

BEFORE THE ENERGY RESOURCES CONSERVATION AND DEVELOPMENT
COMMISSION OF THE STATE OF CALIFORNIA

Applications for Certification for the)	Docket Nos.
)	
Calico Solar (SES Solar One) Project,)	08-AFC-13,
Genesis Solar Energy Project,)	09-AFC-8,
Imperial Valley (SES Solar Two) Project,)	08-AFC-5,
Solar Millennium Blythe Project,)	09-AFC-6,
Solar Millennium Palen Project, and)	09-AFC-7,
Solar Millennium Ridgecrest Project.)	09-AFC-9, and
)	
Consolidated Hearing on Issues)	10-CRD-1
Concerning US Bureau of Land)	
Management Cultural Resources Data)	
)	

DOCKET

10-CRD-1

DATE JUN 01 2010

RECD. JUN 01 2010

**BRIEF OF TESSERA SOLAR NORTH AMERICA, INC.
ON ISSUES CONCERNING US BUREAU OF LAND MANAGEMENT
CULTURAL RESOURCES DATA**

Allan J. Thompson
Attorney at Law
21 C Orinda Way #314
Orinda, CA 94563
allanori@comcast.net

Ella Foley Gannon
Bingham McCutchen LLP
Three Embarcadero Center
San Francisco, CA 94111-4067
Email: ella.gannon@bingham.com

Attorneys for Tessera Solar North America, Inc.,
Applicant for the Calico Solar (SES Solar One)
and Imperial Valley Solar (SES Solar Two)
Projects

I. Introduction

On May 21, 2010, the Siting Committee issued a Notice and Order for Consolidated Hearing on Issues Concerning U.S. Bureau of Land Management Cultural Resources Data (Order), inviting parties interested in cultural resource issues in six solar Application for Certification (AFC) cases to submit briefs and testimony regarding how Bureau of Land Management (BLM)-related cultural resource data should be handled in the referenced AFC proceedings. Tessera Solar North America, Inc. (TSNA) is the applicant in two of the referenced proceedings, the Calico Solar (SES Solar One) Project and the Imperial Valley Solar (SES Solar Two) Project, and therefore has an interest in how these issues are resolved.

In Appendix C to the Order, the Siting Committee listed eighteen issues related to how BLM cultural resource data can and should be utilized in Energy Commission proceedings. TSNA generally agrees with the position stated by the BLM in its April 29, 2010 and May 18, 2010 letters to the Energy Commission (provided as Appendix A and B to the Order) that BLM is the sole owner of reports that describe cultural resources located on federal lands and it retains the sole authority regarding how, when and if this information should be released to other parties or members of the public.¹ There are three questions included in Appendix C which pertain to how the Commission should analyze potential cultural resources impacts in an AFC proceeding. In this brief, TSNA presents its view on the following three questions from Appendix C:

9. What are the cultural resource issues in the proceedings?
10. What data does the Commission need, under the Warren-Alquist Act, the CEC regulations, CEQA, NEPA, the cultural resources laws, and under the APA to resolve those issues?
11. For projects proposed on BLM land, can the CEC defer, partially or entirely, to BLM's decision on cultural resource issues, under the Warren-Alquist Act, the CEC regulations, CEQA, NEPA, the cultural resources laws, and the APA?

Overall, TSNA believes that the CEC has an obligation to evaluate potentially significant impacts to cultural resources and to consider feasible mitigation measures. Given that cultural resources located on federal lands are under the exclusive jurisdiction of the federal government, however, the mitigation measures which the CEC can feasibly require applicants to implement are limited. Nevertheless, the Commission can satisfy the requirements of CEQA and the Warren-Alquist Act by taking advantage of BLM's extensive cultural resources process, as described below.

¹ With respect to Appendix C Questions 2 and 3, TSNA notes that its primary consultant, URS, provided confidential cultural resources data for both the Calico Solar Project and the Imperial Valley Solar Project to the Commission. This material was submitted to the CEC in response to CEC requirements. For example, to achieve data adequacy, "A technical report of the results of the new surveys, conforming to the Archeological Resources Management Report format (CA Office of Historic Preservation Feb 1990), which is incorporated by reference, shall be separately provided and submitted (under confidential cover if archeological site locations are included) Data Adequacy Worksheet, July 30, 2008." The provision of this information to the Commission complied with the terms of BLM's Special Permit conditions and with accepted BLM protocol at the time the information was provided.

