



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

California Energy Commission

DOCKETED
11-AFC-2

TN # 69579

FEB 19 2013

*APPLICATION FOR CERTIFICATION FOR THE
HIDDEN HILLS SOLAR ELECTRIC
GENERATING SYSTEM*

Docket No. 11-AFC-02

ENERGY COMMISSION STAFF PREHEARING CONFERENCE STATEMENT AND STATEMENT OF UNRESOLVED ISSUES

This document responds to the Presiding Member's December 21, 2012, order.

1. Areas complete (or incomplete) and ready to proceed to hearing. Most areas are complete and ready to proceed to hearing. However, under the topic of Socioeconomics, Staff has not yet been able to fully grasp the issues involved in this topic, including new revenues reasonably expected as well as costs imposed on Inyo County that require reimbursement by Applicant. Inyo County has intervened as a party and recently filed testimony. Staff understands that Applicant disagrees with that testimony. Staff and Inyo County have discussed holding a workshop with the parties to get better understanding of the nature of these issues. Staff does not believe that this issue is currently well-defined for adjudication, although this may change prior to the March hearings.

2. Subject areas that are disputed and require adjudication. Several topics (discussed below) require adjudication. However, many lesser areas of dispute may not need to be the subject of hearing testimony, and might be adjudicated on the basis of pre-filed testimony and the subsequent briefing. This is particularly true of subject areas where there is little or no substantive dispute, but where Applicant wants to revise

various staff-proposed Conditions of Certification (COC). In most instances where the conflict is of this nature, it should not be necessary to hold hearings to resolve the issue. Similarly, intervenors have raised issues in the form of various questions directed to Staff or the Applicant in many subject areas. These questions suggest no focused dispute that should require hearings.

Staff proposes that hearing time not be squandered to resolve issues regarding the precise terms of COCs, or to provide responses to intervenor questions, such that travel of many Staff witnesses to Shoshone to answer various questions be avoided. Staff proposes to notice a workshop to respond to questions posed in testimony, or provide responses in writing.

Moreover, since the conflicts are many, and hearing time is limited and precious, the Presiding Member should consider which disputed areas require hearings for resolving party disputes and issuing its decision. For instance, should the Presiding Member decide that it has enough information from the testimony on a disputed area, such as Visual Resources, it might decide to determine that issue on the pre-filed testimony and the briefs of the parties, as opposed to spending a day of hearing time on that issue. This would allow the hearing time to be better used to focus on the issues that would most benefit from witness presentation and discussion (informal hearing procedure) or cross-examination (formal hearing procedure).

The number of disputed issues reflects the failure of the parties to utilize workshops to resolve or narrow issues. Staff believes that some of the current disputes could have been resolved had there been a more earnest effort to reach resolution through workshops. Even in areas where there has been much conflict, such as impacts to avian species, there has been some seeming convergence of perspectives as Applicant better understands the Staff position. Staff will attempt before the hearings to narrow or resolve at least some of the issues listed below that currently appear to require adjudication.

Biological Resources

Desert Tortoise. There are several areas of dispute within this topic. First, the issue of impacts to desert tortoise, a state and federally listed species, is disputed by Center for Biological Diversity (CBD), which contends that the impacts are significant even with all feasible mitigation, and that the impact of lost habitat cannot be “fully mitigated,” as required by the California Endangered Species Act (CESA). Staff and Applicant contend that the impact is significant, but that it can be “fully mitigated” by Applicant’s funding of purchases of compensatory habitat for preservation, or improvements to existing habitat.

However, on the issue of what mitigation is required to meet the “fully mitigated” requirement of CESA, there is dispute between Staff and Applicant. Staff proposes an overall ratio of 2:1 compensatory habitat, reflecting the average value of desert tortoise habitat at the project site. The California Department of Fish and Wildlife (CDFW), the state agency trustee for state wildlife (and the agency that would issue the state “take” permit for endangered species absent the Commission’s “in lieu” permit role) and Staff have agreed that habitat value for a large part of the site is 1:1, but values for a roughly equal area of the site are 3:1 (averaging 2:1 overall). Applicant has filed testimony asserting that the value of the site is 1:1, and proposes compensatory habitat compensation that is considerably less than 1:1. Staff believes that such a ratio of mitigation undervalues the habitat and underestimates the impact, and would thus not achieve the “fully mitigated” standard CESA requires. These issues require adjudication.

