

BEFORE THE ENERGY RESOURCES CONSERVATION AND DEVELOPMENT COMMISSION
OF THE STATE OF CALIFORNIA

APPLICATION FOR CERTIFICATION FOR THE
VICTORVILLE 2 HYBRID
POWER PROJECT

DOCKET No. 07-AFC-1

**NOTICE OF PREHEARING CONFERENCE
and EVIDENTIARY HEARING**

PLEASE TAKE NOTICE that the Committee designated by the Energy Commission to conduct proceedings on the Application for Certification for the **VICTORVILLE 2 HYBRID POWER PROJECT** has scheduled a Prehearing Conference and an Evidentiary Hearing as follows:

The **Prehearing Conference** will be conducted on:

Tuesday, April 1, 2008
Beginning at 10:00 a.m.
California Energy Commission
Hearing Room A
1516 Ninth Street
Sacramento, CA 95814
(Wheelchair Accessible)

TELECONFERENCE OPTION: The following toll free phone number will be available at 10:00 a.m. for callers to participate in the hearing:

Call 1-888-282-8353
Use Passcode: Hybrid
Conference Leader: "Raoul Renaud"

The **Evidentiary Hearing** will be conducted on:

Thursday, April 3, 2008
Beginning at 10:00 a.m.
Southern California Logistics Airport
Administrative Office Building
18374 Phantom Street
Victorville, CA

DOCKET	
07-AFC-1	
DATE	MAR 13 2008
RECD.	MAR 13 2008

TELECONFERENCE OPTION: The following toll free phone number will be available at 10:00 a.m. for callers to participate in the hearing:

Call: 1-888-282-8353
Use Passcode: Hybrid
Conference Leader: "Raoul Renaud"

PLEASE TAKE NOTICE that the Committee has established the following schedule:

ITEM	DATE
Last date to file Petition to Intervene	Tuesday, March 4, 2008
Prehearing Conference Statements due	Friday, March 28, 2008

Purpose of Prehearing Conference

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 review of the application for certification. (20 Cal. Code Regs., § 1718.5.)

At the Prehearing Conference, all parties (Staff, Applicant, and Intervenor) shall be prepared to present their respective positions regarding the substantive topic areas that are ready for evidentiary hearing; those that require further analysis, including the nature of, and timeframe for, any such analysis; those that have been resolved; and those that are disputed and require adjudication. The parties shall also be prepared to identify proposed witnesses, as well as the time required for direct testimony and/or cross-examination.

Local, state, and federal governmental agencies may participate at the Prehearing Conference and Evidentiary Hearing, as necessary. (20 Cal. Code Regs., § 1714.5.) Elected officials and members of the public may present public comments at these events and/or submit written comments to the Energy Commission's Docket Unit. Please include "Docket No. 07-AFC-1" on any written comments.

Prehearing Conference Statements

To facilitate the process, each party shall serve and file a **Prehearing Conference Statement**. The statements shall be received by the other parties and the Commission's Docket Unit, 1516 9th Street, MS 4, Sacramento, California 95814-5512, by **5:00 p.m. on March 28, 2008**. The parties shall e-mail their statements to the Hearing Officer as well as to the Docket Unit and the parties as indicated on the Proof-of-Service list.

Each statement shall set forth:

1. The topic areas that are complete and ready to proceed to evidentiary hearing;
2. The topic areas that are not complete and not yet ready to proceed to evidentiary hearing, and the reasons therefore;
3. The topic areas that remain disputed and require adjudication, and the precise nature of the dispute for each topic;
4. The identity of each witness sponsored by each party (**note**: witnesses must have professional expertise in the discipline of their testimony); the topic area(s) which each witness will present; a brief summary of the testimony to be offered by each witness; qualifications of each witness; and the time required to present direct testimony by each witness;
5. Topic areas upon which a party desires to cross-examine witnesses, a summary of the scope of each such cross-examination, and the time desired for each such cross-examination;
6. A list identifying exhibits and declarations that each party intends to offer into evidence and the technical topics to which they apply (**see** following section on formats);
7. Proposals for briefing deadlines, impact of vacation schedules, and other scheduling matters; and
8. For all topics, any proposed modifications to the proposed Conditions of Certification listed in the Final Staff Assessment (FSA) based upon enforceability, ease of comprehension, and consistency with the evidence.

Formats for Presenting Evidence

At the Evidentiary Hearing each party shall be prepared to present evidence on each of the topic areas addressed in the FSA, in the sequence established in the FSA. At the Prehearing Conference, the parties **shall provide copies** of all documentary and written testimonial evidence **in two formats to all parties, the Committee and the Hearing Adviser.**

1. Each document shall be numbered and identified on an **Exhibit List**:
 - Applicant's documents shall be numbered consecutively as Exhibits 1 -199.
 - Staff's documents shall be numbered consecutively as Exhibits 200 - 299.
 - Intervenors' documents shall be numbered consecutively as 300 - 399.

