

**STATE OF CALIFORNIA
ENERGY RESOURCES CONSERVATION
AND DEVELOPMENT COMMISSION**

DOCKET	
09-AFC-5	
DATE	JUL 28 2010
RECD.	JUL 28 2010

In the Matter of:

) Docket No. 09-AFC-5

) Application For Certification for the
) Abengoa Mojave Solar Project

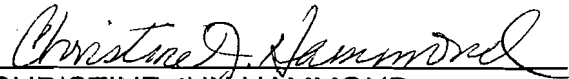
**STAFF'S SUBMITTAL OF PROPOSED CONDITIONS OF CERTIFICATION
REGARDING WORKER SAFETY AND FIRE PROTECTION**

The *Committee Order on Sufficiency of Evidence Regarding the Topic of Worker Safety and Fire Protection* (July 23, 2010) invites parties to file legal argument and proposed Condition of Certification language regarding the topic of Worker Safety and Fire Protection. Energy Commission Staff hereby files as Attachment A proposed language for Conditions of Certification **WORKER SAFETY-6** and **WORKER SAFETY-7** for consideration and adoption by the of the Application for Certification ("AFC") Committee ("Committee") in the above-referenced proceeding. Staff proffered for discussion these proposed Conditions of Certification to parties in advance of the all-party workshop being held today, July 28, 2010. (See Attachment B.) Staff submits that the Commission may adopt Conditions of Certification **WORKER SAFETY-6** and **WORKER SAFETY-7**, found at Attachment A (with resulting numbering change to current **WORKER SAFETY-7** as found in the Supplemental Staff Assessment – Part A (Exhibit 301)) as an alternative to adopting the Condition of Certification **WORKER SAFETY-6** set forth in *Staff's Supplemental Opening Testimony Regarding Proposed*

Condition of Certification Worker Safety-6 (Exhibit 313).

DATED: July 28, 2010

Respectfully submitted,



CHRISTINE JUN HAMMOND
Senior Staff Counsel
California Energy Commission
1516 9th St., MS-14
Sacramento, CA 95814
Ph: (916) 651-2924
E-mail: chammond@energy.state.ca.us

ATTACHMENT A

**Abengoa Mojave Solar
Staff's Justification for
Revised WORKER SAFETY-6
July 27, 2010**

Alvin Greenberg, Ph.D.

Staff offers this justification in support of staff's proposed revised Condition of Certification **WORKER SAFETY-6 and 7**

Since the publication of the Supplemental Opening Testimony on Worker Safety and Fire Protection and the Evidentiary Hearing of July 15, 2010, staff has re-evaluated the applicant's request to add a "Colusa-like" option to address mitigation to the San Bernardino County Fire Department (SBCFD) for both direct and cumulative impacts.

Staff agrees that the "Colusa" approach is a viable alternative and is therefore proposing a modified version as one of three options that the project owner can pursue to provide mitigation. These three options will ensure that some level of mitigation is provided and that the level of mitigation will be either (1) a negotiated amount based upon the combined professional judgments of the SBCFD, the project owner, and the staff; (2) an amount already determined to be adequate by the SBCFD and the staff; or (3) an amount determined by a third-party expert following a specific protocol and guidelines.

Staff believes that this approach provides for a limited number of options all of which will provide for adequate mitigation to reduce project-related impacts to a less-than-significant level. Staff believes that while the method of determining the level of mitigation may vary, the fact that adequate mitigation will be provided no matter what approach is used satisfies the requirement that impacts be mitigated.

Staff recommends that **WORKER SAFETY-6 and 7** be revised as follows:

WORKER SAFETY-6 The project owner shall either:

(1) Reach an agreement, either individually or in conjunction with a power generation industry association or group that negotiates on behalf of its members, with the San Bernardino County Fire Department (SBCFD) regarding funding of its project-related share of capital and operating costs to build and operate new fire protection/emergency response infrastructure and provide appropriate equipment as mitigation of project-related impacts on fire protection/emergency response services within the jurisdiction.

or

(2) Shall fund its share of the SBCFD capital costs in the amount of \$860,000 and provide an annual payment of \$793,000 to the SBCFD for the support of new fire department staff, operations, and maintenance commencing with the start of

construction and continuing annually thereafter on the anniversary of the payment until the final date of power plant decommissioning.

or

(3) The Project Owner shall fund a Fire Needs Assessment and Risk Assessment conducted by an independent contractor who shall be selected and approved by the CEC Compliance Project Manager (CPM) and fulfill all mitigation identified in the independent fire needs assessment and a risk assessment. The Fire Needs Assessment would address emergency response and equipment/staffing/location needs while the Risk Assessment would be used to establish the risk (chances) of significant impacts occurring. In no event shall the Project Owner's cost responsibility under this option exceed that under option (2), above.

