

Summary of Typical Public Involvement Opportunities in Energy Commission Siting Cases

PHASE & TIME POINT ESTIMATES ¹	KEY ACTIVITIES	WHAT CAN THE PUBLIC DO?
Prefiling <i>Unspecified²</i>		
Data Adequacy <i>day -45-0</i>	<ol style="list-style-type: none"> 1. <i>AFC determined data adequate.</i>³ 	<ol style="list-style-type: none"> 1. Sign up on list-server⁴ 2. Monitor website⁵ 3. Sign up on project interest list⁶ 4. Learn about project & process 5. Identify local library repository⁷
Discovery <i>day 0-120</i>	<ol style="list-style-type: none"> 1. <i>Issuance of Issues Identification Report</i>⁸ 2. Site visit⁹ 3. Informational hearing¹⁰ 4. Workshop(s)¹¹ 5. <i>Issue Scheduling Order by Siting Committee</i>¹² 	<ol style="list-style-type: none"> 1. Watch for public notices¹³ 2. Attend site visit 3. Attend informational hearing 4. Attend workshops¹⁴ 5. Determine your level of involvement¹⁵ 6. Ask questions 7. Make comments¹⁶
Analysis <i>day 120-220</i>	<ol style="list-style-type: none"> 1. Workshop(s) 2. <i>Issue PSA by staff</i>¹⁷ 3. <i>Issue FSA by staff</i>¹⁸ 	<ol style="list-style-type: none"> 1. Stay informed¹⁹ 2. Watch for public notices 3. Attend workshops 4. Review / make comments on PSA²⁰ 5. Review / make comments on FSA²¹ 7. Intervenor deadline²²
Hearings <i>day 220-300</i>	<ol style="list-style-type: none"> 1. Pre-hearing Conference by Siting Committee²³ 2. <i>Issue Hearing Order by Siting Committee</i> 3. Evidentiary Hearings by Siting Committee²⁴ 	<ol style="list-style-type: none"> 1. Stay informed 2. Watch for public notices 3. Attend Pre-Hearing Conference 4. Attend evidentiary hearings 5. Make comments²⁵
Decision <i>day 300-365</i>	<ol style="list-style-type: none"> 1. <i>Issue PMPD by Siting Committee</i>²⁶ 2. Optional PMPD Siting Committee Conference 3. <i>Issue Revised-PMPD (if needed) by Siting Committee</i> 4. Optional Revised-PMPD Siting Committee Conference 5. <i>Commission Decision</i>²⁷ 6. <i>Notice of the Final Decision is filed with the Secretary of the Resources Agency.</i> 	<ol style="list-style-type: none"> 1. Stay informed 2. Watch for public notices 3. Review PMPD and comment during 30-day public review period 4. Attend optional conferences, if held 5. Review optional Revised-PMPD and comment during 15-day public review period, if issued 6. Attend (or participate via webcast) Commission Business Meeting and comment in person or via webcast phone call or in writing, as appropriate

KEY: **RED TEXT** = documents and determinations issued by the Energy Commission or staff with connected public opportunity; **BLUE TEXT** = process information

