

STATE OF CALIFORNIA

Energy Resources Conservation and Development Commission

In the Matter of:

APPLICATION FOR CERTIFICATION
FOR THE IVANPAH SOLAR
ELECTRIC
GENERATING SYSTEM

DOCKET NO. 07-AFC-5

DOCKET

07-AFC-5

DATE DEC 29 2009

RECD. DEC 30 2009

***SECOND PREHEARING CONFERENCE STATEMENT OF INTERVENOR
BASIN AND RANGE WATCH***

December 29, 2009

Kevin Emmerich
Laura Cunningham
Basin and Range Watch
PO Box 70
Beatty NV 89003
(775)553-2806
atomicoadranch@netzero.net

TITLE

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BASIN AND RANGE WATCH***

1. The topic areas that are complete and ready to proceed to evidentiary hearing:

BRW is prepared 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:

Basin and Range Watch understands that the area of Visual Resources remains unresolved. The record is incomplete in this area, as views from Clark Mountain within Mojave National Preserve, and Mesquite and Stateline Wilderness Areas could be significantly impacted by the project.

3. The topic areas that remain disputed and require adjudication, and the precise nature of the dispute for each topic:

Visual Resources: As stated above, Basin and Range Watch understands that further information concerning the significant impacts, including cumulative impacts, to surrounding recreational areas need to be entered into the record, particularly how the project is viewed from popular local Wilderness Areas and

Mojave National Preserve.

Biological Resources: The rich biodiversity of the project site, including many rare and sensitive species, makes it inappropriate for development of such a land-intensive project. Areas of dispute include the impacts to desert tortoise, local breeding bird habitats and migratory routes, and how these might be affected by project design, and various mitigation/minimization measures for such sensitive species as Gila monster which may inhabit the site.

4. Witnesses, Topic Areas, Testimony and Exhibits:

Basin and Range Watch will sponsor the testimony of Laura Cunningham. Cunningham will testify on the proposed project's impacts on visual resources. Such testimony should take no more than 5 minutes. Exhibit #800 is a photographic database, including photographs showing the view of the project site from nearby Wilderness Areas and Mojave National Preserve.

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:

Basin and Range Watch reserves the right and opportunity for brief cross examinations of areas that may be adjudicated using witness testimony.

6. Proposals for briefing deadlines, vacation schedules, and other scheduling matters:

Given the volume of resource issues in this case and their significance, Basin and Range Watch requests that the opening briefs following the evidentiary hearings not be due any earlier than three weeks after the close of the evidentiary hearings.

Dated: December 29, 2009

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Laura Cunningham", written over a horizontal line.

Laura Cunningham
Kevin Emmerich
Basin and Range Watch
PO Box 70
Beatty NV 89003
(775) 553-2806
atomicoadranch@netzero.net

**California Energy Resources Conservation
and Development Commission**

In the Matter of:

APPLICATION FOR CERTIFICATION
FOR THE IVANPAH SOLAR
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GENERATING SYSTEM

DOCKET NO. 07-AFC-5

DECLARATION OF SERVICE

I, Laura Cunningham, declare that on November 15, 2009, I served and filed copies of the attached Preliminary Preconference Hearing Statement, dated November 15, 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 document has been sent to 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:

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

by personal delivery or by depositing in the United States mail at 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:

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

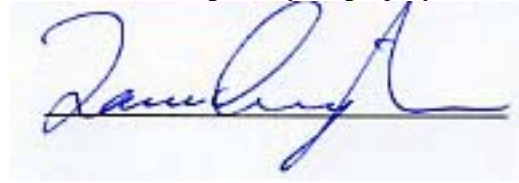
Attn: Docket No.

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.



Laura Cunningham

Sent via email to: sdeyoung@brightsourceenergy.com; tstewart@brightsourceenergy.com; jcarrier@ch2m.com; jdh@eslawfirm.com; e-recipient@caiso.com; tom_hurshman@blm.gov; Raymond_Lee@ca.blm.gov; dfgpalm@adelphia.net; tgulesserian@adamsbroadwell.com; mjconnor@westernwatersheds.org; gloria.smith@sierraclub.org; joanne.spalding@sierraclub.org; gssilliman@csupomona.edu; jbasofin@defenders.org; gsuba@cnps.org; thansen@cnps.org; granites@telis.org; jbyron@energy.state.ca.us; jboyd@energy.state.ca.us; pkramer@energy.state.ca.us; jkessler@energy.state.ca.us; dratliff@energy.state.ca.us; publicadviser@energy.state.ca.us; docket@energy.state.ca.us; lbelenky@biologicaldiversity.org; ianderson@biologicaldiversity.org

Sent via US mail to:

CALIFORNIA ENERGY COMMISSION
Attn: Docket No. 07-AFC-5
1516 Ninth Street, MS-4
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Tom Hurshman,
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Montrose, CO 81401

DECLARATION OF SERVICE

I, Laura Cunningham declare that on December 29, 2009, I served and filed copies of the attached, second prehearing conference statement dated, December 29, 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)

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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

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

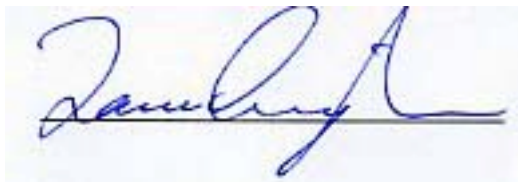
OR

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

A handwritten signature in blue ink, appearing to read "Laura Cunningham", written over a horizontal line.

**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**

1B1B1B APPLICATION FOR CERTIFICATION)
FOR THE *IVANPAH SOLAR ELECTRIC*)
GENERATING SYSTEM)

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

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