

<b>DOCKET</b>	
<b>09-AFC-8</b>	
DATE	<u>JUN 29 2010</u>
RECD.	<u>JUN 29 2010</u>

June 29, 2010

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

Subject: **GENESIS SOLAR, LLC'S OPPOSITION TO CENTER FOR  
BIOLOGICAL DIVERSITY'S REQUEST FOR CONTINUANCE  
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 OPPOSITION TO CENTER FOR BIOLOGICAL DIVERSITY'S REQUEST FOR CONTINUANCE** 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  
OPPOSITION TO CENTER FOR  
BIOLOGICAL DIVERSITY'S  
REQUEST FOR CONTINUANCE**

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Genesis Solar, LLC (Genesis) hereby requests the Committee deny the Center For Biological Diversity's (CBD) Request for Continuance dated June 15, 2010. CBD claims the Committee cannot proceed to evidentiary hearing on the grounds that the Revised Staff Assessment is incomplete and that the GSEP is changing. Both of these contentions have been exaggerated and provide no basis for continuance. As set forth in the parties PreHearing Conference Statements, Staff and Genesis believe the parties can proceed to evidentiary hearing.

In addition to the continuance being unnecessary, Genesis objects to the continuance because no good cause has been shown to support it. CBD intervened extremely late in the proceedings (June 1, 2010) and its first formal filing 15 days later (June 15, 2010) was to request the Commission slow down the proceedings. Additionally, CBD claims to need additional time to prepare for evidentiary hearing yet has had the same amount of time as all other parties. Genesis requests oral argument on this motion at the PreHearing Conference on July 1, 2010.

Dated: June 29, 2010

// original signed //

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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](http://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)**

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**DECLARATION OF SERVICE**

I, Marie Mills, declare that on June 29, 2010, I served and filed copies of the attached **GENESIS SOLAR, LLC'S OPPOSITION TO CENTER FOR BIOLOGICAL DIVERSITY'S REQUEST FOR CONTINUANCE**, dated **June 29, 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](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."

**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](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.



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Marie Mills