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- ¹ The Warren-Alquist State Energy Resources Conservation and Development Act, 15 Cal. Pub. Res. Code 25500, as amended.
- ² All pre-filing activities are at the applicant's option.
- ³ Phase concludes when staff makes procedural determination, based on regulations, that the Application for Certification (AFC) is sufficiently complete and the Commission affirms the recommendation by vote at its regular Business Meeting.
- ⁴ For automated e-mail notifications of notices and filings on siting project(s) of your choice access www.energy.ca.gov/listservers/index.html to register.
- ⁵ Access www.energy.ca.gov/sitingcases for project specific and process information.
- ⁶ Through the Public Adviser or the Project Manager via direct contact or at siting case meetings, workshops or hearings.
- ⁷ Where copies of the Application for Certification and notices of public events can be viewed.
- ⁸ Staff report identifying major issues relative to significant impacts that may be difficult to mitigate or aspects of the project that may not conform to applicable laws, ordinances, regulations and standards and staff's proposed schedule.
- ⁹ Site visit(s) and informational hearing(s) are held together.
- ¹⁰ The Informational Hearing will include presentations that describe the process, the project, and how to participate.
- ¹¹ Staff held workshops are varied and can be focused on informational purposes, data requests, data responses, issues resolution, the Preliminary Staff Assessment (PSA) and the Final Staff Assessment (FSA).
- ¹² Committee Order establishing the timeline for filings and meetings up until the evidentiary hearings.
- ¹³ Public meetings are publicly noticed in various ways, such as, list-server, mailings, newspapers, at libraries, on the website, etc. The public is welcome to attend and discuss the noticed topic(s).
- ¹⁴ The public is welcome to participate by asking questions, identifying issues that should be analyzed, and stating concerns.
- ¹⁵ Decide if you want to become a formal party by intervening in the proceedings. Note: "In a power plant siting case, the petition [to intervene] shall be filed no later than the Prehearing Conference or 30 days prior to the first hearing held. . .whichever is earlier..." (Title 20, Sec1207(b))
- ¹⁶ Public comments are encouraged and can be made throughout the process in writing and/or presented orally at workshops, meetings, conferences, hearings. (Comments throughout the process will be docketed into the record if they are submitted through the Energy Commission's e-commenting system, presented in writing at publicly noticed Energy Commission proceedings, or are written comments received by postage-paid mail or via e-mail within appropriate comment periods, but they are not entered as "evidence" into the record.)
- ¹⁷ Preliminary Staff Assessment, built upon the staff's Issue Identification Report, is the staff's independent analysis of an AFC. (It is neither a Committee document, nor a draft decision.) It describes the proposed project, the existing environment and project alternatives; discusses whether the facilities can be constructed and operated safely and reliably in accordance applicable laws, ordinances, regulations and standards; identifies environmental consequences, potential cumulative impacts, mitigations measures and proposed conditions under which the project should be constructed.
- ¹⁸ Final Staff Assessment is the updated, final version of the staff's independent analysis and conclusions and usually serves as the staff's testimony.
- ¹⁹ Continue to monitor website, look for public announcements, watch the newspaper, look for notices and list-server notifications, contact the Public Adviser, review the Scheduling Order and the Hearing Order for schedule information, review the Docket (formal case record), etc.
- ²⁰ Preliminary Staff Assessment workshops provide an opportunity for the public to make suggestions or state concerns about the staff analysis (PSA). FSA workshops (or settlement meetings) are convened as needed to attempt to resolve outstanding issues, based on the FSA, before evidentiary hearings commence.
- ²¹ FSA workshops (or settlement meetings) are convened as needed to attempt to resolve outstanding issues, based on the FSA, before evidentiary hearings commence.
- ²² Contact the Public Adviser to learn about intervenor status and the most effective way to be involved in proceedings. Note: "In a power plant siting case, the petition [to intervene] shall be filed no later than the Prehearing Conference or 30 days prior to the first hearing held. . .whichever is earlier..." (Title 20, Sec1207(b))
- ²³ The Siting Committee holds pre-hearing conference(s) and includes parties and interested agencies to establish procedures, identify issues and set schedules for witnesses and testimony in formal hearings on the application, which are then set forth in the Hearing Order. (20 CCR 1718.5)
- ²⁴ The siting committee shall commence hearings, to identify significant adverse impacts not previously identified, assess the feasibility of mitigation measures, consider compliance with LORS, consider compliance with health and safety standards and whether the facility can be safely and reliably constructed, etc. (20 CCR 1748)
- ²⁵ Public comment is welcome at the end of the hearings (but only intervenors are allowed to cross examine witnesses).
- ²⁶ The Siting Committee issues the Presiding Members Proposed Decision (PMPD), optionally followed by the Revised PMPD.
- ²⁷ The Commission will vote on licensing the project at a regularly scheduled Business Meeting and will issue a Final Decision subsequent to the Business Meeting. No further evidence is allowed.