



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
CALICO SOLAR PROJECT
(Formerly SES SOLAR 1)

DOCKET No. 08-AFC-13

**NOTICE OF PREHEARING CONFERENCE
AND
EVIDENTIARY HEARINGS**

PLEASE TAKE NOTICE that the Committee designated by the Energy Commission to conduct proceedings on the Application for Certification (AFC) for the **CALICO SOLAR PROJECT (CSP)** has scheduled a Prehearing Conference and an Evidentiary Hearing as follows:

The Prehearing Conference will be conducted on:

FRIDAY, July 30, 2010
Beginning at 1:00 p.m.

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

Evidentiary Hearings will be conducted on:

WEDNESDAY, August 4, 2010
Beginning at 12:00 noon

and continuing into the evening hours, if necessary, and on

THURSDAY, August 5 and FRIDAY, August 6, 2010,
Beginning each day at 9 a.m.

**Hampton Inn & Suites Barstow
2710 Lenwood Road
Barstow, CA 92311
(Map attached)**

Public Comment may be accepted at various times during the Evidentiary Hearings but a specific public comment period will begin at 6:00 p.m. on Wednesday, August 4.

An additional Evidentiary Hearing will be conducted on:

WEDNESDAY, August 18, 2010
Beginning at 10:00 a.m.

California Energy Commission
Hearing Room B
1516 Ninth Street
Sacramento, CA 95814

The August 18, 2010 hearing is noticed to be held in Sacramento. Until the July 30, 2010, Prehearing Conference, the Committee will entertain arguments in favor of holding the hearing in Barstow and may choose to change the location after consideration of those arguments, the status of the state budget and any travel and other restrictions that may apply if a budget has not yet been adopted, and Committee workloads.

If the location is changed, notice of the change will be given and posted on the Energy Commission's web site (address below). Whether held in Sacramento or Barstow, teleconference access will be provided for those who choose not to attend in person.

Teleconference Option

Parties and the Public may attend the Prehearing Conference and Evidentiary Hearing in person at the above locations or by telephone and/or by computer via our "WebEx" web conferencing system. For details on how to participate by WebEx, please see the "**Participation through WebEx**" directions attached to this Notice.

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PLEASE TAKE NOTICE that the Committee has established the following filing schedule:

<i>ITEM</i>	<i>DATE</i>
Applicant's testimony filed	Wednesday, June 30, 2010
Committee Conference (separately noticed)	Friday, July 9, 2010
Staff publishes Supplemental Staff Assessment (SSA) (except Cultural Resources)	Monday, July 12 – Friday, July 16, 2010
Staff and other parties file and serve opening testimony (other than SSA)	Friday, July 23, 2010
All parties file rebuttal testimony and Prehearing Conference statements	12:00 Noon, Thursday, July 29, 2010
Prehearing Conference	Friday, July 30, 2010
Paper copies of Exhibits delivered to Hearing Officer	4 p.m., Monday, August 2, 2010
Evidentiary Hearings begin	Wednesday, August 4, 2010
Cultural Resources SSA Section published	Monday, August 9, 2010
Post Hearing Briefs filed	Wednesday, August 18, 2010
Evidentiary Hearing (Cultural Resources), to receive FEIS, Biological Opinion, and any additional evidence	Wednesday, August 18, 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 Conference, 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.

Prehearing Conference Statements

To facilitate the process, each party shall serve and file a **Prehearing Conference Statement**. The statements shall be received by the Hearing Officer and other parties on the Proof of Service list and the Commission's Docket Unit, 1516 9th Street, MS-4, Sacramento, California 95814-5512, by **12:00 Noon on July 29, 2010**. The parties shall also submit Word versions of their statements, including the Exhibit List, to the Hearing Officer via e-mail.

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:** witnesses must have professional expertise in the scope of their 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. An exhibit list identifying exhibits and declarations that each party intends to offer into evidence, **provided in the format attached to this notice**. The hearing Office will provide the parties with a Word version of the Exhibit List template;
7. Proposals for briefing deadlines, vacation schedules, and other scheduling matters;
8. For all topics that are ready for hearing, the parties shall review the proposed Conditions of Certification for enforceability, comprehension, and consistency with the evidence, and submit any proposed modifications;
9. Comments, if any, on the Committee's intention to use informal hearing procedures, described below; and
10. Comments, if any, on the location of the August 18, 2010, Evidentiary Hearing (Sacramento or Barstow).

Format for Presenting Evidence

Each document shall be numbered and identified on an **Exhibit List**.

- *Applicant's* exhibits shall be numbered consecutively as **Exhibits 1 through 299**.
- *Staff's* exhibits shall be numbered consecutively as **Exhibits 300 through 399**.