II. Cultural Resource Issues Involved In Solar AFCs Located on BLM Lands

The cultural resource issues involved in solar AFCs for projects proposed on BLM lands are whether the proposed projects would cause significant adverse changes in the significance of historic resources. *See* Imperial Valley Solar Project SA/DEIS § C.3.3, Methodology and Thresholds for Determining Environmental Consequences (Feb. 2010). If significant adverse changes are identified, a second issue arises, which is to identify mitigation measures that would eliminate or reduce the significant effects. *Id.*

III. Commission Data Needs To Address Cultural Resources Issues

To address cultural resources issues, the Commission needs a report that assesses proposed project activities against an inventory of the cultural resources in the area to be affected. Such a report need not be prepared by Commission staff; it may be prepared by anyone with the requisite data and expertise. The only requirement is that the Commission base its decision on “substantial evidence,” *i.e.*, “enough relevant information and reasonable inferences from this information that a fair argument can be made to support a conclusion, even though other conclusions might also be reached.” 14 Cal. Code Regs. § 15384(a). The impact analysis may be based on informed judgments by experts. *National Parks & Conserv. Ass’n v. Regents of Univ. of Cal.*, 71 Cal. App. 4th 1341, 1362 (1999); Pub. Res. Code § 21080(e).

The Commission’s certified regulatory program under CEQA encourages Commission staff to use the work of other agencies in the assessment of environmental issues. Commission staff’s assessment of environmental effects and mitigation measures “shall focus on those environmental matters *not* expected to be considered by other agencies, in order to ensure a complete assessment of significant environmental issues in the proceeding.” 20 C.C.R. § 1742(c) (emphasis added). Where another agency’s work is used, the role of staff is to monitor the other agency’s assessment of environmental factors and, if needed to ensure a complete consideration of environmental issues, to assist and supplement the other agency’s assessment. 20 C.C.R. § 1742.5(d).

Where the project at hand is a solar AFC on BLM land, the case for Commission use of BLM’s work on cultural resources is particularly strong. Cultural resources analysis is not an environmental topic on which the Commission’s certified regulatory program places special emphasis, particularly in comparison to air quality and water quality impact analysis. *See, e.g.*, 20 C.C.R. §§ 1744.5, 1752(a)(2); Pub. Res. Code § 25523(d)(1).

In contrast, BLM is required to, and in fact does, emphasize the analysis of impacts to cultural resources from activities on the federal lands it manages. To approve a right-of-way grant or plan amendment, BLM must obtain intensive cultural resources surveys and comply with a plethora of federal statutes and executive orders governing such resources. *See* BLM Manual 8100 - The Foundations for Managing Cultural Resources (2004). In the case of solar AFCs, the relevant statutes will generally include the National Historic Preservation Act of 1966, the Federal Land Policy and Management Act of 1976, the American Indian Religious Freedom Act of 1978, the Archaeological Resources Protection Act of 1979, and the Native American Graves Protection and Repatriation Act of 1990. *Id.* Most of these statutes, as well as NEPA, require the federal agency to protect cultural resources that are not eligible for the National Register of

Historic Places, as well as those that are. *Id.* To comply with these laws, BLM issues extensive guidance regarding cultural resources. *See* BLM Manual 8100 Series.

Thus for solar AFCs on BLM lands, the analysis of impacts to cultural resources is not only “expected,” but required, to be analyzed in depth by agencies other than the Commission. In this scenario, the Commission’s certified regulatory program calls for staff to “monitor” the federal agency’s work. 20 C.C.R. §§ 1742(c), 1742.5(d). Thus the answer to the question of what data the Commission needs to address cultural resources issues is “enough data to monitor BLM’s reports,” *i.e.*, enough data to conclude that those reports constitute substantial evidence.

