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Energy Resources Conservation and Development Commission

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In the Matter of:

APPLICATION FOR CERTIFICATION FOR THE HIDDEN HILLS SOLAR ELECTRIC GENERATING SYSTEM	Docket No. 11-AFC-02

INTERVENOR CINDY R. MACDONALD'S PREHEARING CONFERENCE STATEMENT

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February 19, 2013

PREHEARING CONFERENCE STATEMENT OF INTERVENOR
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In response to the December 21, 2012 Notice of Prehearing Conference and Evidentiary Hearing and Prehearing Conference Order, this statement primarily identifies issues I intend to raise at the public evidentiary hearing for the Hidden Hills Solar Electric Generating System (HHSEGS).

I submit this statement with the understanding that it is preliminary and subject to change because I do not yet know what additional evidence or arguments the Commission Staff, Applicant or other Intevenors may present in Prehearing conference statements or at the Prehearing conference. Accordingly, I reserve the right to supplement and/or amend this statement as necessary to address any such evidence or arguments.

The Prehearing Conference Order identified eight topics to be addressed in each party's Prehearing conference statement. Each topic is addressed below.

I. Topic Areas That Are Complete and Ready To Proceed to Evidentiary Hearing

I am of the opinion that many of the subject areas (technical disciplines) continue to remain incomplete, partially complete or in significant dispute and I believe the Committee has recognized this fact. This opinion is supported by the following facts:

- Large portions of Testimony and Rebuttal Testimony recently filed with the Committee regarding the HHSEGS AFC contain significant disagreements by many of the parties spanning the majority of the technical disciplines associated with the proposed project including finding of facts, adequacy of data and proposed Conditions of Certification.

- The Notice issued by the Committee on February 12, 2013, titled, "Committee Meeting Notice and Agenda and Notice of Committee's Intention To Use Informal Hearing Procedures" indicates the Committee has recognized the level of disagreements and disputes between the parties has continued to escalate.

- The Committee feels compelled to step in and "prioritize subject areas" for the parties prior to the Prehearing Conference instead of allowing the parties to try to coordinate and prioritize these issues at the Prehearing Conference themselves.

- The Committee feels compelled to allocate time for the parties in advance of receiving the parties Prehearing Conference statements, which were to include the estimate of time required by each party necessary for cross-examination of witnesses in each subject area.

- The Committee feels compelled to invoke informal versus formal procedures to conduct the Evidentiary Hearing. I believe this informal procedure is a method employed to expedite the Hearing process by replacing times set aside for individuals to directly cross-examine witnesses and instead, allows multiple witnesses and cross-examination to occur simultaneously.

- A last minute workshop was scheduled on February 11, 2013, which was outside the prescribed time set aside for workshop activities as described in the Notice of Prehearing Conference and Evidentiary Hearing and Prehearing Conference Order issued on December 21, 2012. This workshop was the end result of a "Motion to Subpoena" made by Staff on February 1, 2013, in efforts to compel Applicant to finally produce information regarding potential impacts of the proposed project. Staff was still attempting to seek further data and potential resolution for a long-standing issue regarding potential impacts of solar flux to avian species.

With that said and notwithstanding outstanding issues related to the credibility, accuracy, honesty and/or failure to exercise due diligence by the Applicant throughout these proceedings that prevent relying on Applicant's testimony with any degree of confidence, I do not object to proceeding to the Evidentiary Hearing for any topic (technical discipline) except those discussed in Section II below.

II. Topic Areas That Are Not Complete and Not Yet Ready to Proceed to Evidentiary Hearing

1. Noise and Vibration

The topic area of Noise and Vibration is not ready to proceed to the Evidentiary Hearings. Methods employed by both Applicant and Staff to analyze both the construction and operational phase of the proposed projects impacts is incomplete and/or unsupportable.

A. Adverse Noise Impacts From Construction Vehicles To Nearby Residences

The Applicant has never provided, nor has Staff required, predicted noise impacts to nearby residences such as CR1(1) from construction vehicles attempting to access the site on the Old Spanish Trail/Tecopa Road.

In response to issues raised regarding this subject matter, Applicant submitted rebuttal testimony stating a single, heavy truck would result in a sound level of 62 dBA at 750 feet.(2) However, no further testimony was offered regarding cumulative noise impacts from multiple trucks and/or vehicles.

(1) Location of CR1 can be viewed in Exhibit 719, Traffic & Transportation Photo Gallery, Photos 15-18.
(2) Exhibit 72, Traffic and Transportation, Testimony of Loren Bloomberg, A.6, p. 72.

In the FSA, Staff calculations of current average measured noise levels at the residence known as CR1 (located 950 feet from the proposed project's boundary) is 45 dBA during daytime hours (7:00 a.m. to 10:00 p.m.) and 40 dBA during nighttime hours (10:00 p.m. to 7:00 a.m.(3)

Therefore, noise impacts from a single, heavy truck to residences such as CR1 would result in a noise level increase of +17 dBAs during daytime hours and +22 dBA's during nighttime hours and indicate construction vehicle traffic noise would be significant. However, cumulative noise impact analysis from multiple trucks and/or vehicles has not been performed, reported on or analyzed.

The weekly project construction schedule is anticipated to be two, 10-hour shifts; a Monday through Friday Day Shift (5:00 am to 3:30 pm), and a Monday night to Saturday morning Swing Shift (6:00 pm to 4:30 am). During the summer season, the daily work hours would be adjusted earlier (in half hour increments) in order to take advantage of the cooler temperatures and promote worker safety.(4)

According to the FSA's Peak Construction Workforce calculations, up to 1,682 vehicles may be attempting to access the proposed project site on the Old Spanish Trail Highway/Tecopa Road prior to 5:00 a.m. in order to be ready to work for the Day Shift schedule under a "worse-case scenario" if carpool assumptions prove inaccurate. An additional 611 construction vehicles will be attempting to leave the site via the Old Spanish Trail Highway/Tecopa Road at the end of Swing Shift (4:30 a.m.) using the same standard.(5)

Beginning at 6:00 a.m., an additional 10 trucks per hour are expected to access the site using the unreasonable assumption that all truck deliveries will be spread equally throughout a 10 hour period.(6)

Based on the predicted construction workforce shifts, a significant portion of the construction vehicle traffic will occur outside of the daytime parameters outlined in the Noise and Vibration section of the FSA used to determine impact significance and definitions of allowable hours for "noisy" construction activities. (7:00 a.m. to 10:00 p.m.). During the summer season, noise impacts from construction vehicle traffic may occur even earlier.

Based on the available data, construction vehicle noise impacts to residences in the proximity of the Old Spanish Trail Highway/Tecopa Road such as CR1 will exceed existing ambient noise levels by a minimum of +22 dBA's beginning at 6:00 p.m. with the predicted arrival of the first truck delivery.

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(3) FSA, Noise and Vibration, Noise Table 2, Summary of Measured Noise Levels, p. 4.6-6.
(4) FSA, Traffic and Transportation, p. 4.10-20.
(5) FSA, Traffic and Transportation, Table 5, Peak Construction Workforce, p. 4.10-21
(6) FSA, Traffic and Transportation, Table 4, Peak Construction Trip Generation, p. 4.10-21

However, no data, analysis or impact determinations have yet been presented regarding sound levels of a "normal" construction vehicle, cumulative noise impact levels from 1,000-2,000 construction vehicles or cumulative noise impact levels of 1,000-2,000 normal construction vehicles in conjunction with truck deliveries between the hours of 4:00 a.m. to 7:00 a.m. to nearby residences.

Additionally, Staff's Rebuttal Testimony testifies that NOISE-6 will restrict construction vehicle traffic to the hours of 7:00 a.m. to 7:00 p.m.(7) This flies in the face of testimony provided in the Traffic and Transportation section of the FSA as well as being wholly inaccurate; NOISE-6 does not contain any provisions for restricting construction vehicle traffic between the hours of 7:00 a.m. and 7:00 p.m.

As a result, determinations of noise level significance during the construction phase of the proposed projects are incomplete as they fail to report on or analyze construction vehicle noise impacts to nearby residents such as CR1. In turn, proposed mitigation measures claiming significant noise level impacts from the proposed project to nearby residents will be reduced to less than significant are unsupportable and not ready to proceed to the Evidentiary Hearings.

B. Noise Impacts From Concrete Batch Plants To Nearby Residences

Staff fails to adequately address questions or concerns regarding potential noise impacts associated with concrete batch plants to nearby residences such as CR1.

Staff admits modeling of noise levels would be necessary to calculate noise impacts to nearby residences from the concrete batch plants.(8) However, no modeling, data or analysis is proposed.

Staff states the reason for not performing any modeling or analysis of predicted noise level impacts from concrete batch plants to nearby residences is because "*a noise modeling would have to be performed for each location; there would be many*". (*Id)*

Setting aside the fact that Staff seems unwilling to perform noise modeling for "many locations", no reasonable effort was made by either Applicant or Staff to provide predictive noise level impacts from concrete batch plants at the locations *most likely to affect nearby residences such as CR1* during either daytime or nighttime hours.

While I can partially agree with the lack of necessity to run noise modeling impacts of concrete batch plants at all possible locations throughout the entire project site, it is unacceptable that no reasonable attempt has yet been made to model predicted noise impacts of concrete batch plants at locations most likely to affect nearby residences during both daytime and nighttime hours.

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(7) Staff's Rebuttal Testimony, Noise and Vibration, A.4, p. 73, TN#69486.
(8) Staff's Rebuttal Testimony, Noise and Vibration, A.1, p. 73, TN#69486.

Since no data or analysis has been performed regarding noise level impacts of the concrete batch plants to nearby residence such as CR1, no evidence exists to verify noise levels from concrete batch operations will not exceed noise level limits, restrictions, or be a significant public nuisance.

Furthermore, as I have repeatedly pointed out throughout these proceedings, the Applicant has reported the concrete batch plants will operate 21 hours per day for at least one year according to emissions estimates.(9)

Yet Staff continues to deny Applicant's own estimates regarding hours of operations for the concrete batch plants when reporting on noise impacts of the proposed project. Instead, Staff continues to perpetuate the unsupported notion that *if* the concrete batch plants operate outside the hours of 7:00 a.m. to 7:00 p.m., this deviation from "normal" operations will only occur on specified nights, between specified hours and only with approval of the CPM.

Finally, if Staff is unwilling to provide basic data, modeling and analysis during the proposed project's CEQA equivalency process, it is highly unlikely that there is any credibility or substance to the claim that, "*Staff will evaluate the proposed mitigation measures and determine if they are sufficient. If not sufficient, staff will work with the project owner to revise those measures accordingly prior to the start of this activity.*"(10)

As a result, the FSA does not provide reasonably adequate data or analysis regarding the noise impacts and levels of significance regarding the concrete batch operations to nearby residents, which is reported by Applicant as occurring 21 hours per day for at least a year. In turn, because there is no adequate available data to base mitigation measures on, no believable or enforceable mitigation measures have yet been proposed.

For these reasons, the Noise and Vibration topic area is not complete or ready to proceed to the Evidentiary Hearings.

C. Adverse Operational Noise Impacts

Numerous inconsistencies and omissions can be found throughout Applicant and Staff's data, analysis and conclusions with regard to operational noise impacts of the proposed project. However, the available evidence indicates operational noise impacts will be of much greater intensity to nearby residences such as CR1 than is currently being reported or mitigated for.

1. Applicant's Operational Noise Modeling Conclusions

In the HHSEGS AFC, Noise section, Applicant states that a very sophisticated modeling program was used that calculated, "*the sound pressure level that would occur at each receptor*

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(9) 2012-04-09 Supplemental Data Response, Set 2, TN-64558, pg. 112
(10) Staff's Rebuttal Testimony, Noise and Vibration, A.1, p. 73, TN#69486.

from each source after losses from distance, air absorption, blockages, and other factors [were] considered" after using the base noise levels outlined above. The model concluded that, "*Operational noise from the HHSEGS is predicted not to exceed 54 dBA at the closest residence or 52 dBA at the St. Therese Mission*."(11)

The closest residence, known as CR1, is located 3,500 feet (0.66 miles) from Solar II's power block and St. Therese Mission is located 1.7 miles from Solar II's power block.

Reported existing ambient noise level averages for daytime hours at CR1 is 45 dBA and 42 dBA at St. Therese Mission, indicating a difference of only 3 dBAs between the two locations.(12)

However, based on the HHSEGS AFC sound modeling results, once the project becomes operational, the existing sound pressure levels between these two locations will actually be reduced from 3 dBA to 2 dBA.

In the HHSEGS AFC, Applicant presents noise levels from common construction equipment at various distances in Table 5.7-7. A "Note" at the bottom states, "*At a distance of 1 mile, atmospheric and other attenuation would result in at least another 7 dBA reduction*". (13)

Despite the fact that Applicant reports sound pressure levels for distances greater than 1 mile will result in at least another 7 dBA reduction in predicted sound pressure levels for common construction equipment, the HHSEGS AFC operational noise modeling results conclude there will only be 2 dBA difference in sound pressure levels between CR1 and St. Therese Mission once the plant becomes operational - despite St. Therese Mission being located more than a mile further from Solar II's power block than CR1.

Both Applicant(14) and Staff's(15) Rebuttal Testimony cite the use of industry-accepted modeling software to justify the accuracy of the HHSEGS AFC's operational noise impact conclusions to CR1 and St. Therese Mission.

Yet given the volume of contradictory statements and conclusions regarding operational noise impacts to CR1 and St. Therese Mission, merely citing an industry standard modeling program was employed does not provide sufficient evidence that the software was used correctly or that modeling parameters and input was accurately applied to reflect existing or predicted conditions.

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(11) Exhibit 747, p. 21.10
(12) FSA, Noise and Vibration, Noise Table 2, Summary of Measured Noise Levels, p. 4.6-6.
(13) Exhibit 747, Figure 7, p. 21.11
(14) Exhibit 72, A.1, p. 60
(15) Staff Rebuttal Testimony, Noise and Vibration, A.2, p. 73

Also, merely citing the use of industry accepted modeling software does not reasonably explain why modeling results for operational noise impacts reduced the existing daytime difference of 3 dBA between CR1 and St. Therese Mission to 2 dBA or why St. Therese Mission's predicted noise levels failed to reflect any corresponding reductions in sound pressure levels due to atmospheric and other attenuation as reported in Table 5.7-7, which should have result in at least another 7 dBA reduction in predicted impacts due to the fact St. Therese is located more than 1 mile farther from Solar II's power block than CR1 is.

As such, the available evidence indicates modeling results produced by Applicant regarding the operational noise impacts to nearby residences, such as CR1, are highly questionable.

Based on the amount of contradictory evidence and conclusions regarding operational noise impacts to nearby residences as well as my own early efforts to alert Staff "something is not right" with noise survey results and data reported for the area, Staff's refusal to examine and independently verify the Applicant's modeling records, parameters and input for sound pressure level occurring at each receptor from each source, losses from distance, air absorption, blockages, and other factors is not justified.

Furthermore, Staff's justification that the mere employment of an industry standard modeling program or citing that conclusions seem "reasonable" are not adequate under the substantive requirements of CEQA and are insufficient to support the FSA's conclusions.

