

DOCKET	
09-AFC-8	
DATE	<u>JUN 25 2010</u>
RECD.	<u>JUN 25 2010</u>

June 25, 2010

California Energy Commission
Dockets Unit
1516 Ninth Street
Sacramento, CA 95814-5512

Subject: **GENESIS SOLAR, LLC'S PREHEARING CONFERENCE STATEMENT
GENESIS SOLAR ENERGY PROJECT
DOCKET NO. (09-AFC-8)**

Enclosed for filing with the California Energy Commission is the original of
GENESIS SOLAR, LLC'S PREHEARING CONFERENCE STATEMENT for the
Genesis Solar Energy Project (09-AFC-8).

Sincerely,



Marie Mills

Scott A. Galati
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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'S
PREHEARING CONFERENCE
STATEMENT**

INTRODUCTION

Genesis Solar, LLC (Genesis), in accordance with 20 CCR § 1718.5 and the Committee Order dated April 1, 2010, hereby files its Prehearing Conference Statement for the Genesis Solar Energy Project (GSEP). Genesis is prepared to proceed to evidentiary hearing on all topic areas contained in the Revised Staff Assessment (RSA) and/or Staff Assessment (SA).

In accordance with the above referenced order, Genesis presents its Prehearing Conference Statement, as follows:

A. Topic Areas Complete and Ready to Proceed To Evidentiary Hearing

Genesis believes that all topic areas (and or disciplines) are complete and ready for adjudication at the Evidentiary Hearings. Staff elected to refrain from publishing the Socioeconomics and Cultural Resources sections in the RSA, which was published on June 11, 2010. Staff did, however, publish the Cultural Resources section of the RSA on June 18, 2010 but still has not published the Socioeconomics section. We believe the Committee has ample evidence without Staff's additional testimony in Socioeconomics to conclude that the GSEP will not result in significant environmental impacts and will comply with all applicable

laws, ordinances, regulations and standards (LORS) and therefore believe all topic areas are complete and ready for evidentiary hearing.

B. Incomplete Topic Areas

As discussed above, Genesis does not believe that any topic area is incomplete. Genesis requests the Committee to not allow Staff's failure to publish this Socioeconomics section to delay the schedule. If Staff publishes the Socioeconomics section on or before June 30, 2010 Genesis requests that the parties be granted the ability to file additional testimony by July 7, 2010 in response. If Staff fails to publish this section by June 30, 2010, Genesis requests the Committee proceed to evidentiary hearing anyway and rely on the ample information provided by Genesis in the AFC and by Staff in its Socioeconomics Section contained in the Staff Assessment/Draft Environmental Impact Statement (SA/DEIS), which was published on March 26, 2010.

C. Disputed Topic Areas

To assist the Committee in scheduling the time necessary for evidentiary hearings, Genesis has divided the disputed topic areas into the following three categories.

- Category 1. Topic areas where Genesis agrees with Staff's analysis and ultimate conclusions but offers modifications to analysis or Conditions of Certification for Committee consideration and where live testimony is not warranted

- Category 2. Topic areas where Genesis disagrees with Staff analysis and ultimate conclusions and/or Conditions of Certification where live direct testimony and cross-examination are warranted

- Category 3. Topic areas where Genesis disagrees with Interveners where live direct testimony and cross-examination are warranted

Category 1 topics include Alternatives, Air Quality, Hazardous Materials, Project Description, Transmission Line Safety and Nuisance, and Worker Safety.

Category 2 topics include Biological Resources, Cultural Resources, Land Use, Soil & Water Resources, and Visual Resources.

Category 3 topics include Alternatives, Biological Resources, Hazardous Materials, Soil & Water Resources, and Waste Management.

All other areas are undisputed. A brief description of each dispute is included in Table 1.

D. Proposed Witnesses and Testimony

Table 1 identifies the witnesses that Genesis intends to call and offer direct testimony including a brief summary of the subject areas of the testimony and an estimate of the amount of time necessary for direct live testimony. The table also identifies those areas where Genesis believes live testimony is not warranted and therefore offers to submit the testimony upon sworn declaration.