Species of Special Concern. CDFW, as state wildlife trustee agency, would require CEQA mitigation for impacts to “species of special concern,” such as burrowing owl, American badger, and desert kit fox. Applicant’s testimony suggests that mitigation for such species is not required because these species are not listed pursuant to CESA, or alternatively, as with burrowing owl, that the mitigation proposed is excessive. Staff and CDFW disagree with Applicant. CBD supports mitigation, but opposes Staff conditions that would allow the “nesting” of any compensatory habitat requirements for

such species (e.g., burrowing owl) with those of desert tortoise, such that habitat preserved for tortoise might also suffice for burrowing owl mitigation. CBD also contends that CEQA analysis is incomplete, and no decision can be made, until all biological implementation plans have been drafted and publicly reviewed, or perhaps finalized. These issues require adjudication.

Impacts to Avian Species. Staff has filed testimony describing hazard to birds from “solar flux” areas in the vicinity of the projects power towers, and described this impact as potentially significant. CBD has also testified that the impact is significant. Applicant has filed testimony contending that certain bird survey data, experiments and supposed expert opinion indicate that any hazard is insignificant, and proposed a finding of non-significance. Staff believes that the evidence Applicant would have the Committee rely on is insubstantial and unreliable. Nevertheless, staff believes that there is some possibility that Staff and Applicant might reach agreement about the nature of, or certainty of, such impacts, or at least the Conditions of Certification to address such impacts, prior to hearing. Even so, as it now stands, these issues require adjudication.

Rare Plants. Several rare plants are on the project site. One of them, the gravel milk vetch, is so rare that only eight occurrences have been observed in California over the last 20 years; four of those occurrences will be lost if the project is built. Staff has proposed compensatory mitigation. Applicant and Staff have some differences regarding the required mitigation, although these differences may be resolvable. Applicant contends that the compensatory mitigation for impacts to “waters of the state,” as would be required by CDFW, is excessive. CBD questions the adequacy of the mitigation for plants, particularly the compensatory mitigation, as does the California Native Plant Society in a letter recently filed with the Committee. Applicant also would modify or eliminate monitoring of mesquite on BLM land to confirm any detected water level drawdown (an issue more tied to Water Supply), and resists payments to the County Agricultural Commissioner for weed control activities. These issues may be reconcilable, but may otherwise require adjudication.

Water Supply

This issue is highly controverted and complex. There are several parties and agencies that have expressed either positions or concern regarding Water Supply; in some instances parties agree with each other in some areas and disagree in others. An accurate and full list of all potential issues is difficult to provide.

Applicant has provided an analysis that it claims establishes with a high degree of confidence that project pumping will have no significant impact to anyone or any thing, including local residents, mesquite habitat on BLM land near the project site, and the Amargosa River. This analysis is largely based on a two-week pump test conducted on the site.

Staff (along with several other parties or agencies) believes that the conclusions Applicant has drawn from its pump test are optimistic and unreliable to the point of being speculative. Staff has proposed monitoring wells to monitor local impacts, both in the direction of the BLM mesquite habitat, but also in the direction of the Amargosa River. Staff has also proposed that Applicant purchase “water offsets” in the Pahrump basin on the Nevada side of the border, where most water is pumped and pumping in the basin is adjudicated by permit, to reduce cumulative impacts and impacts to the Amargosa River, which may have hydrological connection to the Pahrump basin. Applicant has not taken issue with the monitoring requirements or the purchase of water “offsets,” although it is unclear whether Applicant agrees to the specific requirements for the “offsets” that Staff proposes as necessary to provide adequate protection from impacts.

Some parties and agencies (e.g., Amargosa River Nature Conservancy, or “Amargosa”) believe that the “offsets” and proposed monitoring approach is inadequate to protect the Amargosa River, which is a federally designated Wild and Scenic River, and relies on groundwater flow from northeast of the project, flowing southwest through or under the Pahrump basin.

