



BEFORE THE ENERGY RESOURCES CONSERVATION AND DEVELOPMENT
COMMISSION OF THE STATE OF CALIFORNIA
1516 NINTH STREET, SACRAMENTO, CA 95814
1-800-822-6228 – WWW.ENERGY.CA.GOV

APPLICATION FOR CERTIFICATION
For the **RIDGECREST SOLAR
POWER PROJECT**

DOCKET No. 09-AFC-9

**REVISED - NOTICE OF PREHEARING CONFERENCE
AND
EVIDENTIARY HEARING**

PLEASE TAKE NOTICE that the Committee designated by the Energy Commission to conduct proceedings on the Application for Certification (AFC) for the **RIDGECREST SOLAR POWER PROJECT** has cancelled or changed the following Hearings:

A ~~Prehearing Conference~~ **Status Conference** will be conducted on:

**MONDAY, May 17, 2010
Beginning at 9 a.m.**

**California Energy Commission
Hearing Room A
1516 9th Street
Sacramento, CA 95814**

TELECONFERENCE OPTION: The following toll free phone number will be available at 9 a.m. for callers to participate in the Status Conference:

**Call: 1-888-469-3052
Use Passcode: "Ridgecrest"
Conference Leader: "Kourtney Vaccaro"**

The Evidentiary Hearings scheduled as follows:

TUESDAY, June 1, 2010, THURSDAY, June 3, 2010, FRIDAY, June 4, 2010 are

POSTPONED

And will be rescheduled at a later date.

Public Participation and Public Adviser

The Energy Commission Public Adviser's Office is available to assist the public in participating in the application review process. For those individuals who require general information on how to participate, please contact the Public Adviser's Office at (916) 654-4489 or (800) 822-6228 or e-mail: **[publicadviser@energy.state.ca.us]**.

If you have a disability and need assistance to participate in this event, contact Lourdes Quiroz at (916) 654-5146 or e-mail: **[lquiroz@energy.state.ca.us]**.

Information

Questions of a legal or procedural nature should be directed to Kourtney Vaccaro, the Hearing Officer, at (916) 654-4328 or e-mail: **[kvaccaro@energy.state.ca.us]**.

Technical questions concerning the project should be addressed to Eric Solorio, the Staff Project Manager, at (916) 651-0966, or e-mail: **[esolorio@energy.state.ca.us]**.

Technical questions concerning the BLM permitting process should be addressed to Janet Eubanks at (951) 697-5376, or e-mail: **[Janet_Eubanks@ca.blm.gov]**.

Media inquiries should be directed to the Office of Media and Public Communications at (916) 654-4989 or e-mail at: **[mediaoffice@energy.state.ca.us]**.

Information concerning the status of the project, as well as notices and other relevant documents, may be viewed on the Energy Commission's Internet web page at: **[www.energy.ca.gov/sitingcases/ridgecrest/]**.

Dated: April 29, 2010, at Sacramento, California.

JAMES D. BOYD
Vice Chair and Presiding Member
Ridgecrest Solar AFC Committee

ANTHONY EGGERT
Commissioner and Associate Member
Ridgecrest Solar AFC Committee

Mailed to Lists: POS, 7381, 7382, 7383, 7384



BEFORE THE ENERGY RESOURCES CONSERVATION AND DEVELOPMENT
COMMISSION OF THE STATE OF CALIFORNIA
1516 NINTH STREET, SACRAMENTO, CA 95814
1-800-822-6228 – WWW.ENERGY.CA.GOV

APPLICATION FOR CERTIFICATION
For the *RIDGECREST SOLAR*
POWER PROJECT

DOCKET No. 09-AFC-9

**NOTICE OF PREHEARING CONFERENCE
AND
EVIDENTIARY HEARING**

PLEASE TAKE NOTICE that the Committee designated by the Energy Commission to conduct proceedings on the Application for Certification (AFC) for the **RIDGECREST SOLAR POWER PROJECT** has scheduled the **Prehearing Conference** as follows:

The *Prehearing Conference* will be conducted on:

MONDAY, May 17, 2010
Beginning at 9 a.m.

California Energy Commission
Hearing Room A
1516 9th Street
Sacramento, CA 95814

TELECONFERENCE OPTION: The following toll free phone number will be available at 9 a.m. for callers to participate in the Prehearing Conference:

Call: 1-888-469-3052
Use Passcode: "*Ridgecrest*"
Conference Leader: "*Kourtney Vaccaro*"

The *Evidentiary Hearing* will be conducted on:

TUESDAY, June 1, 2010
Beginning at 9 a.m.

California Energy Commission
Hearing Room A
1516 9th Street
Sacramento, CA 95814

and, on:

THURSDAY, June 3, 2010
Beginning at 10 a.m.

and

FRIDAY, June 4, 2010
Beginning at 10 a.m.

