

CALIFORNIA ENERGY COMMISSION
PUBLIC ADVISER'S OFFICE
1516 NINTH STREET – MS - 12
SACRAMENTO, CA 95814-5512



November 24, 2008

Mr. Archie D. McPhee
40482 Gavilan Mountain Road
Fallbrook, CA 92028

DOCKET	
08-AFC-4	
DATE	NOV 24 2008
RECD.	NOV 25 2008

Re: Orange Grove Power Plant Project Notice of Prehearing Conference

Dear Mr. McPhee:

As you are aware, the Prehearing Conference for this case will take place on Monday, December 1, 2008. The November 6, 2008 Notice of Prehearing Conference and Notice of Evidentiary Hearing (Notice) directs all parties to serve copies of their Prehearing Conference Statement by 3:00 p.m. on Tuesday, November 25, 2008.

The Prehearing Conference allows the parties to identify issues in agreement and issues in dispute; schedule witnesses; and establish procedures in the formal hearings that follow. Formal hearings to establish the factual record are called "evidentiary" hearings because they are conducted so that evidence can be presented. The primary purpose of the Prehearing Conference is to prepare for the Evidentiary Hearing, scheduled for Friday, December 19, 2008.

The Public Adviser's Office exists to provide interested persons and formal intervenors with assistance on how to meaningfully and effectively participate in California Energy Commission (Energy Commission) proceedings. Though I am an attorney, and my office is ready to assist you, I am not able to represent you.

In order for the Energy Commission to conduct an adjudicatory proceeding (conducted so an action of judging can be made), it is necessary for all parties to prepare for both the Prehearing Conference(s) and Evidentiary Hearing as if they were preparing for a civil trial. Energy Commission proceedings are not as formal as civil trials, but utilizing material from the meetings and workshops, the Prehearing Conference Statement must identify the factual and legal issues requiring judicial settlement by the Energy Commission; factual and legal issues that are not in dispute; and identify the witnesses whose testimony will support those issues.

Presenting a Witness List

A list of witnesses must be included with the Prehearing Conference Statement. Additionally, parties must establish the basis or foundation for any witness expertise. This burden may be satisfied by providing witness *curriculum vitae*, or in the alternative, a brief summary of qualifications.

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Exhibit List

The Prehearing Conference Statement must also include an Exhibit List of any Exhibits that will be offered into evidence. In order for Exhibits to be manageable it is necessary that they be numbered. You should refer to Page 3 of the November 6, 2008 Notice for direction on the series of consecutive numbers assigned by the Hearing Office for each party.

It is imperative that Exhibit Numbers be assigned to each and every Exhibit to be introduced. 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 Final Staff Assessment (FSA). Copies of these folders will need to be made for all parties, the Committee and the Hearing Adviser.

The Public Adviser's "Siting Process Guidebook", available online at www.energy.ca.gov/2006publication/CEC-70, provides detailed information on the siting process. For purpose of preparing the Prehearing Conference Statement, you should consider Chapters 14 and 15, in addition to Samples 20-22.

If you have any questions or concerns, please do not hesitate to contact my office. Please know that I will be out Tuesday and Wednesday of this week for the holiday, but I will attend the Prehearing Conference on Monday, December 1, 2008.

Sincerely,

/original signed/

ELENA M. MILLER
Public Adviser