Bureau of Land Management (BLM) has expressed concerns about the Amargosa River, and its protection, but also about the protection of mesquite habitat on BLM land near the project boundary, on the Nevada side of the border. Water drawdown could damage or destroy this sensitive habitat, which includes the BLM's Area of Critical Environmental Concern (ACEC) in the Stump Spring area. Staff has proposed to protect the mesquite habitat by using well monitoring and vegetation health monitoring, both of which can be conducted with a reasonably high degree of reliability to determine whether there is drawdown caused by the project that is damaging the mesquite habitat. If both forms of monitoring (well monitoring and vegetation monitoring) indicate drawdown and habitat damage, project pumping wells would have to be relocated further from the project site, or pumping would have to cease. Applicant contends that such monitoring is unreliable, could result in it being blamed for impacts not actually attributable to the project, and create uncertainty. Other parties and agencies believe that the monitoring may not be sensitive enough to actually protect the resource. Amargosa and some other parties believe that the mitigation does not adequately protect the Amargosa River. Inyo County largely supports the Staff approach, but suggests some additional monitoring.

In short, there are a number of disputed issues, and varying perspectives among the parties (and interested agencies) regarding these issues. Adjudication will be required. Since Water Supply is an area of strong local interest, and because it is an overlap issue with Biological Resources, these issues should be addressed either together or in sequence at the March hearings in Shoshone. There will be a large number of witnesses on this topic, and several agencies are likely to provide comment.

Visual Resources

The Final Staff Assessment (FSA) states that the project will result in significant impacts to Visual Resources, based on its very large scale, the distinct visibility for vast distances of 750 foot power towers topped by glowing boilers, and night lighting (including aviation warning lights) in a very dark area—all located in an open landscape of scenic desert vistas with nearby desert wilderness areas. Applicant contends that

any visual impacts are less than significant with local landscape screening for nearby residents (such as trees placed outside their north-facing windows) and the St. Therese Mission, as well as on the project's southern boundary, and that the project provides "a point of positive visual interest" to the desert landscape. Staff recommends that this issue be decided on the pre-filed testimony and briefs to preserve important hearing time better allocated to issues such as Water Supply and Biological Resources. In the Ivanpah proceeding the presiding committee was required to spend one and one half days of hearing time on this issue, a dispute which can be attributed to Applicant's consistent reluctance to concede that its project results in any impacts to any aspect of the environment.

Cultural Resources

The FSA concludes that the project will have significant impacts on a complex cultural landscape of great significance to Native American groups that have populated this area since pre-historic times, that there are significant impacts to cultural resource sites of potential importance on nearby BLM land adjacent to the project, and that there are significant impacts to the historic resource known as the Old Spanish Trail. Intervenor Richard Arnold has filed testimony with similar conclusions, and intervenor Old Spanish Trail Association has filed testimony directed to impacts to the Old Spanish Trail. In addition, Cindy McDonald has included testimony from Dr. Thomas F. King that generally supports the FSA. Applicant disavows any significant impacts to any of these resources. These issues will require adjudication.

Furthermore, local Native American tribes have indicated that they are interested in providing comment on Cultural Resources. We request that this topic be heard in Shoshone during the first week of evidentiary hearings to facilitate participation of the tribes, should they choose to participate.

Project Alternatives

The FSA concludes that a solar photovoltaic project alternative would reduce or avoid several significant impacts from the project, including water use, visual impacts, and the

potential for avian species impacts. It likewise concludes that the alternative of using parabolic trough technology rather than power towers would reduce visual impacts to some degree. The FSA further concludes that these alternative technologies are feasible, in a CEQA context, although they are inconsistent with Applicant's goals to use power tower technology, and may not provide the exact same generation capacity or energy, and that the photovoltaic alternative does not provide certain attributes such as reactive power and inertia.

Staff's analysis of plausibly feasible alternatives is the "first step" of the agency's determination; the "second step" is for the decision-maker to determine if such plausible alternatives are in fact feasible, considering all relevant factors, including the evidence at hearing. Applicant contends that only power tower technology is feasible in a CEQA context, that important project goals would not be met with an alternative technology, and that Applicant would not or could not build a photovoltaic or parabolic trough project alternative. CBD has filed testimony stating that the distributed solar generation alternative is feasible and makes any project of this nature unnecessary, avoiding all project impacts. Applicant and Staff disagree with CBD that the distributed photovoltaic generation alternative is one that would plausibly satisfy either project objectives or state energy policy. These issues will require adjudication.