Ridgecrest City Hall
100 West California Avenue
Ridgecrest, California 93555

Please note that the Committee may, in appropriate circumstances, extend the hearings into the evening hours.

TELECONFERENCE OPTION: The following toll free phone number will be available at 10 a.m. both days for callers to participate in the hearing:

Call: 1-888-469-3052
Use Passcode: "Ridgecrest"
Conference Leader: "Kourtney Vaccaro"

Pursuant to section 1213 of the Commission's regulations, the Committee intends to take Official Notice of the report issued by the Commission's Siting Committee entitled:

COMMITTEE GUIDANCE ON FULFILLING CALIFORNIA ENVIRONMENTAL QUALITY ACT RESPONSIBILITIES FOR GREENHOUSE GAS IMPACTS IN POWER PLANT SITING APPLICATIONS.

The report was issued in March 2009 and is found on the Commission website at: <http://www.energy.ca.gov/2009publications/CEC-700-2009-004/CEC-700-2009-004.PDF>

PLEASE TAKE NOTICE that the Committee has established the following **SCHEDULE** for the filings and activities leading to the Evidentiary Hearings.

SCHEDULE

ACTIVITY OR FILING	DATE OR FINAL DEADLINE
Last day to file Petition to Intervene	Saturday, April 17, 2010 ¹
All parties file written opening testimony and exhibits Note: Staff only files regarding testimony and exhibits NOT contained in the Staff Assessment	Monday, May 10, 2010
All parties file Prehearing Conference Statements.	Thursday, May 13, 2010
Prehearing Conference	Monday, May 17, 2010
All parties file and serve supplemental and rebuttal written testimony and exhibits	Monday, May 24, 2010
Applicant submits compilation of opening and rebuttal testimony to Hearing Officer	Wednesday, May 26, 2010
Evidentiary Hearings	Tuesday, June 1, 2010, and Thursday, June 3 – Friday, June 4, 2010
All parties file post hearing briefs	Monday, June 28, 2010

Purpose of Prehearing Conference

The Prehearing Conference is a public forum where the Committee will assess the parties' readiness for an evidentiary hearing, identify areas of agreement or dispute, and discuss the remaining schedule and procedures necessary to conclude the certification process. (Cal. Code Regs., tit. 20, § 1718.5.)

At the Prehearing Conferences, all parties (Staff, Applicant, and Intervenors) shall present their respective positions regarding: the substantive topic areas ready for evidentiary hearing; those topics that require further analysis, including the nature of, and time frame for, any such analysis; the topic areas that have been resolved; and the topic areas that are disputed and require adjudication. The parties shall also identify proposed witnesses, as well as the time required for direct testimony and/or cross-examination.

¹ California Code of Regulations, title 20, sections 1003, 1207.

We invite Bureau of Land Management (BLM) representatives to attend the Prehearing Conference and Evidentiary Hearings to facilitate coordination of BLM's process with this AFC process.

Local, state, and federal governmental agencies may participate at the Prehearing Conferences and Evidentiary Hearing, as necessary. (Cal. Code Regs., tit. 20, § 1714.5.) Elected officials and members of the public may present public comments at these events and/or submit written comments to the Energy Commission's Docket Unit. Please include "Docket No. 09-AFC-9" on any written comments.

Prehearing Conference Statements

Each party is **ORDERED** to serve and file a **PREHEARING CONFERENCE STATEMENT** containing all of the information described below. The parties shall e-mail and/or mail their statements to the Hearing Officer, to the parties as indicated on the proof of service list, and submit both e-mail and paper copy to the Commission's Docket Unit, 1516 9th Street, MS-4, Sacramento, California 95814-5512, so as to be received **NO LATER than 4 P.M. on Thursday, May 13, 2010**. The parties shall also submit a **Word version** of their statements to the Hearing Officer via e-mail.

NOTE: FAILURE TO FILE A PREHEARING CONFERENCE STATEMENT BY THE DEADLINE MAY PRECLUDE A PARTY FROM PARTICIPATING AT THE PREHEARING CONFERENCE AND EVIDENTIARY HEARING.

