

STATE OF CALIFORNIA  
ENERGY RESOURCES CONSERVATION AND DEVELOPMENT COMMISSION

Application for Certification )  
for the Ivanpah Solar Electric )  
Generating System "ISEGS" )  
\_\_\_\_\_ )

Docket No. 07-AFC-5

**(1) NOTICE OF HEARING ON PETITION FOR RECONSIDERATION OF  
ISEGS FINAL DECISION BY INTERVENOR BASIN AND RANGE WATCH  
AND ANY OTHER SUBSEQUENTLY FILED PETITION(S);  
(2) ORDER ON RESPONSES TO PETITION(S); AND  
(3) OFFICIAL NOTICE OF USFWS BIOLOGICAL OPINION**

On September 22, 2010, the Energy Commission approved the Application for Certification (AFC) for the Ivanpah Solar Electric Generating System ("ISEGS"), Powerplants 1, 2, and 3. (Docket No. 07-AFC-5, Order No. 10-0922-15 (September 22, 2010).) On October 4, 2010, a Petition for Reconsideration ("Petition") of that decision was filed by Intervenor Basin and Range Watch.

This document directs Applicant and Staff, and invites others, to file briefs on whether the Commission should grant the Petition and establishes a hearing date of October 26, 2010 for the Commission to consider the Petition for Reconsideration filed by Basin and Range Watch, and any other petitions for reconsideration received by October 22, 2010. It also takes official notice of the United States Fish and Wildlife Service's Biological Opinion on the ISEGS project, which was issued on October 1, 2010.

Section 1720 of the Commission's regulations allows any party in a power facility certification case to file a petition for reconsideration of a decision or order, within 30 days after a determination is final. (Cal. Code Regs., tit. 20, § 1720, subd. (a).) That section also lists the required contents of such petitions and specifies deadlines for Commission action thereon. (*Id.*, § 1720, subds. (b)-(c).) The Commission must grant or deny a petition for reconsideration within 30 days of its filing. (*Id.*, § 1720, subd. (b).) If the Commission denies the petition, the original determination stands. If the Commission grants the petition, it is required to hold a subsequent hearing (which may include the taking of evidence) within 90 days to consider whether to change the original determination (*Id.*, § 1720, subds. (b)-(c).)

The Commission will hold a hearing to consider whether to grant or deny the ISEGS Petition for Reconsideration filed by Basin and Range Watch, and any other petition for reconsideration filed by October 22, 2010, at the **Commission Business Meeting beginning at 2:00 p.m. on Tuesday, October 26, 2010, in Hearing Room B at 1516 Ninth Street, Sacramento, California.** (Hearing Room B is wheelchair accessible.)

The Applicant and the Staff shall, and any other party to the ISEGS AFC proceeding may, file briefs supporting or opposing the petitions. In addition, the Commission invites public comments and comments from interested agencies including the California Department of Fish and Game, Bureau of Land Management, and the U.S. Fish and Wildlife Service.

Section 1213 of the Commission's regulations allows the Commission to take official notice of any fact which may be judicially noticed by the courts of this state (Cal. Code Regs., tit. 20, § 1213; see Cal. Evid. Code § 452 subd. (c).) The section also requires that parties to the proceeding be informed of the matters to be noticed, and those matters shall be noted in the record, or attached thereto. (*Id.*) Parties shall be given a reasonable opportunity on request to refute the officially noticed matters by evidence or by written or oral presentation of authority. (*Id.*)

Pursuant to section 1213, the Commission hereby takes official notice of the USFWS Biological Opinion on BrightSource Energy's Ivanpah Solar Electric Generating System Project, San Bernardino County, California [CACA-48668, 49502, 49503, 49504] (8-8-10-F-24) dated October 1, 2010. ([http://www.blm.gov/ca/st/en/fo/needles/nefo\\_nepa.html](http://www.blm.gov/ca/st/en/fo/needles/nefo_nepa.html)).

Briefs, comments, or requests to refute taking official notice shall be filed physically or electronically in a manner consistent with Sections 1209 or 1209.5 of the Commission's regulations. (Cal. Code Regs., tit. 20, §§ 1209 & 1209.5.) Pursuant to Section 1210 of the Commission's regulations, documents filed by parties must include proof of service to the service list of this proceeding, which may be accomplished by e-mail. (Cal. Code Regs., tit. 20, § 1210.)