2. Staff Continues To Deny Impacts of Predicted Operational Hours

Applicant continues to report that the proposed HHSEGS may operate for up to 16 hours per day with up to an additional two hours for start up times.(16)

Staff continues to report the plant will only be operational during daylight hours(17), which is in direct conflict with operational hours reported by Applicant of up to 18 hours per day. Staff's denial of Applicant's reported plant operational hours is then used to justify why Staff believes it is not necessary to report, analyze or issue impact determinations for levels of significance regarding operational noise impacts to nearby residences at night or outside the ambiguously cited "daylight hours" – even though there is no basis in fact to support Staff's position and that Applicant's testimony refutes Staff's testimony regarding hours of operation.

Since the FSA fails to report, analyze, determine levels of significance or provide potential mitigation measures for operational noise impacts to nearby residences outside of daylight hours, it is not complete or ready to proceed to the Evidentiary Hearing.

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(16) Exhibit 72, Noise, A.2, p. 60
(17) Staff's Rebuttal Testimony, A.3, p. 73

3. Unenforceable Noise Limits

The FSA proposes lower operational noise limits than the PSA through reductions in operational noise levels by up to 3 dBA's through available mitigation measures that Applicant has agreed is also feasible and is willing to implement.

Though the FSA reports that adequate feasible mitigation measures are available to reduce project noise by up to 3 dBA, Staff also states that any reduction beyond that would likely be extremely difficult to achieve.(18)

In NOISE-4, Staff proposes noise surveys will be conducted once the plant becomes operational. If these noise survey results determine operational noise levels exceed proposed limits, limits which already incorporate mitigation measures that will reduce standard operational noise impacts by up to 3 dBA, additional mitigation measures will be implemented to reduce noise levels further until operational noise levels achieve compliance within the proposed limits.

Based on these facts, <u>it is not believable</u> that further reductions in operational noise impacts is possible <u>if</u> operational noise survey results indicate operational noise levels are exceeding proposed compliance limits.

By Staff's own admission, no further mitigation measures are feasibly available to reduce operational noise impacts outside the 3 dBAs that have already been incorporated in the compliance limits if noise survey results determine the proposed project's operational noise levels are not in compliance with the proposed noise limits.

Therefore, NOISE-4 does not adequately explain, define or propose measurable, enforceable mitigation measures that can feasibly be implemented should noise survey results find operational noise levels are in exceedance of the proposed noise limits set forth in NOISE-4.

Since no further feasible mitigation measures are available to ensure operational noise levels can be reduced if the project exceeds proposed limits, there is no validity to the impact determination that mitigation measures will reduce the projects impacts to less than significant. For these reasons, the Noise and Vibration topic area is not complete or ready to proceed to the Evidentiary Hearings.

<u>2. Traffic and Transportation</u>

In Applicant's Updated Workforce Analysis (Exhibit 63), no data or analysis is provided regarding the potential impacts of construction vehicle traffic to Charleston View, the community most likely to be directly and adversely impacted by this traffic. As currently planned, the Old Spanish Trail Highway/Tecopa Road is the only road the proposed project intends to use to access the project site. It is also the only road in or out of Charleston View.

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(18) Staff Rebuttal Testimony, Noise and Vibration, A.1, p. 74.

In response to the fact that no traffic analysis has yet been performed regarding potential impacts of construction vehicle traffic at the entrance/exist of the proposed project site, Applicant provided Rebuttal Testimony stating that, "*The site entrances were not analyzed directly, because the traffic volumes at the site entrance are lower than at the nearby intersection of Tecopa Road and State Route 160.*"(19)

The Rebuttal Testimony continues by stating, "*The community of Charleston View uses Tecopa Road for access, and potential impacts were assessed for Tecopa Road*."(20)

Therefore, the facts are that Applicant did not analyze construction vehicle traffic impacts to the Old Spanish Highway/Tecopa Road at the project sites entrance/exit and has admitted that no direct analysis was done for the project site entrance/exit including any potential affects this traffic may have to Charleston View, its residents or other motorists who may be also be traveling the road.

The construction vehicle traffic impacts referenced by Applicant's witness at the "nearby" intersection of Tecopa Road and State Route 160 is actually located approximately 11 miles east/northeast of the proposed project site. The substitution of a location that is approximately 11 miles away from the community that is most likely to be directly impacted by the construction vehicle traffic for approximately three years is not adequate or sufficient to support the substantive requirements of CEQA.

Just because impacts to the Tecopa Road were assessed 11 miles away does not relieve the Applicant of the burden to provide an analysis of the construction vehicle traffic impacts at the project site entrance/exit that may affect the community of Charleston View, its residents and the traffic flow patterns on the Old Spanish Trail Highway/Tecopa Road in front of the project site.

Additionally, just because the traffic volumes were "higher" in one location does not mean that "lower" traffic volumes will not also be adverse or significant and according to the FSA, construction vehicle traffic is expected to "heavily impact" St. Therese Mission(21), which is located farther away from the project sites entrance/exit than Charleston View.

As such, the Applicant has the burden of proof to provide demonstrable evidence that the construction vehicle traffic on the Old Spanish Trail Highway/Tecopa Road at the project sites entrance/exit will not result in adverse and significant impacts to traffic flow patterns at this location or to residential access to the Old Spanish Trail Highway/Tecopa Road but so far, no proof has yet been provided.

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(19) Exhibit 72, Rebuttal Testimony, Traffic and Transportation, A. 4, p. 72
(20) Exhibit 72, Rebuttal Testimony, Traffic and Transportation, A. 5, p. 72
(21) HHSEGS FSA, Traffic & Transportation, p. 4.10-44

The weekly project construction schedule is anticipated to be two, 10-hour shifts; a Monday through Friday Day Shift (5:00 am to 3:30 pm), and a Monday night to Saturday morning Swing Shift (6:00 pm to 4:30 am). During the summer season, the daily work hours would be adjusted earlier (in half hour increments) in order to take advantage of the cooler temperatures and promote worker safety.(22)

According to the FSA's Peak Construction Workforce calculations, up to 1,682 vehicles may be attempting to access the proposed project site on the Old Spanish Trail Highway/Tecopa Road prior to 5:00 a.m. in order to be ready to work for the Day Shift schedule under a "worse-case scenario" if carpool assumptions prove inaccurate. An additional 611 construction vehicles will be attempting to leave the site via the Old Spanish Trail Highway/Tecopa Road at the end of Swing Shift (4:30 a.m.) using the same standard.(23)

Beginning at 6:00 a.m., an additional 10 trucks per hour are expected to access the site using the unreasonable assumption that all truck deliveries will be spread equally throughout a 10 hour period.(24)

Throughout the FSA's Traffic and Transportation analysis and assumptions, construction vehicle traffic was dispersed throughout three separate routes and estimated at reduced volumes rather than using a "worse-case scenario" of all 1,682 Day Shift workers choosing to use their own vehicles to commute to the project site.

However, even using the assumptions of reduced vehicle numbers, the SR160/Old Spanish Trail Highway intersection was predicted to operate at a LOS F during the AM peak hour for the Tuesday through Friday commute and LOS F during the PM peak hour for the Monday through Friday commute under the existing plus project conditions.(25)

The FSA concluded that a LOS F was not an acceptable level of service.

Since the majority of construction vehicle traffic is estimated to travel through the SR160/Old Spanish Trail Highway intersection, it is not unreasonable to assume similar traffic patterns and flow rates may occur at the entrance and exit of the project site on the Old Spanish Trail Highway/Tecopa Road.

Unfortunately, the FSA fails to provide any data, analysis, conclusions or potential mitigation for construction vehicle traffic impacts at the proposed project site entrances and exits or to the community of Charleston View and its residents.

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(22) FSA, Traffic and Transportation, p. 4.10-20.
(23) FSA, Traffic and Transportation, Table 5, Peak Construction Workforce, p. 4.10-21
(24) FSA, Traffic and Transportation, Table 4, Peak Construction Trip Generation, p. 4.10-21
(25) FSA, Traffic and Transportation, p. 4.10-26

Since the actually community adjacent to the proposed project site and most likely to be affected and adversely impacted by construction vehicle traffic has failed to be included in the either the Applicant's Updated Workforce Analysis or the FSA Traffic and Transportation analysis, the Traffic and Transportation topic area cannot be considered complete and ready to proceed to the Evidentiary Hearings.

3. Soil And Water Resources

Water Supply-4 And Power Plant Reliability

A tremendous amount of concern has been voiced by state and federal agencies, organizations, and individuals regarding the proposed project's potential adverse impacts to water resources in the immediate area and surrounding environment.

Available water data support these concerns as the Pahrump Valley aquifer has long been documented to be in a state of overdraft and available well records in the project sites vicinity indicate a long standing, downward trend with insufficient recharge to maintain existing uses, much less support significantly greater water demands.

Ground subsidence has also been reported north of the project sites vicinity indicating current pumping levels are already having significant and adverse impacts while biological resources such as mesquite communities in the Pahrump Valley are showing signs of distress in the areas that correspond with higher water extraction rates.

It is necessary to summarize these issues so that there is a clear understanding of the gravity of the water related issues that have, and will continue to occur in the Pahrump Valley.

In efforts to protect public trust resources between both California and Nevada and in recognition of the gravity of the available water supply in the area, the FSA proposes WATER SUPPLY-4 (D), which would incorporate as a Condition of Certification a 0.5 foot or greater water decline "trigger level" at the property boundary that shall cause the owner/operator of the HHSEGS to reduce, modify, or stop project pumping.

I am fully supportive of this condition incorporated in WATER SUPPLY-4 and believe it is the single most important, effective, measurable, and enforceable mitigation measure proposed in the FSA. It is the only proposed COC that fully protects the surrounding environment while simultaneously preventing the burdens of the proposed project's potentially significant adverse impacts from being foisted upon the public.

Water is the single most important resource on Earth. It is more important than electricity and is more critical to serving public necessity and convenience. There are hundreds, if not thousands of LORS regarding water rights, use, allocation, protection and conservation and as such, it is should be the priority concern in all decision making.

However, the incorporation of this condition poses an irrevocable threat to the reliability of the HHSEGS over its lifetime. It is not reasonable to invest over 2 billion dollars in a power plant, spend three years constructing it and depend on it to provide renewable energy over its lifetime when, at any moment, it may be shut down due to declining water levels.

While there are multiple LORS regarding water, there are no LORS regarding power plant reliability. Because of this fact, it is obvious that water takes precedence in protecting both public trust resources and protecting the public interest.

If the proposed project is approved by incorporating a COC to place restrictions on water levels associated with project pumping to protect the environment, the proposed project cannot feasibly be considered a reliable power plant.

If the proposed project is approved without placing any restrictions on project pumping in relation to water levels, significant impacts to water dependent resources in the area will be left highly vulnerable and inadequately protected.

Therefore, the water demands of the proposed project cannot be mitigated to "less than significant" without endangering its ability to reliably produce electricity over its lifetime.

Unfortunately, the CEC Staff's Rebuttal Testimony suddenly withdrew and modified the Proposed Conditions of Certification to eliminate the proposed measure of "stop pumping" if certain water level thresholds are triggered and replaced it with "reduced pumping". However, there is no information, data or analysis offered as to how effective "reduced pumping" would be in protecting biological resources and water supply or its impacts on project water requirements, needs, alternatives, output, performance, or reliability of the proposed project over its lifetime.

The FSA's Alternative section determined that, based on the surrounding environment of the proposed site, the environmentally preferred alternative is a photovoltaic facility. It also listed several advantages over the proposed HHSEGS, including significantly reduced water needs; *because of the siting location*.

The Applicant can find another siting location more suitable for its facility and needs but we can't get our water back and the environment that depends on it can't be replaced. As such, it is clear that the project site is not suitable for the proposed HHSEGS as there are no measures that can protect both the environment and the public that also are *also* capable of ensuring reliable power production over the project's lifetime.

Due to WATER SUPPLY-4's recent revision, it is now unknown if project impacts to the areas water supply and water dependent resources can be mitigated sufficiently to protect the environment and ensure power plant reliability over its lifetime.

For these reasons, this issue is not complete or ready to proceed to the Evidentiary Hearings.

III. Topic Areas That Remain Disputed and Require Adjudication

1. Soil And Water Resources

A. WATER SUPPLY-1

The FSA's Water Supply section concludes that the proposed project would exacerbate overdraft conditions in the Pahrump Valley groundwater basin. Therefore, mitigation is required to offset adverse impacts of the project.

In WATER SUPPLY-1, the FSA proposes that the required mitigation to offset project pumping requires the development of a Water Use Offset Plan - post-project approval.

After the proposed project is approved, the Water Use Offset Plan will finally outline what measures are available to offset the projects impacts to the local water supply, how these measures can be implemented, and what sources of replacement water and/or water rights are available to offset project water needs.

The Water Use Offset Plan will also have to demonstrate to the CEC how these measures will be effective in offsetting the proposed projects impacts to the local areas water supply- but as proposed, it will not have to demonstrate its effectiveness, feasibility or enforceability under CEQA, the public at large or the allow the people directly, indirectly and cumulatively affected to be part of the public planning process.

WATER SUPPLY-1 also outlines a long list of minimum requirements the Water Use Offset Plan must include, some of which are:

- If the project owner will be legally entitled to the replacement water.
- If any government approval will be required.
- If other government agencies must be involved for approval, will it also require compliance with CEQA or NEPA.

In other words, there is a whole host of potential LORS that may be applicable to the Water Use Offset Plan that have yet to be identified, disclosed, analyze or evaluated for compliance with LORS and/or under CEQA.

WATER SUPPLY-1 is cited in the FSA as "mitigating" the proposed projects impacts to the local areas water supply to "less than significant". But the fact of the matter is, there is absolutely nothing known about *what* the Water Use Offset Plan may contain, such as:

- If the incorporation of "all available measures" is adequate or sufficient to mitigate the project's impacts or offset the project's water use.

- What available measures are feasible and what measures are not.
- Will proposed measures have any direct, indirect or cumulative effects that also must be accounted for and/or mitigated.
- What LORS may apply to the proposed measures.
- Will the proposed measures actually be enforceable.

In response to questions submitted to Staff regarding reasonably available measures or activities the Applicant might employ in the Water Use Offset Plan, the FSA responded by offering only one, singular suggestion, which was, "*The Applicant could for instance buy out an existing agricultural operation in Pahrump with a historic record of pumping.*"(26)

First, given the minimal response provided in the FSA regarding potentially available measures to develop a Water Use Offset Plan, options appear severely limited and potentially insufficient to mitigate the proposed project's impacts to the areas water supply. Furthermore, it is highly questionable the lone measure offered by Staff is either feasible or enforceable as requiring the Applicant to purchase land and/or water rights in Nevada is most likely outside the jurisdiction of the CEC and CEQA.

Second, the FSA also proposed the use of dry or injection wells at the site to capture floodwaters and credit this water towards project water use in SOILS-5 and SOILS-6. However, no further information is provided including the number of wells, potential volumes, reliability of water volume or recharge, feasibility or adequacy of this plan.

