



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-5

DATE MAY 17 2010

RECD. MAY 17 2010

APPLICATION FOR CERTIFICATION FOR THE
ABENGOA MOJAVE SOLAR PROJECT

DOCKET No. 09-AFC-5

**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 **ABENGOA MOJAVE SOLAR PROJECT** has scheduled the **Prehearing Conference and Evidentiary Hearing** as follows:

The Prehearing Conference will be conducted on:

**MONDAY, June 21, 2010
Beginning at 1:00 p.m.**

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

TELECONFERENCE OPTION: *The following toll free phone number will be available at 1:00 p.m. for callers to participate in the hearings:*

**Call: 1-888-369-2131
Use Passcode: "Mojave"
Conference Leader: "Kourtney Vaccaro"**

The Evidentiary Hearing will be conducted on:

**MONDAY, June 28, 2010
Beginning at 10:00 a.m.**

AND

**TUESDAY, June 29, 2010
Beginning at 10:00 a.m.**

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

TELECONFERENCE OPTION: *The following toll free phone number will be available at 10:00 a.m. for callers to participate in the hearings:*

**Call: 1-888-369-2131
Use Passcode: "Mojave"
Conference Leader: "Kourtney Vaccaro"**

PLEASE TAKE NOTICE that the Committee has established the following **SCHEDULE** for the filings and activities leading to the Evidentiary Hearings:

ITEM	DATE
Staff Publishes Completed Sections of Supplemental Staff Assessment	Wednesday, May 12, 2010
Staff Publishes Remaining Sections of Supplemental Staff Assessment	Friday, May 21, 2010
Last Day to File Petitions to Intervene	Saturday, May 29, 2010
Applicant Files Opening Testimony	Tuesday, June 1, 2010
Staff and Intervenors File Opening Testimony	Wednesday, June 9, 2010
All Parties File Prehearing Conference Statements	Friday, June 18, 2010
All Parties File Rebuttal Testimony	Friday, June 18, 2010
Prehearing Conference	Monday, June 21, 2010
Evidentiary Hearings	Monday, June 28 – Tuesday, June 29, 2010

Purpose of Prehearing Conference

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: 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.

Local, state, and federal governmental agencies may participate at the Prehearing Conference 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. 09-AFC-5" on any written comments.

Prehearing Conference Statements

Each party is **ORDERED** to serve and file a **PREHEARING CONFERENCE STATEMENT** containing all of the information described below. The parties shall e-mail their statements to the Hearing Officer, to the parties as indicated on the proof of service list, and to the Commission's Docket Unit, 1516 9th Street, MS-4, Sacramento, California 95814-5512, so as to be received **NO LATER than 4 P.M. on Friday, June 18, 2010**. The parties shall also submit a **Word version** of their statements to the Hearing Officer via e-mail.

NOTE: FAILURE TO FILE A PREHEARING CONFERENCE STATEMENT BY THE DEADLINE MAY PRECLUDE A PARTY FROM PARTICIPATING AT THE PREHEARING CONFERENCE AND EVIDENTIARY HEARING.

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**: 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. An exhibit list identifying exhibits and declarations that each party intends to offer into evidence (**see attached sample for required format**). The hearing Office will provide the parties with a Word version of the Exhibit List template ;
7. Proposals for briefing deadlines, vacation schedules, and other scheduling matters; and,
8. For all topics, the parties shall review the Proposed Conditions of Certification listed in the Supplemental Staff Assessment for enforceability, comprehension, and consistency with the evidence, and submit any proposed modifications.

Format for Providing Written Testimonial and Documentary Evidence

In addition to the witness lists and exhibit lists provided with the Prehearing Conference Statements, the parties shall also provide copies of their written testimonial and documentary evidence **ON OR BEFORE the dates shown in the schedule above**. They shall also provide it to the Committee in two formats, as follows.

