callers can use the "Country/Region" button to help make their connection.

**TO LOG-IN USING A TELEPHONE NUMBER WITH AN EXTENSION:** follow Step 1 through Step 3, but after you log-in, when the prompt asks for your phone number, click "CANCEL." Then 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.

**TO LOG-IN USING A TELEPHONE ONLY (AUDIO ONLY):**

Call 1-866-469-3239 (toll-free in the U.S. and Canada) and, when prompted, enter the **Meeting Number** from the table (above) for the conference/hearing you wish to participate in.

Please be aware that the meeting's WebEx audio and on-screen activity may be recorded. Performance of the WEBEX teleconferencing system cannot be guaranteed. The Committee encourages the parties and members of the public to attend in person if possible to avoid the risk of system malfunctions. 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>.



**BLYTHE SOLAR POWER PROJECT  
AMENDMENT  
09-AFC-06C**

**TUESDAY, NOVEMBER 19, 2013  
Beginning at 10:00 a.m.**

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

**Meeting Agenda – Evidentiary Hearing: Blythe Solar Power Project Amendment  
09-AFC-06C**

1. Call to Order
2. Presentations by the parties; testimony; motions to enter evidence into the record.
3. Public Comment:  
Members of the public and other interested persons and entities may speak up to three minutes on a matter appearing on this agenda.
4. Closed Session (if necessary)

Committee closed session consideration of the following Item:

***BLYTHE SOLAR POWER PROJECT AMENDMENT.*** Deliberation by the Committee on any matters submitted for decision by the Committee including, but not limited to pending motions and scheduling. (Contact: Raoul Renaud)

The Committee will adjourn to closed session in accordance with Government Code section 11126, subdivision (c)(3), which allows a state body, including a delegated committee, to hold a closed session to deliberate on a decision to be reached in a proceeding the state body was required by law to conduct.

5. Adjourn

Agency Contact: Raoul Renaud, Hearing Adviser, phone: (916) 651-2020, or e-mail: [raoul.renaud@energy.ca.gov](mailto:raoul.renaud@energy.ca.gov).



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

Docket Number: 09-AFC-06C

Date: \_\_\_\_\_

Project Name: **BLYTHE SOLAR POWER PROJECT**

**NOTE:** The format of the sample provided below is equally applicable to all parties.

**EXHIBIT LIST**

<b>Exhibit</b>	<b>Docket Transaction Number</b>	<b>Title of Document (from Docket Log)</b>	<b>Subject Areas</b>
5555	12345	TESTIMONY OF A. WITNESS, Ph.D.	BIO, CUL, VIS
5556	67890	MAP OF POWER PLANT SITE AND SURROUNDING AREA	LAND, SOIL, ALT

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