IV. Commission Deference to BLM Decisions on Cultural Resources Issues.

As described above, with respect to the analysis of cultural resources impacts, the Commission may “defer” to BLM in the sense of relying on reports generated through the BLM process, so long as monitoring by Commission staff establishes that those reports constitute substantial evidence. With respect to the other key element of cultural resources analysis – the imposition of mitigation measures if a significant impact to cultural resources is identified – the Commission must defer to BLM in the sense that only BLM can decide what mitigation activities will occur on the lands it administers. The Commission can always reject an AFC application, and may, as the example discussed below demonstrates, actively participate in BLM processes for cultural resources evaluation and mitigation, but the ultimate decision regarding activities on BLM-administered lands is BLM’s.

The analyses of the two TSNA projects currently under review reflect this principle. For both projects, BLM, in coordination with the Commission, has identified the requirements and issued the permits for the professionals’ surveys of the project sites, and the surveys were conducted pursuant to BLM’s “Class III” standards. With respect to mitigation, for TSNA’s Calico Solar Project, BLM has preliminarily identified a defined area of significant cultural resources and the applicant has proposed to avoid those resources. Given this, TSNA anticipates that there will be no remaining significant impacts to cultural resources and that therefore no additional mitigation measures will be required. If total avoidance is not possible, mitigation measures similar to those involved in the Imperial Valley Solar Project and described below can be implemented.

TSNA’s Imperial Valley Solar Project would affect a greater number of cultural resource sites. The complexity inherent in mitigating the cultural resources impacts of this project led BLM to initiate the Programmatic Agreement process under the National Historic Preservation Act. This process brings together BLM, the Corps of Engineers, the State Historic Preservation Officer, and the Advisory Council on Historic Preservation as Signatory Parties, and the Commission and the TSNA as Invited Signatory Parties, to establish the process for final determinations of significance, avoidance, and treatment and management with respect to cultural resources that may be affected by the Imperial Valley Solar Project. Although the Programmatic Agreement effort has included, and is anticipated to continue to include, extensive participation by the Commission, the BLM retains the final authority, as it must, to determine what activities will occur on BLM-managed lands.

This “deference” to BLM is consistent with CEQA because the statute recognizes that a lead agency—here the CEC—does not always have jurisdiction to implement, or require


implementation of, every mitigation measure the lead agency identifies. CEQA does not provide agencies with new mitigation powers; in mitigating or avoiding significant impacts, the agency "may exercise only those express or implied powers provided by law other than" CEQA. Pub. Res. Code § 21004. Accordingly, one of the three findings a lead agency may make regarding significant impacts is that the identified mitigation measures are "within the responsibility and jurisdiction of another public agency and have been, or can and should be adopted by the other public agency." Pub. Res. Code § 21081(a)(2). CEQA requires the CEC to provide an analysis of cultural resources impacts based on substantial evidence and to identify mitigation measures for any significant impacts identified. Through the processes described above, the CEC has met these requirements for the Calico Solar and Imperial Valley Solar Projects. CEQA does not allow, much less require, the CEC to require project applicants to conduct mitigation on BLM lands that differs from BLM's approved mitigation measures on those lands. In this sense, the CEC properly "defers" to BLM under CEQA.

V. Conclusion

TSNA submits that the CEC may comply with its obligations under the Warren-Alquist Act and CEQA by providing an analysis of cultural resources impacts that takes advantage of BLM's independent obligation to analyze the same resources. TSNA further submits that the Commission's legal inability to require mitigation on BLM-administered lands that differs from the mitigation required by BLM creates no inconsistency with the Commission's obligations under the Warren-Alquist Act and CEQA.

