



**CALIFORNIA
ENERGY
COMMISSION**

1516 Ninth Street
Sacramento, CA 95814-5512
800-822-6228
www.energy.ca.gov

NOTICE OF PREHEARING CONFERENCE & EVIDENTIARY HEARING

STARWOOD-MIDWAY ENERGY PROJECT
APPLICATION FOR CERTIFICATION
DOCKET NO. 06-AFC-10

Important Notice to Public & Agencies:

Prehearing Conference topics:

Air Quality
Alternatives
Biology
Compliance
Cultural Resources
Efficiency
Facility Design
Geology
Hazardous Materials
Land Use
Noise
Public Health
Reliability
Socioeconomics
Traffic and Transportation
Transmission Line Safety
Transmission System
Engineering
Waste Management
Water Quality & Soils
Water Resources
Worker Safety
Visual Resources

A California Energy Commission Committee is reviewing an Application for Certification (AFC) by Starwood Power-Midway, LLC, to construct and operate a 120 megawatt simple-cycle (peaking) power plant, the Starwood-Midway Energy Project, in an unincorporated area of western Fresno County.

The Committee will conduct a Prehearing Conference and, **if no issues are contested**, immediately conduct an Evidentiary Hearing covering all potential impacts of the proposed power plant. **The public and interested agencies are encouraged to attend and make comments on the topics to be discussed listed in the side bar.** Written comments on the proposed project may be submitted to the Energy Commission, Docket Unit, MS-15, 1516 - 9th Street, Sacramento, CA 95814 at any time prior to the close of the proceeding. Reference Docket No. 06-AFC-10.

Documents: The Staff of the Energy Commission has published an independent analysis evaluating potential project impacts, mitigation, and proposed Conditions of Certification. That document is the Final Staff Assessment (FSA) which is available in a printed version, as well as viewing on the Energy Commission Web Site:

[\[www.energy.ca.gov/sitingcases/starwood\]](http://www.energy.ca.gov/sitingcases/starwood)

You can obtain a printed copy of the Final Staff Assessment by contacting Project Manager, Che McFarlin, at 916-651-0965 or e-mail: [\[cmcfarli@energy.state.ca.us\]](mailto:cmcfarli@energy.state.ca.us)

The Applicant's information concerning the potential project impacts is found in its AFC and data responses, which are available for viewing on the Energy Commission Web Site or by contacting the Commission's Public Adviser.

Prehearing Conference Date & Place:



Teleconference:



**Tuesday, October 30, 2007
Beginning at 2:00 p.m.
California Energy Commission
1516 Ninth Street, Hearing Room A
Sacramento, CA 95814**

As a convenience, parties and members of the public who cannot attend the Prehearing Conference in person may participate by calling the toll-free number for the proceeding: **1-888-843-7187**. (Passcode: "Starwood" Leader: "Garret Shean.")

**Prehearing Conference
– Purpose &
Procedures:**

The Committee will conduct a Prehearing Conference to assess the parties' readiness for evidentiary hearings, to identify areas of agreement and dispute, and discuss procedures for the evidentiary hearing. To present evidence that will become part of the record upon which the Proposed Decision is based, a person group or agency must become an intervenor, also known as a "party" to the proceeding. (See below) **All Petitions to Intervene must be submitted no later than the date of the Prehearing Conference.**

During the Prehearing Conference, the Hearing Officer will review the topics (See Appendix A) with the parties including, among other things, an indication of whether any party requests an opportunity to present evidence or cross-examine a witness on any topic and the nature of the expected testimony.

**Prehearing Conference
Statements:**

Any party intending to present a witness at the evidentiary hearing shall file and serve a statement identifying the issue to be presented and the name of the witness(es) on or before October 26, 2007. The statement shall include a description of any potential legal issue and a description of any factual evidence potentially in dispute and the nature of the party's intended testimony.

Deadline: 10/26/07

**Becoming an
"Intervenor:"**

Anyone with a legitimate interest relevant to the siting of the proposed power plant may file a Petition to Intervene and become a formal party to this proceeding. Party status provides the rights to present independent evidence, receive pertinent documents, and cross-examine witnesses; it also imposes the duty to comply with various orders, procedures, and filing requirements, as well as be subject to cross-examination by other parties.

Intervention deadline:

In this proceeding, a Petition to Intervene shall be filed **no later than the date of the Prehearing Conference.** The Energy Commission, through its Public Adviser's Office, will assist anyone interested in preparing a Petition to Intervene. Contact the Public Adviser, at 916-654-4489 or toll-free 800-822-6228 or by e-mail at [pao@energy.state.ca.us].

**"Combined"
Evidentiary Hearing:**

In the event no party contests any issue at the Prehearing Conference, the Committee will conduct a brief Evidentiary Hearing at the conclusion of the Prehearing Conference to establish the record upon which this case will be decided, which will include any documentation filed with the Commission's Docket Unit and served upon all parties on or before October 19, 2007, and identified by the Applicant in its Prehearing Conference Statement and the Energy Commission Staff's Final Staff Assessment. Witnesses may appear by declaration instead of in person since the topic is uncontested.

In the event a party contests an issue at the Prehearing Conference, the Committee will conduct a separate Evidentiary Hearing at a later date.

Public Participation:

800-822-6228
(toll free in California)

916-654-4489

Members of the public may participate in all phases of the licensing process in a variety of ways. If you need information concerning public participation, please contact the Energy Commission's Public Adviser, at 916-654-4489 or, toll free in California, at 800-822-6228, or by e-mail at: [pao@energy.state.ca.us].

If you have a disability and need assistance in order to participate at this hearing, please contact Lou Quiroz at (916) 654-5146 at least 5 days in advance of the hearing.

Information concerning the status of the project, notices, and other relevant documents are available on the Commission's Web Site at:

[www.energy.ca.gov/sitingcases/starwood]

Contacts:

Technical questions concerning the project should be addressed to the Energy Commission Staff's Project Manager, Che McFarlin, at 916-651-0965 or e-mail: **[cmcfarli@energy.state.ca.us]**.

Questions of a legal or procedural nature should be directed to Garret Shean, the Hearing Officer, at 916-654-3893 or e-mail at: **[gshean@energy.state.ca.us]**.

Media inquiries should be directed to Claudia Chandler, Assistant Executive Director for Media and Public Communications, at 916-654-4989 or by e-mail at: **[energja@energy.ca.gov]**.

Dated: October 15, 2007

**ENERGY RESOURCES CONSERVATION AND
DEVELOPMENT COMMISSION**

/s/
JEFFREY D. BYRON
Commissioner and Presiding Member
Starwood AFC Committee

/s/
JOHN L. GEESMAN
Commissioner and Associate Member
Starwood AFC Committee

Mailed to Lists: 7220, 7221 & 7222

ORDER OF TOPICS

PREHEARING CONFERENCE
October 30, 2007

TOPIC	HEARING REQUESTED? EXPLAIN ISSUE
Air Quality	
Biology	
Cultural Resources	
Geology	
Hazardous Materials	
Land Use	
Noise	
Public Health	
Socioeconomics	
Traffic/Transportation	
Visual Resources	
Water Resources	
Water Quality & Soils	
Waste Management	
Alternatives	
Facility Design	
Efficiency	
Reliability	
Trans. Line Safety	
Trans. Sys. Eng.	
Worker Safety	
Compliance	