- *Intervenor CURE's* exhibits shall be numbered consecutively as **Exhibits 400 through 499.**
- *Intervenor County of San Bernardino's* exhibits shall be numbered consecutively as **Exhibits 500 through 599.**
- *Intervenor Defenders of Wildlife's* exhibits shall be numbered consecutively as **Exhibits 600 through 699.**
- *Intervenor Society for the Conservation of Bighorn Sheep's* exhibits shall be numbered consecutively as **Exhibits 700 through 799.**
- *Intervenor Basin and Range Watch's* exhibits shall be numbered consecutively as **Exhibits 800 through 899.**
- *Intervenor Patrick C. Jackson's* exhibits shall be numbered consecutively as Exhibits **900 through 999.**
- *Intervenor Sierra Club's* exhibits shall be numbered consecutively as **Exhibits 1000 through 1099.**
- *Intervenor Newberry Community Services District's* exhibits shall be numbered consecutively as **Exhibits 1100 through 1199.**

Printed or electronic (i.e., email or compact disk) copies of the Exhibits shall be provided to the Committee and other parties no later than 4 p.m. on the dates set forth in the filing schedule table, above. If sent by email, a compact disk or paper copy shall also be placed in the first class or overnight mail by the deadline. In addition, printed and electronic copies of all exhibits shall be provided to the Hearing Officer no later than 4:00 p.m. on August 2, 2010.

Notice of Committee's Intention to Use Informal Hearing Procedures

Pursuant to Government Code Section 11445.10 et seq. and section 1217 of the Commission's regulations, the Committee may conduct all or portions of the Evidentiary Hearings in an informal manner in which, for example but not by way of limitation, a panel of witnesses sponsored by a single party or by multiple parties testify at one time, with an exchange of questions and responses between the witnesses and counsel for the various parties substituting for formal direct and cross-examination. Any objections to the taking of testimony in an informal manner shall be filed on or before the deadline for filing Prehearing Conference Statements (**12:00 Noon on July 29, 2010**). The Parties are encouraged to comment on the appropriate format for informal hearings and identify the topics for which informal hearings are appropriate, in their Prehearing Conference Statements, above.

Notice of Committee's Intention to Take Official Notice of Documents

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>

Petitions to Intervene to Become a Formal Party

The Energy Commission's Decision on the CSP 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.

Anyone with an appropriate interest in the CSP may file a Petition to Intervene and become a formal party. At the Evidentiary Hearing, a formal party may offer testimony and documentary evidence, receive documents filed by other parties, and cross-examine witnesses. However, 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 was **Tuesday, July 6, 2010.**¹ Petitions filed after that date and time extensions for new Intervenors to review case materials will be granted only upon a showing of extraordinary good cause. Intervenors will take the case as they find it at the time intervention is granted. For example, if the deadline for filing opening testimony has passed, the newly approved Intervenor will not be allowed to file opening testimony. Persons interested in obtaining intervenor status are therefore encouraged to file their petitions as soon as possible.

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].**

Agency and Public Participation

It is not necessary to be an Intervenor to participate in the public process. Anyone desiring information on how to participate may contact the Public Adviser's office as indicated above.

Local, state, and federal governmental agencies may participate at the Prehearing Conference 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.

¹ Though the deadline passed before the issuance of this Notice, the date of the first Evidentiary Hearing, which establishes the deadline to petition to intervene [see Cal. Code Regs., tit. 20, § 1207(b)], was known at least as early as the Notice of June 15 Committee Conference and Revised Committee Schedule issued on June 3, 2010.

Please include "Docket No. 08-AFC-13" on any written comments. **Comments made or submitted after the close of the Evidentiary Hearings will not be considered. Persons wishing to make comments after the close of the Evidentiary Hearings shall withhold those comments until the release of the Presiding Member's Proposed Decision and submit those comments in reference to the PMPD during the 30-day PMPD comment period.**

Energy Commission Information

Questions of a legal or procedural nature should be directed to Paul Kramer, the Hearing Officer, at (916) 654-5103 or e-mail: [\[pkramer@energy.state.ca.us\]](mailto:pkramer@energy.state.ca.us).

Technical questions concerning the Project should be addressed to Christopher Meyer, the Staff Project Manager, at (916) 653-1639 or e-mail: [\[cmeyer@energy.state.ca.us\]](mailto:cmeyer@energy.state.ca.us).

Technical questions concerning the BLM permitting process should be addressed to Jim Stobaugh, at (775) 861-6478, [\[Jim_Stobaugh@blm.gov\]](mailto:Jim_Stobaugh@blm.gov).

