



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
07-AFC-5
DATE <u>NOV 23 2009</u>
RECD. <u>NOV 23 2009</u>

APPLICATION FOR CERTIFICATION FOR THE
**IVANPAH SOLAR ELECTRIC
GENERATING SYSTEM**

DOCKET No. 07-AFC-5

**REVISED NOTICE OF PREHEARING CONFERENCES
AND EVIDENTIARY HEARING**

PLEASE TAKE NOTICE that, the Committee designated by the Energy Commission to conduct proceedings on the Application for Certification (AFC) for the **IVANPAH SOLAR ELECTRIC GENERATING SYSTEM (ISEGS) PROJECT** has scheduled Prehearing Conferences and an Evidentiary Hearing as follows:

Evidentiary Hearings on specific topics (see below) will be conducted on:

***Monday, December 14, 2009
Beginning at 9 a.m.***

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

and, if needed, on:

***Tuesday, December 15, 2009
Beginning at 9 a.m.***

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

A Second Prehearing Conference will be conducted on:

***Monday, January 4, 2010
Beginning at 1 p.m.***

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

Evidentiary Hearings on all remaining topics will be conducted on:

Monday, January 11, 2010
Beginning at 9 a.m.

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

and, if needed, on:

Tuesday, January 12, 2010
Beginning at 9 a.m.

Wednesday, January 13, 2010
Beginning at 1 p.m.

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

Please note that the Committee may, in appropriate circumstances, continue the hearings into the evening hours.

TELECONFERENCE OPTION: The following toll-free phone number will be available on each of the above dates at the listed start times, for callers to participate in the hearings:

Call: 1-888-324-9428
Use Passcode: "Ivanpah"
Conference Leader: "Paul Kramer"

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

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

ITEM	DATE
Staff publishes Final Staff Assessment/Draft Environmental Impact Statement (FSA/DEIS)	Wednesday, November 4, 2009
Parties file preliminary Prehearing Conference Statements	Monday, November 16, 2009
Last day to file Petitions to Intervene	Wednesday, November 18, 2009
Initial Prehearing Conference	Wednesday, November 18, 2009
Applicant's opening testimony filed and served	Tuesday, November 24, 2009
Staff and Intervenors file and serve testimony (other than FSA/DEIS) relating to topics to be heard on December 14	Wednesday, December 9, 2009
Evidentiary Hearings on the following topics: <ul style="list-style-type: none"> - Project Description - Compliance and Closure - Facility Design - Power Plant Efficiency - Transmission System Engineering - Transmission Line Safety and Nuisance - Public Health - Hazardous Materials Management - Geological and Paleontological - Waste Management - Noise - Socioeconomics - Traffic and Transportation - Visual Resources 	Monday, December 14 and Tuesday 15, 2009 (if necessary)
Staff and Intervenors file and serve testimony (other than FSA/DEIS) relating to all remaining topics	Friday, December 18, 2009
Parties file final Prehearing Conference Statements	Tuesday, December 29, 2009
All parties file rebuttal testimony	Monday, January 4, 2010
Second Prehearing Conference	Monday, January 4, 2010
Evidentiary Hearings on contested topics and any other remaining topics	Monday, January 11, through Wednesday, January 13, 2010

Purpose of Prehearing Conferences

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

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

We invite Bureau of Land Management (BLM) representatives to attend the Prehearing Conference and Evidentiary Hearings to facilitate coordination of BLM's process with this AFC process.

Local, state, and federal governmental agencies may participate at the Prehearing Conferences and Evidentiary Hearing, 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 to the Energy Commission's Docket Unit. Please include "Docket No. 07-AFC-5" on any written comments.

Preliminary and Final Prehearing Conference Statements

To facilitate the process, each party shall serve and file a **Prehearing Conference Statement** containing all of the information described below, which shall be received by email by the other parties and the Commission's Docket Unit by **4 p.m. on December 29, 2009**. 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. The parties shall submit a WORD version of their statements to the Hearing Officer via email.