Third, the Applicant has proposed to acquire "water rights" to offset the proposed project's water needs but has failed to provide any proposed measures or specifics as to how they intend to proceed or what measures may be available. However, in response to questions posed about the CEC's legal authority and jurisdiction over Applicant's water rights, the FSA stated the CEC has no jurisdiction over the Applicant's water rights, only over the project site and related facilities.(27) According to the California State Water Resource Board, only the Water Board has the authority to administer water rights.(28)

Fourth, in my first set of comments submitted on March 9, 2012,(29) the following legal issues were raised regarding the proposed projects water rights and public trust resources, all of which have yet to be addressed. These included:

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(26) HHSEGS FSA, Water Supply, PSA Comments, Response to Comment #10.4, p. 4.14-47.
(27) HHSEGS FSA, Water Supply, PSA Comments, Response to Comment #10.8-1, p. 4.14-47.
(28) California State Water Resource Board, Who Is Responsible For Administering Water Rights, available at: http://www.waterboards.ca.gov/waterrights/board_info/faqs.shtml#permit

1. Verify the legal status of "beneficial and reasonable use" that allows the owner/operator to remove and transport California water from the site, possibly across state lines and/or directly or indirectly profit from its removal.(30)

2. Request for clarification regarding the Applicant's legal status to use water at the proposed project site as they are only leasing the land and will not own the land.(29) According to the California State Water Resource Board, a water right is a property right but the holders do not own the water itself. (31)

3. What are the legal obligations of the Applicant and CEC to Nevada, the Nevada State Engineer and/or the Pahrump community if water consumption and/or contamination by the HHSEGS makes significant impacts to the Pahrump aquifer.(32)

4. As a condition of the permit, incorporate legal obligations to the state of Nevada that insure the protection and potential compensation if the HHSEGS significantly impacts the Pahrump aquifer.(33)

5. As a condition of the permit, charge the owner/operators of the HHSEGS site for their water use and wastewater to discourage waste and to prevent possible abuse of water consumption. Also, calculate the applicant's projected water use and waste treatment costs based on prices charged by the Southern Nevada Water Authority for both industrial and residential use. This would be useful for disclosing facts about the HHSEGS water use, such as:

- Allows decision makers and the public to estimate today's current market value of the water being "given away" as well as projecting its worth over the life of the project.

- Would help decision makers determine a financial value for water used by the HHSEGS in order to develop a plan for billing the owner/operator for their water use and wastewater.

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(29) Exhibit 700, Water Resources, #4. Water Transport/Recycling, Recommendation #1, p. 175.
(30) Exhibit 700, Water Resources, #4. Water Transport/Recycling, Comments,, p. 175.
(31) California State Water Resources Control Board, The Water Right Process, available at: http://www.waterboards.ca.gov/waterrights/board_info/water_rights_process.shtml
(32) Exhibit 700, Water Resources, #2, Project Water Needs, Q.3, p. 172
(33) Exhibit 700, Water Resources, #2, Project Water Needs, Recommendation #4, p. 173
(34) Exhibit 700, Water Resources, #5. Water Replacement Value, Recommendations #1, #3, p. 180

In summary, the disputed issues are:

1. WATER SUPPLY-1 cannot reasonably support the determination that project impacts to area water resources will be mitigated or mitigated to "less than significant" as it rests on evading the substantial requirements of CEQA during the public planning process. Instead, it circumvents pubic involvement by authorizing private negotiations between the CEC and Applicant in order to make determinations of adequacy, feasibility, available offset measures and alternatives, applicable LORS and compliance review, adequacy of mitigation, measurable benefits to the environment and whether any of the proposed or available measures are enforceable or within the jurisdiction of the CEC and CEQA.

2. The proposed dry or injection wells in SOILS-5 and SOILS-6 may be a suitable component of the Water Use Offset Plan outlined in WATER SUPPLY-1. However, no adequate information was provided in the FSA to analyze its potential, feasibility, or effectiveness as well as whether their deployment may cause direct, indirect or cumulative impacts to other technical disciplines and the environment.

3. Certain legal issues were raised regarding water use, water rights and potential mitigation for water impacts that have yet to be addressed. These include whether the Applicant has a right to use the water under a lease agreement, if reasonable and beneficial use includes the transportation of California water out of state, does reasonable and beneficial use allow project owner(s) to directly or indirectly profit from the transport of water offsite and/or out of state, can the extraction of public trust resources for commercial profit be charged a fee for their water extraction and use, what are the legal obligations to Nevada (if any) for water extraction in a groundwater basin that has been identified as in a state of overdraft for decades, and finally, does the CEC have any jurisdiction to incorporate legal obligations to Nevada, who by far and away is the predominate user of the Pahrump Valley aquifer, in the Conditions of Certification.

2. Land Use

There is disagreement between the legal status of the gravel roads that exist in and round the proposed project site. The Applicant has offered testimony as to the private nature of these roads but Inyo County and my own experience in the area for forty years dispute this testimony; these roads have been in public use for at least forty years and were established with "right-of-way" access to a former planned development.

As such, the legal nature and issues surrounding these roads is in dispute and requires adjudication.

3. Air Quality & Site Representativeness

The AFC and Staff analysis utilize air quality data from other locations to represent air quality conditions at the proposed project site, specifically PM_{10} concentrations in ambient air quality. Both site that PM_{10} data from Pahrump is too "dusty" and do not accurately represent air quality at the project site and surrounding area.

CEC Staff has indicated for air quality assessment purposes, they assess cumulative projects and air quality data within a 6-mile radius of the proposed project. In the FSA Socioeconomic section, the town of Pahrump was included in a 6-mile radius of the proposed project.(35)

In my first public comment submission to the CEC, I outlined various germane components of EPA requirements regarding site representation and air quality data for modeling purposes and conformance with the Clean Air Act. (*See* Exhibit 700, Air Quality, #14 and #15, p. 16-25)

However, both Applicant and Staff continue to insist that, though a portion of Pahrump is within a 6-mile radius of the proposed project site, the PM_{10} air quality data does not represent the project site and surrounding vicinity.

Therefore, I would like a Committee ruling on the current exclusion of PM_{10} air quality data from Pahrump from the proposed projects air quality modeling analysis and impacts as I do not believe that omitting air quality data from Pahrump because it is too "dusty" is serving the intent of the Clean Air Act to protect local air quality, public health or insuring appropriate mitigation.

4. Environmental Justice

The AFC and the FSA have made determinations on whether the proposed project triggers environmental justice issues to the community of Charleston View through incorporating U.S. census data that, a) includes out-of-state populations of a portion of Pahrump, Nevada and, b) substitutes census populations for an entire County to represent Charleston View residents/populations.(36)

The FSA also cites the use of NEPA standards and guidelines to make environmental justice determinations instead of using CEQA standards and California LORS.

In my first comment submissions to the CEC, I informed CEC Staff that Charleston View was primarily comprised of low income populations, seniors and potentially receiving some sort of aid from social service programs. Unfortunately, these considerations appear to have been ignored as the FSA or Staff seemed to have made no independent effort to assess conditions in Charleston View under environmental justice standards in California and for California residents.

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(35) Exhibit 747, Air Quality, #1., Figure 1, p. 8-4.

(36) Exhibit 700, Environmental Justice, #1-10, p. 47-60.

In the Environmental Justice Fact Sheet published by the State of California's Attorney General (*See* Exhibit 744), many promised protections and applicable laws were cited regarding environmental justice issues and California residents that the FSA does not address or use for its environmental justice analysis to residents of Charleston View, the only community that is directly adjacent to the proposed project site and will be forced to endure the majority of the burdens of the proposed project, should it be approved.

Therefore, I am requesting the Committee adjudicate the AFC and FSA environmental justice determinations by recognizing the analysis and conclusions regarding environmental justice impacts to the community of Charleston View are not compliant with CEQA, California LORS and the declarations made by the California Attorney General.

IV. Identity of Witness and Summary of Testimony by Topic Area

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Witness: Cindy MacDonald (in person)
Expertise: Petition To Intervene, 40 Years in Area, Local Stakeholder, Member of the Public, Researcher, Writer, Owns A Calculator, Attachment I: Declaration
Topic Area: All but TSE

Summary Testimony:
The proposed project site is in the immediate vicinity of where I grew up, where my remaining family still lives, where I own property and where I hoped to retire. If approved, it will result in significant changes and impacts to the area that will permanently and irrevocably alter the current environment and its unique qualities of life. As such, I have a very high personal interest and stake in the outcome of these proceedings.

Outside of my own personal interest regarding the proposed projects direct, indirect and cumulative impacts to the area, I have also had a long standing interest and concern regarding renewable energy vs. traditional energy production, the politics of sustainable living and environmental protection as well as the preservation of public trust values and the sanctity of public involvement; all of which are interwoven within these proceedings.

As a result, I have been placed in a unique position; one that has evidence and personal history of the proposed project site and the surrounding area combined with strong personal motivation that have led to a variety of previous involvement in public planning efforts, citizen activism as well as critical analysis and technical research on a wide scope of related subject matters.

My testimony is based on my personal knowledge and understanding of the proposed site and the surrounding environment for the last forty years, personal involvement in these proceedings since November 20, 2011, which has included a reasonable review of the AFC files, data requests and responses, the attendance of multiple workshops and status conferences, review of public and agency comments including Staff's Preliminary and Final Staff Assessments, the review of a minimum of 328 related articles, studies, laws, and technically related websites as well a multiple submissions of comments, analysis, responses, requests, and motions throughout these proceedings.

Witness: Kevin Emmerich (in person)
Expertise: See Attachment II: Resume and Declaration
Topic Area: Visual Resources

Summary Testimony:
I have a long history working in National Parks, including Death Valley National Park, California. Part of my job in Death Valley was to staff the visitor center information desk. Visitors would often make requests for information about The Old Spanish Trail and would often choose to travel from Death Valley to Las Vegas via the Old Spanish Trail Highway. Their goal was to take a scenic route to Las Vegas, stop at China Ranch and see the actual site of the Old Spanish Trail site.

I have visited the Hidden Hills SEGS proposed site, the Stump Spring Area of Critical Environmental Concern (ACEC), the Nopah Range Wilderness Area, California, and the Bonanza Peak Trail, in the Mt. Charleston Wilderness Area, in the Toiyabe National Forest, Clark County Nevada, Spring Mountains National Recreation Area and photographed the project site from the ridge. The Energy Commission used this photo in their review.

I believe that the historic and prehistoric character of the Old Spanish Trail, the ACEC and the region in general will be degraded and permanently altered and the wilderness area would be particularly susceptible to the visual impacts of the proposed project. In my experience, desert recreationists are seeking the wide open vistas, natural landscapes, wildlife, viewing, and wild feel of the American Southwest, and a large power plant with flash- glare from heliostats and unsightly new transmission lines could negatively affect their visit.

Witness: Thomas F. King (telephonically)
Expertise: Resume: Rebuttal Testimony, Exhibit 753
Declaration: Attachment III
Topic Area: Cultural, Historic, Archeological and Visual Resources

Summary Testimony

Comments on the FSA

On the whole the "cultural resources" section of the FSA appears to me to be a responsible analysis that reaches respectable conclusions, and I am particularly impressed with the discussion of "ethnographic" landscapes.

However, I do think the way the FSA confuses and conflates terms like "cultural resource," "historic resource," and "archaeological site" may mislead the Commission.

"Historic (or "historical") resource" and "archaeological resource" have statutory and regulatory definitions that suggest association with physical evidence of human activity. "Cultural resource" is not defined in law. By conflating the term with those that do have explicit legal definitions, the FSA risks leading the Commission into ignoring serious impacts on cultural resources not associated with evidence of human activity -- like those on the cultural value of water.

There is also reason for concern about the lack of consultation with tribes in defining affected "archaeological" sites and landscapes. The tribes were very responsibly consulted in preparation of the "ethnographic" sections of the FSA, but seemingly not in addressing the "archaeology."

The "visual resources" section of the FSA also appears to me to reflect responsible analysis, but it suffers from its failure to elicit the opinions of real people who actually look at the land where the project is proposed.

With reference to both sections, I suggest more attention to how the Commission's review will be coordinated with those of federal agencies under the National Environmental Policy Act (NEPA) and National Historic Preservation Act (NHPA), particularly with the consultation-based review required under Section 106 of NHPA.

Comments on the Applicant's testimony

Assuming Eligibility: The applicant objects to the staff's assumption of eligibility for the California Register of Historic Resources (CRHR), apparently thinking that if it and the Commission just do not assume eligibility, they can assume ineligibility and ignore the resources. In fact, the staff's approach is consistent with practice at the national level designed to facilitate and expedite impact assessment, and with the State's CEQA guidelines.

Cultural Resources Generally: The applicant's "cultural resources" analysis is deeply biased toward considering only narrowly defined archaeological values, and predictably seeks to deny any serious cultural value to the areas affected by the project. I see no evidence that the applicant consulted any of the tribes in the area, or any of the people who may be interested in places like the Old Spanish Trail.

Visual Resources Generally: The applicant's treatment of visual resources suffers from the same flaws as does the staff's.

"Ethnographic" Discussion, Specifically: The analysis of the applicant's consultant, Dr. Lynne Sebastian, is typical of her recent work, which denigrates the significance of tribally valued cultural landscapes without even having the courtesy to talk with tribes about them. Her analysis consistently elevates bureaucratic form over cultural substance.

V. Cross-Examination

See Attachment VI, List of Witnesses for Cross-Examination.

VI. Exhibit & Exhibit List

All Exhibits have already been filed with the Hearing Officer, Docket Office and interested parties via CD.

An Exhibit List with the technical areas they apply to will be submitted on Wednesday, February 20, 2013 as per the requirements of the Notice of Prehearing Conference and Evidentiary Hearing Order, Formatting Evidence, #2.

A compilation CD with all the already presented Exhibits will be mailed the same day.

VII. Proposal for Briefing Schedules

I have no proposed changes to the briefing schedule personally but understand the Center for Biological Diversity has made note of the need for extension. I would be supportive of such extension due to the complexities of the Hidden Hills SEGS AFC.

VIII. Proposed Modifications to Conditions of Certification

Due to the incompleteness, disputes, questions of adequacy, compliance and LORS in most of the topic areas (technical disciplines), recent changes to some of the Proposed Conditions of Certification in the FSA as well as the sheer volume of information that has been offered, I am unable to offer informed and relevant proposed modification to specific Conditions of Certifications in the FSA at this time.

It is my hope that the Evidentiary Hearings will be able to provide and resolve many of these issues and that, upon completion, I may offer informed and relevant Proposed Modifications to Conditions of Certification.

As it stands, here are the three Proposed Modifications to Conditions of Certification;

1. WATER SUPPLY-4: If no further data, analysis or compliance review is offered to support the recent changes to Water Supply-4 that withdrew the enforceable condition of "stop pumping" if certain water level thresholds were triggered, return the original condition that includes the option of "stop pumping" water at the project site to ensure environmental protection and effective mitigation.

2. SOILS-4: Prohibit the project owner from submitting a Notice of Non-Applicability (NONA) to the RWQCB and applying for an exemption to the general NPDES permit.

3. NOISE-4: Prohibit the use of "hourly averages" on proposed noise limitations as this will allow significant exceedances for many hours that will be "tempered" by short periods of non-operations. The use of hourly averages allows the operations of the proposed project to create a significant public nuisance to the residents of Charleston View with no accountability for significant noise impacts and will create adverse living conditions and community disruptions.

I have also already presented the following issues for incorporation as Conditions of Certification;

1. Redefining the definition of the HHSEGS power plant facility emissions criteria in the Permit To Operate so to include emissions from dedicated equipment critical for renewable electrical generation and renewable status. Specifically, the emissions from Mirror Washing Machines used to maintain mirror performance and output of electrical generation.

2. Requiring the Mirror Washing Machines to use bio-diesel during operations and over the life of the project.

3. Incorporating a fee for water useage at the proposed site during construction and over the life of the project to be collected by Inyo County and/or the State of California.

4. Recycling waste water transported out side the project for treatment and returning treated water to the project site for water conservation purposes.

5. Require the Applicant to provide an alternative project site road and entrance by utilizing and extending the "old" Cathedral Canyon road, located Nevada to reduce construction impacts to Charleston View residents, motorists on the Old Spanish Trail Highway/Tecopa Road, alleviate potential economic burdens to Inyo County and prevent high volume traffic through important biological habitat of nearby mesquite woodlands.

