

**DOCKET**

**09-AFC-7**

DATE OCT 04 2010

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STATE OF CALIFORNIA

Energy Resources Conservation  
And Development Commission

In the Matter of:

Application for Certification  
For the Palen Solar Power Project  
Palen Solar I, LLC

Docket No. 09-AFC-7

October 4, 2010

**Energy Commission Staff's Pre-Hearing Conference Statement**

On September 21, 2010, the Committee assigned to this proceeding issued a Notice of Prehearing Conference and Evidentiary Hearing requiring all parties to file Prehearing Conference Statements and specifying what information the prehearing conference statements must contain. Staff provides the requested information below.

- a) The topic areas that are complete and ready to proceed to evidentiary hearings.

All topic areas are complete and ready to proceed to evidentiary hearings except for Air Quality.

- b) The topic areas that are not complete and not yet ready to proceed to evidentiary hearing, and the reasons therefor.

As mentioned above, at this moment, staff is not prepared to proceed with evidentiary hearings on Air Quality. Staff is still waiting for the South Coast Air Quality Management District's Final Determination of Compliance (FDOC), which is expected to be released in the next few weeks with a public comment period of 30 days. Staff will require a few days after receipt of the FDOC in order to update testimony. Staff will make every effort to ensure that this testimony is filed before the October 27, 2010 hearing date. Staff recommends that the record be left open for the topic area of air quality until the FDOC's comment period has closed in the event changes are made to the FDOC that need to be reflected in the Commission Decision.

- c) The topic areas that remain disputed and require adjudication, and the precise nature of the dispute for each topic.

Staff has not received written testimony from any of the parties and, therefore, is not certain what areas will be contested. Based on previous statements by the parties, staff anticipates that Biological Resources may require adjudication.

- d) The identity of each witness sponsored by each party, 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.

The following expert witnesses will represent staff as a panel at the evidentiary hearings to testify and be available for cross examination in the topic area of Biological Resources. Because opening testimony has not yet been submitted by the other parties, staff cannot determine precisely how much time would be required for the panel, but estimates that an hour would likely be sufficient. Staff requests the opportunity to revise this estimate if the parties' opening testimony proves to be more extensive than anticipated in this area.

**Witness:** Susan Sanders

**Summary of Testimony:** Biological Resources section of the RSA

**Qualifications:** Resume contained in the RSA

**Witness:** Carolyn Chainey-Davis

**Summary of Testimony:** Biological Resources section of the RSA

**Qualifications:** Resume contained in the RSA

**Witness:** Mark Massar, BLM

**Summary of Testimony:** Biological Resources section of the RSA

**Qualifications:** Resume contained in the RSA

**Witness:** Andrew Collison

**Summary of Testimony:** Biological Resources section of the RSA, specifically dealing with the subject of sand transport.

**Qualifications:** Resume contained in the RSA

**Witness:** Sara Keeler

**Summary of Testimony:** Biological Resources section of the RSA

**Qualifications:** Resume contained in the RSA

**Witness:** Amy Golden

**Summary of Testimony:** Biological Resources section of the RSA

**Qualifications:** Resume contained in the RSA

Witnesses from other wildlife agencies may also participate on the panel, including representatives from U.S. Fish and Wildlife Service and California Department of Fish and Game.

Staff witnesses in other technical areas can also be made available if it is determined at the prehearing conference that their presence at the evidentiary hearing is needed. For those matters not subject to dispute by the applicant or intervenors, staff proposes to enter testimony into the record by declaration. The testimony and the respective authors are

identified below and signed declarations, if not contained in the RSA, will be submitted shortly:

### **Part I, Revised Staff Assessment**

#### **Environmental Analysis**

Alternatives Evaluated – Susan V. Lee  
Cumulative Scenario – Susan V. Lee  
Health and Safety – Alvin J. Greenberg, Ph.D. (need declaration)  
Noise and Vibration – Shahab Khoshmashrab  
Socioeconomics and Environmental Justice – Scott Debauche  
Traffic and Transportation – Andrea Koch and James Jewell  
Transmission Line Safety and Nuisance – Obed Odoemelam, Ph.D.  
Waste Management – Suzanne Phinney, D.Env.  
Worker Safety and Fire Protection – Alvin J. Greenberg, Ph.D.

#### **Engineering Analysis**

Facility Design – Shahab Khoshmashrab  
Geology, Paleontology, and Minerals – Patrick A. Pilling, Ph.D., P.E., G.E., D.GE.  
Power Plant Efficiency – Erin Bright  
Power Plant Reliability – Erin Bright  
Transmission System Engineering – Sudath Edirisuriya and Mark Hesters

General Conditions Including Compliance Monitoring and Closure Plan – Dale Rundquist

### **Part II, Revised Staff Assessment**

Cultural Resources – Kim Tremaine and Beverly Bastian  
Hazardous Materials Management – Alvin Greenberg, Ph.D.  
Land Use and Planning, Agriculture and Forest Resources, Wilderness and Recreation – Mark R. Hamblin  
Soil and Water Resources – Michael Donovan P.G., C.Hg., Michael Daly P.E., John Thornton P.E., and Andrew Collison, Ph.D.  
Visual Resources – Michael Clayton  
Appendix A: Appendix to Transmission System Engineering Palen Solar Power Project – Suzanne Phinney, D.Env.  
Appendix B: Appendix to Transmission System Engineering Colorado River Substation Expansion and BSPP Interconnection Actions Impact Analysis – Suzanne Phinney, D.Env and Heather Blair  
Comments Regarding a Possible Energy Commission Finding of Overriding Considerations – Terry O'Brien

- e) 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 each such cross-examination.

Because opening testimony has not been filed, staff is not certain of which technical areas may necessitate cross-examination. Staff would like to reserve the right to identify such areas after receipt of the parties' opening testimony.

- f) A list identifying exhibits and declarations that each party intends to offer into evidence and the technical topics to which they apply.

The exhibit list is attached. Staff would like to reserve the right to identify additional exhibits as staff reviews the other parties' testimony and prepares for hearings.

- g) Topic areas for which the Applicant will seek a commission override due to public necessity and convenience pursuant to Pub. Resources Code §25525.

Staff has submitted testimony supporting an override in the areas of Visual Resources, Cultural Resources, and Land Use and Planning, Agriculture and Forest Resources, Wilderness and Recreation.

- h) Proposals for briefing deadlines, impact of vacation schedules, and other scheduling matters.

The Committee has established November 3, 2010 as the deadline for any necessary briefing – staff finds this date acceptable and does not have any vacation plans that could conflict with the evidentiary hearing or briefing schedule.

- i) For all topics, any proposed modifications to the proposed Conditions of Certification listed in the Revised Staff Assessment (RSA) based upon enforceability, ease of comprehension, and consistency with the evidence.

Staff is continuing to discuss possible changes to some conditions of certification with the parties at publicly noticed workshops on the RSA. Staff anticipates that the parties will identify proposed changes in their opening testimony and staff will indicate in rebuttal testimony whether those changes are acceptable.

Dated: October 4, 2010

Respectfully submitted,

/Lisa M. Decarlo/

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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 October 4, 2010, I served and filed copies of the attached Staff's Pre-Hearing Conference Statement and Rebuttal Testimony, dated October 4, 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](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**

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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.

/s/ Rhea Moyer  
RHE A MOYER