Each statement shall specify:

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 therefor;
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:** expert witnesses must have professional expertise in the scope 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 such cross-examination, and the time desired for 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 format);
7. Proposals for briefing deadlines, vacation schedules, and other scheduling matters;
8. For all topics, the parties shall review the Proposed Conditions of Certification listed in the Final Staff Assessment (FSA) for enforceability, comprehension, and consistency with the evidence, and submit any proposed modifications.

Format for Presenting Evidence

The parties shall provide written testimonial and documentary evidence in two formats.

1. Each document shall be numbered and identified on an **Exhibit List**.
 - Applicant's exhibits shall be numbered consecutively as ***Exhibits 1 through 299***.
 - Staff's exhibits shall be numbered consecutively as ***Exhibits 300 through 399***.
 - Intervenor CURE's exhibits shall be numbered consecutively as ***Exhibits 400 through 499***.
 - Intervenor Western Watersheds Project's exhibits shall be numbered consecutively as ***Exhibits 500 through 599***.
 - Intervenor Sierra Club's exhibits shall be numbered consecutively as ***Exhibits 600 through 699***.
 - Intervenor Defenders of Wildlife's exhibits shall be numbered consecutively as ***Exhibits 700 through 799***.
 - Intervenor Basin and Range Watch's exhibits shall be numbered consecutively as ***Exhibits 800 through 899***.
 - Intervenor Center for Biological Diversity's exhibits shall be numbered consecutively as ***Exhibits 900 through 999***.
 - Intervenor California Native Plant Society's exhibits shall be numbered consecutively as ***Exhibits 1000 through 1099***.

- Intervenor County of San Bernardino's exhibits shall be numbered consecutively as ***Exhibits 1100 through 1199***.

Printed or electronic (compact disk) copies of the Exhibits shall be provided to the Committee and other parties no later than 4 p.m. on the dates set forth in the filing schedule table, above.

2. To facilitate the Committee's efficient organization and review of the Project, printed copies of the exhibits for each topic area shall **also** be compiled in separate file folders designated by topic with the appropriate Exhibit Number attached to each document. This compilation shall include all opening and rebuttal testimony filed by the party and shall be provided to the Hearing Officer **no later than December 9, 2009 and January 4, 2010**.

Petitions to Intervene to Become a Formal Party

The Energy Commission's Decision on the Ivanpah Solar Electric Generating System Project (ISEGS) will be based on the official evidentiary record developed at the Evidentiary Hearing. Only formal parties (Applicant, Staff, and Intervenors) may present evidence and cross-examine witnesses at the Evidentiary Hearing. Public comment may not, by itself, support a finding or conclusion in the Decision but it can supplement formal written or oral testimony.

Anyone with an appropriate interest in the ISEGS may file a Petition to Intervene and become a formal party. At the Evidentiary Hearing, a formal party may offer testimony and documentary evidence, receive documents filed by other parties, and cross-examine witnesses. However, a formal party must also comply with 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 **Wednesday, November 18, 2009**. Petitions filed after that date and time extensions for new Intervenors to review case materials will be granted only upon a showing of extraordinary good cause.

How to Intervene

The Energy Commission's Public Adviser's office will assist any person or organization interested in preparing a Petition to Intervene. For assistance in this process, contact the Public Adviser's office at (916) 654-4489 or (800) 822-6228 or e-mail: **[publicadviser@energy.state.ca.us]**.

Public Participation and Public Adviser

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.

We encourage the public to submit comments prior to or during the Evidentiary Hearings but will accept comments made following the Evidentiary Hearings until the close of BLM's 90-day comment period. BLM published notice of the FSA/DEIS' availability on November 13, 2009

(<http://www.blm.gov/ca/st/en/info/newsroom/2009/november/deis-ivanhap.html>).

Comments made after the Evidentiary Hearings may be discussed in the Presiding Member's Proposed Decision (PMPD) or treated and discussed as comments on the PMPD, in the Committee's discretion. Comments made to BLM or the Energy Commission will be shared with the other agency.