Socioeconomics

Applicant proposed changes to **SOCIO-2**, which staff has accepted. Both Inyo County and Cindy MacDonald contend that the FSA failed to designate Charleston View an environmental justice community, based on what they describe as a low-income population. As stated above, in the area of Fiscal Impact Analysis, Staff and the County of Inyo have conferred about the possibility of discussing this complex issue in a workshop to be held prior to the March hearing dates. Applicant requested that **SOCIO-3** regarding the Point of Sale agreement be eliminated in its entirety; Inyo County opposes this. Inyo County proposes additional conditions, SOCIO-4 and 5, to be added. These proposed Conditions of Certification should also be discussed at a workshop to determine whether issues can be negotiated or at least defined. Any

remaining issues should be scheduled for evidentiary hearing after the first set of hearing dates in March.

Traffic and Transportation

Staff and Inyo County have disagreements with Applicant in Traffic and Transportation. Staff outlined the disagreements in the Conditions of Certification in its *Energy Commission Staff's Rebuttal Testimony*. Applicant proposed changes to Conditions of Certification **TRANS-1** through **TRANS-8**. Staff disagrees with all proposed changes. In some instances, Applicant stated that the condition is burdensome, and that similar conditions have not been required on other similarly situated renewable energy projects. Staff disagrees. These issues require adjudication.

Land Use

The FSA states that the project is inconsistent with local law, ordinances, regulations and standards (LORS). Inyo County has the same position. Applicant contends that it does comply because of the short-lived and long since rescinded Renewable Energy Ordinance. Moreover, Applicant disagrees with Inyo County that the project is subject to the Subdivision Map Act, that the roadways on the project site are public roadways requiring abandonment by the County, and that visual impacts constitute a land use impact. Additionally, the applicant requests deletions and revisions to the Conditions of Certification.

Cindy MacDonald's testimony states that the project acreage should be clarified and analyzed with regard to the land use analysis and that Staff failed to adequately analyze agricultural impacts and environmental justice impacts.

Although there is much disagreement regarding the issues set forth above, it is quite difficult to disentangle the issues of law from issues of fact. For instance, the issues of whether "public roads" must be abandoned by Inyo County for Applicant to have site control, or whether the Subdivision Map Act requires consolidation of parcels (as well as

whether that Act is a LORS that can be subject to Energy Commission “override” pursuant to Section 25525) are clearly legal, not factual. Likewise, the issue of whether the project can be said to conform to Inyo County LORS because of the very brief existence of the renewable ordinance is best described as a legal issue. Nevertheless, even these legal issues may have factual elements, and the Committee will benefit from having these issues, and the parties positions on them, aired at the evidentiary hearings, as it will ultimately have to rule on them.

Worker Safety and Fire Protection

Staff has proposed changes to **WORKER SAFETY-1** in its *Rebuttal Testimony*, and revised **WORKER SAFETY-A6** to require the project owner to enter into an agreement with Southern Inyo County Fire Protection District or in the alternative, develop and maintain a fire brigade. **WORKER SAFETY-A7** requires the project owner to enter into an agreement with an emergency transport provider to serve the facility. The County asserts that only the Local Agency Formation Commission can decide the provider of fire and emergency service to the project. This topic area should be included in a proposed workshop. It is unclear whether the issues in this area are legal as opposed to factual. If the issue is primarily legal it should be resolved by legal briefing, although the Committee may wish to hear from the parties on the nature of the dispute. Staff will try to better determine this prior to the evidentiary hearings.

Topics Proposed For Workshop

Air Quality

Applicant proposed changes to several Conditions of Certification, AQ-SC3, 4, 5, 7; and AQ-20, 21, and 22. Staff has accepted all of the changes. Cindy MacDonald questioned Staff in regards to air quality modeling, mirror washing and cumulative impacts analysis; which would best be suited to be handled in a workshop setting.