E. Cross-Examination

Table 1 identifies those witnesses that Genesis will cross-examine with an estimate of the amount of time necessary. A brief description of the subject areas in dispute that will encompass the scope of cross-examination is included in Table 1.

Genesis requests CURE present a principal of that organization for cross-examination. Pursuant to Government Code Section 11450.20 the attorney of record of a party has subpoena power to compel witnesses to attend and provide testimony. Government Code Section 11450.50 provides that no formal subpoena is required to compel a party to appear in the proceeding; only written notice in the manner required by Civil Code Section 1987 is required. Genesis is giving CURE advance notice in this PreHearing Conference Statement and will be serving written notice in accordance with Civil Code Section 1987 requiring CURE produce a principal of CURE, who can testify to its conduct and participation in these proceedings. This information is relevant to the proceedings in order to provide Genesis and Staff evidence necessary to prove laches, unclean hands, bias, and credibility.

In anticipation of CURE's objection to bring such a witness, Genesis provides the following analysis as authority for its demand. Under California's Administrative Procedures Act (APA)¹, agencies² conducting adjudicative proceedings³ apply

¹ Government Code Chapters 3.5 through Chapter 5 –(Sections 11340 through 11500 et seq.)

² Govt. Code Section 11405.30: "...a board, bureau, commission, department, division, office, officer, or other administrative unit, including the agency head, and one or more members of the agency head or agency employees or other persons directly or indirectly purporting to act on behalf of or under the authority of the agency head..."

the provisions of the APA's adjudicative procedures, at a minimum, to supplement the procedures that have been established by that agency⁴.

In this matter, there can be no dispute that the Commission is an agency by definition under the APA. Therefore the evidentiary hearings conducted by the Commission to reach a decision on the Genesis AFC are subject to the administrative adjudicative provisions⁵ delineated in the APA⁶.

More specifically, the procedures authorized for administrative proceedings include the subpoena powers that begin at Government Code Section 11450.05. Similarly, the CEC Regulations have invoked the subpoena powers by reference to the Powers of a Chairman to issue subpoenas⁷ but, noteworthy, does not limit in any manner the application of the APA subpoena powers. Taken in concert with the Government Code **directive that the APA supplements the agency regulations**, the full subpoena powers of the APA expressly obtain to administrative proceedings that are conducted by the CEC⁸.

Accordingly, Genesis invokes the subpoena powers under Government Code Section 11450.50⁹ for CURE to produce a representative of CURE who can testify to CURE's participation and actions taken in the Genesis proceeding at the evidentiary hearings scheduled for July 12 and 13, 2010.

³ Govt. Code Section 11405.20: "...an evidentiary hearing for determination of facts pursuant to which an agency formulates and issues a decision."

⁴ Govt. Code Section 11415.10(b): "This chapter supplements the governing procedure by which an agency conducts an adjudicative proceeding."

⁵ Govt. Code Section 11400(a): "This chapter and Chapter 5 (commencing with Section 11500) constitute the administrative adjudication provisions of the Administrative Procedure Act."

⁶ Govt. Code Section 11405.20: "an evidentiary hearing for determination of facts pursuant to which an agency formulates and issues a decision." See also section 11410.10

⁷ CEC Reg. Section 1203

⁸ Govt. Code Section 11450.05(b): "An agency may use the subpoena procedure provided in this article in an adjudicative proceeding not required to be conducted under Chapter 5 (commencing with Section 11500), in which case all the provisions of this article apply including, but not limited to, issuance of a subpoena at the request of a party or by the attorney of record for a party under Section 11450.20."

⁹ This section requires only written notice to be served on the opposing party's attorney in lieu of service of a subpoena. This procedure requires only 10 days written notice to the attorney, subject to the conditions of Code of Civil Procedure Section 1987.

This section states:

"(a) In the case of the production of a party to the record of a proceeding or of a person for whose benefit a proceeding is prosecuted or defended, the service of a subpoena on the witness is not required if written notice requesting the witness to attend, with the time and place of the hearing, is served on the attorney of the party or person.

(b) Service of written notice to attend under this section shall be made in the manner and is subject to the conditions provided in Section 1987 of the Code of Civil Procedure for service of written notice to attend in a civil action or proceeding."