Dated: June 1, 2010

BINGHAM McCUTCHEN LLP

By: 

Ella Foley Gannon

Attorneys for Tessera Solar North America, Inc.,
Applicant for the Calico Solar (SES Solar One) and
Imperial Valley Solar (SES Solar Two) Projects



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 BLYTHE SOLAR
POWER PLANT PROJECT**

Docket No. 09-AFC-6

PROOF OF SERVICE
(Revised 5/3/10)

APPLICANT

Alice Harron
Senior Director of Project
Development
1625 Shattuck Avenue, Suite 270
Berkeley, CA 94709-1161
harron@solarmillennium.com

Elizabeth Ingram, Associate
Developer, Solar Millennium, LLC
1625 Shattuck Avenue
Berkeley, CA 94709
ingram@solarmillennium.com

Carl Lindner
AECOM Project Manager
1220 Avenida Acaso
Camarillo, CA 93012
carl.lindner@aecom.com

Ram Ambatipudi
Chevron Energy Solutions
150 E. Colorado Blvd., Ste. 360
Pasadena, CA 91105
rambatipudi@chevron.com

Co-COUNSEL

Scott Galati, Esq.
Galati/Blek, LLP
455 Capitol Mall, Suite 350
Sacramento, CA 95814
sgalati@gb-llp.com

Co-COUNSEL

Peter Weiner
Matthew Sanders
Paul, Hastings, Janofsky &
Walker LLP
55 2nd Street, Suite 2400-3441
San Francisco, CA 94105
peterweiner@paulhastings.com
matthewsanders@paulhastings.com

INTERESTED AGENCIES

California ISO
e-recipient@caiso.com

Holly L. Roberts, Project Manager
Bureau of Land Management
Palm Springs-South Coast
Field Office
1201 Bird Center Drive
Palm Springs, CA 92262 Office
CAPSSolarBlythe@blm.gov

INTERVENORS

* California Unions for Reliable
Energy (CURE)
c/o: Tany A. Gulesserian,
Elizabeth Klebaner
Marc D. Joseph
Adams Broadwell Joseph &
Cardozo
601 Gate Way Boulevard,
Suite 1000
South San Francisco, CA 94080
tgulesserian@adamsbroadwell.com
eklebaner@adamsbroadwell.com

ENERGY COMMISSION

KAREN DOUGLAS
Chairman and Presiding Member
kldougla@energy.state.ca.us

ROBERT WEISENMILLER
Commissioner and Associate
Member
rweisenm@energy.state.ca.us

Raoul Renaud
Hearing Officer
rrenaud@energy.state.ca.us

Alan Solomon
Siting Project Manager
asolomon@energy.state.ca.us

Lisa DeCarlo
Staff Counsel
ldecarlo@energy.state.ca.us

Jennifer Jennings
Public Adviser's Office
publicadviser@energy.state.ca.us

DECLARATION OF SERVICE

I, Dave Larson, declare that on 06/01/10, I served and filed a copy of the attached Brief of TSN. 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/solar_millennium_blythe]

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. 10-CRD-1
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.





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 CALICO SOLAR (Formerly SES Solar One)

Docket No. 08-AFC-13

PROOF OF SERVICE

(Revised 5/28/10)

APPLICANT

Felicia Bellows,
Vice President of Development
Tessera Solar
4800 North Scottsdale Road,
Ste. 5500
Scottsdale, AZ 85251
felicia.bellows@tesseractosolar.com

Camille Champion
Project Manager
Tessera Solar
4800 North Scottsdale Road,
Suite 5500
Scottsdale, AZ 85251
camille.champion@tesseractosolar.com

CONSULTANT

Angela Leiba
AFC Project Manager
URS Corporation
1615 Murray Canyon Rd., #1000
San Diego, CA 92108
Angela_Leiba@URSCorp.com

APPLICANT'S COUNSEL

Allan J. Thompson
Attorney at Law
21 C Orinda Way #314
Orinda, CA 94563
allanori@comcast.net

Ella Foley Gannon, Partner
Bingham McCutchen, LLP
Three Embarcadero Center
San Francisco, CA 94111
ella.gannon@bingham.com

INTERESTED AGENCIES

California ISO
e-recipient@caiso.com

Jim Stobaugh
BLM – Nevada State Office
P.O. Box 12000
Reno, NV 89520
jim_stobaugh@blm.gov

Rich Rotte, Project Manager
Bureau of Land Management
Barstow Field Office
2601 Barstow Road
Barstow, CA 92311
Richard_Rotte@blm.gov

Becky Jones
California Department of
Fish & Game
36431 41st Street East
Palmdale, CA 93552
dfgpalm@adelphia.net

