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DOCKET	
09-AFC-8	
DATE	<u>FEB 16 2010</u>
RECD.	<u>FEB 16 2010</u>

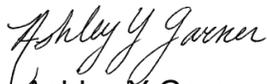
February 16, 2010

California Energy Commission
Docket Unit, MS-4
1516 Ninth Street
Sacramento, CA 95814-5512

Re: **GENESIS SOLAR, LLC ISSUE STATEMENT FOR FEBRUARY 16 STATUS
CONFERENCE
DOCKET NO. (09-AFC-8)**

Enclosed for filing with the California Energy Commission is the original of the **GENESIS SOLAR, LLC ISSUE STATEMENT FOR FEBRUARY 16 STATUS CONFERENCE**, for the Genesis Solar Energy Project Docket No. (09-AFC-8).

Sincerely,


Ashley Y Garner

Scott A. Galati
Robert Gladden
GALATIBLEK, LLP
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STATE OF CALIFORNIA

Energy Resources
Conservation and Development Commission

In the Matter of:

Application for Certification for the
Genesis Solar Energy Project

DOCKET NO. 09-AFC-8

**GENESIS SOLAR, LLC ISSUE
STATEMENT FOR FEBRUARY 16
STATUS CONFERENCE**

In order to provide recommendations to the Committee concerning the processing of the Genesis Solar Energy Project (GSEP) Application For Certification (AFC), Genesis Solar, LLC, has prepared this list of issues that we believe would be helpful to discuss at the upcoming February 16, 2010 Status Conference. As the Committee has noted, and in response to Genesis requests for conferences, the purpose of the Status Conference should be to resolve issues that may prevent the GSEP from being processed expeditiously in order to reach a Decision that would allow ARRA funding to be obtained. With that goal in mind, the following is a list of issues that Genesis Solar, LLC believes would be important to discuss at the Status Conference.

- I. Clarity on Scoping Order regarding water use for GSEP.
 - a. Does the language “least amount” for power plant cooling mean that a project must dry cool or show that dry cooling is not technically, legally, or economically feasible, or would create a significant environmental impact?
 - b. Does the language “worst available water” for power plant cooling mean that a project must use the water with highest TDS over 3000 mg/L that is technically, legally, or economically feasible, as long as it does not create significant environmental impacts?
 - i. If a project has identified and commits to using water slightly above 3000 mg/L TDS (the standard identified in SWRCB Policy 88-63) does the policy require the applicant to continue to look for water with a higher TDS, or would such use comply with the Policy.
- II. Disagreements with Staff should not delay the Staff Assessment
 - a. Examples
 - i. Biology
 1. Mitigation Ratio For Desert Tortoise

2. Jurisdictional Waters of the State
- ii. Drainage
 1. Performance Standards in a Condition should be implemented to allow for final design flexibility
- iii. Groundwater Modeling parameters and lists of cumulative projects
 1. Staff has recently informed the Applicant that it cannot provide a list of cumulative projects, because
 - a. First it said it had not created the list
 - b. BLM has deemed it confidential

III. Schedule

- a. Genesis Solar, LLC is disappointed that the schedule for the Staff Assessment has slipped considering that the GSEP was the first in the ARRA cue at the CEC
 - i. Genesis Solar, LLC urges the Committee to order Staff to meet its new date for the SA/DEIS in order to allow sufficient time at evidentiary hearings for the Commission to resolve disagreements.

Genesis Solar, LLC looks forward to a productive Status Conference on February 16, 2010 and remains open to suggestions regarding the schedule that allow the project to move expeditiously while not requiring it to give up its right to disagree with Staff.

Dated: February 15, 2010

/original signed/

Scott A Galati
Counsel to Genesis Solar, LLC



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
GENESIS SOLAR ENERGY PROJECT**

Docket No. 09-AFC-8

**PROOF OF SERVICE
(Revised 2/8/10)**

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DECLARATION OF SERVICE

I, Ashley Y Garner, declare that on February 16, 2010, I served and filed copies of the attached **GENESIS SOLAR, LLC ISSUE STATEMENT FOR FEBRUARY 16 STATUS CONFERENCE** dated **February 15, 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: **[http://www.energy.ca.gov/sitingcases/genesis_solar].**

The document has 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 or by depositing in the United States mail at Sacramento, California with first-class postage thereon fully prepaid and addressed as provided on the Proof of Service list above to those addresses **NOT** marked "email preferred."

AND

For filing with the Energy Commission:

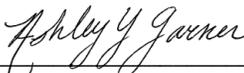
sending an original paper copy and one electronic copy, mailed and emailed respectively, to the address below (*preferred method*);

OR

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

CALIFORNIA ENERGY COMMISSION
Attn: Docket No. 09-AFC-8
1516 Ninth Street, MS-4
Sacramento, CA 95814-5512
docket@energy.state.ca.us

I declare under penalty of perjury that the foregoing is true and correct.



Ashley Y Garner