F. Exhibit List

Table 2 is Genesis' Proposed Exhibit List.

G. Finding of Override

The RSA identified potential unmitigatable cumulative impacts in Visual Resources and Land Use. Genesis disagrees with Staff and believes that the GSEP will not result in unmitigatable cumulative significant impacts and will comply with all applicable laws, ordinances, regulations and standards (LORS). The only way that Genesis would request a Finding of Override would be if the Committee did not agree.

H. Scheduling

In order to facilitate the schedule, Genesis requests the Committee allow the parties to make a brief closing argument at the end of testimony for each section so that the Committee can decide whether or not briefs are necessary. At this time Genesis would not recommend briefing. If the Committee did require briefing Genesis requests that briefs not include closing argument regarding the facts and ultimate conclusions but be limited to answering legal questions only.

Genesis understands that Staff is preparing a Supplement to include Socioeconomics and that such Supplement may be published by June 30, 2010. To allow the parties to proceed to evidentiary hearing and conclude the presentation of evidence for all topic areas, Genesis proposes that all parties file testimony limited to the matters covered in the Supplement on July 7, 2010. Parties could present rebuttal testimony at the evidentiary hearings but would be required to exchange any rebuttal exhibits by July 9, 2010.

I. Proposed Modifications to Conditions of Certification

Genesis has carefully reviewed the RSA and is in general agreement with the substantial majority of its Conditions of Certification. Conditions of Certification where Genesis respectfully requests modifications as presented in our Opening Testimony.

CONCLUSION

Genesis looks forward to a productive and efficient PreHearing Conference and Evidentiary Hearing. Genesis believes it would be helpful for the Committee to provide direction, based on the testimony filed, to the parties to encourage settlement and resolution of issues in the workshop(s) following the PreHearing Conference. Genesis remains committed to seeking resolution where feasible.

Dated: June 25, 2010

Respectfully Submitted,

// original signed //

Scott A. Galati
Counsel to Genesis Solar, LLC

TABLE 1

GENESIS SOLAR ENERGY PROJECT
Proposed Witness List

TOPIC AREA	DISPUTES BETWEEN PARTIES	WITNESS	TESTIMONY SUMMARY	DIRECT TESTIMONY ESTIMATE	CROSS-EXAM ESTIMATE
ALTERNATIVES	Minor dispute with Staff, Category 1 Major dispute with CBD and Budlong, Category 3	Meg E. Russell, NextEra Energy Resources Scott A. Busa, NextEra Energy Resources Kenneth Stein, NextEra Energy Resources Jared Foster, Worley Parsons Group	Genesis wishes for the Committee to include additional Project Objectives rejected by Staff and reserves right to cross-examine Interveners	10 minutes	10 minutes
AIR QUALITY	Minor Category 1	P. Duane McCloud, NextEra Energy Resources Richard B. Booth, Tetra Tech EC, Inc Kenneth Stein, NextEra Energy Resources Jared Foster, Worley Parsons Group	Genesis disagrees with Staff use of the federal PSD thresholds as CEQA significance thresholds and proposed minor changes to Conditions of Certification	Declaration	None

TOPIC AREA	DISPUTES BETWEEN PARTIES	WITNESS	TESTIMONY SUMMARY	DIRECT TESTIMONY ESTIMATE	CROSS-EXAM ESTIMATE
BIOLOGICAL RESOURCES	Major Dispute, Category 2 and Category 3	<p>Alice Karl, Biological Consultant</p> <p>Emily Festger, Tetra Tech EC, Inc.</p> <p>Kenneth Stein NextEra Energy Resources</p> <p>Miles Kenney, Worley Parsons Group</p>	<p>Disagreement with Staff on impacts and Conditions of Certification BIO-8 (clarifying minimization measures), BIO-9 (Desert Tortoise Clearance Surveys and Fencing), BIO-12 (Desert Tortoise Habitat Compensation), BIO-14 (Weed Management Plan), BIO-15 (Bird Surveys), BIO-17 (American Badgers and Desert Kit Fox buffer distances), BIO-18 (Burrowing Owl Surveys and Mitigation), BIO-19 (Plant Surveys and Mitigation), BIO-20 (Mitigation for Mojave Fringe Toed Lizard), BIO-21 (Evaporation Pond Bird Deterrent Techniques), BIO-23 (BLM Decommissioning Plan, BIO-25 (Groundwater-Dependent Vegetation Monitoring), BIO-28 (Golden Eagle Surveys), and BIO-29 (In lieu Fee Mitigation)</p> <p>Genesis also disputes the following areas</p>	1	<p>Staff – 1 hour</p> <p>Cashen – 1 hour</p> <p>Ileene Anderson– 0.5 hours</p> <p>CURE Principal – 0.5 hours</p>