INTERVENORS

*** County of San Bernardino**
Ruth E. Stringer, County Counsel
Bart W. Brizzee, Deputy County
Counsel
385 N. Arrowhead Avenue, 4th Floor
San Bernardino, CA 92415-0140
bbrizzee@cc.sbcounty.gov

California Unions for Reliable Energy
(CURE)
c/o: Loulena A. Miles, Marc D. Joseph
Adams Broadwell Joseph & Cardozo
601 Gateway Boulevard, Ste. 1000
South San Francisco, CA 94080
lmiles@adamsbroadwell.com

Defenders of Wildlife
Joshua Basofin
1303 J Street, Suite 270
Sacramento, California 95814
e-mail service preferred
jbasofin@defenders.org

Society for the Conservation of
Bighorn Sheep
Bob Burke & Gary Thomas
P.O. Box 1407
Yermo, CA 92398
cameracoordinator@sheepsociety.com

Basin and Range Watch
Laura Cunningham & Kevin Emmerich
P.O. Box 70
Beatty, NV 89003
atomicoadranch@netzero.net

Patrick C. Jackson
600 N. Darwood Avenue
San Dimas, CA 91773
e-mail service preferred
ochsjack@earthlink.net

ENERGY COMMISSION

ANTHONY EGGERT
Commissioner and Presiding Member
aeggert@energy.state.ca.us

JEFFREY D. BYRON
Commissioner and Associate Member
jbyron@energy.state.ca.us

Paul Kramer
Hearing Officer
pkramer@energy.state.ca.us

Kristy Chew, Adviser to
Commissioner Byron
e-mail service preferred
kchew@energy.state.ca.us

Caryn Holmes
Staff Counsel
cholmes@energy.state.ca.us

Steve Adams
Co-Staff Counsel
sadams@energy.state.ca.us

Christopher Meyer
Project Manager
cmeyer@energy.state.ca.us

Jennifer Jennings
Public Adviser
publicadviser@energy.state.ca.us

DECLARATION OF SERVICE

I, Doug Wilson, declare that on 06/01/10, I mailed hard copies of the attached Brief of TSNA, dated 06/01/10. 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: **[www.energy.ca.gov/sitingcases/solarone].**

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. 10-CRD-1
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.





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 5/20/10)

APPLICANT

Ryan O'Keefe, Vice President
Genesis Solar LLC
700 Universe Boulevard
Juno Beach, Florida 33408
E-mail service preferred
Ryan.okeefe@nexteraenergy.com

Scott Busa/Project Director
Meg Russel/Project Manager
Duane McCloud/Lead Engineer
NextEra Energy
700 Universe Boulevard
Juno Beach, FL 33408
Scott.Busa@nexteraenergy.com
Meg.Russell@nexteraenergy.com
Duane.mccloud@nexteraenergy.com
E-mail service preferred
Matt Handel/Vice President
Matt.Handel@nexteraenergy.com
Email service preferred
Kenny Stein,
Environmental Services Manager
Kenneth.Stein@nexteraenergy.com

Mike Pappalardo
Permitting Manager
3368 Videra Drive
Eugene, OR 97405
mike.pappalardo@nexteraenergy.com

Kerry Hattevik/Director
West Region Regulatory Affairs
829 Arlington Boulevard
El Cerrito, CA 94530
Kerry.Hattevik@nexteraenergy.com

APPLICANT'S CONSULTANTS

Tricia Bernhardt/Project Manager
Tetra Tech, EC
143 Union Boulevard, Ste 1010
Lakewood, CO 80228
Tricia.bernhardt@tteci.com

James Kimura, Project Engineer
Worley Parsons
2330 East Bidwell Street, Ste.150
Folsom, CA 95630
James.Kimura@WorleyParsons.com

COUNSEL FOR APPLICANT

Scott Galati
Galati & Blek, LLP
455 Capitol Mall, Ste. 350
Sacramento, CA 95814
sgalati@gb-llp.com

INTERESTED AGENCIES

California-ISO
e-recipient@caiso.com

Allison Shaffer, Project Manager
Bureau of Land Management
Palm Springs South Coast
Field Office
1201 Bird Center Drive
Palm Springs, CA 92262
Allison_Shaffer@blm.gov

