



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-10**

DATE SEP 16 2010

RECD. SEP 16 2010

APPLICATION FOR CERTIFICATION FOR THE  
**RICE SOLAR ENERGY POWER  
PLANT PROJECT**

Docket No. 09-AFC-10

**NOTICE OF PREHEARING CONFERENCE AND EVIDENTIARY HEARING  
AND  
EVIDENTIARY HEARING ORDER**

**PLEASE TAKE NOTICE** that the Committee designated by the Energy Commission to conduct proceedings on the Application for Certification (AFC) for the **RICE SOLAR ENERGY POWER PROJECT** has scheduled a Prehearing Conference and Evidentiary Hearing to take place as follows:

***Prehearing Conference and Evidentiary Hearing:***

**Monday, October 11, 2010  
Beginning at 10:00 a.m.**

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

***And, if necessary, the Evidentiary Hearing will continue on:***

**Tuesday, October 12, 2010  
Beginning at 10:00 a.m.**

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

## **TELECONFERENCE OPTION**

***You may participate in the Prehearing Conference and Evidentiary Hearing by telephone and/or by computer via our “WebEx” web conferencing system. For details on how to participate, please see the "Participation in the Prehearing Conference and Evidentiary Hearing Through WebEx" section at the end of this Notice.***

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

<b>Action</b>	<b>Date</b>
Last Date for Publication of SA/DEIS	9/27/2010
All Parties File Opening Testimony and Copies of Written Testimony and Documentary Evidence	10/5/2010
All Parties File Rebuttal Testimony	10/7/2010, by 3:00 p.m.
All Parties File Prehearing Conference Statements, Witness Lists, and Exhibit Lists	10/7/2010, by noon
Prehearing Conference and Evidentiary Hearing	10/11/2010
Evidentiary Hearing (continued if necessary)	10/12/2010

### **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 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-10" 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 noon on Thursday, October 7, 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 and other scheduling matters; and,
8. For all topics, the parties shall review the Proposed Conditions of Certification listed in the Staff Assessment/Draft Environmental Impact Statement 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 and exhibit lists provided with the Prehearing Conference Statements, the parties shall also provide copies of their written testimony and documentary evidence to the Committee and other parties **ON OR BEFORE the dates shown in the schedule above.**

The parties shall also provide written testimony and documentary evidence to the Hearing Officer in two formats, as follows:

**Format 1.** Each document shall be numbered and identified on an **Exhibit List**. (See attached sample Exhibit List.)

- Applicant's exhibits shall be numbered consecutively as ***Exhibits 1 through 199. Exhibit 1*** shall be the Application for Certification. (note: provide the AFC only upon request);
- Staff's exhibits shall be numbered consecutively as ***Exhibits 2 through 299. Exhibit 200*** shall be the Staff Assessment. (note: provide the Staff Assessment only upon request);

**Format 2.** Exhibits for each topic area shall be compiled by the Applicant 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 and shall be provided to the Hearing Officer by **NO LATER than noon Friday, October 8, 2010.** ***Presentation of their exhibits by other parties in similar fashion would be helpful to the Committee, but is not mandatory.***

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

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

## 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 to 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 testimony 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 (**noon on Thursday, October 7, 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.

### **Petitions to Intervene to Become a Formal Party**

The Energy Commission's decision on the Rice Solar Energy project will be based on the official evidentiary record developed at the Evidentiary Hearing. Only formal parties 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 was **Monday, September 13, 2010**. Petitions filed after that date may be granted only upon a showing of 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 Hearing 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 the Western Area Power Administration, Bureau of Land Management, or the Energy Commission will be shared with the other agencies.

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).

### **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: [\[kvaccaro@energy.state.ca.us\]](mailto:kvaccaro@energy.state.ca.us).

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

Media inquiries should be directed to the office for Media and Public Communications at 916-654-4989 or e-mail: [\[mediaoffice@energy.state.ca.us\]](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 website at:  
[\[www.energy.ca.gov/sitingcases/ricesolar/index.html\]](http://www.energy.ca.gov/sitingcases/ricesolar/index.html)

Dated September 16, 2010, at Sacramento, California.



ROBERT B. WEISENMILLER  
Commissioner and Presiding Member  
Rice Solar AFC Committee



KAREN DOUGLAS  
Chairman and Associate Member  
Rice Solar AFC Committee

Mailed to lists: 7361, 7362, 7363, 7364

PARTICIPATION IN THE PREHEARING CONFERENCE AND EVIDENTIARY HEARING THROUGH WEBEX  
THE ENERGY COMMISSION'S ON-LINE MEETING SERVICE

1. COMPUTER LOG-ON WITH A DIRECT PHONE NUMBER:

- Please go to <https://energy.webex.com> and enter the MEETING NUMBER unique to the specific Mandatory Conference date:

➤ **10/11/10** – Prehearing Conference & Evidentiary Hearing  
**MEETING NUMBER:** 925 337 538

- When prompted, enter your information and the MEETING PASSWORD: **rice@10am**

➤ **10/12/10** – Evidentiary Hearing  
**MEETING NUMBER:** 925 339 749

- When prompted, enter your information and the MEETING PASSWORD: **rice@oct12**

After you login, a prompt will appear on-screen for you to provide **your** phone number. In the **Number box**, type your area code and phone number and click OK. **You will receive a call back on your phone for the audio portion of the meeting.** International callers can use the "Country/Region" button to help make their connection.

