

DOCKET

09-AFC-7

DATE SEP 03 2010

RECD. SEP 03 2010

STATE OF CALIFORNIA

Energy Resources Conservation
And Development Commission

In the Matter of:

Docket No. 09-AFC-7

Application for Certification
For Palen Solar Power Project

Energy Commission Staff's Issues Statement

On August 30, 2010, the Committee assigned to this proceeding issued a Notice of Mandatory Status Conference and requested that parties file an Issues Statement prior to the status conference summarizing the submitting party's preparations and readiness for Evidentiary Hearings, any obstacles to completion of the proceeding by December 2010, that may exist, and include a suggested schedule for the remainder of the proceeding.

Staff published Part 1 of the Revised Staff Assessment (RSA) on September 1, 2010 and expects to file Part 2 containing all remaining issues on September 16, 2010.

The only outstanding matter that could prove an obstacle to completion of the proceeding by the end of this year is issuance of the Final Determination of Compliance (FDOC) by the South Coast Air Quality Management District. The District is waiting for additional information from the applicant. It would be helpful if the applicant indicated when it intends to provide that information to the District, so that we have some idea of when to expect the FDOC. Once the FDOC is available, staff will need to supplement the air quality section of the RSA to incorporate any changes from the Preliminary Determination of Compliance. Staff hopes that this can be done in time for the late October hearings (if the proposed schedule is acceptable to the Committee); however, if the FDOC is not received in time, an additional hearing will need to be scheduled.

The Committee requested a schedule based on the already established hearing dates of October 11 and 12, 2010. Staff notes, however, that a timeline with only these hearing dates presents several difficulties. October 11, 2010 is a federal holiday and, therefore, certain agency representatives would likely not be available on that day to provide comments on technical areas such as Cultural Resources and Biological Resources. Additionally, intervenor Center for Biological Diversity (CBD) has indicated they are not available on October 12, 2010. In order to provide the parties with sufficient time to produce opening testimony, the time for rebuttal testimony and prehearing conference statements would need to be drastically shortened.

For these reasons, if the Committee's schedule allows, staff believes it would be preferable to have bifurcated hearings, with Part 1 issues heard on October 11 and 12, 2010 and Part 2 issues heard on October 25 and 26, 2010. Staff recommends that Air Quality also be heard with the Part 2 issues given the anticipated delay in receipt of the FDOC. Staff believes that this format would give the parties ample time to produce Opening and Rebuttal testimony and prepare for hearings. Unfortunately it would also reduce the time provided to the Committee to produce the Presiding Member's Proposed Decision.

<i>ITEM</i>	<i>DATE</i>
Staff published Revised Staff Assessment, Part 1	9/1/10
Staff publishes Revised Staff Assessment, Part 2	9/16/10
Applicant and Intervenors file opening testimony on Part 1 issues	9/15/10
Applicant and Intervenors file opening testimony on Part 2 issues; Staff files Supplemental testimony (if necessary)	9/30/10
All parties file rebuttal testimony on Part 1 issues and submit exhibits organized numerically and by topic to the Hearing Office	9/29/10
All parties file Prehearing Conference Statements	10/6/10
Prehearing Conference	10/7/10
Evidentiary Hearings on Part 1 issues	10/11/10 and 10/12/10 (if needed)
All parties file rebuttal testimony on Part 2 issues and submit exhibits organized numerically and by topic to the Hearing Office	10/14/10
Evidentiary Hearings on Part 2 issues and Air Quality	10/20/10 and 10/21/10 (if needed)
Issuance of Presiding Member's Proposed Decision (PMPD)	11/12/10
Committee Conference on PMPD (if necessary)	11/30/10
End of 30-day comment period for PMPD	12/13/10
PMPD Errata (if necessary)	To Be Determined
Energy Commission Hearing--Final Decision	December 15, 2010

DATED: September 3, 2010

Respectfully submitted,

/s/ Lisa DeCarlo

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BEFORE THE ENERGY RESOURCES CONSERVATION AND DEVELOPMENT
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1516 NINTH STREET, SACRAMENTO, CA 95814
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APPLICATION FOR CERTIFICATION
FOR THE *PALEN SOLAR POWER*
PLANT PROJECT

Docket No. 09-AFC-7

PROOF OF SERVICE
(Revised 8/27/10)

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DECLARATION OF SERVICE

I, Rhea Moyer, declare that on September 3, 2010, I served and filed copies of the attached ENERGY COMMISSION Staff's Issues Statement, dated September 3, 2010. 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]

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:
RHEA MOYER