INTERVENORS

California Unions for Reliable
Energy (CURE)
c/o: Tanya A. Gulesserian,
Rachael E. Koss,
Marc D. Joseph
Adams Broadwell Joesph
& Cardoza
601 Gateway Boulevard,
Ste 1000
South San Francisco, CA 94080
tgulesserian@adamsbroadwell.com
rkoss@adamsbroadwell.com

***Tom Budlong**
3216 Mandeville Cyn Rd.
Los Angeles, CA 90049-1016
tombudlong@roadrunner.com

Californians for Renewable
Energy, Inc. (CARE)
Michael E. Boyd, President
5439 Soquel Drive
Soquel, CA 95073-2659
michaelboyd@sbcglobal.net

OTHER

Alfredo Figueroa
424 North Carlton
Blythe, CA 92225
lacunadeaztlan@aol.com

ENERGY COMMISSION

JAMES D. BOYD
Commissioner and Presiding
Member
jboyd@energy.state.ca.us
ROBERT WEISENMILLER
Commissioner and Associate
Member
rweisenm@energy.state.ca.us

Kenneth Celli
Hearing Officer
kcelli@energy.state.ca.us

Mike Monasmi
Siting Project Manager
mmonasmi@energy.state.ca.us

Caryn Holmes
Staff Counsel
cholmes@energy.state.ca.us

Robin Mayer
Staff Counsel
rmayer@energy.state.ca.us

Jennifer Jennings
Public Adviser's Office
publicadviser@energy.state.ca.us

DECLARATION OF SERVICE

I, Doug Carson, declare that on 06/01/10, I mailed hard copies of the attached Brief of TSOA, dated 06/01/10. 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."

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. 10-ERD-1
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.





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
IMPERIAL VALLEY SOLAR PROJECT**
(formerly known as SES Solar Two Project)
IMPERIAL VALLEY SOLAR, LLC

Docket No. 08-AFC-5
PROOF OF SERVICE
(Revised 5/10/10)

APPLICANT

Richard Knox
Project Manager
SES Solar Two, LLC
4800 N Scottsdale Road.,
Suite 5500
Scottsdale, AZ 85251
richard.knox@tesseractosolar.com

CONSULTANT

Angela Leiba, Sr. Project
Manager URS Corporation
1615 Murray Canyon Rd.,
Suite 1000
San Diego, CA 92108
Angela_Leiba@urscorp.com

APPLICANT'S COUNSEL

Allan J. Thompson
Attorney at Law
21 C Orinda Way #314
Orinda, CA 94563
allanori@comcast.net

Ella Foley Gannon, Partner
Bingham McCutchen, LLP
Three Embarcadero Center
San Francisco, CA 94111
ella.gannon@bingham.com

INTERESTED AGENCIES

California ISO
e-recipient@caiso.com

Daniel Steward, Project Lead
BLM – El Centro Office
1661 S. 4th Street
El Centro, CA 92243
daniel_steward@ca.blm.gov

Jim Stobaugh,
Project Manager &
National Project Manager
Bureau of Land Management
BLM Nevada State Office
P.O. Box 12000
Reno, NV 89520-0006
jim_stobaugh@blm.gov

INTERVENORS

California Unions for Reliable
Energy (CURE)
c/o Tanya A. Gulesserian
Loulana Miles, Marc D. Joseph
Adams Broadwell Joseph &
Cardozo
601 Gateway Blvd., Ste. 1000
South San Francisco, CA 94080
tgulesserian@adamsbroadwell.com
lmiles@adamsbroadwell.com

Tom Budlong
3216 Mandeville Canyon Road
Los Angeles, CA 90049-1016
TomBudlong@RoadRunner.com

Hossein Alimamaghani
4716 White Oak Place
Encino, CA 91316
almamaghani@aol.com

***California Native Plant Society**
Tom Beltran
P.O. Box 501671
San Diego, CA 92150
cnpsdd@nyms.net

California Native Plant Society
Greg Suba & Tara Hansen
2707 K Street, Suite 1
Sacramento, CA 5816-5113
gsuba@cnps.org