TOPIC AREA	DISPUTES BETWEEN PARTIES	WITNESS	TESTIMONY SUMMARY	DIRECT TESTIMONY ESTIMATE	CROSS-EXAM ESTIMATE
			with CURE and CBD relating to various asserted impacts and mitigation approaches		
CULTURAL RESOURCES	Major Dispute, Category 2,	Jenna Farrell, Tetra Tech EC, Inc. Reid Farmer, Tetra Tech EC, Inc. Kenneth Stein, NextEra Energy Resources	Dispute with Staff concerning Conditions of Certification	0.5 hours	Staff – 0.5 hours
FACILITY DESIGN	None	P. Duane McCloud, NextEra Energy Resources Jared Foster, Worley Parsons Group	Submitted on Declaration	None	None
GEOLOGY AND PALEONTOLOGY	None	William N. Orr, Independent Consultant Michael Tietze, Worley Parsons Group Kenneth Stein, NextEra Energy Resources	Submitted on Declaration	None	None

TOPIC AREA	DISPUTES BETWEEN PARTIES	WITNESS	TESTIMONY SUMMARY	DIRECT TESTIMONY ESTIMATE	CROSS-EXAM ESTIMATE
HAZARDOUS MATERIALS	Minor Dispute, Category I with Staff Major Dispute with CURE, Category III	Glen T. King, NextEra Energy Resources P. Duane McCloud, NextEra Energy Resources Jared Foster, Worley Parsons Group	Minor dispute with Staff regarding Condition of Certification HAZ-6 (Minor clarification regarding security measures) Major Dispute with CURE regarding handling of HTF	0.5 hours	Hagemann – 0.5 hours
LAND USE	Major Dispute, Category II	Scott Busa, NextEra Energy Resources Meg Russell, NextEra Energy Resources Andrea M Slusser, Tetra Tech EC, Inc.	Submitted on Declaration Disagrees with Staff on ultimate conclusion that the Project results in significant cumulative impacts to loss of open space	0.5 hours	Staff – 0.5 hours
NOISE AND VIBRATION	None	P. Duane McCloud, NextEra Energy Resources Jared Foster, Worley Parsons Group	Submitted on Declaration	None	None
POWER PLANT EFFICIENCY	None	Jared Foster, Worley Parsons Group P. Duane McCloud, NextEra Energy Resources	Submitted on Declaration	None	None

TOPIC AREA	DISPUTES BETWEEN PARTIES	WITNESS	TESTIMONY SUMMARY	DIRECT TESTIMONY ESTIMATE	CROSS-EXAM ESTIMATE
POWER PLANT RELIABILITY	None	P. Duane McCloud, Next Era Energy Resources Jared Foster, Worley Parsons Group	Submitted on Declaration	None	None
PROJECT DESCRIPTION	Minor, Category I	Scott Busa, NextEra Energy Resources Trent Heidorn, NextEra Energy Resources Kenneth Stein, NextEra Energy Resources P. Duane McCloud, NextEra Energy Systems Jared Foster, Worley Parsons Group	Minor revisions to reflect the current project description, Submitted on Declaration	None	None
PUBLIC HEALTH	None	Richard Booth, Tetra Tech EC, Inc.	Submitted on Declaration	None	None
SOCIOECONOMICS	None	Scott Busa, NextEra Energy Resources	Submitted on Declaration	None	None

