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DOCKET	
09-AFC-10	
DATE	<u>JAN 22 2010</u>
RECD.	<u>JAN 22 2010</u>

January 22, 2010

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

Subject: **RICE SOLAR ENERGY, LLC'S PROPOSED SCHEDULE AND
REQUEST FOR SCOPING ORDER
DOCKET NO. (09-AFC-10)**

Enclosed for filing with the California Energy Commission is the original copy of **RICE SOLAR ENERGY, LLC'S PROPOSED SCHEDULE AND REQUEST FOR SCOPING ORDER**, for the Rice Solar Energy Project (09-AFC-10).

Sincerely,

A handwritten signature in black ink, appearing to read "Marie Mills", written in a cursive style.

Marie Mills

Scott A. Galati
Robert A Gladden
GALATIBLEK LLP
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Suite 350
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STATE OF CALIFORNIA

Energy Resources
Conservation and Development Commission

In the Matter of:

Application for Certification for the
RICE SOLAR ENERGY PROJECT

DOCKET NO. 09-AFC-10

**RICE SOLAR ENERGY, LLC'S
PROPOSED SCHEDULE AND
REQUEST FOR SCOPING
ORDER**

In accordance with the Committee Notice for the Site Visit and Informational Hearing dated January 11, 2010, Rice Solar Energy, LLC (RSE) 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 January 21, 2010 (IIR). The attached schedule has been designed with the primary objective of instituting frequent Committee oversight in the progression of the Licensing process and in supporting a License date within the Commission's 12-month statutory obligation.

As the Committee is aware, the Rice Solar Energy Project (RSEP) achieved data adequacy on December 2, 2010 within the 45-day Commission review period and is just two weeks behind other projects that are seeking stimulus funding under the American Reinvestment and Recovery Act (ARRA). If possible the RSEP would attempt to qualify for such funding and urges the Committee to adopt a schedule that (1) does not by its very nature preclude that possibility; and (2) does not by its own terms fail to meet the 12-month statutory timeline contained in the Commission's authorizing statute. RSE has assembled an experienced team and is hopeful that with close coordination with staff and early resolution of issues, the Commission could issue a Decision before the end of

2010. RSE urges the Committee to extend the opportunity to RSE to obtain ARRA funding.

To facilitate early resolution of issues, RSE believes the Committee may 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. For this reason, RSE has inserted status conferences into the schedule for such oversight.

RSE thanks the Committee in advance for consideration of its proposed revisions to Staff's schedule.

Respectfully submitted,

/ original signed /

Scott A. Galati
Counsel to Rice Solar Energy, LLC

STAFF'S PROPOSED SCHEDULE – Rice Solar Energy Project (09-AFC-10)

ACTIVITY	DATE
Applicant files Application for Certification (AFC)	10/21/09
Commission's determination that AFC is complete	12/2/09
Staff files Issues Identification Report & Proposed Schedule	1/20/10
Informational Hearing and Site Visit	1/25/10
Staff/BLM/Western file Data Requests	1/28/10
NOI Published in the Federal Register (by Western)	TBD
Staff coordinates with agencies to obtain comments and permit requirements	1/29 – 2/27/10
Public Scoping Meeting (No earlier than 15 days after NOI publication)	TBD
Scoping Report Prepared/Published (30 Day period for public review) (30 days from NOI publication)	TBD
Applicant provides Data Responses	3/1/10
Data Response and Issue Resolution workshop	TBD (mid-March)
Status Conference Report #1 (and thereafter every 6 weeks)	3/10/10
Local, state and federal agency draft determinations AQMD files PDOC	3 4/2/10
Administrative Staff Assessment/Draft Environmental Impact Statement (SA/DEIS)	3 4/15/10
Western/BLM internal review of Notice of Availability of SA/DEIS for Federal Register;	4 5/14/10
SA/DEIS published & 90-day comment period begins; BLM submits Biological Assessment (BA) to USFWS	4 5/ 15 28/10
Status Conference	4 30/10
Staff Assessment Workshop	5 6/17/10
Local, state and federal agency final determinations; AQMD files FDOC	6/18/10
BA determined adequate by FWS	6/26/10
Prehearing Conference*	TBD—July?
Evidentiary hearings*	TBD—July/Aug?
Close DEIS comment period	7 8/ 15 26/10
Status Conference	8 1/10
Prepare Response to DEIS comments; and Admin. Draft of Staff Assessment Errata/Final EIS	8 10/ 17 /10
USFWS issues Biological Opinion	10 15/10
Staff Assessment Errata/FEIS distributed; NOA of SAE/FEIS in Federal Register (must be on a Friday)	8 11/ 15 5/10

<u>Prehearing Conference</u>	<u>9/1/10</u>
<u>Evidentiary Hearings</u>	<u>9/1/10 – 9/15/10</u>
Presiding Members Proposed Decision (PMPD)*	TBD – Nov?
BLM Plan Amendment Protest Period ends; Expedited Governor's review period ends; see***	12/6/10
Committee Hearing on PMPD*	TBD – <u>Nov/Dec</u> <u>2010?</u>
<u>USFWS Issues Biological Opinion</u>	<u>Nov/Dec 2010</u>
<u>Addendum/Revised PMPD*</u>	<u>TBD—Jan. 2011?</u>
BLM Record of Decision/Right of Way issued; Energy Commission Decision*	TBD – <u>DecFeb. 2011?</u>

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

** BLM will make every attempt possible to publish its NOA concurrently with EPA NOA which always occurs on a Friday. EPA's NOA initiates the 90-day public comment period on the Draft PA/DEIS as well as the protest period on the Proposed PA/FEIS. Since the 90-day public review and comment period may never end on a Saturday, Sunday or Holiday, it would end on the first business day following.

*** Since the 30-day protest period may never end on a Saturday, Sunday or Holiday, it would end on the first business day following. Governor consistency review is 60-days by BLM Planning Regulations.



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 *RICE SOLAR ENERGY POWER
PLANT PROJECT***

Docket No. 09-AFC-10

PROOF OF SERVICE
(Revised 1/7/2010)

APPLICANT

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DECLARATION OF SERVICE

I, Ashley Y. Garner, declare that on January 22, 2010, I served and filed copies of the attached, **RICE SOLAR ENERGY, LLC'S PROPOSED SCHEDULE AND REQUEST FOR SCOPING ORDER**. 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: [\[http://www.energy.ca.gov/sitingcases/ricesolar\]](http://www.energy.ca.gov/sitingcases/ricesolar).

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 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-10**

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.

/ Original Signed /

Ashley Y. Garner