The Energy Commission Public Adviser's Office is available to assist the public in participating in the application 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: [\[publicadviser@energy.state.ca.us\]](mailto:publicadviser@energy.state.ca.us). If you have a disability and need assistance to participate in this event, contact Lourdes Quiroz at (916) 654-5146 or e-mail: [\[lquiroz@energy.state.ca.us\]](mailto:lquiroz@energy.state.ca.us).

Information

Questions of a legal or procedural nature should be directed to Paul Kramer, the Hearing Officer, at (916) 654-5103 or e-mail: [\[pkramer@energy.state.ca.us\]](mailto:pkramer@energy.state.ca.us).

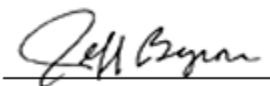
Technical questions concerning the project should be addressed to John Kessler, the Staff Project Manager, at (916) 654-4679, or e-mail at: [\[jkessler@energy.state.ca.us\]](mailto:jkessler@energy.state.ca.us).

Technical questions concerning the BLM permitting process should be addressed to Tom Hurshman, Project Manager at (970) 240-5345, or e-mail: [\[tom_hurshman@blm.gov\]](mailto:tom_hurshman@blm.gov).

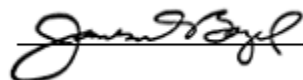
Media inquiries should be directed to the Office of Media and Public Communications at (916) 654-4989 or e-mail at: [\[mediaoffice@energy.state.ca.us\]](mailto:mediaoffice@energy.state.ca.us).

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

Dated: November 23, 2009, at Sacramento, California.



JEFFREY D. BYRON
Commissioner and Presiding Member
Ivanpah AFC Committee



JAMES D. BOYD
Vice Chair and Associate Member
Ivanpah AFC Committee

Mailed to Lists: POS 7255, 7256, 7257, 7258



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FOR THE *IVANPAH SOLAR ELECTRIC
GENERATING SYSTEM*

DOCKET No. 07-AFC-5
PROOF OF SERVICE
(Revised 11/23/09)

APPLICANT

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E-mail Preferred

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APPLICANT'S CONSULTANTS

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INTERESTED AGENCIES

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INTERVENORS

California Unions for Reliable Energy ("CURE")
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*indicates change

INTERVENORS CONT.

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Kevin Emmerich

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ianderson@biologicaldiversity.org

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thansen@cnps.org

granites@telis.org

*County of San Bernardino

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ENERGY COMMISSION

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DECLARATION OF SERVICE

I, RoseMary Avalos, declare that on November 23, 2009, I served and filed copies of the attached, Revised Notice of Prehearing Conferences and Evidentiary Hearing dated, November 23, 2009. The original document, filed with the Docket Unit, is accompanied by a copy of the most recent Proof of Service list, located on the web page for this project at:
[www.energy.ca.gov/sitingcases/ivanpah].

The documents have been sent to both the other parties in this proceeding (as shown on the Proof of Service list) and to the Commission's Docket Unit, in the following manner:

(Check all that Apply)

FOR SERVICE TO ALL OTHER PARTIES:

 X sent electronically to all email addresses on the Proof of Service list;

 X by personal delivery or by depositing in the United States mail at Sacramento, California with first-class postage thereon fully prepaid and addressed as provided on the Proof of Service list above to those addresses **NOT** marked "email preferred."

AND

FOR FILING WITH THE ENERGY COMMISSION:

 X sending an original paper copy and one electronic copy, mailed and emailed respectively, to the address below (*preferred method*);

OR

 depositing in the mail an original and 12 paper copies, as follows:

CALIFORNIA ENERGY COMMISSION

Attn: Docket No. 07-AFC-5
1516 Ninth Street, MS-4
Sacramento, CA 95814-5512
docket@energy.state.ca.us

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

Original Signed By:
RoseMary Avalos