Media inquiries should be directed to the Office of Media and Public Communications at (916) 654-4989 or e-mail: [\[mediaoffice@energy.state.ca.us\]](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: [\[www.energy.ca.gov/sitingcases/calicosolar\]](http://www.energy.ca.gov/sitingcases/calicosolar). You may also subscribe to receive email notification of all notices at [\[www.energy.ca.gov/listservers\]](http://www.energy.ca.gov/listservers).

Dated: July 13, 2010, at Sacramento, California.

Original Document Signed By:

ANTHONY EGGERT
Commissioner and Presiding Member
Calico Solar AFC Committee

Original Document Signed By:

JEFFREY D. BYRON
Commissioner and Associate Member
Calico Solar AFC Committee

Mailed to Lists: POS, 7337, 7338, 7339, 7340

PARTICIPATION IN THE COMMITTEE CONFERENCE THROUGH WEBEX
THE ENERGY COMMISSION'S ON-LINE MEETING SERVICE

1. **Meeting number:** July 30 **491 997 353**
 August 4 – 6 **497 454 084**
 August 18 **497 228 554**

Meeting password (all days): calico@solar1

2. **COMPUTER LOG-ON WITH A DIRECT PHONE NUMBER:**

- Please go to <https://energy.webex.com> and enter the above **meeting number**.
- When prompted, enter your information and the above **meeting password**.

After you login, a prompt will appear on-screen for you to provide **your** phone number. In the **Number box**, type your area code and phone number and click OK. **You will receive a call back on your phone for the audio of the meeting.** International callers can use the "Country/Region" button to help make their connection.

3. **COMPUTER LOG-ON FOR CALLERS WITH AN EXTENSION PHONE NUMBER, ETC:**

- Please go to <https://energy.webex.com> and enter the above **meeting number**.
- When prompted, enter your information and the above **meeting password**.
- *After you login, a prompt will ask for your phone number. Click "CANCEL."*

Instead call 1-866-469-3239 (toll-free in the U.S. and Canada). When prompted, enter the meeting number above and your unique Attendee ID number which is listed in the top left area of your screen after you login.

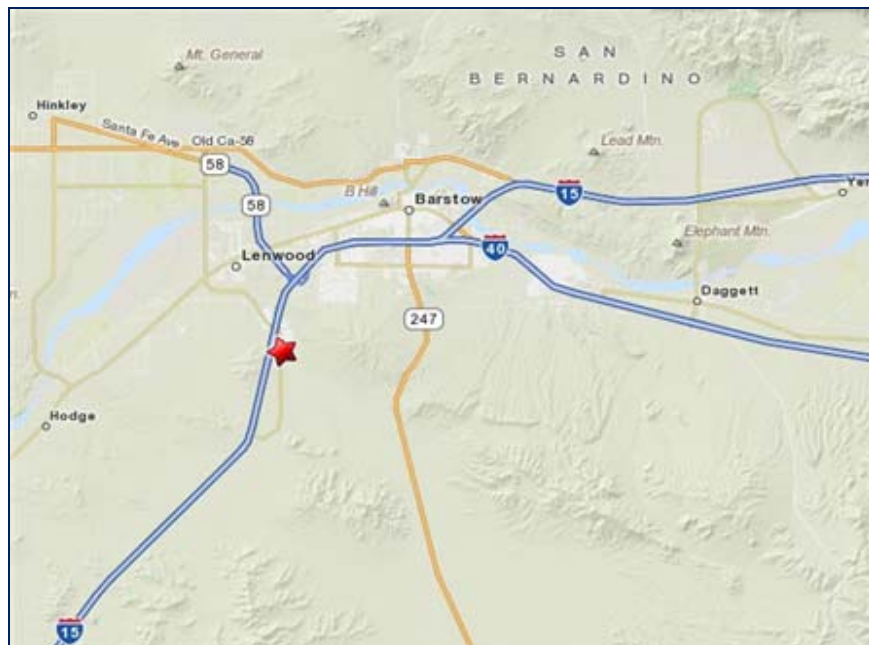
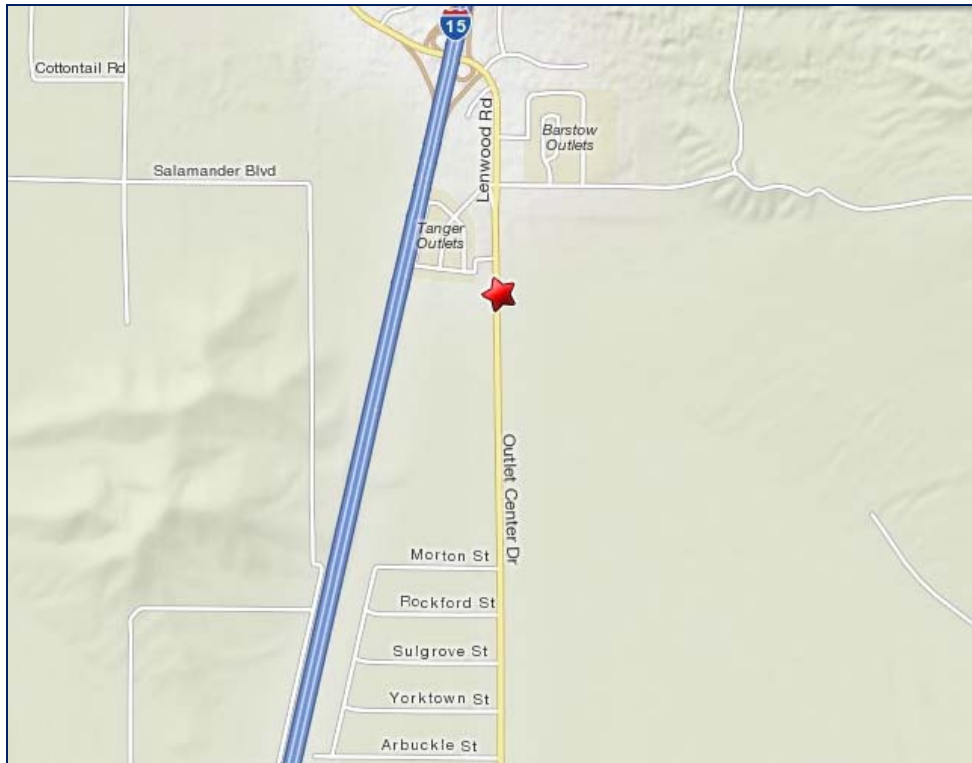
4. **TELEPHONE ONLY (NO COMPUTER ACCESS):**

