

State of California**Energy Resources Conservation and Development Commission**

In the Matter of:)	Docket No. 08-SPPE-1
)	
Application for Small Power Plant)	STAFF'S PREHEARING
Exemption for the Riverside)	CONFERENCE STATEMENT
Energy Resources Center)	
<u>Units 3 & 4</u>)	

Staff's Prehearing Conference Statement

The December 3, 2008 Notice of Prehearing Conference and Evidentiary Hearing and Prehearing Conference order issued by the Committee overseeing the application for Small Power Plant Exemption identified a date of December 22, 2008, for the filing of Prehearing Conference Statements. This is staff's Prehearing Conference Statement.

1. Complete Topic Areas

All topic areas are complete and ready to proceed to evidentiary hearings.

2. Incomplete Topic Areas

No incomplete topic areas.

3. Disputed Areas Requiring Adjudication

No topics disputed or requiring adjudication.

4. Identity of witnesses, topic areas, testimony summaries, and time requirements

The staff witnesses sponsoring testimony, a summary of that testimony, and the qualifications of those witnesses are presented in the Initial Study, originally filed on November 12, 2008. Staff does not plan to present direct testimony in any topic, and will submit all testimony by declaration. Staff reserves the right to request permission to present additional testimony, however, if comments provided at the Prehearing Conference indicate that such testimony is warranted.

5. Cross examination topic areas, summary of scope, and time requirements

Although Applicant states it will present a single witness for live testimony, staff believes that it will likely not need to conduct cross examination of any witnesses. However, staff reserves the right to request cross-examination, if the comments provided at the Prehearing Conference indicate that such cross-examination is warranted.

6. Exhibit list

Staff proposes to identify the Final Initial Study and Mitigated Negative Declaration as Exhibit 200. The Initial Study addresses all technical areas associated with staff's review of the project. The declarations of all staff who prepared the Initial Study are included in that document. Staff proposes to identify the separate set of proposed Conditions of Exemption, as requested by the Committee in both a clean final version and in underline and strikeout format, as Exhibit 201.

7. Schedule proposal

Staff does not believe there will be a need for briefs. However, should the Committee determine briefing on a topic is required, Staff proposes that opening briefs be filed five business days after the hearing transcripts become available, and that reply briefs be filed five business days after the opening briefs are filed. Staff's counsel will be on vacation from January 8 through January 18, 2008. Staff requests that any briefing schedule begin after January 18.

8. Conditions of Exemption

Staff believes that the Conditions of Exemption identified in the Initial Study are complete, enforceable, and supported by the evidence that will be presented at hearings.

Date: December 22, 2008

Respectfully submitted,

_____/s/_____
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STATE OF CALIFORNIA

**Energy Resources Conservation
And Development Commission**

In the Matter of:) Docket No. 08-SPPE-1
)
Application for Small Power Plant) **STAFF'S PROPOSED EXHIBIT LIST**
Exemption for the Riverside)
Energy Resources Center)
Units 3 & 4)

Ex. No.	Date	Description	Topic	Witness
200	12/22/08	Proposed Mitigated Negative Declaration and Final Initial Study	Environmental Impacts and Mitigation of Proposed Project	Various
201	12/22/08	Proposed Conditions of Exemption, including changes since publication	Areas of Initial Study Requiring Mitigation	Various



**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**

**APPLICATION FOR SMALL POWER
PLANT EXEMPTION FOR THE RIVERSIDE
RESOURCE CENTER UNITS 3 & 4**

Docket No. 08-SPPE-1

PROOF OF SERVICE

Revised (11/12/08)

INSTRUCTIONS: All parties shall either (1) send an original signed document plus 12 copies or (2) mail one original signed copy AND e-mail the document to the address for the Docket as shown below, AND (3) all parties shall also send a printed or electronic copy of the document, which includes a proof of service declaration to each of the individuals on the proof of service list shown below:

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Attn: Docket No. 08-SPPE-1
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DECLARATION OF SERVICE

I, Pamela Guinn, declare that on 12/22/08, I deposited copies of the attached Staff's Prehearing Conference Statement, Staff's Proposed Exhibit List 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.

/s/ _____

Attachments