TOPIC AREA	DISPUTES BETWEEN PARTIES	WITNESS	TESTIMONY SUMMARY	DIRECT TESTIMONY ESTIMATE	CROSS-EXAM ESTIMATE
SOIL AND WATER RESOURCES	Major Dispute with Staff Category II Major Dispute with CURE, Category III	Michael Tietze, Worley Parsons Group P. Duane McCloud, NextEra Energy Resources Bob Anders. Worley Parsons Group Miles Kenney, Worley Parsons Group Scott Busa, NextEra Energy Resources Kenneth Stein, NextEra Energy Resources Jared Foster, Worley Parsons Group Jeffery G. Harvey Ph.D Harvey Meyerhoff Consulting Group	Disagree with the Staff's assertion that project will impact Colorado River; groundwater monitoring; groundwater modeling; modifications to Draft Waste Discharge Requirements, disagree with Staff Sand Transport assumptions and analysis Disagree with CURE and CBD regarding groundwater modeling and impacts to Colorado River and impacts associated with project drainage control	1 hour	Staff – 1 hour CURE Hendrix – 0.5 hours Okin – 0.5 hours Marcus – 0.5 hours CBD Myers – 0.5 hours Powers – 0.5 hours
TRAFFIC AND TRANSPORTATION	None	Scott Busa, NextEra Energy Resources P. Duane McCloud,	Submitted on Declaration	None	None

TOPIC AREA	DISPUTES BETWEEN PARTIES	WITNESS	TESTIMONY SUMMARY	DIRECT TESTIMONY ESTIMATE	CROSS-EXAM ESTIMATE
		<p>NextEra Energy Resources</p> <p>Jennifer Marchek, Worley Parsons Group</p>			
TRANSMISSION LINE SAFETY AND NUISANCE	Minor Dispute, Category I	<p>P. Duane McCloud, NextEra Energy Resources</p> <p>Scott Busa, NextEra Energy Resources</p> <p>Steven Richards, Worley Parsons Group</p>	Minor Modification to Condition of Certification TSLN-2 Submitted on Declaration	None	None
TRANSMISSION SYSTEM ENGINEERING	None	<p>P. Duane McCloud, NextEra Energy Resources</p> <p>Steven Richards, Worley Parsons</p> <p>Lin Tun, NextEra Energy Resources</p>	Submitted on Declaration	None	None
VISUAL RESOURCES	Major, Category II	<p>Kenneth Stein, NextEra Energy Resources</p> <p>Scott Busa, NextEra Energy Resources</p>	Disagree with Staff Conclusion that GSEP will result in significant cumulative visual impacts	0.5 hours	0.5 hours

TOPIC AREA	DISPUTES BETWEEN PARTIES	WITNESS	TESTIMONY SUMMARY	DIRECT TESTIMONY ESTIMATE	CROSS-EXAM ESTIMATE
		Lee Roger Anderson,			
WASTE MANAGEMENT	Major, Category III	Glen T. King, NextEra Energy Resources Janine Forrest, Worley Parsons Group P. Duane McCloud, NextEra Energy Resources Kenneth Stein, NextEra Energy Resources	Disputes with CURE about UXO and HTF handling	0.5 hours	Hagemann – 0.5 hours
WORKER SAFETY	Minor, Category I	Scott Busa, NextEra Energy Resources P. Duane McCloud, NextEra Energy Resources Janine Forrest, Worley Parsons	Modifications to Conditions of Certification Submitted on Declaration	0.5 hours	0.5 hours