ATTACHMENT I

HIDDEN HILLS SOLAR ELECTRIC GENERATING SYSTEM (11-AFC-02)
PREHEARING CONFERENCE STATEMENT
INTERVENOR: C.R. MACDONALD

DECLARATION OF CINDY R. MACDONALD

DECLARATION OF

CINDY R. MACDONALD

I,

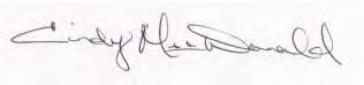
I, Cindy R. MacDonald, declare as follows:

1. I was grew up in Charleston View, CA, have family still living there and own property there. I have forty years experience in the area of the proposed project site.

2. I am personally familiar with the Pahrump Valley and the proposed project site and have done extensive research on the proposed HHSEGS project.

4. It is my opinion that the prepared testimony is valid and accurate with respect to the issues addressed. If called as a witness, I could testify to these facts.

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



Dated: February 19, 2013

At: 3605 Silver Sand Court,
North Las Vegas, NV 89032

ATTACHMENT II

HIDDEN HILLS SOLAR ELECTRIC GENERATING SYSTEM (11-AFC-02)
PREHEARING CONFERENCE STATEMENT
INTERVENOR: C.R. MACDONALD

DECLARATION OF THOMAS F. KING

DECLARATION OF

Thomas F. King

I, Thomas F. King, declare as follows:

1. At the request of Ms. Cindy MacDonald, I have examined the "cultural resources" and "visual resources" sections of the Final Staff Assessment (FSA) prepared for the California Energy Commission (Commission). I have also examined the testimony of the Commission's applicant on the same subjects.

2. A copy of my professional qualifications and experience to offer comments and testimony are attached hereto and incorporated herein by reference.

3. After examination of said documents, I agreed to comment and provide testimony for Intervenor Ms. Cindy MacDonald regarding these subject areas relating to the Application For Certification of the Hidden Hills Solar Electric Generating System, 11-AFC-02.

4. I prepared the document titled, "Review of cultural, historic, and visual resource assessments, Hidden Hills Solar Electric Generating System", dated February 4, 2013 submitted in these proceedings under Ms. MacDonald's Rebuttal Testimony, Attachment I (Exhibit 752) and Exhibit 753, Resume: Thomas F. King.

5. It is my professional opinion that this review and testimony is valid and accurate with respect to the issues addressed herein. The opinions offered are my own.

6. I am personally familiar with the facts and conclusions related to the review and testimony I have offered 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 12, 2013

Signed:

At: Silver Spring, Maryland

ATTACHMENT III

HIDDEN HILLS SOLAR ELECTRIC GENERATING SYSTEM (11-AFC-02)
PREHEARING CONFERENCE STATEMENT
INTERVENOR: C.R. MACDONALD

RESUME AND DECLARATION OF KEVIN EMMERICH

DECLARATION OF

Kevin Emmerich

I, Kevin Emmerich, declare as follows:

1. I was professionally employed as a park ranger with the National Park Service in Death Valley National Park, California from 1991-2002. Part of my job was to staff the visitor center information desk and my duties often included communicating with visitors regarding various scenic resources in the Park. I have sometimes answered questions about resources and travel routes on adjacent public lands including the Old Spanish Trail.

2. A copy of my professional qualifications and experience are attached hereto and incorporated herein by reference.

3. Because of my professional and personal experience with the surrounding desert areas and places of scenic interest, including the Pahrump Valley, I prepared the Visual Resource Testimony for Intervenor Cindy MacDonald at her request. (See Exhibit 747, Opening Testimony, Visual Resources, Attachment 1).

4. It is my professional opinion that the prepared testimony is valid and accurate with respect to the issues addressed.

5. I am personally familiar with the Pahrump Valley, the Hidden Hills SEGS project site and the surrounding area as well as having extensive experience with visitors interests in scenic, visual and recreational activities, including the Stump Spring Area of Critical Environmental Concern. If called as a witness, I could testify to these facts.

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 Originally signed Kevin Emmerich

At: Home, Beatty, Nevada

Resume of Kevin Emmerich
PO Box 70
Beatty NV 89003
(775) 553-2806
atomictoadranch@netzero.net

EDUCATION:

Utah State University, Logan, Utah 1981-1982

University of Utah, Salt Lake City, Utah 1983-1985

Major: Physical Geography

WORK EXPERIENCE:

Park Ranger, Natural Bridges National Monument

Duties:

Visitor interpretation and information and emergency response, trail and road patrols, resource monitoring projects-wildlife and plants. Survey and monitoring of archeology sites, park entrance fee collection. 1985,1987 to 1988.

Park Ranger, Grand Canyon National Park

Duties:

Visitor interpretation and information and emergency response, park entrance fee collection, assistance in backcountry management. 1988, to 1990.

Park Ranger, Bandelier National Monument

Duties:

Visitor interpretation and information, park entrance fee collection.
Backcountry trail patrol. Archeology site surveys. 1989-1990

Park Ranger, Great Basin National Park

Duties:

Visitor interpretation and information, park entrance fee collection. 1990,1991

Park Ranger, Death Valley National Park

Duties:

Visitor interpretation and information, park entrance fee collection, environmental education outreach, museum display, emergency response, resources monitoring projects on wildlife including bighorn sheep, desert tortoise, western toads, Panamint alligator lizards and Mojave fringe-toed lizards.

Served on backcountry and wilderness committees, evaluated management plans, and NEPA documents development projects. Visual resources were always a part of the evaluation. 1991 to 2002.

Recreation Technician,
Bureau of Land Management
San Juan Resource Area

Duties:

Checked permits and equipment of people taking raft, kayak and canoe trips down the San Juan " River in Southern Utah. River Patrols. Reviewed visual impact analysis. 1986

Recreation Technician,
Bureau of Land Management
Grand Resource Area

Duties:

Checked permits and equipment of people taking raft, kayak and canoe trips down the Colorado River in Westwater Canyon in Southern Utah. River Patrols. Reviewed visual impact analysis.

1987

VOLUNTEER EXPEIDENCE

Park Volunteer
Arches National Park
Duties:
Visitor interpretation and information. 1987

Sunset Crater National Monument
Duties:

Visitor interpretation and information. 1985

OTHER:

Field Biologist for Chuckwalla Study in Death Valley National Park and region. Visual encounter surveys for repeat counts to estimate population trends over multi-year period, for the Timbisha Shoshone Tribe. Concerns about declines noted by the Tribe triggered a long-term study on Chuckwalla feeding behavior, habitat, breeding areas, Traditional Ecological Knowledge, and potential threats. 2007-2009.

Volunteer in Desert tortoise study with Hal Avery, PhD, in southern Ivanaph Valley. Radiotelemetry of tortoises, habitat surveys for tortoise forage and interaction with cattle, rainfall measurement, X-ray of tortoises for egg counts. Spring and Fall 1999 and 2000. 400 hours

Field Biologist Assistant on Surveys for Tortoise on Blythe reservoir project. Initial surveys for tortoise and sensitive species in Riverside County, California, for Edward LaRue. April 2000.

Volunteer Biology Survey: Desert Tortoise Natural Area. 50 hours, Spring, 1997

Field Biologist, Mojave fringe-toed lizard survey on OHV recreation areas. Work under David Morafka, PhD, for BLM study on affects of off-road recreation on lizard density, distribution, and population at Dumont Dunes and Rasor Dunes. Area-constrained surveys and habitat characterization. Presence-absence surveys on other habitats in region. 2002. Contributions to Morafka, David J. 2002. 1000 meter transect analyses of frequencies of Mojave fringed- toed lizards at ORV BLM sites at EI Mirage Dry Lake, Rasor Road, and Dumont Dunes, San Bernardino County, California, Summary Report for 2002 and recommendations for 2003. Prepared for Anteon Corporation.

Field Biologist, Mojave fringe·toed lizard surveys and genetic sampling. Work under David Morafka, PhD, at EI Mirage Dry Lake, Coyote Holes, Silver Lake, Rasor Dunes, Dunomt Dunes, Ibex Dunes. 2001-2002. Contributions to Murphy, Robert W., Tanya L. Trepanier, and David J. Morafka. 2006. Conservation genetics, evolution, biogeography and distinct population segments of the Mojave Fringe- toed Lizard, *U. scoparia.* Journal of Arid Environments

ATTACHMENT IV

HIDDEN HILLS SOLAR ELECTRIC GENERATING SYSTEM (11-AFC-02)
PREHEARING CONFERENCE STATEMENT
INTERVENOR: C.R. MACDONALD

LIST OF WITNESSES
FOR CROSS EXAMINATION

APPLICANT'S WITNESSES

Witness: JOE DESMOND

Topic Area: **Project Description (Executive Summary), Project Alternatives**
Time: 30 minutes
Specificity:
Project Site Description, Land Owners, Description of Project Components, Description of Project Component Risk Factors, Override Considerations, Government and Regulator Affairs, Expertise in Security Exchange Commission laws and regulations, Expertise and history in AFC Review Process, CEQA Requirements, Required disclosures in AFC Process, Disclosures of Project Risk Factors, Requirements to exercise of due diligence, Expertise in Alternatives, PPAs, Mitigation for reduced pumping; potential water reductions versus facility needs, business objectives, Reliability, Output, Performance, Alterative technologies,
Relevance: Qualifications, LORS governing accuracy, truth and disclosure of facts in AFC, subsequent documents and AFC process, CEC Duties, LORS governing reporting requirements in AFC, subsequent documents and AFC process, public endangerment and public risk factors, requirements of CEQA, requirements of decision making process, requirements for disclosure in relation to material facts, relation to omissions of material facts, regulations and duties to the public, AFC compliance, Impacts to reliability, performance, output and operations, Business needs/purpose of AFC, Environmental justice,

Witness: GARY RUBENSTEIN

Topic Area: Air Quality, Green House Gases. Public Health,
Time: 1 Hour (Total)
Specificity:

Air Quality: 30 minutes
Air quality modeling, Representiveness of air quality data at project site, Pahrump Valley, Fugitive dust, Chemical dust suppressants, Air flows, Mirror Washing Machines emissions, Power plant definitions and emissions reporting requirements, Impacts of particulate matter (combustion and fugitive), Project site and surrounding environment, Construction and operational emissions, Global warming, Weather patterns, Mitigation measures,
Relevance
LORS, Accuarcy, Disclosure, Confidence in conclusions, Direct, indirect and cumulative impacts, Environmental justice.

<u>Green House Gases</u>: 20 minutes
Global warming, Mirror Washing Machines, Mirror Washing Machine emissions (combustion and fugitive), Alternative fuel use, Mitigation measures,
Relevance
LORS, Compliance, Accuracy, Disclosure, Alternatives, Direct, indirect and cumulative impacts, Public health, Environmental justice, Mitigation measures,

<u>Public Health:</u> 15 minutes
Valley Fever, Impacts of diesel particulate matter emissions, Impacts of particulate matter emissions (combustion and fugitive), Existing conditions, Existing public health statistics,
Relevance
Public health, Environmental justice, Direct, indirect and cumulative impacts. LORS.

Witness: CLAY JENSEN

Topic Area: **Socioeconomics, Land Use**
Time: 1 hours (Total)
Specificity:

Socioeconomics: 30 minutes
Project site and the surrounding environment, power supply availability, infrastructure and services, local communities, local business, environmental justice, land tax, escapability, proposed mitigation for Charleston View residences, project impacts of socioeconomic factors to Charleston View residents over the projects lifetime, growth inducing impacts, Inclusion of out of state populations,
Relevance:
Accuracy of socioeconomic analysis, socioeconomic impacts to the surrounding environment, environmental justice issues of the proposed project and Charleston View community, socioeconomic impacts of the proposed project on Charleston View, land taxes,
Costs of infrastructure and service requirements due to proposed project, cumulative affects, adverse affects, effectiveness of mitigation and compensation, burden of proof, burden on public, local stakeholders, and Charleston View residents, PPAs, BSE accounting irregularities, Environmental justice,

<u>Land Use:</u> 30 minutes
Project site and the surrounding environment, Wilderness areas, Rural and open space designations, Grazing allotment, Land use compatibility, Planned and/or existing agricultural uses, Visual resources, Power supply availability, Infrastructure and services, Local communities, Local business, Environmental justice issues to Charleston View residents and local stakeholders, Compliance with Title 21, Public roads, Noise compliance and LORS, Cumulative and adverse affects, Effectiveness of mitigation and compensation,

Relevance
Proposed project direct, indirect and cumulative impacts, land use compatibility, impacts to existing residents, impacts to local stakeholders, accuracy and truthfulness in disclosures, material facts, omission of material facts, exercise of due diligence in AFC, subsequent documents and AFC process. Environmental justice, LORS,

Witness: JENNIFER SCHOLL

Topic Area: Land Use
Time: 15 minutes
Specificity:
Project site and the surrounding environment, Wilderness areas, Rural and open space designations, Grazing allotment, Land use compatibility, Planned and/or existing agricultural uses, Visual resources, Power supply availability, Infrastructure and services, Local communities, Local business, Environmental justice issues to Charleston View residents and local stakeholders, Compliance with Title 21, Public roads, Noise compliance and LORS, Cumulative and adverse affects, Expertise and qualifications.
Relevance:
Proposed project direct, indirect and cumulative impacts to existing and future land uses, Land use compatibility, Impacts to existing residents and local stakeholders, Historical land uses, impacts of the proposed projects to surrounding environment.

Witness: CLAY JENSEN, SUSAN STRACHAN

Topic Area: Project Description, Facility Design,
Time: 1 Hour
Specificity:

Project Description:
Project Site Description, Available infrastructure, Location, Land owners, Description of project components, Description of project design (old versus new), Tower heights, Description of project component risk factors, Heliostats, Proprietary project components, MW production, Renewable components, Mirror Washing Machines and cleaning activities, Mirror degradation, Available solarity, Potential wind impacts on project, Project water requirements, Drive zones/maintenance paths, CEQA requirements, Required disclosures in AFC, subsequent documents, and AFC process, Disclosures of project risk factors, Surrounding environment, Hours of operation, Risk factors in SEC filings, LID design, Project objectives, Cell phone towers, Project electrical requirements, Fuel costs, Generating cost per kilowatt hour, Heliostat assembly and installation, Wind load and seismic tolerances of heliostats, Mitigation for reduced pumping; potential water reductions versus facility needs, Environmental risks and insurance, Reliability, Output, Performance, Operating Costs, AFC errors.

