

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

DOCKET NO. 09-AFC-7

**PREHEARING CONFERENCE STATEMENT OF INTERVENOR BASIN AND
RANGE WATCH**

October 4, 2010

Kevin Emmerich
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TITLE

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**PREHEARING CONFERENCE STATEMENT OF INTERVENOR BASIN AND
RANGE WATCH**

Pursuant to the Notice of Prehearing Conferences and Evidentiary Hearing, Intervenor Basin and Range Watch (“BRW”) provides this Prehearing Conference Statement.

1. The topic areas that are complete and ready to proceed to evidentiary hearing:

BRW has not yet had sufficient time to complete review of all of the topic areas that we wish to pursue at the evidentiary hearing due to the large size of the recently released Revised Staff Assessment.

2. The topic areas that are not complete and not yet ready to proceed to evidentiary hearing, and the reasons therefore:

Biological Resources, Soil and Water Resources, Visual Resources, Alternatives, Air Quality, and Hazardous Materials and Worker Safety, Cultural Resources.

3. The topic areas that remain disputed and require adjudication, and the precise nature of the dispute for each topic:

Visual impacts to Wilderness Areas; direct, indirect, and cumulative impacts to Mojave fringe-toed lizard; impacts to Burrowing owl; impacts to tortoises DWMA; groundwater pumping and impacts to phreatophytes; and safety of heat transfer fluid.

4. The identity of each witness sponsored by each party (note: expert 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:

BRW does not intend to present testimony or witnesses for the October 13 and 14 evidentiary hearings.

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:

BRW requests the opportunity to cross-examine Staff and Applicant witnesses on all topic areas in dispute and witnesses presented by other Interveners. Until we see other parties' prehearing conference statements, witness lists, and exhibit lists, we cannot be certain about the nature or extent of cross-examination.

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

BRW does not intend to present exhibits or declarations for the October 13 and 14 hearings.

7. Proposals for briefing deadlines, vacation schedules, and other scheduling matters:

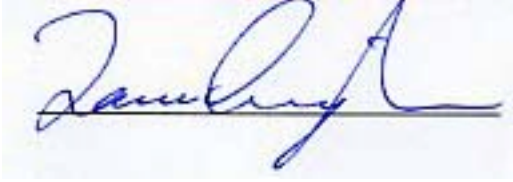
BRW requests that briefs be due two weeks after the October 27 hearing.

8. For all topics, the parties shall review the Proposed Conditions of Certification listed in the Final Staff Assessment (FSA) for enforceability, comprehension, and consistency with the evidence, and submit any proposed modifications.

BRW is in the process of reviewing Conditions of Certification.

Dated: October 4, 2010

Respectfully submitted,

A handwritten signature in blue ink, appearing to read 'Laura Cunningham', written over a horizontal line.

Laura Cunningham
Kevin Emmerich
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**California Energy Resources Conservation
and Development Commission**

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DECLARATION OF SERVICE

I, Laura Cunningham, declare that on October 4, 2010, I served and filed copies of the attached Preliminary Preconference Hearing Statement, 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: [www.energy.ca.gov/sitingcases/ivanpah]. The document has been sent to 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 or by depositing in the United States mail at with first-class postage thereon fully prepaid and addressed as provided on the Proof of Service list above 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

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docket@energy.state.ca.us

I declare under penalty of perjury that the foregoing is true and correct.



Laura Cunningham

Sent via email to: harron@solarmillennium.com, cressner@solarmillennium.com, arrie.bachrach@aecom.com, rambatipudi@chevron.com, sgalati@gb-llp.com, mmills@gb-llp.com, peterweiner@paulhastings.com, matthewsanders@paulhastings.com, tgulesserian@adamsbroadwell.com, jholder@adamsbroadwell.com, michaelboyd@sbcglobal.net, lacunadeaztlan@aol.com, lbelenky@biologicaldiversity.org, landerson@biologicaldiversity.org, e-recipient@caiso.com, CAPSSolarBlythe@blm.gov, rweisenm@energy.state.ca.us, kldougla@energy.state.ca.us, renaud@energy.state.ca.us, asolomon@energy.state.ca.us, ldecarlo@energy.state.ca.us, publicadviser@energy.state.ca.us

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