Hazardous Materials

Staff discussed its agreement and disagreement with Applicant's proposed changes in its *Rebuttal Testimony*. If Applicant feels the need to discuss this further, it should be done during a workshop

Noise and Vibration

Staff indicated in its *Rebuttal Testimony* its agreement and disagreement with Applicant's proposed changes to Conditions of Certification. Furthermore, Staff addressed Cindy MacDonald's questions and comments filed in her testimony. Staff believes Noise and Vibration should also be included in a workshop. **Facility Design**
In its *Rebuttal Testimony*, Staff addressed Applicant's proposed changes. If Applicant would like to discuss Staff's disagreement with any of the proposed changes, it would be most efficient to do this during a workshop.

Paleontology

The FSA for the project proposes seven Conditions of Certification for this subject matter. Applicant agrees with the Conditions of Certification set forth in the FSA pertaining to this subject, except for **PAL-1**, **PAL-3** and **PAL-5**. These issues should be resolved without hearings. If they cannot be resolved through a workshop, they should be adjudicated on the pre-filed testimony and briefing.

Public Health

Staff and Applicant do not have any outstanding issues in the area of Public Health. However, Cindy MacDonald proposed several questions worthy of further discussion at a workshop.

Waste Management

In response to Applicant's comments, Staff agrees to the removal of the requirement for a Class III Nevada landfill. The designation of Class III could be limiting to the project.

Applicant proposes that the substantive requirements in Waste-5 be moved to the verification, a suggestion that Staff does not accept. This should be resolved through a workshop or by briefing, and not by requiring evidentiary hearings.

3. Identity of Staff Witnesses. The Staff witnesses are identified in the FSA and in the respective rebuttal testimonies, along with their qualifications. In addition, Ed Brady will be added to the Noise and Facility Design testimony, and for any discussions pertaining to those issues in Project Alternatives. Tom Gates (cultural resources) and David Vidaver (electric system effects and no project alternative) are substantive contributors to the Project Alternatives testimony, and could be called to answer specific questions regarding that testimony. Steven Kerr, Aaron Nousaine, and Richard McCann will be witnesses for Socioeconomics. Staff has requested that CDFW provide witnesses as to that agency's concurrence with Staff's biological testimony. Staff is currently waiting for confirmation that the CDFW witnesses will be Debra Hawk and Bill Condon.

Staff will not know which witnesses may be required to testify telephonically until it knows the order in which topics will taken at the March hearings. Moreover, Staff is uncertain about whether telephonic connections are reliable to allow such testimony.

4. Subject areas in which Staff desires to Cross-Examine witnesses. Staff supports the use of informal hearing procedure, which may greatly reduce or eliminate cross-examination by parties. However, if formal hearing procedure is assumed, Staff reserves the right for cross-examination of witnesses in all areas requiring adjudication. These include those areas identified above as well as any others identified by the Presiding Member as requiring hearing testimony. Staff may waive cross-examination in some areas or for some witnesses. For most topics cross-examination will not exceed 30 minutes, and will likely be considerably less. However, for the areas of Land Use and Cultural Resources staff requests 45 minutes for cross-examination. The

scope of cross-examination will generally be focused on disputed issues identified above.

5. List of Exhibits.

The Staff FSA is Exhibit 500;

Rebuttal testimony filed February 11 is Exhibit 501;

Rebuttal testimony filed February 15 is Exhibit 502;

The air district's Determination of Compliance is Exhibit 503

6. Topics Requiring Override. Staff believes that approving the project will require CEQA override findings for the areas of Visual Resources, Cultural Resources, Biological Resources (avian impacts), and Land Use. The CEQA override for Biological Resources (avian impacts) is based on the "potentially significant" impact to birds. As the Staff will testify, predicting the actual impact is conjectural, but Staff believes that it is "potentially" significant, and an override therefore appropriate. (See Cal. Code Regs. tit. 14, § 15382 ["significant effect on the environment" defined as "a substantial, or potentially substantial, adverse change in any of the physical conditions within the area"].) In all other areas the significant environmental impacts can be mitigated to levels that are less than significant with the mitigation Staff has proposed. Under Land Use, approval would require findings of "public convenience and necessity" pursuant to Public Resources Code Section 25525 regarding the project's inconsistency with Inyo County Land Use provisions.