Relevance
Accuracy and truthfulness, exercise of due diligence, relation to material facts, relation to omissions of material facts, significance of disclosures/non-disclosures, Evidence presented, Supporting Evidence, Burden of proof, Compliance with AFC requirements, Public health, endangerment, and nuisance, Project viability, Project impacts, Site suitability, Project water needs, Project feasibility, Project maintenance requirements, Operational components, viability and feasibility, Access to infrastructure and project service needs, Project components re; the surrounding environment, output, performance, reliability, availability, power generation capabilities, renewable status and capabilities, Potential impacts of heliostat assembly and installation during project construction. Impacts to reliability, performance, output and operations, Environmental justice,

Witness: SUSAN STRACHAN

Topic Area: Facility Design,
Time: 45 Minutes
Specificity:
Expertise and qualifications, History, Experience at other facilities, Description of project components, Description of project design (old versus new), Tower heights, Description of project component risk factors, Heliostats, Proprietary project components, Heliostat Positioning Plan, MW production, Renewable components, Mirror cleaning activities, Mirror degradation and impacts to performance and operating costs, Mirror washing machines, Mirror Washing Machine vehicle miles traveled estimates, Potential wind impacts to design, reliability, output and performance, Project water requirements, Output, Performance factors, LID design, Utility scale, Potential impacts of heliostat assembly and installation during project construction. Evidence supporting testimony including studies, notes, data, methodology, test designs and conclusions, Wind load and seismic tolerances of heliostats, Mitigation for reduced pumping; potential water reductions versus facility needs, Screening and water needs,
Relevance:
Heliostat stability, performance, availability and risk factors, Project feasibility and viability, Utility scale, Performance factors, Relationships between facilities, Project requirements, Operational facts of proposed facility design, Impacts and comparison of facility designs, Potential impacts of heliostat assembly and installation during project construction, Risk factors, Disclosure, Public safety, Evidence of facts, Burden of proof. Impacts to reliability, performance, output and operations, Water requirements, Screening, Impacts to biological resources,

Witness: SUSAN WALZER

Topic Area: Facility Design
Time: 45 Minutes
Specificity:
Expertise and qualifications, History, Experience at other facilities, Description of project components, Description of project design (old versus new), Tower heights, Description of project component risk factors, Heliostats, Proprietary project components, Heliostat Positioning Plan, MW production, Renewable components, Mirror cleaning activities, Mirror degradation and impacts to performance and operating costs, Mirror washing machines, Mirror Washing Machine vehicle miles traveled estimates, Potential wind impacts to design, reliability, output and performance, Project water requirements, Output, Performance factors, LID design, Utility scale, Construction phase of heliostat field installations, Evidence supporting testimony including studies, data, notes, methodology, test designs and conclusions. Wind load and seismic tolerances of heliostats. Wind load and seismic tolerances of heliostats, Solar flux levels and hours of availability, Mitigation for reduced pumping; potential water reductions versus facility needs,
Relevance:
Heliostat stability, performance, availability and risk factors, Similarities of design with proposed project, Experience with similar facility design of proposed project, Project feasibility and viability, Utility scale, Performance factors, Relationships between facilities, Project requirements, Operational facts of proposed facility design, Impacts and comparison of facility designs, Potential impacts of heliostat assembly and installation during project construction re: glint and glare, Evidence of facts, Burden of proof. Impacts to reliability, performance, output and operations, Environmental justice,

Witness: DAN FRANCK

Topic Area: Facility Design, Visual Resources, Biological Resources: Solar Flux
Time: 1.5 Hours (Total)
Specificity:

<u>Facility Design</u> 45 minutes
Description of project components, Expertise and qualifications, History, Experience at Coalinga facility, Description of project design (old versus new), Tower heights, Description of project component risk factors, Heliostats, Proprietary project components, Heliostat Positioning Plan, MW production, Renewable components, Mirror cleaning activities, Mirror degradation and impacts to performance and operating costs, Mirror washing machines, Potential wind impacts to design, reliability, output and performance, Project water requirements, Output, Performance factors, LID design, Utility scale, Construction phase of heliostat field installations, Wind load and seismic tolerances of heliostats, Solar flux levels and hours, Mitigation for reduced pumping; potential water reductions versus facility needs,

Relevance:
Heliostat stability, performance, availability and risk factors, Similarities of design with proposed project, Experience with similar facility design of proposed project, Project feasibility and viability, Utility scale, Performance factors, Relationships between facilities, Project requirements, Operational facts of proposed facility design, Impacts and comparison of facility designs, Potential visual impacts of heliostat assembly and installation during project construction, Impacts to reliability, performance, output and operations,

Visual Resources 15 minutes
Description of project components, Expertise and qualifications, History, Experience at Coalinga facility, Tower heights and visual resources, Description of project component risk factors, Proprietary project components, SRGS, Potential wind impacts to heliostats and visual resources, Public endangerment, health and nuisances, Utility scale, Heliostat Positioning Plan,
Relevance:
Project impacts to visual resources on the surrounding environment, comparison values and relevance of project designs on visual resources, impacts and comparison of SRGS's, potential glint and glare, experience with wind impacts on heliostats to visual resources at the project site, surrounding environment and nearby roads,

Biological Resources (Solar Flux) 30 minutes
Description of project components, Expertise and qualifications, History, Experience at Coalinga facility, Tower heights and heliostat fields of proposed project and Coalinga facility, Utility scale, Description of project component risk factors, Proprietary project components including SRGS's, Public endangerment, health and nuisances, Heliostat Positioning Plan, Heliostat standby points, Heliostat/mirror positions in relation to noted avian impacts, Studies, papers, notes, methodology and any supporting documents on experience with Solar Flux at Coalinga facility regarding impacts to avian, insects and affected species, Noted effects of solar flux on wildlife, Impacts of mirror degradation on flux output, Vegetative, landscape and water components of Coalinga facility, Coaling facility and surrounding environment including proximity to wildlife habitat, Hours of Operation, Renewable components hours of operations, Daily solar flux levels.
Relevance:
Comparison of designs to quantify impacts, Supporting evidence, Comparison of similarities and dissimilarities between facilities solar flux and scale, Potential impacts to biological resources, Credibility of comparisons, effectiveness of proprietary technology, levels of significance to biological exposures.

Witness: MICHAEL ROJANSKY

Topic Area: Water Supply, Soils & Surface Waters, Geologic Hazards & Resources, Facility Design
Time: 1.30 Hours (Total)
Specificity:

<u>Water Supply</u> 20 minutes

Mitigation measures, Project pumping on surrounding environment, Historical pumping trends, Accuracy of Staff's reported current/historic use in areas, Subsidence, Stump Springs ACEC, Impacts to Charleston View, Financial values of water, Water recycling, Growth inducing impacts to water supply, Water Use Offset Plan,

Relevance:

Water requirements of surrounding area, Impacts to biological resources, Effective mitigation measures, Public trust, LORs, Direct, indirect and cumulative impacts, Environmental justice,

<u>Soils & Surface Waters:</u> 30 minutes

Existing soils, Soil suitability, Floods and flood hazards, Soils and heliostats, heliostat foundations, LID design, Impervious surfaces, Dry or injection wells, Soil erosion, Modeling of site suitability and soils, Chemical soil stabilizers, Effects of herbicide and pesticide use, Project soil fill requirements,

Relevance

Project site suitability, Direct, indirect and cumulative impacts, LORS, Accuracy, Disclosure, Environmental justice,

<u>Facility Design</u> 30 minutes

Expertise and qualifications, History, Experience at other facilities, Description of project components, Description of project design (old versus new), Tower heights, Description of project component risk factors, Heliostats, Proprietary project components, Heliostat Positioning Plan, MW production, Renewable components, Mirror cleaning activities, Mirror degradation and impacts to performance and operating costs, Mirror washing machines, Mirror Washing Machine vehicle miles traveled estimates, Potential wind impacts to design, reliability, output and performance, Project water requirements, Output, Performance factors, LID design, Utility scale, Potential impacts of heliostat assembly and installation during project construction. Evidence supporting testimony including studies, notes, data, methodology, test designs and conclusions, Mitigation for reduced pumping; potential water reductions versus facility needs,

Relevance:

Heliostat stability, performance, availability and risk factors, Project feasibility and viability, Utility scale, Performance factors, Relationships between facilities, Project requirements, Operational facts of proposed facility design, Impacts and comparison of facility designs, Potential impacts of heliostat assembly and installation during project construction. Evidence of facts, Burden of proof. Impacts to reliability, performance, output and operations,

<u>Geologic Hazards & Resources</u> 10 minutes

Seismic tolerances of heliostats, Heliostat foundations, Seismic risk factors, General risk factors, Soil collapse and heliostat assemblies, Wind impacts to heliostats, corrosive soils, Modeling of seismic impacts and risk factors.

Relevance

Heliostat stability, Project site suitability, Public safety, Disclosure, Reliability, output and performance, LORS, Mitigation measures, Facility design,

Witness: THOMAS A. LAE

Topic Area: Geologic Hazards & Resources

Time: 15 Minutes

Specificity:

Seismic tolerances of heliostats, Heliostat foundations, Seismic risk factors, General risk factors, Soil collapse and heliostat assemblies, Wind impacts to heliostats, corrosive soils,

Relevance

Heliostat stability, Project site suitability, Public safety, Disclosure, Reliability, output and performance, LORS, Mitigation measures,

Witness: TIM THOMPSON, DR. JOHN JANSEN

Topic Area: Water Supply

Time: 20 Minutes

Specificity:

Relevance:

Mitigation measures, Project pumping on surrounding environment, Historical pumping trends, Accuracy of Staff's reported current/historic use in areas, Subsidence, Stump Springs ACEC, Impacts to Charleston View, Financial values of water, Water recycling, Growth inducing impacts to water supply, Water Use Offset Plan,

Relevance:

Water requirements of surrounding area, Impacts to biological resources, Effective mitigation measures, Public trust, LORs, Direct, indirect and cumulative impacts, Environmental justice,

Witness: MATT FRANCK

Topic Area: Water Supply, Soils & Surface Waters: Surface Water

Time: 30 Minutes

Specificity:

Relevance:

Water Supply 15 minutes

Mitigation measures, Project pumping on surrounding environment, Historical pumping trends, Accuracy of Staff's reported current/historic use in areas, Subsidence, Stump Springs ACEC, Impacts to Charleston View, Financial values of water, Water recycling, Growth inducing impacts to water supply, Water Use Offset Plan,

Relevance:

Screening and water needs, Project water requirements, Impacts to biological resources, Effective mitigation measures for subsidence impacts, Public trust, LORs, Cumulative impacts, Environmental justice,

<u>Soils & Surface Waters:</u> 15 minutes
Floods and flood hazards, LID design, Impervious surfaces, Dry or injection wells, Soil erosion, Chemical dust suppressants, Effects of herbicide and pesticide use,
Relevance
Project site suitability, Direct, indirect and cumulative impacts, LORS, Accuracy, Disclosure, Environmental justice, Flooding impact to roadways,

Witness: STEVE LONG

Topic Area: Soils & Surface Waters (Soils)
Time: 30 Minutes
Specificity:
Existing soils, Soil suitability, Soils and heliostats, Heliostat foundations, Pylon insertion; design and methods, LID design, Impervious surfaces, Soil erosion, Modeling of site suitability and soils, BLM Modeling, Soil stabilizers, Chemical dust suppressants, Project soil fill requirements, Serpentine habitats, Corrosive soils, Preliminary Geotechnical Report.
Relevance
Project site suitability, Direct, indirect and cumulative impacts, LORS, Accuracy, Disclosure, Environmental justice,

Witness: GEOFFREY SPAULDING

Topic Area: Water Supply, Cultural Resources, Biological Resources: Groundwater Dependant Vegetation
Time: 1 Hour (Total)
Specificity:

<u>Water Supply</u> 15 minutes
Mitigation measures, Project pumping on surrounding environment, Historical pumping trends, Accuracy of Staff's reported current/historic use in areas, Subsidence, Stump Springs ACEC, Impacts to Charleston View, Financial values of water, Water recycling, Growth inducing impacts to water supply, Water Use Offset Plan,
Relevance:
Screening and water needs, Project water requirements, Impacts to biological resources, Effective mitigation measures for subsidence impacts, Public trust, LORs, Cumulative impacts, Environmental justice,

<u>Biological Resources</u> (Groundwater Dependent Vegetation) 20 minutes
Mesquite communities, AFC description of mesquite communities, impacts of water decline on groundwater dependent vegetation, Cumulative impacts and existing conditions, Proximity of mesquite communities to project site, Relationship of ground subsidence, Impacts of mesquite communities to cultural resources, Impacts of mesquite communities to wildlife, Mitigation for declining water levels, Impacts to Stump Springs (ACEC), Age of

existing mesquite communities in Pahrump Valley, Condition of mesquite communities near existing pumping, screening, water requirements.
Relevance:
Impacts to groundwater dependent vegetation from potential water decline, Existing conditions, Importance of mesquite communities, Relationships, Public safety, Impacts to biological resources.

Cultural Resources 20 minutes
Historic uses and interpretations for area including water, vegetation, wildlife, BLM kiosks for Old Spanish Trail and Stump Springs, Consultation, Visual impacts to cultural and historic resources, The Old Spanish Trail Highway/Tecopa Road, Sacred sites and cultural, Historic and cultural use of Hidden Hills in project site vicinity.
Relevance
Direct, indirect and cumulative impacts, Existing conditions, LORS, Environmental justice.

Witness: CLINT HELTON, NATALIE LAWSON

Topic Area: Cultural Resources
Time: 15 Minutes
Specificity:
Historic uses and interpretations for area including water, vegetation, wildlife, BLM kiosks for Old Spanish Trail and Stump Springs, Consultation, Visual impacts to cultural and historic resources, The Old Spanish Trail Highway/Tecopa Road, Sacred sites and cultural, Historic and cultural use of Hidden Hills in project site vicinity.
Relevance
Direct, indirect and cumulative impacts, Existing conditions, LORS, Environmental justice,

Witness: LYNNE SEBASTIAN

Topic Area: Cultural Resources
Time: 20 minutes
Specificity:
Ethnographic landscapes, Consultation, Pauite culture and history, Historic uses and interpretations for area including water, vegetation, wildlife, BLM kiosks, Old Spanish Trail and Stump Springs, Consultation, Visual impacts to cultural and historic resources, The Old Spanish Trail Highway/Tecopa Road, Sacred sites and culture, Historic and cultural use of Hidden Hills in project site vicinity,

Relevance:
Accuracy and relevance of testimony, LORS, Direct, indirect and cumulative impacts to cultural and historic resources, Impacts to visitors, Environmental justice,

Witness: LOREN BLOOMBERG

Topic Area: Traffic & Transportation
Time: 30 Minutes
Specificity:
Data, accuracy, sources and feasibility of Updated Workforce Assumptions, Verification of data, Construction vehicle traffic impacts to Charleston View, Adequacy of analysis regarding construction vehicle traffic, Proof of impact determinations, Impacts to St. Therese Mission and Front Site Firearms Training Institute, Construction traffic and Emigrant Pass, Truck deliveries; time tables and assumptions, Vehicle traffic impacts to existing roadways, Public safety and nuisance, Community access, Proximity of Charleston View to project site entrance, LOS determinations to Charleston View, St. Therese and Front Site Firearms Training Institute, Foreseeable impacts to Old Spanish Trail Highway/Tecopa Road during three year construction period, Impacts of roadway repairs in conjunction with construction vehicle traffic, Heliostat Positioning Plan, Risk disclosures of project components, Mitigation measures including project site screening, Potential impacts of heliostat/mirror assembly and installation to motorists, Impacts of environmental conditions on heliostat/mirror positioning to motorists, Traffic Management Plan.
Relevance:
Accuracy of analysis, assumptions and conclusions, Effectiveness of proposed mitigation measures, LORS, CEQA, AFC compliance, Public safety, endangerment and nuisance, Direct, indirect and cumulative impacts, Environmental justice, Public involvement, Feasibility, Appropriate disclosure of project impacts,

Witness: MARK BATASCH

Topic Area: Noise
Time: 30 Minutes
Specificity:
Project site location, Modeling parameters and inputs, Location of M2, Raw data on location of sound monitoring tests in the project site vicinity, Supporting evidence. Sound pressure and sound power levels, Discrepancies in reported and modeled sound levels, Construction traffic noise impacts, Concrete batch plant noise impacts and modeling, Available mitigation measures, Vibratory impacts of construction and operations,
Relevance:
Direct, indirect and cumulative impacts, LORS, Mitigation measures, Accuracy, Disclosure, Environmental justice,

Witness: ROBERT PEARSON

Topic Area: Transmission Line Safety & Nuisance
Time: 10 Minutes
Specificity: Impacts to Charleston View community.

