



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
09-AFC-7

DATE	APR 30 2010
RECD.	APR 30 2010

APPLICATION FOR CERTIFICATION FOR THE
PALEN SOLAR POWER PROJECT
PALEN SOLAR I, LLC

DOCKET No. 09-AFC-7

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 (AFC) for the **PALEN SOLAR POWER PROJECT** has scheduled the Prehearing Conference and Evidentiary Hearings as follows:

The Prehearing Conference will be conducted as follows:

THURSDAY, JULY 1, 2010
Beginning at 2:00 p.m.

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

The Evidentiary Hearing will take place on:

FRIDAY, JULY 16, 2010
Beginning at 10:00 a.m.

LOCATION TO BE DETERMINED

TELECONFERENCE OPTION: The following toll-free phone number will be available for callers to participate in both the prehearing conference and evidentiary hearing.

Call: 800-593-9996
Use Passcode: "Palen"
Conference Leader: "Raoul Renaud"

PLEASE TAKE NOTICE that the Committee has established the following schedule which **supersedes** all prior schedules:

<i>ITEM</i>	<i>DATE</i>
Staff publishes Staff Assessment	3/18/10
Status Conference	4/15/10
Last day to file information requests	5/17/10
Last day to file Petitions to Intervene	6/16/10
Staff publishes Revised Staff Assessment	6/18/10
Applicant files opening testimony	6/23/10
Staff and Intervenors file opening testimony	6/25/10
All parties file rebuttal testimony and submit exhibits organized numerically and by topic (see below) to the Hearing Office	6/29/10
All parties file Prehearing Conference Statements	6/29/10
Prehearing Conference	7/1/10
Evidentiary Hearing	7/16/10
Issuance of Presiding Member's Proposed Decision (PMPD)	8/18/10
Committee Conference on PMPD (if necessary)	To Be Determined
End of 30-day comment period for PMPD	9/17/10
PMPD Errata (if necessary)	To Be Determined
Energy Commission Hearing--Final Decision	9/22/10

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 Conference, all parties (Staff, Applicant, and Intervenors) shall present their respective positions regarding: 1) the substantive topic areas ready for evidentiary hearing; 2) those topics that require further analysis, including the nature of,

and time frame for, any such analysis; 3) the topic areas that have been resolved; and 4) the topic areas that are disputed and require adjudication, and topic areas where a party seeks an overriding finding of public necessity and convenience. (Pub. Res. Code § 25525.) The parties shall also identify proposed witnesses, as well as the time required for direct testimony and/or cross-examination.

We invite BLM representatives to attend the Prehearing Conference to facilitate coordination of BLM's process with this AFC process.

Local, state, and federal governmental agencies may participate at the Prehearing Conference and Evidentiary Hearings, 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.09-AFC-7" on any written comments.

Prehearing Conference Statements

To facilitate the process, each party shall serve and file a **PREHEARING CONFERENCE STATEMENT**. Each party's Prehearing Conference Statement shall be provided to and received by the other parties and the Commission's Docket Unit, 1516 9th Street, MS-4, Sacramento, California 95814-5512, **NO LATER than 3:00 p.m., Tuesday, June 29, 2010.** 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 also submit a **Word version** of their statements to the Hearing Officer via e-mail.

FAILURE TO FILE A TIMELY PREHEARING CONFERENCE STATEMENT MAY PRECLUDE A PARTY FROM PARTICIPATING AT THIS HEARING.

Each statement shall set forth under a separate heading:

- a) The topic areas that are complete and ready to proceed to Evidentiary Hearing;
- b) The topic areas that are not complete and not yet ready to proceed to Evidentiary Hearing, and the reasons therefor;
- c) The topic areas that remain disputed and require adjudication, and the precise nature of the dispute for each topic;
- d) 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; the time required to present direct testimony by each witness; and whether the party seeks to have the witness testify in person or telephonically;

- e) Topic areas upon which a party desires to cross-examine witnesses, a summary of the scope of each such cross-examination (including voir dire of any witness' qualifications), and the time desired for each such cross-examination;
- f) A list identifying exhibits and declarations that each party intends to offer into evidence and the technical topics to which they apply (as explained in the following section on Formats for Presenting Evidence);
- g) Topic areas for which the Applicant will seek a commission override due to public necessity and convenience pursuant to Pub. Res. Code § 25525.
- h) Proposals for briefing deadlines, impact of vacation schedules, and other scheduling matters; and
- i) For all topics, any proposed modifications to the proposed Conditions of Certification listed in the Revised Staff Analysis (RSA) based upon enforceability, ease of comprehension, and consistency with the evidence.