The Energy Commission encourages the use of electronic filing. Documents may be filed electronically as an attachment to an e-mail directed to the Energy Commission's Dockets Office, set forth below. All documents filed electronically shall be in either Microsoft Word or Portable Document Format (PDF). Please include the name of the submitting entity or individual in document file name. **One paper copy** must **also** be sent to the Energy Commission's Docket Unit at:

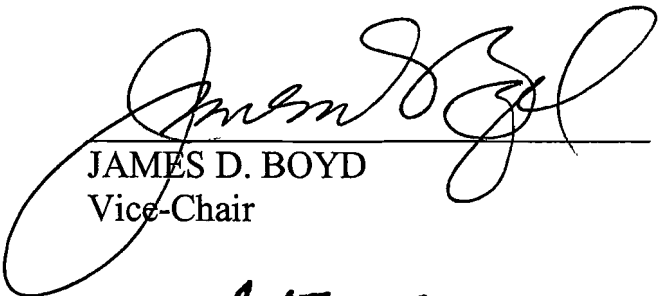
California Energy Commission  
Dockets Office, MS-4  
Re: Docket No. 07-AFC-5  
1516 Ninth Street  
Sacramento, CA 95814-5512

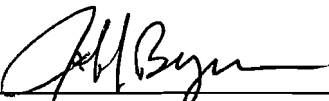
e-mail address: [docket@energy.state.ca.us](mailto:docket@energy.state.ca.us)


In order to assure that your brief, comments, or request to refute taking official notice are considered, **all documents must be received physically or electronically at the address above by noon on Monday, October 25, 2010.** Please note that mailed comments must be **physically delivered by this time**; an October 25 postmark is insufficient.

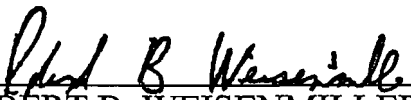
Dated: October 12, 2010, at Sacramento, California.

  
KAREN DOUGLAS  
Chair

  
JAMES D. BOYD  
Vice-Chair

  
JEFFREY D. BYRON  
Commissioner

  
ANTHONY EGGER  
Commissioner

  
ROBERT B. WEISENMILLER  
Commissioner

Mailed to Lists: POS, 7255, 7256, 7257, 7258



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 *IVANPAH SOLAR ELECTRIC  
GENERATING SYSTEM*

DOCKET No. 07-AFC-5  
PROOF OF SERVICE  
(Revised 3/11/10)

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DECLARATION OF SERVICE

I, Scott McDonald, declare that on October 13, 2010, I served and filed copies of the attached, (1) NOTICE OF HEARING ON PETITION FOR RECONSIDERATION OF ISEGS FINAL DECISION BY INTERVENOR BASIN AND RANGE WATCH AND ANY OTHER SUBSEQUENTLY FILED PETITION(S); (2) ORDER ON RESPONSES TO PETITION(S); AND (3) OFFICIAL NOTICE OF USFWS BIOLOGICAL OPINION, dated October 12, 2010. The original document, filed with the Docket Unit, is accompanied by a copy of the most recent Proof of Service list, located on the web page for this project at: [\[www.energy.ca.gov/sitingcases/ivanpah\]](http://www.energy.ca.gov/sitingcases/ivanpah).

The documents have been sent to both the other parties in this proceeding (as shown on the Proof of Service list) and to the Commission's Docket Unit, in the following manner:

**(Check all that Apply)**

FOR SERVICE TO ALL OTHER PARTIES:

- sent electronically to all email addresses on the Proof of Service list;
- by personal delivery;
- by delivering on this date, for mailing with the United States Postal Service with first-class postage thereon fully prepaid, to the name and address of the person served, for mailing that same day in the ordinary course of business; that the envelope was sealed and placed for collection and mailing on that date to those addresses **NOT** marked "email preferred."

**AND**

FOR FILING WITH THE ENERGY COMMISSION:

- sending an original paper copy and one electronic copy, mailed and emailed respectively, to the address below (**preferred method**);

**OR**

- depositing in the mail an original and 12 paper copies, as follows:

**CALIFORNIA ENERGY COMMISSION**

Attn: Docket No. 07-AFC-5  
1516 Ninth Street, MS-4  
Sacramento, CA 95814-5512  
[docket@energy.state.ca.us](mailto:docket@energy.state.ca.us)

I declare under penalty of perjury that the foregoing is true and correct, that I am employed in the county where this mailing occurred, and that I am over the age of 18 years and not a party to the proceeding.

  
\_\_\_\_\_  
SCOTT MCDONALD