Relevance: Environmental justice, Mitigation and analysis for potential project impacts, CEQA adequacy, LORS.

Witness: GARY SANTOLO 11

Topic Area: Biological Resources: Avian Flux
Time: 15 Minutes
Specificity:
SEDC Flux Study, Accuracy of methodology, data, reporting and conclusions, Photos of birds including descriptions, Efficiency of solar flux for heating purposes.
Relevance:
Impacts of solar flux on biological resources; avian species and ecosystem functions, Impacts of solar flux on power plant efficiency, Proprietary technology, LORS, CEQA, AFC requirements, Accuracy, truthfulness, disclosures, credibility, omissions and exercise of due diligence,

Witness: ALICE KARL

Topic Area: Biological Resources: Desert Tortoise
Time: 15 Minutes
Specificity:
Desert tortoise; general populations and trends, cumulative habitat loss and incidental take permits, habitat quality in Pahrump Valley, growth inducing impacts, Respiratory conditions/diseases in desert tortoise, Available studies.
Relevance:
Direct, indirect and cumulative impacts, LORS, supporting evidence.

Witness: DAVE PHILLIPS (Avian, Bat, Wildlife)

Topic Area: Biological Resources (Avian, Bat, Wildlife)
Time: 30 Minutes
Specificity:
Migratory birds; incidental take permits, monitoring, Golden Eagles; Historic and current populations, Incidental take permits, habitat, habitat loss, range, direct, indirect and cumulative impacts, monitoring, Ravens, Swainson hawk; potential habitat and range, Hawks; populations, species, forage area, impacts to food sources, Bats; bat monitoring station location on project site, monitoring results, food sources and impacts, area water sources, range (Nopah mountain range, Hidden Hills), effects of herbicide and pesticides, Gila monsters, Tarantulas; mating, species, population trends, Burros; applicable laws, removals, Livestock; evidence, Bees; general population trends, project impacts, Coyotes, Snakes, "Common wildlife", Mitigation measures, LID design and vegetative communities, Serpentine habitats; unique habitats, Mesquite communities and wildlife.
Relevance:
Historic and existing conditions at project site and surrounding environment, Direct, indirect and cumulative impacts to various species, Habitat, range and loss, Impacts to ecosystem functions including food sources, Predatory controls, Monitoring protocol, Mitigation measures, Accuracy, LORS, CEQA, Public safety, Visual resources.

Witness: THOMAS PRIESTLY

Topic Area: Visual Resources
Time: 15 Minutes
Specificity:
Glare, Views of Pahrump Valley, Views of project site, Wilderness areas, Cultural and historic resources, Visual impacts of heliostat/mirror assemblies at night, Project screening, Alternative screening, Cumulative impacts to visual resources, Aesthetic impacts, Mitigation measures, Community impacts to Charleston View, Landscape and viewshed degradation, Rural protection.
Relevance:
Impacts of proposed project on visual resources, Existing conditions, Public nuisance, Mitigation measures, Environmental justice, LORS, CEQA, Title 21.

Witness: John Forrester, Chifong Thomas, Dr. Arne Olson

Topic Area: Alternatives
Time: 40 Minutes
Specificity
Project Site Description, Accuracy, Description of Project Components, Description of Project Component Risk Factors, PPAs, Mitigation for reduced pumping; potential water reductions versus facility needs, Project objectives, Business objectives, Proprietary technology, Reliability, Output, Performance, Alterative technologies, Alternative project site plant locations, Alternative project site entrance, Alternative water supply, Alternative waste management, Environmentally preferred alternatives in facility design,
Relevance
LORS, CEQA requirements, Accuracy, truth and disclosure of facts in AFC, subsequent documents and AFC process, Impacts to reliability, performance, output and operations, Business needs/purpose of AFC, Environmental justice, Mitigation measures.

Witness: Karen Parker

Topic Area: Worker & Fire Safety
Time: 20 Minutes
Specificity:
Environmental "disasters" and hazardous fuels storage, Disaster insurance requirements, Diesel storage, Alternative fuel use, Project site fuel requirements; operations, Dagget explosion, Project site vegetation, LID design and vegetative conditions, Project site fire plan, Herbicides and pesticides including applications, Potential impacts to water supply and water quality, Workers; protective eye glasses.
Relevance:

Direct, indirect and cumulative impacts, Environmental protection and/or risks, LORS, CEQA, Public safety, Environmental justice, Project requirements, Permitting requirements, Facility designs, Mitigation measures, Proposed Conditions of Certification.

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Witness: CHANNING HASKEL, KAREN PARKER

Topic Area: Waste Management, Hazardous Materials, Facility Design
Time: 45 Minutes
Specificity:
Solar flux; standards and measurements, known and unknown standards and impacts, SRGS: solar flux levels and natural gas, Proprietary technology, Heliostat Positioning Plan, Environmental "disasters" and hazardous fuels storage, Disaster insurance requirements, Diesel storage, Alternative fuel use, Project site fuel requirements; operations, Dagget explosion, Project site vegetation, LID design and vegetative conditions, Project site fire plan, Herbicides and pesticides including applications, Potential impacts to water supply and water quality, Workers; protective eye glasses, Lead batteries, SF_6 storage, AFC errors, Hazardous materials and photovoltaic alternative, Mitigation measures, Proposed Conditions of Certification, Operational waste; composition and requirements, Photovoltaic alternative operational wastes, Rio Mesa and Hidden Hills; differences in waste management designs, Recycling, Waste disposal sites; California and Nevada, Concrete batch plant; generated waste and permitting requirements, Impacts to water supply/water quality, Mitigation measures, Proposed Conditions of Certification.
Relevance:
Direct, indirect and cumulative impacts, Environmental protection and/or risks, LORS, CEQA, Public safety, Environmental justice, Facility design, Alternatives, Mitigation measures, Proposed Conditions of Certification.

CEC STAFF WITNESSES

Witness: MIKE MONASMITH

Topic Area: Project Description, Project Description: Executive Summary
Time: 1 Hour
Specificity:
Project Site Description and surrounding environment, Available infrastructure, Location, Land owners, Description of project components, Description of project design (old versus new), tower heights, Description of project component risk factors, Heliostats, Proprietary project components, MW production, Renewable components, Mirror cleaning activities, Mirror degradation, Mirror washing machines, Available solarity, Potential wind impacts on project, Project water requirements, Drive zones/maintenance paths, CEQA requirements, AFC requirements, disclosure and adequacy, Surrounding environment, Hours of operation, Risk factors in SEC filings, LID design, Project objectives, Cell phone towers, Project electrical requirements, Fuel costs, Generating cost per kilowatt hour, Heliostat assembly and installation. Wind load and seismic tolerances of heliostats. Environmental risks and insurance, Community of Charleston View, Public involvement including broken commitments and failure to public comments/critical issues, Environmental justice determinations under NEPA guidance, Inclusion of out of state residents in census determinations, Substitution of County populations for local populations and CEQA adequacy, Accuracy, truthfulness, omissions and disclosures by Applicant, Workshops, AFC errors.
Relevance:
Accuracy and truthfulness, exercise of due diligence, relation to material facts, relation to omissions of material facts, significance of disclosures/non-disclosures, Evidence presented, Supporting Evidence, Burden of proof, Compliance with AFC requirements, Public health, endangerment, and nuisance, Project viability, Project impacts, Site suitability, Project water needs, Project feasibility, Project maintenance requirements, Operational components, viability and feasibility, Access to infrastructure and project service needs, Project components re; the surrounding environment, output, performance, reliability, availability, power generation capabilities, renewable status and capabilities, Potential impacts of heliostat assembly and installation during project construction. Impacts to reliability, performance, output and operations, Environmental justice, Adequacy and compliance with public involvement, Adequacy of AFC review process, LORS, CEQA,

Witness: SHAHAB KHOSHMASHRAB

Topic Area: Facility Design, Noise, Power Plant Efficiency, Power Plant Reliability
Time: 2 hours (Total)

Specificity:

<u>Facility Design</u> 30 minutes

Project location and surrounding environment, Description of project components and risk factors, Description of project design (old versus new), Tower heights, Proprietary project components, MW production, Renewable components, Mirror Washing Machines and cleaning activities, Mirror degradation, Available solarity, Heliostat Positioning Plan, Heliostat stability, Pylon insertion depths, Impacts of environmental conditions; heliostat stability and performance, Heliostat availability, 20 ft. drive zones versus 10 foot maintenance paths and estimated numbers, Drive zones/maintenance paths; Impervious surfaces, chemical dust suppressant, drive zones/maintenance paths, and facility design LID design, CEQA requirements, Required disclosures in AFC, subsequent documents, and AFC process, Disclosures of project risk factors, Risk factors in SEC filings, Hours of operation, Project electrical requirements, Heliostat assembly and installation, Wind load and seismic tolerances of heliostats, Environmental risks and insurance, Reliability, Output, Performance, Operating Costs, AFC errors, Power plant facility and descriptions, Cell phone tower, Project screening, Wireless control of heliostats versus direct wiring, Renewable facility LORS, Facility equipment and power plant definitions, Mitigation for reduced pumping; potential water reductions versus facility needs, Proposed mitigation measures.

Relevance:

Accuracy and truthfulness, exercise of due diligence, relation to material facts, relation to omissions of material facts, significance of disclosures/non-disclosures, Evidence presented, Supporting Evidence, Burden of proof, Compliance with AFC requirements, LORS, CEQA, Public health, endangerment, and nuisance, Project viability, Project impacts, Site suitability, Project water needs, Project feasibility, Project maintenance requirements, Operational components, viability and feasibility, Project components re; the surrounding environment, output, performance, reliability, availability, power generation capabilities, renewable status and capabilities, Potential impacts of heliostat assembly and installation during project construction. Impacts to reliability, performance, output and operations, Environmental justice.

<u>Noise</u> 30 minutes

Project site location, Charleston View location, Modeling parameters and inputs, Location of M2, Raw data on location of sound monitoring tests in the project site vicinity, Sound pressure and sound power levels, Discrepancies in reported and modeled sound levels, Construction traffic noise impacts, Construction vehicle hours of impacts, Concrete batch plant noise impacts and modeling, Vibratory impacts of construction and operations, Existing ambient noise levels. Adequacy of application of modeling receptors, Pile drivers and noise impacts; comparison values, daytime/night time noise levels and project impacts, LORS, AFC errors, Staff disagreements in other technical discipline modeling protocol, Evidence of facts, Available mitigation measures, proposed mitigation measures and effectiveness, Noise impacts to Charleston View, Informal sound monitoring.

Relevance:

Direct, indirect and cumulative impacts, LORS, Mitigation measures; feasibility, enforceability and realistic assessments, Accuracy, Disclosure, Environmental justice, CEQA adequacy, potential errors, Representativeness of surrounding environment and impacts.

<u>Power Plant Efficiency</u> 30 Minutes

Project location and surrounding environment, Description of project components and risk factors, Description of project design (old versus new), Tower heights, Proprietary project components, MW production, Renewable components, Mirror Washing Machines and cleaning activities, Mirror degradation, Available solarity, Impacts of environmental conditions; heliostat stability and performance, Heliostat availability, CEQA requirements, Required disclosures in AFC, subsequent documents, and AFC process, Risk factors in SEC filings, Hours of operation, Project electrical requirements, Wind load tolerances of heliostats and plant availability, Reliability, Output, Performance, Operating Costs, Renewable facility LORS, Alternative technology comparisons, Efficiency standards, solar flux levels; efficiency, daily and annual availability, natural gas use and MW production, Failure to address public comments and potentially critical data during AFC review.

Relevance:

Project feasibility, efficiency and availability of renewable components, Efficiency of project design and solar radiation, Renewable power plant qualifications, MW production from renewable plant components, Proprietary technology and design, Natural gas use versus renewable resources, Fuel use, Cost of kilowatt generation, Effectiveness of proposed mitigation measures, AFC filing requirements, LORS, CEQA, Accuracy, truth, disclosures, omissions and exercise of due diligence.

<u>Power Plant Reliability</u> 30 Minutes

Project location and surrounding environment, Description of project components and risk factors, Description of project design (old versus new), Tower heights, Proprietary project components, MW production, Renewable components, Mirror Washing Machines and cleaning activities, Mirror degradation, Available solarity, Impacts of environmental conditions; heliostat stability and performance, Heliostat availability, CEQA requirements, Required disclosures in AFC, subsequent documents, and AFC process, Risk factors in SEC filings, Hours of operation, Wind load tolerances of heliostats and plant availability, Reliability, Output, Performance, Renewable facility LORS, Alternative technology comparisons, Efficiency standards, solar flux levels; efficiency, daily and annual availability, natural gas use and MW production, Alternative technology comparisons of facility design, reliability and output, Failure to address public comments and potentially critical data during AFC review.

Relevance:

Project feasibility, efficiency and availability of renewable components, Efficiency of project design and solar radiation, Renewable power plant qualifications, MW production from renewable plant components, Proprietary technology and design, Natural gas use versus renewable resources, Fuel use, Cost of kilowatt generation, Effectiveness of proposed mitigation measures, AFC filing requirements, LORS, CEQA, Accuracy, truth, disclosures, omissions and exercise of due diligence.

Witness: CASEY WEAVER

Topic Area: Geologic Hazards & Resources
Time: 20 Minutes
Specificity:
Seismic tolerances of heliostats, Heliostat foundations, Seismic risk factors, General risk factors, Soil collapse and heliostat assemblies, Wind impacts to heliostats, corrosive soils, Modeling of seismic impacts and risk factors.
Relevance
Heliostat stability, Project site suitability, Public safety, Disclosure, Reliability, output and performance, LORS, Mitigation measures, Facility design.

Witness: MARYLOU TAYLOR

Topic Area: Soils & Surface Waters
Time: 40 Minutes
Specificity:
Existing soils, Soil suitability, Floods and flood hazards at project site, Flooding impacts to other, similar large scale renewable facilities such as Genesis and Ivanpah, Existing conditions at project site and surrounding environment, Historical flood conditions, Flood and soil erosion impacts to Old Spanish Trail Highway/Tecopa Road and Charleston View, Impacts of alluvial fans, Soils and heliostats, heliostat specifications, heliostat foundations, heliostat stability, pylon insertion depths, Pylon stability testing, LID design, Impervious surfaces, Drive zones, maintenance paths and potential errors, AFC modeling; soil erosion, Soil erosion (water and wind), Modeling of site suitability and soils, Findings of Preliminary Geotechnical Report, Chemical soil stabilizers and dust suppressants, Effects of herbicide and pesticide use on soils and surface waters, Project soil fill requirements, Concrete batch plant impacts to soils, BLM modeling of Ivanhpah; Environmental factors influencing heliostat stability, Environmental impacts from broken heliostat/mirror, Significance determinations, Impacts to surface water quality, Impacts of Dry or injection wells, Surface water impacts to biological resources, Impacts from lead batteries to surface waters, Mitigation measures.
Relevance
Project site suitability, Direct, indirect and cumulative impacts, LORS, CEQA, Accuracy, Disclosure, Environmental justice, Public health, safety, endangerment and nuisance, Public involvement, Mitigation measures, CEQA adequacy, Impacts to Charleston View, Impacts to water quality, Impacts of facility design and project siting location, Reduced Acreage Alternative, Facts, Evidence.

