

## DOCKETED

<b>Docket Number:</b>	09-AFC-07C
<b>Project Title:</b>	Palen Solar Power Project - Compliance
<b>TN #:</b>	202383
<b>Document Title:</b>	Notice of Prehearing Conference and Evidentiary Hearing, Scheduling Order, and Further Orders
<b>Description:</b>	Notice
<b>Filer:</b>	Darlene Burgess
<b>Organization:</b>	California Energy Commission
<b>Submitter Role:</b>	Committee
<b>Submission Date:</b>	5/27/2014 3:28:20 PM
<b>Docketed Date:</b>	5/27/2014



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

***PALEN SOLAR ELECTRIC  
GENERATING SYSTEM AMENDMENT***

**Docket No. 09-AFC-07C**

**NOTICE OF PREHEARING CONFERENCE AND EVIDENTIARY HEARING,  
SCHEDULING ORDER, AND FURTHER ORDERS**

**PLEASE TAKE NOTICE** that the Committee designated by the Energy Commission to conduct proceedings on the Petition to Amend the Palen Solar Electric Generating System (PSEGS) has scheduled a Prehearing Conference and Evidentiary Hearing as follows:

**The PREHEARING CONFERENCE will be conducted on:**

***MONDAY, JUNE 30, 2014  
Beginning at 1:00 p.m.  
California Energy Commission  
Hearing Room A  
1516 Ninth Street  
Sacramento, CA 95814  
(see map below)***

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

***TUESDAY, JULY 8, 2014 beginning at 9:00 a.m. and  
(if necessary) WEDNESDAY, JULY 9, 2014, beginning at 9:00 a.m.  
Palo Verde College  
One College Drive, Room CL 101  
Blythe, CA 92225  
(see map below)***

**TELECONFERENCE OPTION:** You may participate in the Prehearing Conference and Evidentiary Hearings either in person, by telephone, and/or by computer via the "WebEx" conferencing system. Please see the "INSTRUCTIONS FOR USING WEBEX TELECONFERENCING USING YOUR COMPUTER AND/OR TELEPHONE" section attached to this notice.

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

<b><u>EVENT</u></b>	<b><u>DATE</u></b>
All Parties File Testimony	6/9/14
All Parties File Rebuttal Testimony	6/16/14
All Parties File Prehearing Conference Statements with Exhibit Lists	6/23/14
Prehearing Conference	6/30/14
Evidentiary Hearings (EH)	7/8/14 – 7/9/14
All Parties File Opening Briefs	2 weeks after the transcripts are published
All Parties File Reply Briefs	3 weeks after the transcripts are published
Presiding Members Proposed Decision (PMPD) published	TBD
Committee Conference on PMPD	TBD
Close of Public Comment Period on PMPD	TBD
Errata/Revisions to PMPD, if necessary	TBD
Final Adoption Hearing by the California Energy Commission	TBD

\*TBD = to be determined.

### **Background and Purpose of Prehearing Conference**

The May 21, 2014 Committee Order Granting Petitioner’s Motion to Reopen the Evidentiary Record and Setting Revised Schedule limited the scope of the evidentiary hearing to the following issues:

- a. Avian impacts
- b. Flying invertebrate species (insects)
- c. Curtailment provision
- d. Avian deterrent strategies
- e. Visual Resources (glint and glare)
- f. Alternatives (PPA milestone status and economic feasibility)
- g. Overriding considerations
- h. Natural gas consumption
- i. Cultural Resources mitigation (Condition of Certification **CUL-1**)

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 amendment process. (Cal. Code Regs., tit. 20, § 1718.5.)

At the Prehearing Conference, all parties (Staff, Applicant, and Intervenors) shall present their respective positions regarding: the limited issues listed above that are ready for evidentiary hearing; those limited issues listed above that require further analysis, including the nature of, and time frame for, any such analysis; and any of the limited issues listed above that have been resolved. The parties shall also identify proposed witnesses, as well as the estimated time required for expert testimony, open discussion amongst the experts, and questions.

Local, state, and federal governmental agencies may participate at the Prehearing Conference and evidentiary hearings, as necessary. (Cal. Code Regs., tit. 20, § 1714.5.) Elected officials and members of the public may present public comments at these events and/or submit written comments via the Energy Commission's e-Filing system at: <http://www.energy.ca.gov/sitingcases/palen>.

All parties are **ORDERED** to file a Prehearing Conference Statement on or before 5:00 p.m. on June 23, 2014, unless otherwise directed by the Committee.