NOTE: FAILURE TO EXCHANGE WRITTEN TESTIMONIAL AND DOCUMENTARY EVIDENCE BY THE DEADLINE MAY PRECLUDE A PARTY FROM PARTICIPATING AT THE EVIDENTIARY HEARING.

Format 1. Each document shall be numbered and identified on the **Exhibit List**.

- Applicant's exhibits shall be numbered consecutively as ***Exhibits 1 through 299***. ***Exhibit 1*** shall be the Application for Certification. (note: provide the AFC only upon request);
- Staff's exhibits shall be numbered consecutively as ***Exhibits 300 through 399***. ***Exhibit 300*** shall be the Staff Assessment.
- Intervenor CURE's exhibits shall be numbered consecutively as ***Exhibits 400 through 499***.
- Intervenors Luz Solar Partners Ltd. VII and Luz Solar Partners Ltd. X's exhibits shall be numbered consecutively as ***Exhibits 500 through 599***.

Format 2. To facilitate the Committee's efficient organization and review of the exhibits, printed copies of **each party's** 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 Applicant and shall be provided to the Hearing Officer **NO LATER than June 24, 2010**. ***Presentation of their exhibits by other parties in similar fashion would be helpful to the Committee, but is not mandatory.***

Printed copies of each party's exhibits, including intervenors' exhibits, organized as described under Format No. 1, above, shall be submitted to all other parties, including intervenors, on or before the dates shown in the schedule above. IN lieu of printed copies, exhibits may be provided in electronic form on CD or DVD.

Presenting Evidence and Argument Regarding Public Convenience and Necessity

Under Public Resources Code section 25525, the Commission may certify an application for certification even if it finds that that the facility does not conform with any applicable state, local, or regional standards, ordinances, or laws or has unmitigable significant environmental impacts. To do so, the Committee must determine that the facility is required for public convenience and necessity and that there are not more prudent and feasible means of achieving public convenience and necessity. Parties' opening briefs and presentation of evidence should address the application of Public Resources Code section 25525.

Notice of Committee's Intention to Use Informal Hearing Procedures

Pursuant to Government Code Section 11445.10 et seq. and section 1217 of the Commission's regulations, the Committee may conduct all or portions of the Evidentiary Hearings in an informal manner in which, for example but not by way of limitation, a panel of witnesses sponsored by a single party or by multiple parties testify at one time, with an exchange of questions and responses between the witnesses and counsel for the various parties substituting for formal direct and cross-examination. Any objections to the taking of testimony in an informal manner shall be filed on or before the deadline for filing Prehearing Conference Statements (**4 p.m. on June 18, 2010**). The Parties are encouraged to comment on the appropriate format for informal hearings and identify the topics for which informal hearings are appropriate, in their Prehearing Conference Statements, above.

Notice of Committees' Intention to Take Official Notice of Documents

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

The Energy Commission's Decision on the Abengoa Mojave Solar Project 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.

Anyone with an appropriate interest in this project 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 is **Saturday, May 29, 2010**. Time extensions will be granted for new Intervenors to review case materials 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

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. Anyone desiring information on how to participate may contact the Public Adviser's office as indicated above.

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, at 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]**.

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]**.

Energy Commission Information

Questions of a legal or procedural nature should be directed to Kourtney Vaccaro, the Hearing Officer, at (916) 654-4328 or e-mail: **[kvaccaro@energy.state.ca.us]**.

Technical questions concerning the Project should be addressed to Craig Hoffman, the Staff Project Manager, at (916) 654-3837, or by e-mail: **[choffman@energy.state.ca.us]**.

Media inquiries should be directed to the office for 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 website at: **[www.energy.ca.gov/sitingcases/abengoa/index.html]**.

Dated May 17, 2010, at Sacramento, California.

