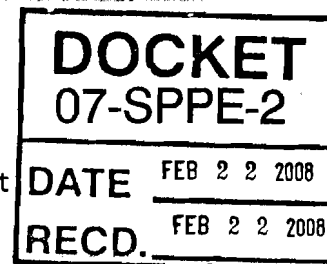


Docket Optical System - Fwd: Re: Orange Grove Energy Project and Rainbow Municipal Water District

From: Ken Celli
To: Docket Optical System; Orange Grove POS
Date: 2/22/2008 9:18 AM
Subject: Fwd: Re: Orange Grove Energy Project and Rainbow Municipal Water District
Attachments: Orange grove POS List.pdf



Dear Mr. Arand:

I understand that you wish to be helpful to the committee hearing the Orange Grove case, but when you send any correspondence to me, the Commissioners on the Committee or their Advisors without copying all the other parties in the case (applicant, staff, intervenors) then you violate the rule against Ex Parte Communications. I have provided the Ex Parte Rule below so that you can read and adhere to its terms. Ex Parte communications compromise the integrity of our process and may even result in disqualification of members of the committee who receive Ex Parte Communications.

I am attaching a Proof of Service list to this email so you know who must be served in the case. When you send correspondence to staff, they file it with Dockets and I automatically receive a copy because I am on the notifications list. There is no need to send correspondence directly to me or members of the Committee.

For further information, I would advise you to speak to the Public Advisor or obtain independent legal counsel to assist you in your case.

Government Code Section 11430.10. (a) While the proceeding is pending there shall be no communication, direct or indirect, regarding any issue in the proceeding, to the presiding officer from an employee or representative of an agency that is a party or from an interested person outside the agency, without notice and opportunity for all parties to participate in the communication.

(b) Nothing in this section precludes a communication, including a communication from an employee or representative of an agency that is a party, made on the record at the hearing.

(c) For the purpose of this section, a proceeding is pending from the issuance of the agency's pleading, or from an application for an agency decision, whichever is earlier.

Kenneth D. Celli

Hearing Advisor II
 California Energy Commission
 Hearing Office
 1516 9th Street, MS 9
 Sacramento CA 95814-5512
 (916) 651-8893

CONFIDENTIAL ATTORNEY CORRESPONDENCE

>>> "Anthony J Arand" <tony@envirepel.com> 2/21/2008 8:22 PM >>>
Mr. Celli,

I have had detailed discussions with a member of the Board of Directors of the Rainbow Municipal Water District regarding some of the comments made by the Attorney for the Orange Grove Project at the Hearing this week. The Director that I have talked with has no recollection of any vote by the Board to approve service to the Project as claimed by the Project's Attorney.

Below is a link to the minutes of the Board meetings for the Water District in which I am unable to find any mention of the Orange Grove Project.

<http://www.rainbowmwd.com/contentpage.asp?ContentID=53>

As a ratepayer in the Water District, I am submitting a letter to the Board of Directors requesting a FOI for all documents between the Water District and the Orange Grove Project, including receipts for meter fees and engineering documents. I expect that the District will take the full 10 business days to respond to my request. What ever I am presented with by the District, I will furnish to Staff.

As I understand it in my discussions with the Board Member, most of the Statements made by Project's Attorney during this weeks hearing regarding the true availability of fresh water to the Project from the Rainbow Municipal Water District may be subject to challenge.

Sincerely,

Anthony J Arand

cc: Felicia Miller