**Genesis Solar Energy Project (09-AFC-08)
Exhibit List**

Exhibit No.	Title/ Subject	Topic
Exhibit 1	Application for Certification Vol I & II , dated August 2009, and docketed on August 31, 2009.	All
Exhibit 2	Air Quality Modeling Files , dated _____, and docketed on September 17, 2009.	Air Quality
Exhibit 3	Data Adequacy Supplement , dated October 2009, and docketed on October 12, 2009.	Air Quality Biological Resources Cultural Resources Geology & Paleontology Soil & Water Transmission System Engineering Visual Resources
Exhibit 4	Data Adequacy Supplement 1A , dated October 26, 2009, and docketed on October 27, 2009.	Soil & Water
Exhibit 5	Tetra Tech Inc. Informational Letter to Mojave Desert Air Quality Management District regarding Additional Permit Applications , dated October 27, 2009, and docketed on November 18, 2009.	Air Quality
Exhibit 6	BLM Notice of Intent - Federal Register , dated November 23, 2009, and docketed on December 3, 2009.	Project Description
Exhibit 7	Three Option Approach Letter (New Alternate Approach to Staff Review for Cultural Resources on Genesis Solar Energy Project) , dated December 3, 2009, and docketed December 3, 2009.	Cultural Resources
Exhibit 8	Selection of Cultural Resources Evaluation Approach , dated December 8, 2009, and docketed on December 8, 2009.	Cultural Resources

Exhibit 9	Joint CEC - BLM 12-10-09 Hearing and Scoping Presentation , dated December 10, 2009 and docketed on December 14, 2009.	Project Description
Exhibit 10	Groundwater Model Sensitivity Analysis , dated December 9, 2009, and docketed on December 15, 2009.	Soil & Water
Exhibit 11	Data Requests Set 1A Responses (1 through 227) , dated December 14, 2009, and docketed on December 15, 2009.	Air Quality (1-38) Alternatives (39-52) Biological Res. (53-121) Geo & Paleo (122-123) Land Use (124-136) Health & Safety (137-142) Soil & Water (143-214) Waste Mngmt.(215-225) Worker Safety & Fire Protection (226-227)
Exhibit 12	Genesis Solar, LLC's Informational Hearing & Site Visit Presentation , dated December 10, 2009, and docketed on December 18, 2009.	Alternatives Hazardous Materials Noise & Vibration Power Plant Efficiency Power Plant Reliability Project Description Soil & Water Visual Resources Waste Management
Exhibit 13	Test Well #2 Ford Dry Lake Supplemental Investigation , dated December 18, 2009, and docketed on December 21, 2009.	Soil & Water
Exhibit 14	Low Resolution Scan of the Borehole Logs for OBS-1, OBS-2, TW-1, AND TW-2 , dated _____, and docketed on December 23, 2009.	Soil & Water

Exhibit 15	Report of Conversation Regarding Clarification of Land Use Data Responses (Between Tricia Bernhardt, Mike Monasmith, Negar Vahidi & Jacob Hawkins) , dated December 28, 2009, and docketed on December 30, 2009.	Land Use
Exhibit 16	Notification of Lake of Streambed Alteration , dated December 30, 2009, and docketed on December 31, 2009.	Biological Resources Soil & Water
Exhibit 17	Application for Incidental Take of Threatened and Endangered Species , dated December 31, 2009, and docketed on January 4, 2010.	Biological Resources
Exhibit 18	Genesis Solar, LLC's Cumulative Impact Analysis , dated December 31, 2010, and docketed on January 4, 2010.	Soil & Water
Exhibit 19	Draft Desert Tortoise Translocation Plan , dated January 4, 2010, and docketed on January 6, 2010.	Biological Resources
Exhibit 20	Supplement to the Genesis Surface Drainage Data Requests , dated January 4, 2010, and docketed on January 11, 2010.	Biological Resources Project Description Soil & Water
Exhibit 21	Data Request Responses to Set 1B, (228 through 293) , dated January 11, 2010, and docketed on January 11, 2010.	Cultural Resources (228-282) Visual Resources (283-293)
Exhibit 22	Report of Conversation Regarding Surface Drainage Data Requests (Between Mike Daly and Bob Anders) , dated January 6, 2010, and docketed on January 12, 2010.	Soil & Water
Exhibit 23	Revised Notification of Lake or Streambed Alteration with Revised Survey for Jurisdictional Waters and Wetlands at the Genesis Solar Energy Project , dated January 11, 2010 and January 2010, respectively, and docketed	Biological Resources

on January 14, 2010.