Witness: MIKE CONWAY, JOHN FIO, GUS YATES, PAUL MARSHALL

Topic Area: Water Supply
Time: 1 Hour
Specificity:

Mitigation measures, Project pumping effects on surrounding environment, Historical pumping trends, Accuracy of Staff's reported current/historic use in areas, Subsidence, Stump Springs ACEC, Amargosa River, Source of project water supply, Recharge data, Impacts to Charleston View, Financial values of water, Water recycling, Growth inducing impacts to water supply, Water Use Offset Plan, Mitigation measures, Project water requirements, Reduced pumping impacts to project, Data and impact determination of using dry or injection wells for water offset needs, Enforceability of purchasing out of state agricultural projects, Water rights of existing land owner, Water rights of project owner, Water quality data over the life of the proposed project, Reported water quality data, California water quality data, Project screening and additional water requirements, Reasonableness of project water requirement assumptions compared to other renewable facilities, Construction water use at Ivanpah for accuracy and comparison values, CEC jurisdiction over water rights, Monitoring requirements over the life of the project, Impacts to Charleston View and local stakeholders, Grown inducing impacts, Applicant's data and conclusions, Failure to enforce conditions of well pump test,

Relevance:

Screening and water needs, Water requirements, Impacts to biological resources, Effective mitigation measures for subsidence impacts, Public trust, LORs, CEQA, Direct, indirect and cumulative impacts, Environmental justice, Evidence, Burden of proof, Adequacy of data, Effectiveness, believability and enforceability of mitigation measures, Public involvement versus private negotiations, Feasibility, Coordination with BLM, Existing and reasonably foreseeable uses, Impacts to Nevada, Accuracy, truth, disclosure and due diligence, Project compliance and Conditions of Certification,

Witness: CHRISTINA SNOW

Topic Area: Land Use

Time: 30 Minutes

Specificity:

Project site description, acreage and the surrounding environment, Land owners, Wilderness areas, Rural and open space designations, Proximity of Stump Springs ACEC, Cultural and historic uses, Grazing allotment, Land use compatibility, Planned and/or existing agricultural uses, Visual resources, Power supply availability, Infrastructure and services, Growth inducing impacts, Local communities, Local business, Environmental justice issues to Charleston View residents and local stakeholders, Compliance with Title 21, Public roads, Noise compliance and LORS, Cumulative and adverse affects,

Relevance:

Proposed project direct, indirect and cumulative impacts to existing and future land uses, Land use compatibility, Existing conditions, Impacts to existing residents and local stakeholders, Historical land uses, Impacts of the proposed projects to surrounding environment, Socioeconomic impacts,

Witness: JEANINE HINDE

Topic Area: Alternatives
Time: 40 Minutes
Specificity:
Project Site Description, Accuracy, Description of Project Components, Description of Project Component Risk Factors, PPAs, Mitigation for reduced pumping; potential water reductions versus facility needs, Project objectives, Business objectives, Proprietary technology, Reliability, Output, Performance, Alterative technologies, Alternative project site plant locations, Alternative project site entrance, Alternative water supply, Alternative waste management, Environmentally preferred alternatives in facility design,
Relevance: LORS, CEQA requirements, Accuracy, truth and disclosure of facts in AFC, subsequent documents and AFC process, Impacts to reliability, performance, output and operations, Business needs/purpose of AFC, Environmental justice, Mitigation measures.

Witness: OBED ODOEMELAM

Topic Area: Public Health, Transmission Line Safety & Nuisance, Biological Resources
Time: 40 Minutes (Total)
Specificity:

Public Health: 30 Minutes
Valley Fever, Impacts of diesel particulate matter emissions, Impacts of particulate matter emissions (combustion and fugitive), Existing conditions, Existing public health statistics, Glare impacts; cumulative doses and aging populations, Cell phone towers and wireless transmission systems.
Relevance: Public health, Environmental justice, Direct, indirect and cumulative impacts. CEQA adequacy, LORS, Effectiveness and reasonableness of mitigation measures,

Transmission Line Safety and Nuisance 10 Minutes
Impacts to Charleston View community.
Relevance: Environmental justice, Mitigation and analysis for potential project impacts, CEQA adequacy, LORS.

Witness: HUEI-AN (ANN) CHU

Topic Area: Public Health
Time: 30 minutes
Specificity:
Valley Fever, Impacts of diesel particulate matter emissions, Impacts of particulate matter emissions (combustion and fugitive), Existing conditions, Existing public health statistics, Glare impacts; cumulative doses and aging populations, Mitigation measures, Cell phone towers and wireless transmission systems,
Relevance: Public health, Environmental justice, Direct, indirect and cumulative impacts, CEQA adequacy, LORS, Effectiveness and reasonableness of mitigation measures,

Witness: JACQUELYN LEYVA

Topic Area: Air Quality, Green House Gases
Time: 1 Hour (Total)
Specificity:
Relevance:
Air Quality: 40 minutes
Air quality modeling, Representiveness of air quality data at project site, Pahrump Valley, Fugitive dust, Chemical dust suppressants, Air flows, Mirror Washing Machines emissions, Alternative fuel use, Power plant definitions and emissions reporting requirements, Impacts of particulate matter (combustion and fugitive), Project site and surrounding environment, Construction and operational emissions, Global warming, Weather patterns, Mitigation measures,
Relevance
LORS, CEQA, Accuracy, Disclosure, Confidence in conclusions, Direct, indirect and cumulative impacts, Environmental justice.

Green House Gases: 20 minutes
Global warming, Mirror Washing Machines, Mirror Washing Machine emissions (combustion and fugitive), Alternative fuel use and emissions, Mitigation measures, GHG offsets and cumulative impacts of construction GHG emissions,
Relevance
LORS, Compliance, Accuracy, Disclosure, Alternatives, Direct, indirect and cumulative impacts, Public health, Environmental justice, Mitigation measures.

Witness: CANDACE HILL, JOHN HOPE

Topic Area: Traffic & Transportation
Time: 40 Minutes
Specificity:
Data, accuracy and feasibility of Updated Workforce Assumptions, Verification of data, Alternative project site entrance/exit, Construction vehicle traffic impacts to Charleston View, Adequacy of analysis regarding construction vehicle traffic, Proof of impact determinations, Impacts to St. Therese Mission and Front Site Firearms Training Institute, Construction traffic and Emigrant Pass, Truck deliveries; time tables and assumptions, Proposed mitigation measures and adequacy, Vehicle traffic impacts to existing roadways, Public safety and nuisance, Community access, Proximity of Charleston View to project site entrance, LOS determinations to Charleston View, St. Therese and Front Site Firearms Training Institute, Foreseeable impacts to Old Spanish Trail Highway/Tecopa Road during three year construction period, Impacts of roadway repairs in conjunction with construction vehicle traffic, Heliostat Positioning Plan, Risk disclosures of project components, Mitigation measures including project site screening, Potential impacts of heliostat/mirror assembly and installation to motorists, Heliostat standby points, Impacts of environmental conditions on heliostat/mirror positioning to motorists, Traffic Management Plan.

Relevance:
Accuracy of analysis, assumptions and conclusions, Effectiveness of proposed mitigation measures, LORS, CEQA, AFC compliance, Public safety, endangerment and nuisance, Direct, indirect and cumulative impacts, Environmental justice, Public involvement, Feasibility, Appropriate disclosure of project impacts,

Witness: GREGG IRVIN

Topic Area: Traffic & Transportation
Time: 30 Minutes
Specificity:
Heliostat Positioning Plan, Risk disclosures of project components, Proposed mitigation measures including project site screening, Public safety, Potential impacts of heliostat/mirror assembly and installation to motorists, Heliostat standby points, Impacts of environmental conditions on heliostat/mirror positioning to motorists, Glint and glare, SRGS, Glare and comparison values with Coalinga facility, Utility scale, Proven impacts on visual resources and the surrounding environment from proposed project design, Available data on similar operational projects of equal scale, Glare effects on aging populations, Glare dosage; direct, indirect and cumulative impacts, Glare impacts to Charleston View and residents, Glint and glare impacts during construction phase; heliostat/mirror assembly and installation, Non-disclosures and omissions of potential risk factors, Applicant's data responses regarding heliostat/mirror assemblies, proprietary technology, and risk factors, Applicant's assessments of glint and glare impacts, Eye protection and worker safety, Proximity of project site to Charleston View,
Relevance:
LORS, CEQA, AFC requirements, Environmental justice, Facts, Evidence, Public health, safety, endangerment and nuisance, Impacts to motorists, Adequacy of data and conclusions, Comparison of data, evidence and conclusions, Effectiveness of proposed mitigation measures, Impacts of construction and operational phase of proposed project, Accuracy, truthfulness, disclosures and exercise of due diligence, Direct, indirect and cumulative impacts.

Witness: MELISSA MOURKAS

Topic Area: Visual Resources
Time: 20 Minutes
Specificity:
Glare, Views of Pahrump Valley, Views of project site, Wilderness areas, Cultural and historic resources, Visual impacts of heliostat/mirror assemblies at night, Project screening, Alternative screening, Cumulative impacts to visual resources, Aesthetic impacts, Mitigation measures, Community impacts to Charleston View, Landscape and viewshed degradation, Rural protection.
Relevance:
Impacts of proposed project on visual resources, Existing conditions, Public nuisance, Environmental justice, Mitigation measures, LORS, CEQA, Title 21.

Witness: THOMAS GATES

Topic Area: Cultural And Historic Resources
Time: 30 Minutes
Specificity:
Historic uses and interpretations for area including water, vegetation, wildlife, BLM kiosks for Old Spanish Trail and Stump Springs, Consultation, Visual impacts to cultural and historic resources, The Old Spanish Trail Highway/Tecopa Road, Sacred sites and cultural, Historic and cultural use of Hidden Hills in project site vicinity, Current culture, values and history of Charleston View, Title 21.
Relevance
Direct, indirect and cumulative impacts, Existing conditions, LORS, Environmental justice.

Witness: CAROL WATSON, CHRIS HUNTLEY, CAROLYN CHAINEY-DAVIS

Topic Area: Biological Resources
Time: 1 Hour
Specificity:
Migratory birds; incidental take permits, monitoring, Golden Eagles; Historic and current populations, Incidental take permits, habitat, habitat loss, range, direct, indirect and cumulative impacts, monitoring, Ravens, Swainson hawk; potential habitat and range, Hawks; populations, species, forage area, impacts to food sources, Bats; bat monitoring station location on project site, monitoring results, food sources and impacts, area water sources, range (Nopah mountain range, Hidden Hills), effects of herbicide and pesticides, Gila monsters, Tarantulas; mating, species, population trends, Burros; applicable laws, removals, Livestock; evidence, Bees; general population trends, project impacts, Coyotes, Snakes, "Common wildlife", Mitigation measures. LID design and vegetative communities, Serpentine habitats; unique habitats, Hidden Hills area, Mesquite communities and wildlife, roadkill.
Relevance:
Historic and existing conditions at project site and surrounding environment, Direct, indirect and cumulative impacts to various species, Habitat, range and loss, Impacts to ecosystem functions including food sources, Predatory controls, Monitoring protocol, Mitigation measures, Accuracy, LORS, CEQA, Public safety, Visual resources.

Witness: BILL HAAS, ALVIN GREENBERG, GEOFF LESH, RICK TYLER

Topic Area: Biological Resources: Solar Flux
Time: 45 Minutes
Specificity:
Solar flux; standards and measurements, known and unknown standards and impacts, modeling, SEDC Flux Study; workshops, Motions, credibility, accuracy, methodology, conclusions, photos, specimens, efficiency of heating, Avian flight patterns, Avian ocular

levels and impacts, Avian impacts by species and color, Avian collision, Modeling and modeling protocol, Proprietary technology, Risk factors and SEC filing, Utility scale, USFWS comments on facility/design, Similar facilities and comparisons, Heliostat Position Plan, Standby points, Heliostat/mirror fields; construction phase and potential flux impacts, Environmental conditions, Project screening, Monitoring, Mitigation.

Relevance:

Direct, indirect and cumulative impacts, LORS, CEQA, Accuracy, truth, disclosures, omissions, exercise of due diligence, Alternatives, Mitigation measures, Proposed Conditions of Certification.

Witness: GEOFF LESH, RICK TYLER

Topic Area: Hazardous Materials, Worker & Fire Safety

Time: 30 Minutes

Specificity:

Solar flux; standards and measurements, known and unknown standards and impacts, SRGS: solar flux levels and natural gas, Proprietary technology, Heliostat Positioning Plan, Environmental "disasters" and hazardous fuels storage, Disaster insurance requirements, Diesel storage, Alternative fuel use, Project site fuel requirements; operations, Dagget explosion, Project site vegetation, LID design and vegetative conditions, Project site fire plan, Herbicides and pesticides including applications, Potential impacts to water supply and water quality, Workers; protective eye glasses, Lead batteries, SF_6 storage, AFC errors, Hazardous materials and photovoltaic alternative, Mitigation measures, Proposed Conditions of Certification.

Relevance:

Direct, indirect and cumulative impacts, Environmental protection and/or risks, LORS, CEQA, Public safety, Environmental justice, Facility design, Alternatives, Mitigation measures, Proposed Conditions of Certification.

Witness: ELLIE TOWNSEND-HOUGH

Topic Area: Waste Management

Time: 20 Minutes

Specificity:

Operational waste; composition and requirements, Photovoltaic alternative operational wastes, Rio Mesa and Hidden Hills; differences in waste management designs, Recycling, Waste disposal sites; California and Nevada, Concrete batch plant; generated waste and permitting requirements, Impacts to water supply/water quality, Mitigation measures, Proposed Conditions of Certification.

Relevance:

Direct, indirect and cumulative impacts, Environmental protection and/or risks, LORS, CEQA, Public safety, Environmental justice, Project requirements, Permitting requirements, Facility designs, Alternatives and waste management, Mitigation measures, Proposed Conditions of Certification.

Witness: JIM ADAMS

Topic Area: Socioeconomics: Growth Inducing Impacts
Time:
Specificity:
Project impacts to Charleston View community and local stakeholders on land value and future conditions, Impacts of VEA Hidden Hills Transmission and Gasline, Proposed facilities and natural gas requirements, Potential business opportunities in project site vicinity, Electric power availability at project site and surrounding environment, Alternative technologies and growth inducing impacts, Existing infrastructure and potential future needs, Reasonably foreseeable conditions; project approval versus project denial, Mitigation measures, Proposed Conditions of Certification.
Relevance:
Direct, indirect and cumulative impacts, LORS, CEQA, Title 21, CEC and CEQA jurisdiction limitations, Charleston View residents and local stakeholders, Existing, historic and future conditions, Available infrastructure, Project objectives, Alternatives, Environmental justice, Mitigation measures, Proposed Condition of Certification,

Witness: STEVEN KERR

Topic Area: Socioeconomics
Time: 30 Minutes
Specificity:
Project site description; acreage, financial analysis, Environmental justice; methods, conclusions, believability, LORS, Title 21, CEQA and CEC jurisdiction, NEPA and applicability, Charleston View community; financial and population status, Comment submissions and responses, Financial impacts of proposed project to Charleston View residents and/or local stakeholders, other communities and Inyo County, Social values of community, Social, political and economic environment; local, regional, state and renewable energy mandates, Community burdens, Mitigation measures.
Relevance:
Direct, indirect, and cumulative impacts, LORS, CEQA, Title 21, AFC CEQA regulatory requirements, CEC jurisdiction, California Environmental justice policy and guidelines, FSA compliance.

