



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

COMMITTEE SCHEDULING ORDER

Background

**DOCKET
09-AFC-10**

DATE FEB 09 2010

RECD. FEB 09 2010

On October 21, 2009, the California Energy Commission received an Application for Certification (AFC) from Rice Solar Energy, LLC, to construct, own, and operate a solar generating facility in unincorporated eastern Riverside County, California.

The Energy Commission found the AFC data adequate on December 2, 2009, and assigned a Committee to conduct proceedings on the AFC. The Committee held a public Site Visit and Informational Hearing at Blythe City Hall on January 25, 2010, to discuss the review process and to identify issues that could affect the schedule. Pursuant to Title 20 of the California Code of Regulations, section 1709.7(c), the attached Committee Schedule is based upon Applicant's and Staff's proposed schedules and related discussions at the Informational Hearing.

The schedule contains a list of events that must occur in order to complete the certification process. The Committee encourages the parties to consider the dates in this schedule as final deadlines and endeavor to complete the tasks ahead of these dates. Some deadlines are contingent upon reviews to be conducted by federal, state, and local agencies. The Applicant must provide sufficient review time for the responsible agencies to meet the deadlines specified in the schedule.

Technical issues regarding biological resources, soil and water resources, transmission system engineering, and visual resources have been identified by Staff as potentially significant. Resolution of these issues, and any others which may develop, shall be addressed during the data exchange process and in public meetings with the parties and interested governmental agencies. Given the complexity of resolving the issues, the parties are hereby notified that the Committee may modify the schedule at any time by its own motion or that of a party. [Cal. Code Regs., tit. 20, § 1709.7(c).]

Status Reports and Status Conferences

Typical Committee scheduling orders require status reports to be submitted on a regular basis by all parties to allow the Committee to determine whether case development is progressing satisfactorily and to bring potential schedule delays or other relevant matters to the Committee's attention. In this case, the Applicant has requested that the Committee include status conferences in the Scheduling Order on dates certain in lieu of status reports, for the purpose of giving the parties a forum for discussion of obstacles to timely completion of the processing of the AFC that may have arisen.

The Committee understands that Commission staff are currently carrying an unprecedented workload, coupled with a requirement for several solar projects to commence construction before the end of this year in order to receive ARRA funding, meaning that AFCs must be processed to completion at a rapid pace. Thus, the Committee favors the elimination of unnecessary tasks, allowing Staff to focus on resolution of issues and timely preparation of the Staff Analysis. Accordingly, the Committee **orders** that the parties work with diligence to meet the schedule deadlines, **and further orders** that the parties promptly inform the Committee via memo, email, or telephone contact with the Hearing Adviser, of anything causing inability to meet a deadline. Any such communications shall be promptly docketed as appropriate. If the parties comply with the above, there will be no need for regular written status reports.

Furthermore, the Committee **grants** the Applicant's request for the conduct of regularly scheduled status conferences. For each such status conference, the Committee **directs** each party to docket and serve a brief issues statement of no more than two pages, at least five business days prior to the scheduled conference date. **Each party must be represented at the status conference by an individual with authority to make decisions on behalf of and bind the party**, such as legal counsel or a project manager. To conserve time and resources, telephonic status conferences are preferred although the Committee recognizes there may be instances where in-person conferences are desirable or necessary. At the Committee's discretion, the status conferences may be conducted solely by the Hearing Adviser.

Failure of a party to participate in status conferences may result in the imposition of limitations upon that party's ability to participate in data exchange and evidentiary hearings.

This Scheduling Order includes the proposed timing of the first status conference in this matter. Further notice of the dates, times, and locations for this and additional status conferences will issue under separate cover.

Public Participation

The Energy Commission Public Adviser is available to assist the public in participating in the application review process. For those individuals who require general information on how to participate, please contact the Public Adviser's Office at (916) 654-4489 or 1-800-822-6228 or e-mail: [\[publicadviser@energy.state.ca.us\]](mailto:publicadviser@energy.state.ca.us).