2. COMPUTER LOG-ON FOR CALLERS WITH AN EXTENSION PHONE NUMBER, ETC:

- Please go to <https://energy.webex.com> and enter the meeting number and the meeting password (above).

- After you login, a prompt will ask for your phone number. Click "CANCEL."

- Instead call 1-866-469-3239 (toll-free in the U.S. and Canada). When prompted, enter the meeting number above and your unique Attendee ID number which is listed in the top left area of your computer screen after you login.

3. TELEPHONE ONLY (NO COMPUTER ACCESS):

- Call 1-866-469-3239 (toll-free in the U.S. and Canada) and when prompted enter the meeting number unique to the specific hearing date:

➤ **10/11/10** – Prehearing Conference & Evidentiary Hearing  
**MEETING NUMBER:** 925 337 538

➤ **10/12/10** – Evidentiary Hearing  
**MEETING NUMBER:** 925 339 749

If you have difficulty joining the meeting, please call the WebEx Technical Support number at 1-866-229-3239. To see if your computer is compatible, visit [<http://support.webex.com/support/system-requirements.html>].

Please be aware that the meeting's WebEx audio and on-screen activity may be recorded.



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**APPLICATION FOR CERTIFICATION  
FOR THE *RICE SOLAR ENERGY POWER  
PLANT PROJECT***

**APPLICANT**

Jeffrey Benoit  
Project Manager  
Solar Reserve  
2425 Olympic Boulevard, Ste. 500 East  
Santa Monica, CA 90404  
[Jeffrey.Benoit@solarreserve.com](mailto:Jeffrey.Benoit@solarreserve.com)

**APPLICANT'S CONSULTANTS**

Andrea Grenier  
Grenier and Associates  
1420 East Roseville Parkway, Ste. 140-377  
Roseville, CA 95661  
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Douglas Davy  
CH2MHILL  
2485 Natomas Park Drive, Ste. 600  
Sacramento, CA 95833  
[ddavy@ch2m.com](mailto:ddavy@ch2m.com)

**COUNSEL FOR APPLICANT**

\*Scott Galati  
Marie Mills  
Galati & Blek, LLP  
455 Capitol Mall, Suite 350  
Sacramento, CA 95814  
[sgalati@gb-llp.com](mailto:sgalati@gb-llp.com)  
[mmills@gb-llp.com](mailto:mmills@gb-llp.com)

**INTERESTED AGENCIES**

California ISO  
*E-mail Preferred*  
[e-recipient@caiso.com](mailto:e-recipient@caiso.com)

**Docket No. 09-AFC-10**

***PROOF OF SERVICE*  
(Revised 8/5/2010)**

Liana Reilly  
Western Area Power Administration  
PO Box 281213  
Lakewood CO 80228-8213  
[reilly@wapa.gov](mailto:reilly@wapa.gov)

Allison Shaffer  
Bureau of Land Management  
Palm Springs/South Coast Field Office  
1201 Bird Center Drive  
Palm Springs, Ca 92262  
[allison\\_shaffer@blm.gov](mailto:allison_shaffer@blm.gov)

**INTERVENORS**

**ENERGY COMMISSION**  
ROBERT WEISENMILLER  
Commissioner and Presiding Member  
[rweisenm@energy.state.ca.us](mailto:rweisenm@energy.state.ca.us)

KAREN DOUGLAS  
Chairman and Associate Member  
[kldougla@energy.state.ca.us](mailto:kldougla@energy.state.ca.us)

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\*Jennifer Jennings  
Public Adviser's Office  
*E-mail preferred*  
[publicadviser@energy.state.ca.us](mailto:publicadviser@energy.state.ca.us)



### DECLARATION OF SERVICE

I, Maggie Read, declare that on September 16, 2010, I served and filed copies of the attached Notice of Prehearing Conference and Evidentiary Hearing, dated September 16, 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: [\[http://www.energy.ca.gov/sitingcases/ricesolar\]](http://www.energy.ca.gov/sitingcases/ricesolar).

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-10  
1516 Ninth Street, MS-4  
Sacramento, CA 95814-5512  
[docket@energy.state.ca.us](mailto: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