CENTER FOR BIOLOGICAL DIVERSITY WITNESS

Witness: Ileene Anderson

Topic Area: Project Site Description, Biological Resources, Air Quality, Soils & Surface Waters, Socioeconomics: Growth Inducing Impacts, Visual Resources.
Time: 2 Hours (Total)
Specificity:

Project Site Description 10 Minutes
Existing conditions, Experiences at site and surrounding environment, AFC descriptions of project site conditions, Charleston View; description, proximity, Stump Springs, Old Spanish Trail Highway/Tecopa Road, Location of power lines, Trespassing signs and barricades.
Relevance:
Direct, indirect and cumulative impacts, Accuracy of AFC project site description, truthfulness, disclosure, LORS, CEQA, Environmental justice.

Visual Resources 10 Minutes
Visual resource experiences at project site and surrounding environment, Charleston View, Stump Springs, Old Spanish Trail Highway, Trespassing signs and barricades.
Relevance:
Direct, indirect and cumulative impacts, Accuracy of AFC project site description, truthfulness, disclosure, LORS, CEQA, Environmental justice.

Soils & Surface Waters 10 Minutes
Experiences at site and surrounding environment, flooding, Old Spanish Trail Highway/Tecopa Road.
Relevance:
Project site suitability, Direct, indirect and cumulative impacts, Mitigation measures, LORS, CEQA, Environmental justice, Proposed Conditions of Certification.

Socioeconomics: Growth Inducing Impacts 15 Minutes
Impacts of VEA Hidden Hills Transmission and Gasline to surrounding environment and biological resources, Existing infrastructure Proposed facilities and natural gas requirements, Pahrump Valley Solar, Desert Tortoise habitat in Pahrump Valley, Alternative technologies and growth inducing impacts, Mitigation measures, Proposed Conditions of Certification.
Relevance:
Direct, indirect and cumulative impacts to biological resources, LORS, CEQA, Title 21, CEC and CEQA jurisdiction limitations, Existing, historic and future conditions, Available infrastructure, Alternatives, Mitigation measures, Proposed Condition of Certification,

<u>Biological Resources</u> 1.25 Hours
Migratory birds; incidental take permits, monitoring, Golden Eagles; Historic and current populations, Incidental take permits, habitat, habitat loss, range, direct, indirect and cumulative impacts, monitoring, Ravens, Swainson hawk; potential habitat and range, Hawks; populations, species, forage area, impacts to food sources, Bats; bat monitoring station location on project site, monitoring results, food sources and impacts, area water sources, range (Nopah mountain range, Hidden Hills), effects of herbicide and pesticides, Mitigation measures. LID design and vegetative communities, Serpentine habitats; unique habitats, Mesquite communities and wildlife, Special Status plants, Threatened, Endangered and Sensitive species, Solar flux; standards and measurements, known and unknown standards and impacts, SEDC Flux Study; workshops, Motions, credibility, accuracy, methodology, conclusions, photos, specimens, McCrary Study, Avian flight patterns, Avian ocular levels and impacts, Avian impacts by species and color, Avian collision, Proprietary technology, Utility scale, USFWS comments on facility/design, Similar facilities and comparisons, Environmental conditions, Project screening, Monitoring, Mitigation.
Relevance:
Historic and existing conditions at project site and surrounding environment, Direct, indirect and cumulative impacts to various species, Habitat, range and loss, Impacts to ecosystem functions including food sources, Predatory controls, Monitoring protocol, Mitigation measures, Accuracy, LORS, CEQA, Public safety, Visual resources. Alternatives, Mitigation measures, Proposed Conditions of Certification**.**

<u>Witness: Bill Powers</u>

Topic Area: Alternatives, Power Plant Reliability, Power Plant Efficiency
Time: 1.5 Hours (Total)

<u>Power Plant Efficiency</u> 30 Minutes
Description of project components and risk factors, Description of project design (old versus new), Tower heights, Proprietary project components, MW production, Renewable components, Mirror Washing Machines and cleaning activities, Mirror degradation, Impacts of environmental conditions; heliostat stability and performance, Heliostat availability, CEQA requirements, Hours of operation, Wind load tolerances of heliostats and plant availability, Reliability, Output, Performance, Operating Costs, Renewable facility LORS, Alternative technology comparisons, Efficiency standards, solar flux levels; efficiency, daily and annual availability, natural gas use and MW production, Project feasibility, efficiency and availability of renewable components, Efficiency of project design and solar radiation, Renewable power plant qualifications, MW production from renewable plant components, Proprietary technology and design, Natural gas use versus renewable resources, Fuel use, Cost of kilowatt generation,

Relevance:
Project feasibility, efficiency and availability of renewable components, Efficiency of project design and solar radiation, Renewable power plant qualifications, MW production from renewable plant components, Proprietary technology and design, Natural gas use versus renewable resources, Fuel use, Cost of kilowatt generation, Effectiveness of proposed mitigation measures, AFC filing requirements, LORS, CEQA, Accuracy, truth, disclosures, omissions and exercise of due diligence.

Power Plant Reliability 30 Minutes
Project location and surrounding environment, Description of project components and risk factors, Description of project design (old versus new), Tower heights, Proprietary project components, MW production, Renewable components, Mirror Washing Machines and cleaning activities, Mirror degradation, Available solarity, Impacts of environmental conditions; heliostat stability and performance, Heliostat availability, CEQA requirements, Required disclosures in AFC, subsequent documents, and AFC process, Risk factors in SEC filings, Hours of operation, Wind load tolerances of heliostats and plant availability, Reliability, Output, Performance, Renewable facility LORS, Alternative technology comparisons, Reliability standards, solar flux levels; efficiency, daily and annual availability, natural gas use and MW production, Alternative technology comparisons of facility design, reliability and output, Project feasibility, efficiency and availability of renewable components, Reliability of project design and solar radiation, Renewable power plant qualifications, MW production from renewable plant components, Proprietary technology and design, Natural gas use versus renewable resources, Fuel use, Cost of kilowatt generation,
Relevance:
Effectiveness of proposed mitigation measures, AFC filing requirements, LORS, CEQA, Accuracy, truth, disclosures, omissions and exercise of due diligence.

Alternatives 30 Minutes
Photovoltaic alternative, Environmentally preferred alternatives, PPAs, Mitigation for reduced pumping; potential water reductions versus facility needs, Reliability, Output, Performance, Alterative technologies, Alternative project site plant locations, Environmentally preferred alternatives in facility design, California Renewable Portfolio Standards, California; policy, regulations, renewable goals, standards.
Relevance: LORS, CEQA requirements, Direct, indirect and cumulative impacts, Comparisons of to reliability, performance, output and operations, Project alternatives, Technological alternatives, CPS requirements, Renewable energy, Mitigation measures, Proposed Conditions of Certification.

OLD SPANISH TRAIL ASSOCIATION WITNESS

Witness: Jack Prichett

Topic Area: Cultural & Historic Resources, Project Description, Land Use, Noise, Visual Resources
Time: 1 Hour (Total)
Specificity:

Cultural and Historic Resources 30 Minutes
Historic conditions at project site and surrounding environment, OSTA purpose and expertise, OSTA documentation on the Old Spanish Trail, Cultural and historic LORS, Consultation.
Relevance:
Direct, indirect and cumulative impacts, LORS, CEQA, Mitigation measures, Proposed Conditions for Certification.

Project Site Description 10 Minutes
Existing conditions, Experiences at site and surrounding environment, AFC descriptions of project site conditions, Charleston View; description, proximity, Stump Springs, Old Spanish Trail Highway/Tecopa Road, Location of power lines.
Relevance:
Direct, indirect and cumulative impacts, Accuracy of AFC project site description, truthfulness, disclosure, LORS, CEQA, Environmental justice, Mitigation measures, Proposed Conditions of Certification.

Visual Resources 10 Minutes
Visual resource experiences at project site and surrounding environment, Charleston View, Stump Springs, Old Spanish Trail Highway/Tecopa Road, Old Spanish Trail.
Relevance:
Direct, indirect and cumulative impacts, Accuracy of AFC project site description, truthfulness, disclosure, LORS, CEQA, Environmental justice, Mitigation measures, Proposed Conditions of Certification

Land Use 5 Minutes
Gravel roads and roadways, Trespassing signs and barricades.
Relevance: Project site description, historical and existing conditions, LORS, CEQA, Direct, indirect and cumulative impacts, Mitigation measures, Proposed Conditions of Certification.

Noise 5 Minutes
Experience of noise levels in project site area and surrounding environment.
Relevance:
Project site description, historical and existing conditions, LORS, CEQA, Direct, indirect and cumulative impacts, Mitigation measures, Proposed Conditions of Certification.

Witness: SUSAN SORRELLS

Topic Area: Cultural & Historic Resources, Project Description
Time: 1 Hour (Total)
Specificity:

Cultural and Historic Resources 20 Minutes
Knowledge and experience of historic and cultural resources at project site and surrounding environment.
Relevance:
Direct, indirect and cumulative impacts, LORS, CEQA, Mitigation measures, Proposed Conditions for Certification.

Project Site Description 10 Minutes
Existing conditions, Experiences at site and surrounding environment, AFC descriptions of project site conditions, Charleston View; description, proximity, Stump Springs, Old Spanish Trail Highway/Tecopa Road, Location of power lines.
Relevance:
Direct, indirect and cumulative impacts, Accuracy of AFC project site description, truthfulness, disclosure, LORS, CEQA, Environmental justice, Mitigation measures, Proposed Conditions of Certification.

Visual Resources 10 Minutes
Visual resource experiences at project site and surrounding environment, Charleston View, Stump Springs, Old Spanish Trail Highway/Tecopa Road, Old Spanish Trail.
Relevance:
Direct, indirect and cumulative impacts, Accuracy of AFC project site description, truthfulness, disclosure, LORS, CEQA, Environmental justice, Mitigation measures, Proposed Conditions of Certification.

Land Use 5 Minutes
Gravel roads and roadways, Trespassing signs and barricades.
Relevance: Project site description, historical and existing conditions, LORS, CEQA, Direct, indirect and cumulative impacts, Mitigation measures, Proposed Conditions of Certification.

Noise 5 Minutes
Experience of noise levels in project site area and surrounding environment.
Relevance:
Project site description, historical and existing conditions, LORS, CEQA, Direct, indirect and cumulative impacts, Mitigation measures, Proposed Conditions of Certification.

RICHARD ARNOLD

Witness: RICHARD ARNOLD

Topic Area: Cultural & Historic Resources, Biological Resources, Soil & Water Resources, Project Description, Land Use, Noise, Visual Resources
Time: 1 Hour 40 Minutes (Total)
Specificity:

Cultural and Historic Resources 30 Minutes
Knowledge and experience of historic and cultural resources at project site and surrounding environment, Connection of project site to cultural and historic resources.
Relevance:
Direct, indirect and cumulative impacts, LORS, CEQA, Mitigation measures, Proposed Conditions for Certification.

Biological Resources 20 Minutes
Historic and current uses of biological resources, Knowledge and expertise in biological resources, Impacts of the proposed project to biological resources.
Relevance:
Direct, indirect and cumulative impacts, LORS, CEQA, Mitigation measures, Proposed Conditions for Certification.

Soil & Water Resources 15 Minutes
Historic and current uses of water resources, Knowledge of water resources, Impacts of the proposed project to water and soil resources.

Project Site Description 10 Minutes
Existing conditions, Experiences at site and surrounding environment, AFC descriptions of project site conditions, Charleston View; description, proximity, Stump Springs, Old Spanish Trail Highway/Tecopa Road, Location of power lines.
Relevance:
Direct, indirect and cumulative impacts, Accuracy of AFC project site description, truthfulness, disclosure, LORS, CEQA, Environmental justice.

Visual Resources 15 Minutes
Visual resource experiences at project site and surrounding environment, Charleston View, Stump Springs, Old Spanish Trail Highway/Tecopa Road, Old Spanish Trail.
Relevance:
Direct, indirect and cumulative impacts, Accuracy of AFC project site description, truthfulness, disclosure, LORS, CEQA, Environmental justice.

<u>Land Use</u> 5 Minutes
Gravel roads and roadways, Trespassing signs and barricades.
Relevance: Project site description, historical and existing conditions, LORS, CEQA, Direct, indirect and cumulative impacts,

<u>Noise</u> 5 Minutes
Experience of noise levels in project site area and surrounding environment.
Relevance:
Project site description, historical and existing conditions, LORS, CEQA, Direct, indirect and cumulative impacts, Mitigation measures, Proposed Conditions of Certification.

AMARGOSA CONSERVANCY

Witness: Brian Brown

Topic Area: Biological Resources, Soil & Water Resources, Project Description, Land Use, Noise, Visual Resources
Time: 1 Hour 10 Minutes (Total)
Specificity:

Biological Resources 20 Minutes
Historic and current conditions of biological resources, Knowledge and expertise in biological resources, Impacts of the proposed project to biological resources.
Relevance:
Direct, indirect and cumulative impacts, LORS, CEQA, Environmental justice.

Soil & Water Resources 15 Minutes
Historic and current uses of water resources, Knowledge of water resources, Impacts of the proposed project to water and soil resources.
Relevance:
Direct, indirect and cumulative impacts, LORS, CEQA, Environmental justice.

Project Site Description 10 Minutes
Existing conditions, Experiences at site and surrounding environment, AFC descriptions of project site conditions, Charleston View; description, proximity, Stump Springs, Old Spanish Trail Highway/Tecopa Road, Location of power lines.
Relevance:
Direct, indirect and cumulative impacts, Accuracy of AFC project site description, truthfulness, disclosure, LORS, CEQA, Environmental justice.

Visual Resources 15 Minutes
Visual resource experiences at project site and surrounding environment, Charleston View, Stump Springs, Old Spanish Trail Highway/Tecopa Road, Old Spanish Trail.
Relevance:
Direct, indirect and cumulative impacts, Accuracy of AFC project site description, truthfulness, disclosure, LORS, CEQA, Environmental justice.

Land Use 5 Minutes
Gravel roads and roadways, Trespassing signs and barricades.
Relevance: Project site description, historical and existing conditions, LORS, CEQA, Direct, indirect and cumulative impacts,

Noise 5 Minutes
Experience of noise levels in project site area and surrounding environment.
Relevance: Project site description, historical and existing conditions, LORS, CEQA, Direct, indirect and cumulative impacts, Mitigation measures, Proposed Conditions of Certification.

BEFORE THE ENERGY RESOURCES CONSERVATION AND DEVELOPMENT COMMISSION OF THE STATE OF CALIFORNIA
1516 NINTH STREET, SACRAMENTO, CA 95814
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APPLICATION FOR CERTIFICATION FOR THE HIDDEN HILLS SOLAR ELECTRIC GENERATING SYSTEM

Docket No. 11-AFC-02

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(Revised 2/15/13)

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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.

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Commissioner and Presiding Member

*DAVID R. HOCHSCHILD
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

*indicates change

DECLARATION OF SERVICE

I, *Cindy R. MacDonald*, declare that on *February 91, 2013*, I served and filed copies of the attached *Prehearing Conference Statement*, 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:

(C*heck one*)

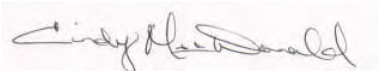
For service to all other parties and filing with the Docket Unit at the Energy Commission:

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 that the foregoing is true and correct.

Dated: February 19, 2013



Cindy R. MacDonald