Should the applicant pursue option (3), above, the Fire Needs Assessment and Risk Assessment shall evaluate the following:

- (a) Potential for impacts on the SBCFD and the project allocated costs of new and/or enhanced fire protection/emergency response services (which shall include services for inspections, permitting, fire response, hazardous materials spill/leak response, rescue, and emergency medical services) necessary to mitigate such impacts;
- (b) The risk of impact on the local population that could result from potential unmitigated impacts on local fire protection and emergency services (i.e. "drawdown" of emergency response resources);
- (c) The extent that the project's exemption from local taxes will impact local fire protection and emergency response services; and
- (d) Recommendation of an amount of funding that should be provided to mitigate any identified significant impacts on local fire protection and emergency response services.

Compliance Protocols for the Fire Needs Assessment and Risk Assessment shall be as follows:

- (a) The Fire Needs Assessment and Risk Assessment shall be conducted by an independent consultant(s) selected and approved by the CPM;
- (b) The Fire Needs Assessment and Risk Assessment shall be fully funded by the project owner. The independent consultant(s) preparing the Fire Needs Assessment and Risk Assessment shall work directly for the Energy Commission.
- (c) The project owner shall provide the protocols for conducting the independent fire needs assessment for review and comment by the SBCFD and review

and approval by the CPM prior to the independent consultant's commencement of the fire needs assessment;

- (d) The CPM shall be copied in any correspondence including emails or letters and included in any conversations between the project owner and consultant; and
- (e) The CPM shall verify that the Fire Needs Assessment and Risk Assessment are prepared consistent with the approved fire needs assessment protocols and a risk assessment protocols.

No construction of permanent above ground structures shall occur until full funding of mitigation occurs either (i) pursuant to an agreement reached between the project owner (or a power generation industry association or group that includes the project owner) and the SBCFD, or (ii) after payment of the fees described above for capital improvements and the first annual payment, or (iii) pursuant to the independent Fire Needs and Risk Assessments conducted by an independent consultant approved by the CPM.

Verification: At least thirty (30) days prior to the start of site mobilization, the project owner shall provide to the CPM:

(1) A copy of the individual agreement with the SBCFD or, if the owner joins a power generation industry association, a copy of the group's bylaws and a copy of the group's agreement with the SBCFD; and evidence in each January Monthly Compliance Report that the project owner is in full compliance with the terms of such bylaws and/or agreement.

or

(2) Documentation that the amount of \$860,000 has been paid to the SBCFD, documentation that the first annual payment of \$793,000 has been made, and shall also provide evidence in each January Monthly Compliance Report during construction and the Annual Compliance Report during operation that subsequent annual payments have been made.

or

(3) A protocol, scope and schedule of work for the independent Fire Needs Assessment and Risk Assessment and the qualifications of proposed contractor(s) for review and approval by the CPM; a copy of the completed Fire Needs Assessment and Risk Assessment showing the precise amount the project owner shall pay for mitigation; and documentation that the amount has been paid.

Annually thereafter, the owner shall provide the CPM with verification of funding to the San Bernardino County Fire Department for required fire protection services mitigation pursuant to the agreement with the Fire Department or the CPM approved independent fire needs assessment.

WORKER SAFETY -7 The project owner shall:

Provide a \$1,653,000 payment to San Bernardino County Fire Department prior to the start of construction. This funding shall off-set any initial funding required by **WORKER SAFETY-6** above until the funds are exhausted. This offset will be based on a full accounting by the San Bernardino County Fire Department regarding the use of these funds.

Verification: At least 30 days prior to the start of site mobilization the project owner shall provide documentation of the payment described above to the CEC CPM. The CEC CPM shall adjust the payments initially required by **WORKER SAFETY-6** based upon the accounting provided by the San Bernardino County Fire Department.