2. Copies of the exhibits for each topic area shall **also** be compiled in separate file folders identified by topic area with the appropriate Exhibit Number marked on each document, and the file folders placed in sequence corresponding to the sequence of topics in the FSA.

Petitions to Intervene to Become a Formal Party

The Energy Commission's Decision on the Victorville 2 Hybrid Power Project will be based on the official evidentiary record developed at the Evidentiary Hearing. Only formal parties (Applicant, Staff, Intervenors) may present evidence and cross-examine witnesses at the Evidentiary Hearing.

At the Evidentiary Hearing, the formal parties may offer testimony and documentary evidence, receive documents filed by other parties, and cross-examine witnesses. However, a formal party must also comply with all Committee orders, procedures, and filing requirements, and is subject to discovery and having its own witnesses cross-examined by other parties.

The deadline to file a Petition to Intervene in this case was **Tuesday, March 4, 2008**. (20 Cal. Code Regs., § 1207.) Exceptions will not be granted for persons wishing to intervene after the deadline, since this proceeding has been ongoing for twelve months.

Public Participation

Members of the public are welcome to attend and offer comments at the Prehearing Conference and the Evidentiary Hearing. It is not necessary to be an Intervenor to participate in the public process. For information on how to participate, contact the Public Adviser's Office at 1-800-822-6228, or email at: **[pao@energy.state.ca.us]**.

Energy Commission Information

If you have a disability and need assistance to participate, please contact Lourdes Quiroz at 916-654-5146 or e-mail at: **[lquiroz@energy.state.ca.us]**.

Technical questions concerning the Project should be addressed to John Kessler, the Staff Project Manager, at 916-654-4679 or e-mail at: **[jkessler@energy.state.ca.us]**.

Questions of a legal or procedural nature should be directed to Raoul Renaud, the Hearing Officer, at 916-651-2020 or e-mail at **[rrenaud@energy.state.ca.us]**.

Media inquiries should be directed to the Office of Media and Public Communications at 916-654-4989 or e-mail at: **[mediaoffice@energy.state.ca.us]**.

Information concerning the status of the Project, as well as notices and other relevant documents, may be viewed on the Energy Commission's website at:
[\[www.energy.ca.gov/sitingcases/victorville\]](http://www.energy.ca.gov/sitingcases/victorville).

Dated March 13, 2008 at Sacramento, California.



JAMES D. BOYD
Commissioner and Presiding Member
Victorville AFC Committee



JACKALYNE PFANNENSTIEL
Chair and Associate Member
Victorville AFC Committee

Mailed to Lists: POS, 7225, 7226, 7227

Proof of Service List (Revised on 9/6/07)
filed with Original Document. Mailed from
Sacramento on 3/13/2008).

**BEFORE THE ENERGY RESOURCES CONSERVATION AND DEVELOPMENT COMMISSION OF THE
STATE OF CALIFORNIA**

**APPLICATION FOR CERTIFICATION
FOR THE VICTORVILLE 2
HYBRID POWER PROJECT**

**Docket No. 07-AFC-1
PROOF OF SERVICE
(Revised 9/6/07)**

INSTRUCTIONS: All parties shall 1) send an original signed document plus 12 copies OR 2) mail one original signed copy AND e-mail the document to the web address below, AND 3) all parties shall also send a printed OR electronic copy of the documents that shall include a proof of service declaration to each of the individuals on the proof of service:

CALIFORNIA ENERGY COMMISSION
Attn: Docket No. 07-AFC-1
1516 Ninth Street, MS-4
Sacramento, CA 95814-5512
docket@energy.state.ca.us

APPLICANT

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INTERESTED AGENCIES

Electricity Oversight Board
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Sacramento, CA 95814
esaltmarsh@eob.ca.gov

INTERVENORS

California Unions for Reliable Energy
(CURE)
c/o Gloria D. Smith
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South San Francisco, CA 94080
gsmith@adamsbroadwell.com

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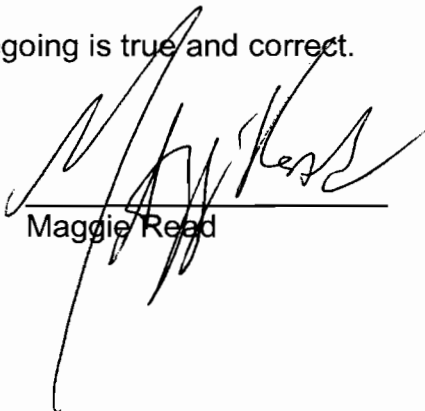
DECLARATION OF SERVICE

I, Maggie Read, declare that on March 13, 2008, I deposited copies of the attached Notice of Prehearing Conference and Evidentiary Hearing in the United States mail at Sacramento, California with first-class postage thereon fully prepaid and addressed to those identified on the Proof of Service list above.

OR

Transmission via electronic mail was consistent with the requirements of California Code of Regulations, title 20, sections 1209, 1209.5, and 1210. All electronic copies were sent to all those identified on the Proof of Service list above.

I declare under penalty of perjury that the foregoing is true and correct.



Maggie Read