Exhibit 24	Draft Common Raven Monitoring, Management, & Control Plan , dated January 2010, and docketed on January 15, 2010.	Biological Resources
Exhibit 25	Storm Water Flood Routing Calculation Report , dated January 15, 2010, and docketed on January 15, 2010.	Soil & Water
Exhibit 26	Interim Preliminary Aeolian Sand Source - Migration and Deposition Letter Report , dated January 11, 2010, and docketed on January 19, 2010.	Biological Resources
Exhibit 27	AFC Supplemental Information Re: Groundwater Resources Investigation , dated January 13, 2010 and docketed on January 19, 2010.	Soil & Water
Exhibit 28	FLO -2D Model Run , dated January 2010, and docketed on January 20, 2010.	Soil & Water
Exhibit 29	Preliminary Report of Ancient Shorelines in Ford Dry Lake , dated January 19, 2010, and docketed on January 25, 2010.	Soil & Water
Exhibit 30	Applicant Addenda to DR Requests 64, 65 & 120 of Set 1A dated January 27, 2010 and docketed on January 26, 2010.	Biological Resources
Exhibit 31	Draft Weed Management Plan , dated January 2010, and docketed on February 1, 2010.	Biological Resources
Exhibit 32	Applicant's Revised Air Quality Responses to the CEC Data Requests , date dated February 1, 2010, and docketed on February 2, 2010.	Air Quality
Exhibit 33	Applicant's Draft Channel Maintenance Plan , dated January 2, 2010, and docketed on February 4, 2010.	Soil & Water

Exhibit 34	Applicant's Draft Revegetation Plan , dated February 2010, and docketed on February 4, 2010.	Biological Resources
Exhibit 35	Aeolian Transport Evaluation & Ancient Shoreline Delineation Report , dated February 5, 2010, and docketed on February 10, 2010.	Biological Resources Soil & Water
Exhibit 36	Report of Conversation Regarding Genesis Surface Drainage DR (Between Mike Daly, Bob Anders & Dipti Sheth) , dated February 9, 2010, and docketed on February 11, 2010.	Biological Resources Soil & Water
Exhibit 37	Responses to the MDAQMD Inquiries , dated February 11, 2010, and docketed on February 16, 2010.	Air Quality
Exhibit 38	Map of Class II & III Archeological Surveyed Areas , dated February 22, 2010, and docketed on February 23, 2010.	Cultural Resources
Exhibit 39	Applicant's Draft Decommissioning & Closure Plan , dated February 22, 2010, and docketed on February 24, 2010.	Biological Resources
Exhibit 40	Report of Conversation Regarding Anticipated Direct and Indirect Impacts to Vegetation Communities (Between Mike Monasmith & Tricia Bernhardt) , dated February 22, 2010, and docketed on February 24, 2010.	Biological Resources
Exhibit 41	Report of Conversation Regarding Caltrans Traffic Counts for Interstate I-10 for 2004. 2008, 2012, AFC Table 5.11-2 (Between Mike Monasmith and Tricia Bernhardt) , dated February 25, 2010, and docketed on February 26, 2010.	Traffic & Transportation
Exhibit 42	Genesis Solar LLC's Alternative Proposal for Desert Tortoise Mitigation: A Habitat-Based Approach , dated February 2010, and docketed on February 26, 2010.	Biological Resources

Exhibit 43	Genesis Solar LLC's Supplemental Groundwater Resources Investigation , dated March 10, 2010, and docketed on March 16, 2010.	Soil & Water
Exhibit 44	Genesis Solar LLC's Revisions to the Jurisdictional Waters , dated March 13, 2010, and docketed on March 17, 2010.	Biological Resources
Exhibit 45	Consultant's 2009 Winter Avian Point Count & Burrowing Owl Survey Results , dated April 2010, and docketed on April 7, 2010.	Biological Resources
Exhibit 46	Genesis Solar LLC's Data Responses to CURE's Data Request Set 1, (1 through 66) , dated April 12, 2010, and docketed on April 12, 2010.	Biological Resources (1-66)
Exhibit 47	Letter from the US Fish & Wildlife Service regarding the Genesis Solar Energy Project proceeding (Comments on the Draft Desert Tortoise Relocation/Translocation Plan) , dated April 15, 2010, and docketed on April 20, 2010.	Biological Resources
Exhibit 48	Genesis Solar LLC's Data Responses to CURE's Data Request Set 2 (1 through 9) , dated April 28, 2010, and docketed on April 28, 2010.	Soil & Water (1-9)
Exhibit 49	Genesis Solar LLC's Proposed Soil & Water Conditions of Certification , dated March 2010, and docketed on April 29, 2010.	Soil & Water
Exhibit 50	Genesis Solar LLC's Proposed Biology Conditions of Certification , dated _____, and docketed on April 29, 2010.	Biological Resources