- **Call 1-866-469-3239 (toll-free in the U.S. and Canada) and when prompted enter the above meeting number.**

If you have difficulty joining the meeting, please call the WebEx Technical Support number at 1-866-229-3239. To see if your computer is compatible, visit [<http://support.webex.com/support/system-requirements.html>].

*Please be aware that the meeting's WebEx audio and on-screen activity may be recorded

Evidentiary Hearings will be conducted on: WEDNESDAY, August 4, 2010 beginning at 12:00 noon and continuing into the evening hours, if necessary, and on THURSDAY, August 5 and FRIDAY, August 6, 2010, beginning each day at 9 a.m.



**Hampton Inn & Suites Barstow
2710 Lenwood Road
Barstow, CA 92311
Tel: 760-253-2600.**



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COMMISSION OF THE STATE OF CALIFORNIA
1516 NINTH STREET, SACRAMENTO, CA 95814
1-800-822-6228 – WWW.ENERGY.CA.GOV**

Docket Number: 08-AFC-13

Project Name: Application for Certification for the Calico Solar Project

SAMPLE TENTATIVE 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.*

Exhibit	Brief Description (Include date and docketed date)	Offered	Admitted	CEC Use Only
1	<p>ABC Power Plant Project Application for Certification (AFC); dated [month, day, year], and docketed on [month, day, year].</p> <ul style="list-style-type: none"> (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 			

	<ul style="list-style-type: none"> (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 			
2	<p>ABC, LLC's Objection to California Energy Commission Staff Data Requests (Set 1); dated [month, day, year], and docketed on [month, day, year].</p> <ul style="list-style-type: none"> (a) Objections to Data Request 16 (b) Objections to Data Request 53 (c) Objections to Data Requests 66, 67, and 68 			
3	<p>ABC, LLC's, Response to California Energy Commission Data Requests 1-74; [month, day, year], and docketed on [month, day, year].</p> <ul style="list-style-type: none"> (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 			
4	<p>Declaration of John Doe regarding Project Description; dated [month, day, year] and docketed. (month, day, year).</p>			

Energy Commission Staff Exhibits

Exhibit	Brief Description (Include date and docketed date)	Offered	Admitted	CEC Use Only
300	Final Staff Assessment for the ABC Power Plant Project, dated [month, day, year], and docketed [month, day, year].			
301	Energy Commission Staff's Errata to the Final Staff Assessment, dated [month, day, year] and docketed [month, day, year].			

Intervenor Exhibits (List the name of your organization, and use the correct Exhibit Numbers assigned above on Page 5.)

Exhibit	Brief Description (Include date and docketed date)	Offered	Admitted	CEC Use Only