If you have a disability and need assistance to participate in any scheduled event, contact Lourdes Quiroz no less than five days prior to the hearing at (916) 654-5146 or e-mail: [\[lquiroz@energy.state.ca.us\]](mailto:lquiroz@energy.state.ca.us).

Information

Questions of a legal or procedural nature should be directed to Kourtney Vaccaro, the Hearing Officer, at (916) 654-4328 or e-mail: [\[kvaccaro@energy.state.ca.us\]](mailto:kvaccaro@energy.state.ca.us).

Technical questions concerning the Project should be addressed to John Kessler, the Staff Project Manager, at (916) 654-4679 or e-mail: [\[jkessler@energy.state.ca.us\]](mailto:jkessler@energy.state.ca.us).

Media inquiries should be directed to the Office of Media and Public Communications at (916) 654-4989 or e-mail: [\[mediaoffice@energy.state.ca.us\]](mailto:mediaoffice@energy.state.ca.us).

Information concerning the status of the project, as well as notices and other relevant documents may be viewed on the Energy Commission's Internet web page at: [\[http://www.energy.ca.gov/sitingcases/ricesolar/index.html\]](http://www.energy.ca.gov/sitingcases/ricesolar/index.html).

Dated: February 9, 2010 at Sacramento, California.

Original signed by: _____

ROBERT B. WEISENMILLER
Presiding Member
Rice Solar AFC Committee



KAREN DOUGLAS
Chairman and Associate Member
Rice Solar AFC Committee

COMMITTEE SCHEDULE
FOR THE
RICE SOLAR ENERGY POWER PROJECT
(09-AFC-10)

ACTIVITY	DATE
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	Week of 2/8/10
Staff coordinates with agencies to obtain comments and permit requirements	1/29/10 – 2/27/10
Public Scoping Meeting	TBD
Scoping Report Prepared/Published	TBD
Applicant provides Data Responses	3/1/10
Data Response and Issue Resolution Workshop	Week of 3/15/10
Mandatory Status Conference	Week of 3/22/10
Local, state, and federal agency draft determinations; AQMD files PDOC	Between 3/2/10 - 4/2/10
Administrative Staff Assessment/Draft Environmental Impact Statement (SA/DEIS)	Between 3/15/10 - 4/15/10
Western/BLM internal review of Notice of Availability of SA/DEIS for Federal Register	TBD
SA/DEIS published & 90-day comment period begins; BLM submits Biological Assessment (BA) to USFWS	TBD
Staff Assessment Workshop	TBD
Local, state and federal agency final determinations; AQMD files FDOC	TBD
BA determined adequate by FWS	TBD
Prehearing Conference*	TBD
Evidentiary hearings*	TBD
Close DEIS comment period	TBD
Prepare Response to DEIS comments and Admin. Draft of Staff Assessment Errata/Final EIS	TBD
USFWS issues Biological Opinion	TBD
Staff Assessment Errata/FEIS distributed; NOA of SAE/FEIS in Federal Register	TBD
Presiding Members Proposed Decision (PMPD)	TBD
BLM Plan Amendment Protest Period ends; Expedited Governor's review period ends	TBD

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.

TBD = To Be Determined

Issued: February 9, 2010



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**APPLICATION FOR CERTIFICATION
FOR THE *RICE SOLAR ENERGY POWER
PLANT PROJECT***

Docket No. 09-AFC-10

***PROOF OF SERVICE*
(Revised 2/4/2010)**

APPLICANT

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Palm Springs/South Coast Field Office
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APPLICANT'S CONSULTANTS

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INTERVENORS

ENERGY COMMISSION

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INTERESTED AGENCIES

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*Jennifer Jennings
Public Adviser's Office
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DECLARATION OF SERVICE

I, Maggie Read, declare that on February 9, 2010, I served and filed copies of the attached, Committee Scheduling 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>].

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:

 x sent electronically to all email addresses on the Proof of Service list;

 x 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:

 x 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 by:
Maggie Read
Hearing Adviser's Office