7. Informal Hearing Procedure. Staff believes that informal hearing procedure may be appropriate for many topics, particularly those involving panels of experts on controverted technical topics. For instance, for Water Supply and Biological Resources, a panel discussion with direct questioning and response between the Committee and the party witnesses may be preferable to the formality of cross-examination. Informal procedure works best if counsel for the parties do not regulate the interaction between the Committee and the witness. However, there are no formal rules in this regard, and limited counsel participation could be allowed to guide and stimulate the discussion, but

only in accord with the Committee's control of the discourse. Informal hearings should provide parties the ability to "hold the floor" to explain or summarize their conclusions at the outset, in a summary of no more than 10 to 20 minutes, before yielding to another party or answering questions in an informal discussion.

8. Scheduling Considerations. Certain topics in dispute should be discussed near to the locale of the project site, so that there is less burden on local residents and interests to effectively participate. Staff proposes that the March hearing have the following order for hearing topics: (1) Water Supply; (2) Biological Resources; (3) Cultural Resources; (4) Visual Resources (if required); (5) Traffic and Transportation; (6) Land Use; (7) Worker Safety and Fire Protection; (8) Socioeconomics. Assuming Biological Resources and Water Supply are the initial topics, the level of controversy and number of participants (included interested agencies) makes it likely that at least the first two days will be used for those two issues.

Even an aggressive schedule assisted by party self-restraint and a hectoring Committee is unlikely to get through all of these topics, and a follow up hearing will likely be required. Staff proposes that such a hearing be scheduled in Sacramento for two days in early April for the issues of Socioeconomics, Worker Safety and Fire Protection, and Project Alternatives, as well as any other issue not reached in the March hearings. Project Alternatives is largely summary testimony requiring contributions from numerous disciplines. Holding the hearing on this topic in Sacramento would enable other Staff witnesses who contributed to that testimony to be available to the Committee and parties should such be necessary, without taking such witnesses to Shoshone without knowing whether they are needed.

Date: February 19, 2013

Respectfully Submitted,



Richard C. Ratliff - Staff Counsel IV
Pippin Brehler - Staff Counsel III
Kerry Willis - Staff Counsel III

DECLARATION OF

Aaron Nousaine

I, Aaron Nousaine, declare as follows:

1. I am presently employed by the California Energy Commission in its Siting, Transmission and Environmental Protection Division as a Planner II.
2. A copy of my professional qualifications and experience is attached hereto and incorporated by reference herein.
3. I reviewed staff testimony for the **Socioeconomics** sections of the **Final Staff Assessment** for the **Hidden Hills Solar Electric Generating Station** Application for Certification (AFC), based on my independent analysis of the AFC, supplements, data, documents, analysis and testimony from other staff and reliable sources, and based upon my own professional experience and knowledge.
4. It is my professional opinion that the prepared testimony is valid and accurate with respect to the issue addressed therein.
5. I am personally familiar with the facts and conclusions related in the testimony and if called as a witness could testify competently thereto.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

Dated: February 15, 2013 Signed: _____

At: Sacramento, California

DECLARATION OF
Testimony of Dr. Gregg Irvin

I, **Gregg Irvin**, declare as follows:

1. I am presently contracted by Aspen Environmental Group, a contractor to the California Energy Commission, Siting, Transmission and Environmental Protection Division, as a **Visual Resources / Glint and Glare Technical Specialist**.
2. A copy of my professional qualifications and experience is attached hereto and incorporated by reference herein.
3. I helped prepare staff testimony on the **Traffic and Transportation** section of the **Hidden Hills Solar Electric Generating System Final Staff Assessment (FSA)**. My testimony is based on my independent analysis of the Application for Certification and supplements hereto, data from reliable documents and sources, and my professional experience and knowledge. I also provided input and review of the **Biological Resources** section of the FSA as it relates to avian impacts from solar flux.
4. It is my professional opinion that the prepared testimony is valid and accurate with respect to the issue addressed therein.
5. I am personally familiar with the facts and conclusions related in the testimony and if called as a witness could testify competently thereto.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

Dated: December 21, 2012 Signed: _____

At: Sacramento, CA

DECLARATION OF EDWARD BRADY

I, **EDWARD BRADY**, declare as follows:

1. I am presently employed by the California Energy Commission in the **ENGINEERING OFFICE** of the Siting, Transmission, and Environmental Protection Division as a **MECHANICAL ENGINEER**.
2. A copy of my professional qualifications and experience is attached hereto and incorporated by reference herein.
3. I participated in the preparation of the staff testimony on **Facilities Design** for **Hidden Hills Solar Electric Generation Station (HHSEGS)** based on my independent analysis of the Application for Certification and supplements thereto, data from reliable documents and sources, and my professional experience and knowledge.
4. It is my professional opinion that the prepared testimony is valid and accurate with respect to the issues addressed therein.
5. I am personally familiar with the facts and conclusions related in the testimony and if called as a witness could testify competently thereto.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

Dated: _____

Signed: _____

At: Sacramento, California

DECLARATION OF EDWARD BRADY

I, **EDWARD BRADY**, declare as follows:

1. I am presently employed by the California Energy Commission in the **ENGINEERING OFFICE** of the Siting, Transmission, and Environmental Protection Division as a **MECHANICAL ENGINEER**.
2. A copy of my professional qualifications and experience is attached hereto and incorporated by reference herein.
3. I participated in the preparation of the staff testimony on **Noise** for **Hidden Hills Solar Electric Generation Station (HHSEGS)** based on my independent analysis of the Application for Certification and supplements thereto, data from reliable documents and sources, and my professional experience and knowledge.
4. It is my professional opinion that the prepared testimony is valid and accurate with respect to the issues addressed therein.
5. I am personally familiar with the facts and conclusions related in the testimony and if called as a witness could testify competently thereto.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

Dated: _____

Signed: _____

At: Sacramento, California

DECLARATION OF Testimony of Richard McCann

I, **Richard McCann**, declare as follows:

1. I am presently employed by Aspen Environmental Group, a contractor to the California Energy Commission, Siting, Transmission and Environmental Protection Division, as a **Socioeconomic Technical Specialist**.
2. A copy of my professional qualifications and experience is attached hereto and incorporated by reference herein.
3. I prepared the staff testimony on **Socioeconomics** for the **Hidden Hills Solar Electric Generating System Final Staff Assessment** based on my independent analysis of the Application for Certification and supplements hereto, data from reliable documents and sources, and my professional experience and knowledge.
4. It is my professional opinion that the prepared testimony is valid and accurate with respect to the issue addressed therein.
5. I am personally familiar with the facts and conclusions related in the testimony and if called as a witness could testify competently thereto.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge and belief.

Dated: October 31, 2012 Signed: _____

At: Sacramento, California



**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**

***APPLICATION FOR CERTIFICATION FOR THE
HIDDEN HILLS SOLAR ELECTRIC
GENERATING SYSTEM***

Docket No. 11-AFC-02

**PROOF OF SERVICE
(Revised 2/8/13)**

SERVICE LIST:

APPLICANT

BrightSource Energy
Stephen Wiley
Michelle L. Farley
Bradley Brownlow
1999 Harrison Street, Suite 2150
Oakland, CA 94612-3500
swiley@brightsourceenergy.com
mfarley@brightsourceenergy.com
bbrownlow@brightsourceenergy.com

BrightSource Energy
Clay Jensen
Gary Kazio
410 South Rampart Blvd., Suite 390
Las Vegas, NV 89145
cjensen@brightsourceenergy.com
gkazio@brightsourceenergy.com

APPLICANTS' CONSULTANTS

Strachan Consulting, LLC
Susan Strachan
P.O. Box 1049
Davis, CA 95617
susan@strachanconsult.com

CH2MHill
John Carrier
2485 Natomas Park Drive, Suite 600
Sacramento, CA 95833-2987
jcarrier@ch2m.com

APPLICANT'S COUNSEL

Chris Ellison
Jeff Harris
Samantha Pottenger
Ellison, Schneider and Harris, LLP
2600 Capitol Avenue, Suite 400
Sacramento, CA 95816-5905
cte@eslawfirm.com
jdh@eslawfirm.com
sgp@eslawfirm.com

INTERVENORS

Jon William Zellhoefer
P.O. Box 34
Tecopa, CA 92389
jon@zellhoefer.info

Center for Biological Diversity
Lisa T. Belenky, Sr. Attorney
351 California Street, Suite 600
San Francisco, CA 94104
lbelenky@biologicaldiversity.org

Center for Biological Diversity
Ileene Anderson
Public Lands Desert Director
PMB 447
8033 Sunset Boulevard
Los Angeles, CA 90046
ianderson@biologicaldiversity.org

Old Spanish Trail Association
Jack Prichett
857 Nowita Place
Venice, CA 90291
jackprichett@ca.rr.com

INTERVENORS (Cont'd.)