ENERGY COMMISSION

JEFFREY D. BYRON
Commissioner and Presiding
Member
jbyron@energy.state.ca.us

ANTHONY EGGERT
Commissioner and Associate
Member
aeggert@energy.state.ca.us

Raoul Renaud
Hearing Officer
rrenaud@energy.state.ca.us

Kristy Chew,
Adviser to Commissioner Byron
e-mail service preferred
kchew@energy.state.ca.us

Caryn Holmes, Staff Counsel
Christine Hammond,
Co-Staff Counsel
cholmes@energy.state.ca.us
chammond@energy.state.ca.us

Christopher Meyer
Project Manager
cmeyer@energy.state.ca.us

Jennifer Jennings
Public Adviser
publicadviser@energy.state.ca.us

*indicates change

DECLARATION OF SERVICE

I, Dore Larson, declare that on 06/01/10, I served and filed copies of the attached, Brief of TSNA. The original documents, filed with the Docket Unit, are 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/solartwo/index.html]

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. 10-CED-1
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.





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 PALEN SOLAR POWER
PLANT PROJECT**

Docket No. 09-AFC-7

PROOF OF SERVICE
(Revised 4/19/10)

APPLICANT

Alice Harron
Senior Director of Project
Development
1625 Shattuck Avenue, Suite 270
Berkeley, CA 94709-1161
harron@solarmillennium.com

Elizabeth Ingram, Associate
Developer, Solar Millennium, LLC
1625 Shattuck Avenue
Berkeley, CA 94709
ingram@solarmillennium.com

Arrie Bachrach
AECOM Project Manager
1220 Avenida Acaso
Camarillo, CA 93012
arrie.bachrach@aecom.com

Ram Ambatipudi
Chevron Energy Solutions
150 E. Colorado Blvd., Ste. 360
Pasadena, CA 91105
rambatipudi@chevron.com

Co-COUNSEL

Scott Galati, Esq.
Galati/Blek, LLP
455 Capitol Mall, Suite 350
Sacramento, CA 95814
sgalati@qb-llp.com

Co-COUNSEL

Peter Weiner, Matthew Sanders
Paul, Hastings, Janofsky &
Walker LLP
55 2nd Street, Suite 2400-3441
San Francisco, CA 94105
peterweiner@paulhastings.com
matthewsanders@paulhastings.com

INTERVENORS

California Unions for Reliable
Energy (CURE)
c/o Tanya A. Gulesserian,
Marc D. Joseph
*Jason W. Holder
Adams Broadwell Joseph &
Cardozo
601 Gateway Boulevard,
Suite 1000
South San Francisco, CA 94080
tgulesserian@adamsbroadwell.com
jholder@adamsbroadwell.com*

Michael E. Boyd, President
Californians for Renewable
Energy, Inc.
5439 Soquel Drive
Soquel, CA 95073-2659
michaelboyd@sbcglobal.net

Alfredo Figueroa
Californians for Renewable
Energy, Inc.
424 North Carlton
Blythe, CA 92225
lacunadeaztlan@aol.com

***Basin and Range Watch**
Kevin Emmerich
Laura Cunningham
P.O. Box 153
Baker, CA 92309
atomicoadranch@netzero.net

INTERESTED AGENCIES

California ISO
e-recipient@caiso.com

Holly L. Roberts, Project Manager
Bureau of Land Management
Palm Springs-South Coast
Field Office
1201 Bird Center Drive
Palm Springs, CA 92262
CAPSSolarBlythe@blm.gov

ENERGY COMMISSION

ROBERT WIESEN MILLER
Commissioner and Presiding
Member
rweisenm@energy.state.ca.us

KAREN DOUGLAS
Chairman and Associate Member
kldouglas@energy.state.ca.us

Raoul Renaud
Hearing Officer
rrenaud@energy.state.ca.us

Alan Solomon
Siting Project Manager
asolomon@energy.state.ca.us

Lisa DeCarlo
Staff Counsel
ldecarlo@energy.state.ca.us

Jennifer Jennings
Public Adviser's Office
publicadviser@energy.state.ca.us

DECLARATION OF SERVICE

I, Doug Larned declare that on 06/01/10, I mailed hard copies of the attached Br. P of TSNA. 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/solar_millennium_palen]

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

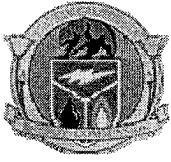
- ☐ depositing in the mail an original and 12 paper copies, as follows:

CALIFORNIA ENERGY COMMISSION

Attn: Docket No. 10-CRD-1
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.