The Prehearing Conference Statement must specify under separate headings:

1. The issues that are complete and ready to proceed to evidentiary hearing;
2. The issues that are not complete and not yet ready to proceed to evidentiary hearing, and the reasons therefor;
3. The issues that remain disputed and require adjudication, and the precise nature of the dispute for each issue;
4. The identity of each witness the party intends to sponsor, the subject area(s) about which the witness(es) will testify, a brief summary of the testimony to be offered by the witness(es), qualifications of each witness, the time required to present testimony by each witness, and whether the witness seeks to testify telephonically;
5. Subject areas upon which the party desires to question the other parties' witness(es), a summary of the scope of the questions (including 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' witness(es) risks preclusion from questioning on that subject area.);**

6. A list identifying exhibits with TN numbers that the party intends to offer into evidence and the technical subject areas to which they apply (see example attached to the 10/7/13 Notice of Prehearing Conference and Evidentiary Hearing and Hearing Orders (TN# 200758));
7. Proposals for briefing deadlines, impact of scheduling conflicts, or other scheduling matters; and
8. A description of any proposed modifications to the conditions of certification for the limited issues listed above.

All documentary evidence must be docketed and have a transaction number (TN number) assigned by the California Energy Commission Dockets Unit in accordance with the Revised General Orders Regarding Electronic Document Formats, Electronic Filing and Service of Document and Other Matters filed October 21, 2013 (TN# 200981). Exhibits without a TN number will not be received into evidence absent a showing of good cause.

Each document shall be numbered and identified as follows:

Petitioner's exhibits shall be numbered *consecutively* as **Exhibits 1124 through 1999**;

Staff's exhibits shall be numbered *consecutively* as **Exhibits 2017 through 2999**;

Intervenor Center for Biological Diversity's exhibits shall be numbered *consecutively* as **Exhibits 3091 through 3999**;

Intervenor Basin and Range Watch's exhibits shall be numbered *consecutively* as **Exhibits 4001 through 4999**;

Intervenor Californians for Renewable Energy's exhibits shall be numbered consecutively as **Exhibits 5003 through 5999**;

Intervenor California Unions for Reliable Energy's exhibits shall be numbered consecutively as **Exhibits 6000 through 6999**;

Intervenor Laborers' International Union of North America's exhibits shall be numbered consecutively as **Exhibits 7000 through 7999**; and

Intervenor Colorado River Indian Tribe's exhibits shall be numbered consecutively as **Exhibits 8028 through 8999**.

***Failure of any party to comply with the filing requirements stated in this Order may preclude that party from participating in the evidentiary hearing.***

## **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 intends to conduct the evidentiary hearing using an informal procedure. The parties will identify witnesses and exhibits prior to the hearing. During the hearing, all of the witnesses for a topic will be seated as a panel to answer questions from the parties and the Committee. While a question can be directed to a particular witness in the first instance, the other panelists may also answer the question if they choose. Panelists may also ask questions of each other. This format has been effective in recent cases, providing a more coherent discussion of the issues that is easier to follow for the parties, public and the Committee. The Committee reserves the right to convert to a more formal process for any issues and will, at its discretion, allow the parties to engage in more formal direct and cross examination if circumstances so require.

The informal hearing process will generally proceed in the following order:

1. All parties' experts on the topic at hand are sworn in as a panel;
2. Petitioner's experts would provide a brief opening statement summarizing the key points and conclusions of their testimony;
3. Staff's experts would provide a brief opening statement summarizing the key points and conclusions of their testimony;
4. Intervenors' experts would provide a brief opening statement summarizing the key points and conclusions of their testimony;
5. Open discussion between the expert panelists led by the Committee;
6. Attorneys may follow up with questions of their own or other expert witnesses to the extent the Committee finds the questioning productive.
7. At the conclusion of the attorney's examination of the experts, the Committee may ask witnesses additional questions or allow panelists to ask additional questions of each other and to offer follow-up answers.

## **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.

## **Public Adviser and Public Participation**

Members of the public are welcome to attend and offer oral or written comments at the prehearing conference and at the evidentiary hearing. 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: 11-AFC-02  
1516 Ninth Street, MS-4  
Sacramento, CA 95614

Please identify “***PALEN SOLAR ELECTRIC GENERATING SYSTEM, Docket No. 09-AFC-07C***” 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 Alana Mathews at (916) 654-4489 or (800) 822-6228 or e-mail: [publicadviser@energy.ca.gov](mailto: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](mailto:lou.quiroz@energy.ca.gov).