ATTACHMENT B

From: Craig Hoffman
To: bbrizzee@cc.sbcounty.gov; Chris Ellison; Christine Hammond; eklebaner...
CC: alvin greenberg; Matthew Layton; Rick Tyler; Roger Johnson; Terry O'...
Date: 7/28/2010 11:03 AM
Subject: Abengoa Worker Safety Workshop July 28 at 1:00
Attachments: Colusa Generating Station WS 6 and 7.doc; Abengoa WS-6 and 7 072710cec.doc
; AMS DR workshop agenda 072810.doc

Attached please find:

- A July 28 workshop meeting agenda.
- Staff's proposed Worker Safety Condition of Certification 6 and 7 for the Abengoa project.
- The Worker Safety 6 and 7 Conditions of Certification for the Colusa Generating Station.

This workshop has been publically noticed and staff will attend. The meeting will begin at 1:00 for those wishing to participate.

Staff will be prepared to discuss the background and history behind the Colusa Generating Station Worker Safety 6 and 7 Conditions of Certification and staff's proposed Worker Safety Conditions of Certification for Abengoa. We will also be ready to discuss the applicant's proposal.

Please let me know if you have any comments or questions.

Thank you.

Craig Hoffman
Project Manager

California Energy Commission
Siting, Transmission and Environmental Protection Division
1516 Ninth Street, MS 15
Sacramento, CA 95814
phone: 916-654-4781
cell: 916-261-6405
fax: 916-654-3882

Abengoa Mojave Solar

**Issue Resolution and Analyses in regard to
Worker Safety and Fire Protection**

Workshop Agenda

July 28, 2010 at 1:00pm

**Hearing Room B
1-888-566-6172 (pass code 39207)**

- Introduction of Participants.
- Purpose of the Workshop.
- Status of Negotiations between the Applicant and County.
- History and Background of Colusa Worker Safety 6 and 7.
- Review of staff's proposal for Worker Safety 6 and 7.
- Applicants proposed language or examples.
- Next steps and filings.

**Abengoa Mojave Solar
Staff's Justification for
Revised WORKER SAFETY-6
July 27, 2010**

Alvin Greenberg, Ph.D.

Staff offers this justification in support of staff's proposed revised Condition of Certification **WORKER SAFETY-6 and 7**

Since the publication of the Supplemental Opening Testimony on Worker Safety and Fire Protection and the Evidentiary Hearing of July 15, 2010, staff has re-evaluated the applicant's request to add a "Colusa-like" option to address mitigation to the San Bernardino County Fire Department (SBCFD) for both direct and cumulative impacts.

Staff agrees that the "Colusa" approach is a viable alternative and is therefore proposing a modified version as one of three options that the project owner can pursue to provide mitigation. These three options will ensure that some level of mitigation is provided and that the level of mitigation will be either (1) a negotiated amount based upon the combined professional judgments of the SBCFD, the project owner, and the staff; (2) an amount already determined to be adequate by the SBCFD and the staff; or (3) an amount determined by a third-party expert following a specific protocol and guidelines.

Staff believes that this approach provides for a limited number of options all of which will provide for adequate mitigation to reduce project-related impacts to a less-than-significant level. Staff believes that while the method of determining the level of mitigation may vary, the fact that adequate mitigation will be provided no matter what approach is used satisfies the requirement that impacts be mitigated.

Staff recommends that **WORKER SAFETY-6 and 7** be revised as follows:

WORKER SAFETY-6 The project owner shall either:

(1) Reach an agreement, either individually or in conjunction with a power generation industry association or group that negotiates on behalf of its members, with the San Bernardino County Fire Department (SBCFD) regarding funding of its project-related share of capital and operating costs to build and operate new fire protection/emergency response infrastructure and provide appropriate equipment as mitigation of project-related impacts on fire protection/emergency response services within the jurisdiction.

or

(2) Shall fund its share of the SBCFD capital costs in the amount of \$860,000 and provide an annual payment of \$793,000 to the SBCFD for the support of new fire department staff, operations, and maintenance commencing with the start of

construction and continuing annually thereafter on the anniversary of the payment until the final date of power plant decommissioning.

or

(3) The Project Owner shall fund a Fire Needs Assessment and Risk Assessment conducted by an independent contractor who shall be selected and approved by the CEC Compliance Project Manager (CPM) and fulfill all mitigation identified in the independent fire needs assessment and a risk assessment. The Fire Needs Assessment would address emergency response and equipment/staffing/location needs while the Risk Assessment would be used to establish the risk (chances) of significant impacts occurring. In no event shall the Project Owner's cost responsibility under this option exceed that under option (2), above.