Each statement shall specify:

1. The topic areas that are complete and ready to proceed to evidentiary hearing;
2. The topic areas that are not complete and not yet ready to proceed to evidentiary hearing, and the reasons therefor;
3. The topic areas that remain disputed and require adjudication, and the precise nature of the dispute for each topic;
4. The identity of each witness sponsored by each party (**note**: expert witnesses must demonstrate professional expertise in their area(s) of testimony); the topic area(s) which each witness will present; a brief summary of the testimony to be offered by each witness; qualifications of each witness; and the time required to present direct testimony by each witness;
5. Topic areas upon which a party desires to cross-examine witnesses, a summary of the scope of such cross-examination, and the time desired for such cross-examination;
6. A list identifying exhibits and declarations that each party intends to offer into evidence and the technical topics to which they apply (**see attached sample for preferred format**);
7. Briefing dates (if needed) and other scheduling matters;

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

Format for Presenting Written Testimonial and Documentary Evidence

In addition to the witness lists and exhibit lists provided with the Prehearing Conference Statements, the parties shall also provide copies of their written testimonial and documentary evidence **ON OR BEFORE the dates shown in the schedule above**. They shall also provide it to the Committee in two formats, as follows.

NOTE: FAILURE TO EXCHANGE WRITTEN TESTIMONIAL AND DOCUMENTARY EVIDENCE BY THE DEADLINE MAY PRECLUDE A PARTY FROM PARTICIPATING AT THE EVIDENTIARY HEARING.

Format 1. Each document shall be numbered and identified on an **Exhibit List**. (See attached sample Exhibit List.)

- Applicant's exhibits shall be numbered consecutively as **Exhibits 1 through 299**. **Exhibit 1** shall be the Application for Certification. (note: provide the AFC only upon request);
- Staff's exhibits shall be numbered consecutively as **Exhibits 300 through 399**. **Exhibit 300** shall be the Staff Assessment.
- Intervenor CURE's exhibits shall be numbered consecutively as **Exhibits 400 through 499**.
- Intervenor Desert Tortoise Council's exhibits shall be numbered consecutively as **Exhibits 500 through 599**.
- Intervenor Western Watersheds Project's exhibits shall be numbered consecutively as **Exhibits 600 through 699**.
- Intervenor Basin and Range Watch's exhibits shall be numbered consecutively as **Exhibits 700 through 799**.

Printed copies of each party's exhibits, including intervenors' exhibits, organized as described under Format No. 1, above, shall be submitted to all other parties, including intervenors, the Hearing Officer, and the Committee, on or before the dates shown in the schedule above.

Format 2. To facilitate the Committee's efficient organization and review of the exhibits, printed copies of **Applicant's** exhibits for each topic area shall **also** be compiled in separate file folders **designated by topic** with the appropriate Exhibit Number attached to each document. This compilation

shall include all opening and rebuttal testimony filed by Applicant and shall be provided to the Hearing Officer **NO LATER than May 26, 2010.** ***Presentation of their exhibits by other parties in similar fashion would be helpful to the Committee, but is not mandatory.***

Petitions to Intervene to Become a Formal Party

The Energy Commission's Decision on the Ridgecrest Solar Power Project will be based on the official evidentiary record developed at the Evidentiary Hearing. Only formal parties (Applicant, Staff, and Intervenors) may present evidence and cross-examine witnesses at the Evidentiary Hearing. Public comment may not, by itself, support a finding or conclusion in the Decision but the Committee may consider it to the extent it can supplement formal written or oral testimony sponsored by a party.

Anyone with an appropriate interest in the Project may file a Petition to Intervene and become a formal party. At the Evidentiary Hearing, a formal party may offer testimony and documentary evidence and cross-examine witnesses. **A formal party must also comply with Committee orders, procedures, and filing requirements, and is subject to discovery and having its own witnesses cross-examined by other parties.**

The DEADLINE to file a Petition to Intervene in this case is SATURDAY, APRIL 17, 2010. (20 Cal. Code Regs., § 1003.) Petitions filed after that date and time extensions for new Intervenors to review case materials may be granted only upon a showing by the Petitioner that extraordinary circumstances made it impossible to file by the deadline, in the judgment of the Committee.

How to Intervene

The Energy Commission's Public Adviser's office will assist any person or organization interested in preparing a Petition to Intervene. For assistance in this process, contact the Public Adviser's office at (916) 654-4489 or (800) 822-6228 or e-mail: **[publicadviser@energy.state.ca.us].**

Public Participation and Public Adviser

Members of the public are welcome to attend and offer comments at the Prehearing Conference and the Evidentiary Hearing. It is not necessary to be an Intervenor to participate in the public process.

Comments made after the Evidentiary Hearings may be discussed in the Presiding Member's Proposed Decision (PMPD) or treated and discussed as comments on the PMPD, in the Committee's discretion. Comments made to BLM or the Energy Commission will be shared with the other agency.

The Energy Commission Public Adviser's Office is available to assist the public in participating in the application review process. For those individuals who require general information on how to participate, please contact the Public Adviser's Office at (916) 654-4489 or (800) 822-6228 or e-mail: [\[publicadviser@energy.state.ca.us\]](mailto:publicadviser@energy.state.ca.us).