Exhibit 51	Genesis Solar LLC's Proposed Conditions of Certification for Other Resource Areas , dated April 30, 2010, and docketed on May 3, 2010.	Air Quality Hazardous Materials Health & Safety Noise & Vibration Traffic and Transportation Visual Resources Waste Management Worker Safety
Exhibit 52	Genesis Solar LLC's Data Responses to CURE's Data Request Set 3, (1 through 2) , dated May 2010, and docketed on May 3, 2010.	Alternatives Project Description Soil & Water
Exhibit 53	Genesis Solar LLC's Responses to Mojave Desert Air Quality Management District's Request for Additional Information , dated May 14, 2010, and docketed on May 18, 2010.	Air Quality
Exhibit 54	Reasonably Foreseeable Development Scenario: Southern California Edison River Substation , dated May 19, 2010, and docketed on May 19, 2010.	Transmission System Engineering
Exhibit 55	Genesis Solar LLC's Minor Changes to the Genesis Solar Energy Project Description , dated May 21, 2010 and docketed on May 21, 2010.	Project Description
Exhibit 56	Genesis Solar LLC's Spring Survey Biological Data , dated May 28, 2010, and docketed on May 28, 2010.	Biological Resources
Exhibit 57	Genesis Solar, LLC's Opening Testimony Package , dated May 20, 2010, and docketed on May 20, 2010.	All
Exhibit 58	Genesis Solar LLC's Fall 2009 and Spring 2010 Biological Resources Technical Report , dated June 2010, and docketed on June 11, 2010.	Biological Resources
Exhibit 59	Golden Eagle Risk Assessment , dated June 2010, and docketed on June 18, 2010.	Biological Resources

Exhibit 60	<p>Genesis Solar, LLC’s Revised Opening Testimony Package, dated June 18, 2010, and docketed on June 18, 2010.</p>	<p>Air Quality Alternatives Biological Resources Facility Design Geology & Paleontology Hazardous Materials Health & Safety Land Use Noise & Vibration Power Plant Efficiency Power Plant Reliability Project Description Soil & Water Traffic & Transportation Transmission Line Safety & Nuisance Transmission System Engineering Visual Resources Waste Management Worker Safety</p>
Exhibit 61	<p>Responses to Mojave Desert Air Quality Management District (MDAQMD) Requests for Additional Information Item #9, dated June 18, 2010, and docketed on June 18, 2010.</p>	<p>Air Quality</p>
Exhibit 62	<p>Supplemental Information, dated June 18, 2010, and docketed on June 18, 2010.</p>	<p>Biological Resources Cultural Resources Transmission Line Safety & Nuisance Transmission System Engineering Worker Safety</p>
Exhibit 63	<p>Genesis Solar, LLC’s Rebuttal Testimony Package, dated June 25, 2010, and docketed on June 25, 2010.</p>	<p>Biological Resources Hazardous Materials Soil & Water Waste Management</p>
Exhibit 64	<p>Genesis Solar, LLC’s Revised Opening Testimony: Cultural Resources, dated June 25, 2010, and docketed on June 25, 2010.</p>	<p>Cultural Resources</p>

Exhibit 65

**Golden Eagle Surveys Surrounding
Four Proposed Energy Developments
in the Mojave Desert Region,
California**, dated June 22, 2010 and
docketed on June 24, 2010.

Biological Resources



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 6/7/10)**

APPLICANT

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DECLARATION OF SERVICE

I, Marie Mills, declare that on June 25, 2010, I served and filed copies of the attached **GENESIS SOLAR, LLC'S PREHEARING CONFERENCE STATEMENT** dated **June 25, 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 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."

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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

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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, 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.



Marie Mills