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. (Use the form attached to this Notice.)**
 - Applicant's exhibits shall be numbered consecutively as **Exhibits 1 through 199.**
 - Staff's exhibits shall be numbered consecutively as **Exhibits 200 through 299.**
 - Intervenor CURE's exhibits shall be numbered consecutively as **Exhibits 300 through 399.**
 - Intervenor CARE's exhibits shall be numbered consecutively as **Exhibits 400 through 499.**
 - Intervenor Basin & Range Watch's exhibits shall be numbered consecutively as **Exhibits 500 through 599.**

Printed copies of the Exhibits shall be provided to the Committee and other parties no later than 3 p.m. on the dates set forth in the filing schedule table, above. Failure to timely exchange Exhibits may result in exclusion of evidence.

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 Tuesday, June 29, 2010**.

FAILURE TO COMPLY WITH THE FILING REQUIREMENTS STATED IN THIS ORDER MAY PRECLUDE A PARTY FROM PARTICIPATING AT THIS HEARING.

Official Notice

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>

Petitions to Intervene to Become a Formal Party

Only formal parties (Applicant, Staff, or Intervenors) may present evidence and cross-examine witnesses at the Evidentiary Hearing. The Energy Commission's Presiding Member's Proposed Decision (PMPD) on the ***PALEN SOLAR POWER PROJECT*** will be based solely upon the official evidentiary record developed at the Evidentiary Hearing.

Anyone with an appropriate interest in the ***PALEN SOLAR POWER PROJECT*** may file a Petition to Intervene and become a formal party. 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.

To facilitate the participation of all parties at the Prehearing Conference, and allow for an orderly and efficient Evidentiary Hearing, **the DEADLINE TO FILE a Petition to Intervene in this case is 3:00 p.m., Wednesday, June 16, 2010.** [Cal. Code Regs., tit. 20 § 1203(f).] Time extensions will not be granted for new Intervenors to review case materials since this accelerated proceeding has been ongoing since November 18, 2009.

Public Adviser and Public Participation

The Energy Commission Public Adviser is available to assist the public in participating in the application review process. For information on how to participate, please contact

the Public Adviser's Office at (916) 654-4489 or 1-800-822-6228 or e-mail: **[publicadviser@energy.state.ca.us]**.

If you have a disability and need assistance to participate in any scheduled event, contact Lourdes Quiroz no less than five days prior to the hearing at (916) 654-5146 or e-mail: **[lquiroz@energy.state.ca.us]**.

Information

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

Technical questions concerning the Project should be addressed to Alan Solomon, the Staff Project Manager, at (916) 653-3826 or e-mail: **[asolomon@energy.state.ca.us]**.

Media inquiries should be directed to the Office of Media and Public Communications at (916) 654-4989 or e-mail: **[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/solar_millennium_palen]**.

Dated: April 30, 2010 at Sacramento, California.

Original signed by: _____
ROBERT B. WEISENMILLER
Commissioner and Presiding Member
Palen Solar AFC Committee

Original signed by: _____
KAREN DOUGLAS
Chairman and Associate Member
Palen Solar AFC Committee

Mailed to Lists: POS, 7371, 7372, 7373, 73749



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COMMISSION OF THE STATE OF CALIFORNIA
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**APPLICATION FOR CERTIFICATION
FOR THE PALEN SOLAR POWER
PLANT PROJECT**

Docket No. 09-AFC-7

**PROOF OF SERVICE
(Revised 4/19/10)**

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ENERGY COMMISSION

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DECLARATION OF SERVICE

I, Maggie Read, declare that on April 30, 2010, I mailed hard copies of the attached Notice of Prehearing Conference and Evidentiary Hearing. 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:

[\[http://www.energy.ca.gov/sitingcases/solar_millennium_palen\]](http://www.energy.ca.gov/sitingcases/solar_millennium_palen)

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:

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

by personal delivery;

by delivering on this date, for mailing with the United States Postal Service with first-class postage thereon fully prepaid, to the name and address of the person served, for mailing that same day in the ordinary course of business; that the envelope was sealed and placed for collection and mailing on that date 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. 09-AFC-7
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, that I am employed in the county where this mailing occurred, and that I am over the age of 18 years and not a party to the proceeding.

_Original signed by: _____
Maggie Read
Hearing Advisor;s Office