### **Information**

Questions of a legal or procedural nature should be directed to Kenneth Celli, the Hearing Adviser, at (916) 651-8893 or e-mail: [ken.celli@energy.ca.gov](mailto:ken.celli@energy.ca.gov).

Technical questions concerning the project should be addressed to Christine Stora, the Compliance Project Manager, at (916) 654-4745 or e-mail: [christine.stora@energy.ca.gov](mailto:christine.stora@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](mailto: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/palen>.

Dated: May 27, 2014, at Sacramento, California

***Original Signed By:***

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KAREN DOUGLAS  
Commissioner and Presiding Member  
Palen Solar Electric Generating System  
Amendment Committee

***Original Signed By:***

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DAVID HOCHSCHILD  
Commissioner and Associate Member  
Palen Solar Electric Generating System  
Amendment Committee

Sent to mailing list number 7373





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



<b>EVENT</b>	<b>CONFERENCE OR HEARING DATE</b>	<b>MEETING NUMBER</b>	<b>PASSWORD</b>
<b>PREHEARING CONFERENCE</b>	<b><i>MONDAY, JUNE 30, 2014</i></b>	<b>924 317 435</b>	<b>pwd#1516</b>
<b>EVIDENTIARY HEARING 1</b>	<b><i>TUESDAY, JULY 8, 2014</i></b>	<b>922 966 197</b>	<b>pwd#1516</b>
<b>EVIDENTIARY HEARING 2 (if necessary)</b>	<b><i>WEDNESDAY, JULY 9, 2014</i></b>	<b>925 818 707</b>	<b>pwd#1516</b>

**Using Your Computer:**

1. Go to <https://energy.webex.com> and enter the above meeting number.
2. When prompted, enter your name, e-mail address, and the meeting password above.
3. After a moment, an Audio Conference Box will offer you a choice of audio connections:
  - a) To have WebEx call you back: Type your area code and phone number into the drop down box and click "Call Me" (Click on "Use Phone" if you do not see the drop down box.)
  - b) To call into the teleconference from your phone (if, for example, your phone is an extension or you are an international caller): Use the drop-down box to select "I will Call in" and follow the on-screen directions. Click "All global call-in numbers" if you need to look up an international call-in number.
  - c) To listen and talk over your computer: If you have the needed equipment and your computer is configured, click the "Call Using Computer" button. (You may need to click "Use Computer for Audio" to make the button visible.)

**Telephone Only (No Computer Access):**

1. Call 1-(866) 469-3239 (toll-free in the U.S. and Canada, International Callers can select a Global call-in number at <https://energy.webex.com/energy/globalcallin.php>)
2. When prompted enter the meeting number above.

Please be aware that WebEx audio and on-screen activity may be recorded. WebEx Technical Support is available at 1-(866) 229-3239.

**Meeting Agenda – Prehearing Conference: Palen SEGS Amendment 09-AFC-7C**

**MONDAY, JUNE 30, 2014  
Beginning at 1:00 p.m.**

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

1. Call to Order
2. Report from Petitioner, Staff and Intervenors regarding their readiness for the upcoming Evidentiary Hearings and Committee discussions in the Palen Solar Electric Generating System amendment petition

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)

