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DOCKET

09-AFC-8

DATE	DEC 03 2009
RECD	DEC 03 2009

December 3, 2009

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

Subject: **GENESIS SOLAR, LLC's PROPOSED SCHEDULE AND
REQUEST FOR SCOPING ORDER
Docket No. (09-AFC-8)**

Enclosed for filing with the California Energy Commission is the original of
**GENESIS SOLAR, LLC's PROPOSED SCHEDULE AND REQUEST FOR
SCOPING ORDER**, for the Genesis Solar Energy Project Docket No. (09-AFC-8).

Sincerely,

A handwritten signature in cursive script, appearing to read "Marie Mills".

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
PROPOSED SCHEDULE AND
REQUEST FOR SCOPING
ORDER**

In accordance with the Committee Notice for the Site Visit and Informational Hearing dated November 5, 2009, Genesis Solar, LLC hereby files its proposed schedule for Committee consideration in preparing its scheduling order. For ease of review by the Committee, our proposed schedule has been prepared using "redline-strikeout" of the schedule proposed by Staff in its Issue Identification Report dated November 18, 2009 (IIR). The attached schedule has been designed with the primary objective of instituting frequent Committee oversight in the progression of the Licensing process. We strongly believe that in order to reach a position where the Committee can make a Decision on the project in time for stimulus funding, the Committee will need to take a more active role during the normal progression of the licensing process. Frequent Committee oversight will allow the parties a forum to present scheduling hurdles, resolve disputes and jointly develop creative solutions to achieve the schedule.

Staff has identified in its IIR issues relating to Biological Resources, Soil & Water Resources, Transmission System Engineering and Cultural Resources. We believe that Committee guidance on how to evaluate these issues is critical to achieving the project schedule. Without such oversight and early direction to the parties, there is a great potential these issues will delay the Licensing of the Project.

With early Committee direction in mind, Genesis Solar, LLC respectfully requests that the parties prepare briefs by January 4, 2010 to enable the Committee to issue a Scoping Order to guide the evaluation and processing of the project. We propose that the parties be heard at a Committee Status Conference on January 11, 2010. At a minimum the Scoping Order should address clear delineation and application of the Commission's 2003 IEPR water policy to the Project, proposed significance thresholds by which the Project would be evaluated, and the level of information that must be provided to allow preparation of Staff's assessment.

Genesis Solar, LLC continues to work with Staff and is committed to creative problem solving that will enable the Commission to approve the Project in time for it to obtain stimulus funds under the American Recovery and Reinvestment Act (ARRA).

/ original signed /

Scott A. Galati
Counsel to Genesis Solar, LLC

STAFF'S PROPOSED SCHEDULE—Genesis Solar Energy Project- (09-AFC-8)

Nextera Proposed Modifications

ACTIVITY	DATE
Commission's determination that AFC is complete	11/4/09
Staff files Data Requests	11/13/09
Staff files Issues Identification Report	11/18/09
Data Request Workshop	11/23-11/24/09
Informational Hearing and Site Visit	12/10/09
Applicant provides Data Responses	12/14/09
<u>Parties File Scoping Order Briefs</u>	<u>1/5/10</u>
<u>Scoping Order Status Conference</u>	<u>1/11/10</u>
Data Response and Issue Resolution workshop	TBD
Technical staff receive final comments and conditions from appropriate agencies	1/4/10-1/10/10
Administrative Staff Assessment/Draft EIS (SA/DEIS)	1/25/10
Local, state and federal agency draft determinations AQMD files PDOC	2/12/10
<u>Committee Status Conference</u>	<u>2/15/10</u>
Notice of Availability of SA/DEIS in Federal Register; SA/DEIS filed and 90-day comment period begins; BLM submits Biological Assessment (BA) to USFWS	2/19/10
Staff Assessment (SA) published	3/3/10
Staff Assessment Workshop	3/17/10
<u>Committee Status Conference</u>	<u>3/19/10</u>
BA determined adequate by USFWS	3/19/10
Local, state and federal agency final determinations AQMD files FDOC	4/9/10
Staff Assessment Addendum (SAA) prepared	4/30/10
<u>Committee Status Conference</u>	<u>5/4/10</u>
<u>Prehearing Conference*</u>	<u>TBD</u>
<u>Evidentiary hearings*</u>	<u>TBD</u>
Close BLM comment period	5/20/10
Response to comments, prepare Staff Assessment Addendum(SAA)/FEIS	<u>6/7/1/10</u>
Administrative SAA/FEIS circulated for agency staff review	<u>6/7/9/10</u>
USFWS issues Biological Opinion	<u>6/7/15/10</u>
SAA/FEIS distributed; NOA of SA/FEIS in Federal Register	<u>6/7/30/10</u>
<u>Prehearing Conference*</u>	<u>TBD</u>
<u>Evidentiary hearings*</u>	<u>TBD</u>

BLM Plan Amendment Protest Period ends; Expedited Governor's review period ends	8/30/10
Presiding Members Proposed Decision (PMPD)*	TBD
Committee Hearing on PMPD*	TBD
Addendum/Revised PMPD*	TBD
BLM Record of Decision/Right of Way (ROD/ROW) issued; Energy Commission Decision*	TBD

* The assigned Committee will determine this part of the schedule.



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
(Est. 11/30/09)**

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DECLARATION OF SERVICE

I, Ashley Y. Garner, declare that on December 3, 2009, I served and filed copies of the attached **GENESIS SOLAR, LLC's PROPOSED SCHEDULE AND REQUEST FOR SCOPING ORDER** dated **December 3, 2009**. 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