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 *RIDGECREST SOLAR*
POWER PROJECT

Docket No. 09-AFC-9

PROOF OF SERVICE
(Revised 5/12/2010)

APPLICANT

Billy Owens
Director, Project Development
Solar Millenium
1625 Shattuck Avenue, Suite 270
Berkeley, CA 94709-1161
owens@solarmillennium.com

Alice Harron
Senior Director, Project Development
1625 Shattuck Avenue, Suite 270
Berkeley, CA 94709-1161
harron@solarmillennium.com

Elizabeth Copley
AECOM Project Manager
2101 Webster Street, Suite 1900
Oakland, CA 94612
elizabeth.copley@aecom.com

Scott Galati
Galati/Blek, LLP
455 Capitol Mall, Suite 350
Sacramento, CA 95814
sgalati@gb-llp.com

Peter Weiner
Matthew Sanders
Paul, Hastings, Janofsky & Walker
LLP
55 2nd Street, Suite 2400-3441
San Francisco, CA 94105
peterweiner@paulhastings.com
matthewsanders@paulhastings.com

INTERVENORS

California Unions for Reliable Energy
(CURE)
Tanya A. Gulesserian
Elizabeth Klebaner
Marc D. Joseph
Adams Broadwell Joseph &
Cardozo
601 Gateway Boulevard, Suite 1000
South San Francisco, CA 94080
tgulesserian@adamsbroadwell.com
eklebaner@adamsbroadwell.com

Desert Tortoise Council
Sidney Silliman
1225 Adriana Way
Upland, CA 91784
ssilliman@csupomona.edu

Basin and Range Watch
Laura Cunningham & Kevin Emmerich
P.O. Box 70
Beatty, NV 89003
bluerockiguana@hughes.net

Western Watersheds Project
Michael J. Connor, Ph.D.
California Director
P.O. Box 2364
Reseda, CA 91337-2364
mjconnor@westernwatersheds.org

***Kerncrest Audubon Society**
Terri Middlemiss & Dan Burnett
P.O. Box 984
Ridgecrest, CA 93556
catbird4@earthlink.net
imdanburnett@verizon.net

***Center for Biological Diversity**
Ileene Anderson
Public Lands Desert Director
PMB 447, 8033 Sunset Boulevard
Los Angeles, CA 90046
ianderson@biologicaldiversity.org

***Center for Biological Diversity**
Lisa T. Belenky, Senior Attorney
351 California Street, Suite 600
San Francisco, CA 94104
lbelenky@biologicaldiversity.org

INTERESTED AGENCIES

California ISO
E-mail Preferred
e-recipient@caiso.com

Janet Eubanks, Project Manager,
U.S. Department of the Interior
Bureau of Land Management
California Desert District
22835 Calle San Juan de los Lagos
Moreno Valley, California 92553
Janet_Eubanks@ca.blm.gov

ENERGY COMMISSION

JAMES D. BOYD
Vice Chair and Presiding Member
jboyd@energy.state.ca.us

ANTHONY EGGERT
Commissioner and Associate Member
aeggert@energy.state.ca.us

Kourtney Vaccaro
Hearing Officer
kvaccaro@energy.state.ca.us

Eric Solorio
Project Manager
esolorio@energy.state.ca.us

Tim Olson
Advisor to Commissioner Boyd
tolson@energy.state.ca.us

Jared Babula
Staff Counsel
jbabula@energy.state.ca.us

Jennifer Jennings
Public Adviser
publicadviser@energy.state.ca.us

DECLARATION OF SERVICE

I, DAVID LARSEN, declare that on, 06/01/10, I mailed hard copies of the attached Brief of TSNA, dated 06/01/10. 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/solar_millennium_ridgecrest].

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;
- ☒ 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. 10-CRD-1

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.

