

DOCKET**09-AFC-10**DATE OCT 27 2010RECD. OCT 27 2010**STATE OF CALIFORNIA****Energy Resources Conservation
And Development Commission**

In the Matter of:)	Docket No. 09-AFC-10
)	
Application for Certification)	October 27, 2010
Rice Solar Energy Power Plant)	
<u>Project</u>)	

Staff's Prehearing Conference Statement

The October 13, 2010 Notice of Prehearing Conference and Evidentiary Hearing and Prehearing Conference order issued by the Committee overseeing the Application for Certification for the Rice Solar Energy power project identified a date of October 27, 2010, for the filing of Prehearing Conference Statements. This is staff's Prehearing Conference Statement.

- 1) **Complete Topic Areas:** All topic areas are complete and ready to proceed to evidentiary hearings.
- 2) **Incomplete Topic Areas:** No incomplete topic areas. However, it is important to note that staff's Biological Resources testimony is based upon staff's understanding that the Western Area Power Administration's (Western) telecommunications study, which was released in draft on October 18, has concluded that an additional overhead fiber optic line will not be necessary. Should staff receive information from Western to the contrary, staff's Biological Resources testimony would be updated to reflect that information, and it is possible that more information would be necessary.
- 3) **Disputed Areas Requiring Adjudication:** Staff anticipates adjudication on the following topics:
 - a. Worker Safety – the amount and type of mitigation required to reduce direct and cumulative impacts to Riverside County Fire Department to a level below significance.
 - b. Visual Resources – the significance of the visual impacts.

- 4) **Identity of witnesses, topic areas, testimony summaries, and time requirements:** The staff witnesses sponsoring testimony, a summary of that testimony, and the qualifications of those witnesses are presented in the Staff Assessment and Draft Environmental Impact Statement (SA/DEIS), originally filed on October 11, 2020. At this time, staff plans to present direct testimony by the following witnesses:

a. Worker Safety

Witness: Geoffrey Lesh

Summary of Testimony: Testimony to be contained in the Staff Assessment (Exhibit 200) and Revised Worker Safety Conditions of Certification (Exhibit 202 and Exhibit 207), particularly **WORKER Safety-7 and -8**, regarding the amount and type of mitigation required to reduce direct and cumulative impacts to Riverside County Fire Department to a level below significance, and the methods staff used to reach conclusions.

Qualifications: Declaration and resume provided in the Staff Assessment

Time required for direct testimony: One half hour

b. Cultural Resources

Witness: Kimberly Tremaine

Summary of Testimony: Testimony to be contained in the Staff Assessment (Exhibit 200) and Revised Cultural Resources Section (Exhibit 203) and Revised Cultural Resources Conditions of Certifications (Exhibit 208) regarding the form of mitigation required to mitigate the impacts to historical cultural resources, particularly relating to **CUL-13** and **CUL-14**, proposing the funding of an exhibit at the Patton Memorial Museum.

Qualifications: Declaration and resume provided in the Staff Assessment

Time required for direct testimony: One half hour

c. Biology

Witness: Scott White

Summary of Testimony: Testimony to be contained in the Staff Assessment (Exhibit 200) and Revised Biological Resources Section (Exhibit 209). Minor technical details only.

Qualifications: Declaration and resume provided in the Staff Assessment

Time required for direct testimony: Fifteen minutes

d. Visual Resources

Witness: William Kanemoto

Summary of Testimony: Testimony to be contained in the Staff Assessment (Exhibit 200) related to significance of visual impacts, and the methods staff used to reach conclusions.

Qualifications: Declaration and resume provided in the Staff Assessment

Time required for direct testimony: One hour

e. Over Ride Statement

Sponsoring Witness: Terry O'Brien

Summary of Statement: Over Ride Statement and Policy (Exhibit 201)

Qualifications: Declaration and resume provided in the Staff Assessment

Time required for direct testimony: One half hour

All other testimony will be by written declaration. However, rebuttal testimony is not due until October 27, 2010, and staff reserves the right to request permission to present additional testimony, however, if Applicant's rebuttal testimony, or if comments provided at the Prehearing Conference, indicate that such testimony is warranted.

5) **Cross examination topic areas, summary of scope, and time**

requirements: At this time, staff does not know whether Applicant will present witnesses for live testimony. However, staff reserves the right to request cross-examination of any of Applicant's witnesses, if the comments provided at the Prehearing Conference indicate that such cross-examination is warranted.

6) **Exhibit list:** As requested by the Committee, staff attaches an exhibit list identifying exhibits and declarations staff intends to offer into evidence on a Word version of the Exhibit List template.

- 7) **Schedule proposal:** Staff does not believe there will be a need for briefs. However, should the Committee determine briefing on a topic is required, Staff proposes that opening briefs be filed five business days after the hearing transcripts become available, and that reply briefs be filed five business days after the opening briefs are filed. Staff's counsel will be on vacation from November 8th through November 12th. Staff requests that any briefing schedule begin after November 15, 2010.
- 8) **Conditions of Exemption:** Staff believes that the Conditions of Exemption identified in the Staff Assessment/ are complete, enforceable, and supported by the evidence that will be presented at hearings.

Date: October 27, 2010

Respectfully submitted,

/S/

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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 Number: 09-AFC-10

Date: October 27, 2010

Project Name: Rice Solar Energy Project

ENERGY COMMISSION STAFF'S TENTATIVE EXHIBIT LIST

Exhibit	Brief Description	Stipulation	Offered	Admitted	Refused	CEC Use Only
200	Staff Assessment and Draft EIS- Docketed October 11, 2010					
201	Over Ride Statement and supporting declaration of Terry O'Brien – Docketed October 21, 2010					
202	Testimony of Geoff Lesh – Revised Worker Safety Conditions of Certification and supporting declaration – Docketed October 21, 2010					
203	Testimony of Kim Tremain – Revised Cultural Resources section and supporting declaration – Docketed October 21, 2010					
204	Testimony of Kristin Ford – Revised portion of Socioeconomics section and supporting declaration – Docketed October 21, 2010					

205	Testimony of Alan Lindsley – Revised Traffic and Transportation Condition of Certification and supporting declaration – Docketed October 21, 2010					
206	MDAQMD's Final Determination of Compliance – Docketed July 30, 2010, sponsored by Sam Oktay of MDAQMD					
207	Testimony of Geoff Lesh – Revised Worker Safety Conditions of Certification and supporting declaration – Docketed October 27, 2010					
208	Testimony of Kim Tremain – Revised Cultural Resources Conditions of Certification and supporting declaration – Docketed October 27, 2010					
209	Testimony of Scott White – Revised Biological Resources Conditions of Certification and supporting declaration – Docketed October 27, 2010					



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

Docket No. 09-AFC-10

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

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DECLARATION OF SERVICE

I, Chester Hong, declare that on October 27, 2010, I served and filed copies of the attached:

Prehearing Conference Statement

dated October 27, 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>].

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

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/
CHESTER HONG
Chief Counsel's Office