Original signed by:

ANTHONY EGGERT
Commissioner and Presiding Member
Abengoa Mojave AFC Committee

Original signed by:

JAMES D. BOYD
Vice Chair and Associate Member
Abengoa Mojave AFC Committee

Mailed to lists: POS, 7361, 7362, 7363, 7364



Docket Number: 09-AFC-5

Date: _____

Project Name: Application for Certification for the Abengoa Mojave Solar Project

SAMPLE TENTATIVE EXHIBIT LIST

NOTE: The format of the samples provided below is equally applicable to all parties. However, given the likely differences in the documentary evidence submitted by the parties, the samples illustrate how to address specific types of evidence that might be unique to each party.

Exhibit	Brief Description	Stipulation	Offered	Admitted	Refused	CEC Use Only
Applicant's Exhibits						
1	<p>ABC Power Plant Project Application for Certification (AFC); dated [month, day, year], and docketed on [month, day, year].</p> <ul style="list-style-type: none"> (a) Executive Summary (b) Project Description (c) Air Quality (d) Biological Resources (e) Cultural Resources (f) Hazardous Materials Management (g) Land Use (h) Noise and Vibration (i) Public Health (j) Socioeconomics (k) Soil and Water Resources (l) Traffic and Transportation (m) Transmission Line Safety and Nuisance (n) Visual Resources (o) Waste Management 					

	<p>Applicant's Exhibits Continued</p> <p>(p) Worker Safety and Fire Protection (q) Facility Design (r) Geology and Paleontology (s) Power Plant Efficiency (t) Power Plant Reliability (u) Transmission System Engineering (v) Alternatives</p>					
2	<p>ABC, LLC's Objection to California Energy Commission Staff Data Requests (Set 1); dated [month, day, year], and docketed on [month, day, year].</p> <p>(a) Objections to Data Request 16 (b) Objections to Data Request 53 (c) Objections to Data Requests 66, 67, and 68</p>					
3	<p>ABC, LLC's, Response to California Energy Commission Data Requests 1-74; [month, day, year], and docketed on [month, day, year].</p> <p>(a) Responses 1-6; Exhibit 2-1 (b) Responses 7-10; Exhibits 7-1, 7-2, 7-3, 10-1 (c) Responses 11-20; Exhibits 17-1, 17-2 (d) Response 21 (e) Responses 22-23; Exhibits 22-1, 23-1 (f) Responses 24-53; Exhibits 25-1, 35-1, 38-1, 48-1, 48-2 (g) Responses 54-58; Exhibit 58-1 (h) Responses 59-68; Exhibit 61-1 (i) Responses 69-74</p>					
4	<p>Declaration of John Doe regarding Project Description; dated [month, day, year] and docketed. (month, day, year).</p>					

Energy Commission Staff's Exhibits						
300	Final Staff Assessment for the ABC Power Plant Project, dated [month, day, year], and docketed [month, day, year].					
301	Energy Commission Staff's Errata to the Final Staff Assessment, dated [month, day, year] and docketed [month, day, year].					
Intervenor Exhibits						
400	Intervenor John Smith's Testimony: [title or subject], filed as rebuttal testimony, 3 page document, and docketed [month, day, year].					

CALIFORNIA ENERGY COMMISSION

1516 NINTH STREET
SACRAMENTO, CA 95814-5512
www.energy.ca.gov



TO: *All Parties*

Date: May 17, 2010

RE: **ABENGOA MOJAVE SOLAR**

Proof of Service List

Docket No. 09-AFC-5

Attached is the **newly revised** Proof of Service List for the above-mentioned project, current as of May 17, 2010. Please pay particular attention to the **new** filing instructions.

Energy Commission regulations (Cal. Code Regs., tit. 20, § 1210) require, in addition to any electronic service, that a paper copy be served in person or by first class mail except where a party requests to receive an electronic copy when one is available. Individuals and groups on the Proof of Service list who prefer to receive filings by email and do not require a paper copy shall inform the Hearing Officer assigned to the proceeding.

