Energy - Docket Optical System

From: Ileene Anderson [IAnderson@biologicaldiversity.org]
Sent: Tuesday, October 30, 2012 3:12 PM
To: Celli, Ken@Energy; Brian Biering; DeCarlo, Lisa@Energy; tstewart@brightsourceenergy.com; bdejean@brightsourceenergy.com; kthompson@brightsourceenergy.com; Andrea@agrenier.com; Leiba, Angela; Chris Ellison; lbelenky@biologicaldiversity.org; canderson@mdaqmd.ca.gov; e-recipient@caiso.com; cperry@blm.gov; lelser@blm.gov; klind@co.riverside.ca.us; tnorth@co.riverside.ca.us; Peterman, Carla@Energy; Douglas, Karen@Energy; Allen, Eileen@Energy; Bartridge, Jim@Energy; Lemei, Galen@Energy; Nelson, Jennifer@Energy; Martinez, Pierre@Energy; Energy - Public Adviser's Office; Energy - Docket Optical System
Subject: RE: Revised: Rio Mesa Solar (11-AFC-04) - Request Comment Period Extension on PSA

Dear Hearing Officer Celli,
We agree with Staff Counsel De Carlo's analysis that staff only needs to respond to comments submitted by the PSA deadline, therefore, to clarify, we are still asking for an extension of 15 working days to be able to provide the detailed comments on the complexities of the issues brought up in the PSA. With the project proponent's counsel opposing this, I'm unclear if it can be "resolved informally".
Your input is appreciated in advance.
Sincerely
Ileene Anderson

From: Celli, Ken@Energy [mailto:Ken.Celli@energy.ca.gov]
Sent: Tuesday, October 30, 2012 2:22 PM
To: Brian Biering; Ileene Anderson; DeCarlo, Lisa@Energy; tstewart@brightsourceenergy.com; bdejean@brightsourceenergy.com; kthompson@brightsourceenergy.com; Andrea@agrenier.com; Leiba, Angela; Chris Ellison; lbelenky@biologicaldiversity.org; canderson@mdaqmd.ca.gov; e-recipient@caiso.com; cperry@blm.gov; lelser@blm.gov; klind@co.riverside.ca.us; tnorth@co.riverside.ca.us; Peterman, Carla@Energy; Douglas, Karen@Energy; Allen, Eileen@Energy; Bartridge, Jim@Energy; Lemei, Galen@Energy; Nelson, Jennifer@Energy; Martinez, Pierre@Energy; Energy - Public Adviser's Office; Energy - Docket Optical System
Subject: RE: Revised: Rio Mesa Solar (11-AFC-04) - Request Comment Period Extension on PSA

Hi Brian:

In light of the email from Staff Counsel De Carlo, it appears that Committee involvement in the PSA comments is not appropriate at this time. It seems to me that the matter is likely to be resolved informally among the parties long before it would elevate to a Committee matter. However, if I have not properly understood the problem, by all means please help me correct the misunderstanding.

Thank you,

Kenneth D. Celli
Hearing Advisor II
California Energy Commission
1516 Ninth Street, MS-9
Sacramento, CA 95814

(916) 651-8893

From: Brian Biering [mailto:bsb@eslawfirm.com]
Sent: Tuesday, October 30, 2012 1:41 PM
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Subject: RE: Revised: Rio Mesa Solar (11-AFC-04) - Request Comment Period Extension on PSA

Hearing Officer Celli,

Applicant opposes the Center for Biological Diversity's (CBD) request for an extension in the PSA comment deadline to December 7, 2012. Other than noting that the PSA poses "complex issues", CBD does not provide justification for their request. In addition, the late filing of CBD's comments could delay the proceeding, which is of concern to the Applicant. For these reasons, Applicant opposes CBD's request.

Brian S. Biering
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Sent: Tuesday, October 30, 2012 1:33 PM
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Subject: Revised: Rio Mesa Solar (11-AFC-04) - Request Comment Period Extension on PSA

Hello all,
It has come to my attention that there were discrepancies in my submission yesterday re: the deadline extension request date. In my email, I noted a 12/7 deadline extension request, while the submittal itself asked for a 12/15 deadline extension request. The Center's intention was/is to ask for a 15 working day extension from the current PSA comment deadline, so I have corrected the submittal to reflect a 12/7 deadline request. I also corrected the title of our document – it is not a data request, but a request for a comment deadline extension. Please disregard our submittal from yesterday.

In response to Ms. De Carlo's email from yesterday, which recognizes that staff is only required to respond to comments ***submitted by the PSA deadline***, although additional comments would be received throughout the process, this is exactly the reason that the Center for Biological Diversity is seeking an extension of time for all comments to the PSA which should be fully considered and responded to by staff. The Center and members of the public need sufficient time for a careful review of the PSA and to prepare detailed comments. This is undermined by the very short PSA deadline. Furthermore, we fail to see the need to rush to the FSA. In the past, at least two projects that were rushed through the CEC certification process resulted in stop work orders due to issues that arose from inadequate environmental review:

ISEGS which ultimately had hundreds of additional state threatened desert tortoises on the project site than the FSA identified, and Genesis which ultimately had a significant 200-acre cultural site including human remains that were not adequately identified in the FSA, in addition to the first outbreak of canine distemper in desert kit foxes which were being hazed off the project site and the flooding and extensive impacts to soils as evidence of inadequate review of surface water issues. We do think a comprehensive review including adequate comment period for intervenors and the public to comment on the PSA is an advantage to the process and ultimately the project, and therefore are resubmitting our request with our corrections as noted above.

Respectfully submitted,
Ileene

Ileene Anderson
Biologist/Public Lands Desert Director
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