Cindy R. MacDonald
3605 Silver Sand Court
N. Las Vegas, NV 89032
sacredintent@centurylink.net

Richard Arnold
P.O. Box 3411
Pahrump, NV 89041
rwarnold@hotmail.com

*Amargosa Conservancy
Donna Lamm, Executive Director
Brian Brown
Watershed Coordinator
Route 127, P.O. Box 63
Shoshone, CA 92384
donnalamm@amargosaconservancy.org

*County of Inyo
Randy H. Keller, County Counsel
Dana Crom
Deputy County Counsel
244 N. Edwards St., P.O. Box M
Independence, CA 93526
dcrom@inyocounty.us

INTERESTED AGENCIES

California ISO
e-recipient@caiso.com

Great Basin Unified APCD
Duane Ono
Deputy Air Pollution Control Officer
157 Short Street
Bishop, CA 93514
dono@gbuapcd.org

INTERESTED AGENCIES (Cont'd.)

Nye County
Lorinda A. Wichman, Chairman
Board of County Supervisors
P.O. Box 153
Tonopah, NV 89049
lawichman@gmail.com

Nye County Water District
L. Darrel Lacy
Interim General Manager
2101 E. Calvada Boulevard
Suite 100
Pahrump, NV 89048
llacy@co.nye.nv.us

National Park Service
Michael L. Elliott
Cultural Resources Specialist
National Trails Intermountain Region
P.O. Box 728
Santa Fe, NM 87504-0728
Michael_Elliott@nps.gov

Southern Inyo
Fire Protection District
Larry Levy, Fire Chief
P.O. Box 51
Tecopa, CA 92389
sifpd@yahoo.com

ENERGY COMMISSION STAFF

Mike Monasmith
Senior Project Manager
mike.monasmith@energy.ca.gov

Richard Ratliff
Staff Counsel IV
dick.ratliff@energy.ca.gov

Kerry Willis
Staff Counsel
kerry.willis@energy.ca.gov

**ENERGY COMMISSION –
PUBLIC ADVISER**

Blake Roberts
Assistant Public Adviser
publicadviser@energy.ca.gov

COMMISSION DOCKET UNIT

California Energy Commission
– Docket Unit
Attn: Docket No. 11-AFC-02
1516 Ninth Street, MS-4
Sacramento, CA 95814-5512
docket@energy.ca.gov

**OTHER ENERGY COMMISSION
PARTICIPANTS (LISTED FOR
CONVENIENCE ONLY):**

*After docketing, the Docket
Unit will provide a copy to the
persons listed below. Do not
send copies of documents to
these persons unless
specifically directed to do so.*

KAREN DOUGLAS
Commissioner and Presiding
Member

TBD
Commissioner and Associate
Member

Ken Celli
Hearing Adviser

Galen Lemei
Adviser to Presiding Member

Jennifer Nelson
Adviser to Presiding Member

TBD
Adviser to Associate Member

Eileen Allen
Commissioners' Technical
Adviser for Facility Siting

DECLARATION OF SERVICE

I, Pamela Fredieu, declare that on February 19, 2013, I served and filed copies of the attached Energy Commission Staff Prehearing Conference Statement and Statement of Unresolved Issues, dated February 19, 2013. This document is accompanied by the most recent Proof of Service, which I copied from the web page for this project at: <http://www.energy.ca.gov/sitingcases/hiddenhills/>.

The document has been sent to the other persons on the Service List above in the following manner:

(Check one)

For service to all other parties and filing with the Docket Unit at the Energy Commission:

X I e-mailed the document to all e-mail addresses on the Service List above and personally delivered it or deposited it in the US mail with first class postage to those parties noted above as "hard copy required"; OR

____ Instead of e-mailing the document, I personally delivered it or deposited it in the US mail with first class postage to all of the persons on the Service List for whom a mailing address is given.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and that I am over the age of 18 years.

Dated: February 19, 2013

Pamela Fredieu
Legal Secretary