Should the applicant pursue option (3), above, the Fire Needs Assessment and Risk Assessment shall evaluate the following:

- (a) Potential for impacts on the SBCFD and the project allocated costs of new and/or enhanced fire protection/emergency response services (which shall include services for inspections, permitting, fire response, hazardous materials spill/leak response, rescue, and emergency medical services) necessary to mitigate such impacts;
- (b) The risk of impact on the local population that could result from potential unmitigated impacts on local fire protection and emergency services (i.e. "drawdown" of emergency response resources);
- (c) The extent that the project's exemption from local taxes will impact local fire protection and emergency response services; and
- (d) Recommendation of an amount of funding that should be provided to mitigate any identified significant impacts on local fire protection and emergency response services.

Compliance Protocols for the Fire Needs Assessment and Risk Assessment shall be as follows:

- (a) The Fire Needs Assessment and Risk Assessment shall be conducted by an independent consultant(s) selected and approved by the CPM;
- (b) The Fire Needs Assessment and Risk Assessment shall be fully funded by the project owner. The independent consultant(s) preparing the Fire Needs Assessment and Risk Assessment shall work directly for the Energy Commission.
- (c) The project owner shall provide the protocols for conducting the independent fire needs assessment for review and comment by the SBCFD and review

and approval by the CPM prior to the independent consultant's commencement of the fire needs assessment;

- (d) The CPM shall be copied in any correspondence including emails or letters and included in any conversations between the project owner and consultant; and
- (e) The CPM shall verify that the Fire Needs Assessment and Risk Assessment are prepared consistent with the approved fire needs assessment protocols and a risk assessment protocols.

No construction of permanent above ground structures shall occur until full funding of mitigation occurs either (i) pursuant to an agreement reached between the project owner (or a power generation industry association or group that includes the project owner) and the SBCFD, or (ii) after payment of the fees described above for capital improvements and the first annual payment, or (iii) pursuant to the independent Fire Needs and Risk Assessments conducted by an independent consultant approved by the CPM.

Verification: At least thirty (30) days prior to the start of site mobilization, the project owner shall provide to the CPM:

(1) A copy of the individual agreement with the SBCFD or, if the owner joins a power generation industry association, a copy of the group's bylaws and a copy of the group's agreement with the SBCFD; and evidence in each January Monthly Compliance Report that the project owner is in full compliance with the terms of such bylaws and/or agreement.

or

(2) Documentation that the amount of \$860,000 has been paid to the SBCFD, documentation that the first annual payment of \$793,000 has been made, and shall also provide evidence in each January Monthly Compliance Report during construction and the Annual Compliance Report during operation that subsequent annual payments have been made.

or

(3) A protocol, scope and schedule of work for the independent Fire Needs Assessment and Risk Assessment and the qualifications of proposed contractor(s) for review and approval by the CPM; a copy of the completed Fire Needs Assessment and Risk Assessment showing the precise amount the project owner shall pay for mitigation; and documentation that the amount has been paid.

Annually thereafter, the owner shall provide the CPM with verification of funding to the San Bernardino County Fire Department for required fire protection services mitigation pursuant to the agreement with the Fire Department or the CPM approved independent fire needs assessment.

WORKER SAFETY -7 The project owner shall:

Provide a \$1,653,000 payment to San Bernardino County Fire Department prior to the start of construction. This funding shall off-set any initial funding required by **WORKER SAFETY-6** above until the funds are exhausted. This offset will be based on a full accounting by the San Bernardino County Fire Department regarding the use of these funds.

Verification: At least 30 days prior to the start of site mobilization the project owner shall provide documentation of the payment described above to the CEC CPM. The CEC CPM shall adjust the payments initially required by **WORKER SAFETY-6** based upon the accounting provided by the San Bernardino County Fire Department.