If you have a disability and need assistance to participate in this event, contact Lourdes Quiroz at (916) 654-5146 or e-mail: [\[lquiroz@energy.state.ca.us\]](mailto:lquiroz@energy.state.ca.us).

Information

Questions of a legal or procedural nature should be directed to Kourtney Vaccaro, the Hearing Officer, at (916) 654-4328 or e-mail: [\[kvaccaro@energy.state.ca.us\]](mailto:kvaccaro@energy.state.ca.us).

Technical questions concerning the project should be addressed to Eric Solorio, the Staff Project Manager, at (916) 651-0966, or e-mail: [\[esolorio@energy.state.ca.us\]](mailto:esolorio@energy.state.ca.us).

Technical questions concerning the BLM permitting process should be addressed to Janet Eubanks at (951) 697-5376, or e-mail: [\[Janet_Eubanks@ca.blm.gov\]](mailto:Janet_Eubanks@ca.blm.gov).

Media inquiries should be directed to the Office of Media and Public Communications at (916) 654-4989 or e-mail at: [\[mediaoffice@energy.state.ca.us\]](mailto:mediaoffice@energy.state.ca.us).

Information concerning the status of the project, as well as notices and other relevant documents, may be viewed on the Energy Commission's Internet web page at: [\[www.energy.ca.gov/sitingcases/ridgecrest/\]](http://www.energy.ca.gov/sitingcases/ridgecrest/).

Dated: April 8, 2010, at Sacramento, California.

Original signed by:

JAMES D. BOYD
Vice Chair and Presiding Member
Ridgecrest Solar AFC Committee

Original signed by:

ANTHONY EGGERT
Commissioner and Associate Member
Ridgecrest Solar AFC Committee

Mailed to Lists: POS, 7381, 7382, 7383, 7384

SAMPLE
EXHIBIT LIST

NOTE: The format of the samples provided below is equally applicable to all parties. However, given the likely differences in the documentary evidence submitted by the parties, the samples illustrate how to address specific types of evidence that might be unique to each party.

APPLICANT'S EXHIBITS

EXHIBIT 1 **ABC** Power Plant Project Application for Certification (AFC); dated [month, day, year], and docketed on [month, day, year].

- (a) Executive Summary
- (b) Project Description
- (c) Air Quality
- (d) Biological Resources
- (e) Cultural Resources
- (f) Hazardous Materials Management
- (g) Land Use
- (h) Noise and Vibration
- (i) Public Health
- (j) Socioeconomics
- (k) Soil and Water Resources
- (l) Traffic and Transportation
- (m) Transmission Line Safety and Nuisance
- (n) Visual Resources
- (o) Waste Management
- (p) Worker Safety and Fire Protection
- (q) Facility Design
- (r) Geology and Paleontology
- (s) Power Plant Efficiency
- (t) Power Plant Reliability
- (u) Transmission System Engineering
- (v) Alternatives

EXHIBIT 2 **ABC**, LLC's Objection to California Energy Commission Staff Data Requests (Set 1); dated [month, day, year], and docketed [month, day, year].

- (a) Objections to Data Request 16
- (b) Objections to Data Request 53
- (c) Objections to Data Requests 66, 67, and 68

EXHIBIT 3 **ABC**, LLC's, Response to California Energy Commission Data Requests 1-74; [month, day, year], and docketed [month, day, year].

- (a) Responses 1-6; Exhibit 2-1
- (b) Responses 7-10; Exhibits 7-1, 7-2, 7-3, 10-1
- (c) Responses 11-20; Exhibits 17-1, 17-2
- (d) Response 21
- (e) Responses 22-23; Exhibits 22-1, 23-1
- (f) Responses 24-53; Exhibits 25-1, 35-1, 38-1, 48-1, 48-2
- (g) Responses 54-58; Exhibit 58-1
- (h) Responses 59-68; Exhibit 61-1
- (i) Responses 69-74

EXHIBIT 4 Declaration of John Doe regarding Project Description; dated [month, day, year].

EXHIBIT 5 **ABC**, LLC's Response to California Energy Commission Data Request Workshop (Site Cut and Fill Depth Plan); dated [month, day, year], and docketed [month, day, year].

- (a) Site Cut and Fill Depth Plan
- (b) Cover Letter; Will-Serve Letter from _____ dated [month, day, year].

ENERGY COMMISSION STAFF'S EXHIBITS

EXHIBIT 300 Final Staff Assessment for the ABC Power Plan Project, dated [month, day, year], docketed [month, day, year].

EXHIBIT 301 Energy Commission Staff's Errata to the Final Staff Assessment, dated [month, day, year] and docketed [month, day, year], 2009.

INTERVENOR EXHIBITS

EXHIBIT 400 Intervenor John Smith's Testimony: [title or subject], filed as rebuttal testimony, 3 page document, docketed [month, day, year].