The Proof of Service list for this matter will delineate those individuals and groups and it is sufficient to serve those individuals with an emailed copy only. Those not so delineated must be served with a paper copy in addition to any emailed copy that the filing party chooses to provide. Signatures may be indicated on the electronic copy by "**Original Signed By**" or similar words. The original signed copy shall be filed with the Energy Commission's Dockets Unit.

Any new addition(s) to the Proof of Service will be indicated in **bold font** and marked with an asterisk (*). Additionally, if two or more persons are listed on a Proof of Service List with a single address, only one physical copy of a document need be mailed to the address.

Use this newly revised list for all future filings and submittals. This Proof of Service List will also be available on the Commission's Project Web Site at:

[<http://www.energy.ca.gov/sitingcases/abengo/index.html>].

Please review the information and contact me at mread@energy.state.ca.us, or (916) 654-3893, if you would like to be removed from the Proof of Service or if there are any changes to your contact information.

Original signed by: _____
Maggie Read
Hearing Adviser's Office

Attachment



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 CERTIFICATION
FOR THE **ABENGOA MOJAVE
SOLAR POWER PLANT**

Docket No. 09-AFC-5
PROOF OF SERVICE
(Revised 5/17/2010)

APPLICANT

Emiliano Garcia Sanz
General Manager
Abengoa Solar Inc.
11500 West 13th Avenue
Lakewood, CO 80215
emiliano.garcia@solar.abengoa.com

Scott D. Frier
Chief Operating Officer
Abengoa Solar Inc.
13911 Park Ave., Ste. 206
Victorville, CA 92392
scott.frier@solar.abengoa.com

Tandy McMannes
2030 Addison Street, Suite 420
Berkeley, CA 94704
tandy.mcmannes@solar.abengoa.com

APPLICANT'S CONSULTANTS

Frederick H. Redell, PE
Engineering Manager
Abengoa Solar, Inc.
11500 West 13th Avenue
Lakewood, CO 80215
frederick.redell@solar.abengoa.com

COUNSEL FOR APPLICANT

Christopher T. Ellison
Ellison, Schneider & Harris
2600 Capitol Ave.
Sacramento, CA 95816
cte@eslawfirm.com

INTERESTED AGENCIES

California ISO
E-mail Preferred
e-recipient@caiso.com

INTERVENORS

California Unions for Reliable Energy ("CURE")
Tanya A. Gulesserian
Marc D. Joseph
Elizabeth Klebaner
Adams Broadwell Joseph & Cardozo
601 Gateway Boulevard, Suite 1000
South San Francisco, CA 94080
E-mail Preferred
tgulesserian@adamsbroadwell.com
eklebaner@adamsbroadwell.com

Luz Solar Partners Ltd., VIII
Luz Solar Partners Ltd., IX
Jennifer Schwartz
700 Universe Blvd
Juno Beach, FL 33408
jennifer.schwartz@nexteraenergy.com

ENERGY COMMISSION

ANTHONY EGGERT
Commissioner and Presiding Member
aeggert@energy.state.ca.us

JAMES D. BOYD
Vice Chairman and Associate Member
jboyd@energy.state.ca.us

*Kourtney Vaccaro
Hearing Officer
kvaccaro@energy.state.ca.us

Craig Hoffman
Project Manager
choffman@energy.state.ca.us

Christine Hammond
Staff Counsel
chammond@energy.state.ca.us

Jennifer Jennings
Public Adviser's Office
publicadviser@energy.state.ca.us

DECLARATION OF SERVICE

I, Maggie Read, declare that on May 17, 2010, I served and filed copies of the attached Notice of Prehearing Conference & Evidentiary Hearing, Sample Tentative Exhibit List, Tentative Exhibit List, All Parties Letter and revised Proof of Service list, dated May 17, 2010. The original documents, filed with the Docket Unit, are 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/abengoa/index.html>]. The document has 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:

The document has 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-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, 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 Adviser's Office