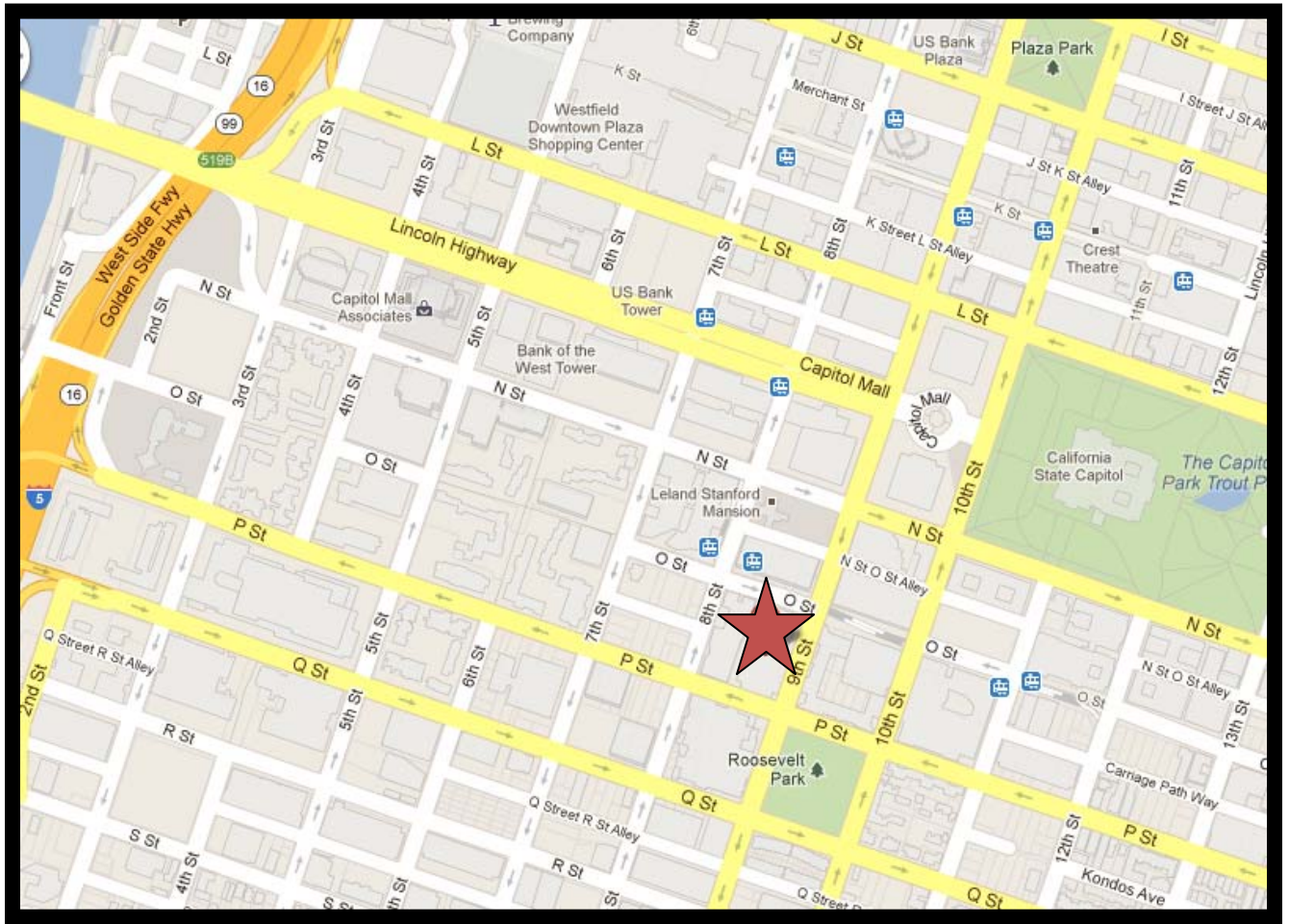
Committee closed session consideration of the following Item:

**PETITION TO AMEND THE CERTIFICATION FOR THE *PALEN SOLAR ELECTRIC GENERATING SYSTEM***

Deliberation by the Committee on any matters submitted for decision by the Committee including, but not limited to, pending motions and scheduling (contact: Kenneth Celli)

5. 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.
6. Adjourn

**Prehearing Conference at the California Energy Commission  
Hearing Room A  
1516 Ninth Street  
Sacramento, CA 95814**



**Meeting Agenda – Evidentiary Hearing: Palen SEGS Amendment 09-AFC-7C**

**TUESDAY, JULY 8, 2014** beginning at 9:00 a.m. and  
*(if necessary)* **WEDNESDAY, JULY 9, 2014** beginning at 9:00 a.m. at:  
**Palo Verde College  
One College Drive  
Blythe, CA 92225**

1. Call to Order
2. Receipt of evidence from Applicant, Staff and Intervenors (in order of intervention commencement date) on the Palen Solar Electric Generating System amendment petition
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:

**PETITION TO AMEND THE CERTIFICATION FOR THE *PALEN SOLAR ELECTRIC GENERATING SYSTEM*.** Deliberation by the Committee on any matters submitted for decision by the Committee including, but not limited to, pending motions and scheduling (contact: Kenneth Celli)

5. 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.
6. Adjourn

Agency Contact: Kenneth Celli, Hearing Adviser, phone: (916) 651-8893, or e-mail: Ken.cell@energy.ca.gov.

**Evidentiary Hearing at Palo Verde College  
One College Drive, Room CL 101  
Blythe, CA 92225**