Colusa Generating Station

06-AFC-9

WORKER SAFETY-6 The project owner shall either (1) reach an agreement with the Maxwell fire department regarding the funding of resources to mitigate potential project-related impacts on fire protection services or if no agreement can be reached shall (2) fund an independent consultant's study to evaluate the following:

- Potential for impacts on local fire protection and costs of new local fire protection services necessary to mitigate such impacts;
- The risk of impact on the local population that could result from potential unmitigated impacts on local fire protection services;
- The extent to which local tax revenue from the project will provide funding to reduce impacts on local fire protection services;
- Recommend the amount of funding that should be provided to mitigate any identified significant impacts on local fire protection services.

Compliance Protocols:

- The project owner shall provide a protocol for conducting the independent consultant study for review and comment by the Maxwell Fire Department and review and approval by the CEC CPM prior to conducting the study.
- The independent consultant study shall be funded by the project owner and conducted by a consultant approved by the CEC CPM.
- No construction of permanent above ground structures shall occur until funding of mitigation occurs either pursuant to an agreement reached between the project owner and the Maxwell Fire Department or pursuant to the staff-approved independent consultant's study.
- In the event that the parties disagree with the consultant's recommendations the CEC CPM shall, based on the results of the CEC CPM approved independent consultant study and comments from the project owner and the Maxwell Fire Department, make the final determination regarding the mitigation measures that will be required and the amounts of funding to be provided to the Maxwell Fire Department to accomplish any required mitigation.

Verification: The project owner shall provide the CEC CPM with a copy of the agreement with the Maxwell Fire Department; or a study outline and scope of work for the proposed independent consultant study and qualifications for proposed contractors for approval. The project owner shall provide the CEC CPM with a copy of the completed study prior to any construction of permanent above-ground structures at the project site. Annually thereafter, the owner shall provide the CEC CPM with verification of funding to the Maxwell Fire Department for required fire protection services mitigation pursuant to the agreement with the Department or the CEC CPM approved independent consultant study.

WORKER SAFETY-7 The project owner shall provide a \$230,000 payment to the Maxwell Fire Department prior to the start of construction. This funding shall offset any initial funding required by **WORKER SAFETY – 6** above until the funds are exhausted. This offsetting will be based on a full accounting by the Maxwell Fire Department regarding the use of these funds.

Verification: At least 30 days prior to the start of site mobilization the project owner shall provide documentation of the payment described above to the CEC CPM. The CEC CPM shall adjust the payments initially required by **WORKER SAFETY- 6** based on the accounting provided by the Maxwell Fire Department.



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 **ABENGOA MOJAVE**
SOLAR POWER PLANT

Docket No. 09-AFC-5
PROOF OF SERVICE
(Revised 7/21/2010)

APPLICANT

Emiliano Garcia Sanz
General Manager
Abengoa Solar Inc.
11500 West 13th Avenue
Lakewood, CO 80215
emiliano.garcia@solar.abengoa.com

Scott D. Frier
Chief Operating Officer
Abengoa Solar Inc.
13911 Park Ave., Ste. 206
Victorville, CA 92392
scott.frier@solar.abengoa.com

*Tandy McMannes
VP Business Development
Abengoa Solar Inc.
235 Pine Street, Suite 1800
San Francisco, CA 94104
tandy.mcmannes@solar.abengoa.com

APPLICANT'S CONSULTANTS

Frederick H. Redell, PE
Engineering Manager
Abengoa Solar, Inc.
11500 West 13th Avenue
Lakewood, CO 80215
frederick.redell@solar.abengoa.com

COUNSEL FOR APPLICANT

Christopher T. Ellison
Ellison, Schneider & Harris
2600 Capitol Ave., Suite 400
Sacramento, CA 95816
cte@eslawfirm.com

INTERESTED AGENCIES

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

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")
Tanya A. Gulesserian
Marc D. Joseph
Elizabeth Klebaner
Adams Broadwell Joseph & Cardozo
601 Gateway Boulevard, Suite 1000
South San Francisco, CA 94080
E-mail Preferred
tgulesserian@adamsbroadwell.com
eklebaner@adamsbroadwell.com

Luz Solar Partners Ltd., VIII
Luz Solar Partners Ltd., IX
Jennifer Schwartz
700 Universe Blvd
Juno Beach, FL 33408
jennifer.schwartz@nexteraenergy.com

ENERGY COMMISSION

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

JAMES D. BOYD
Vice Chairman and Associate Member
jboyd@energy.state.ca.us

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

Lorraine White
Adviser to Commissioner Eggert
lwhite@energy.state.ca.us

Craig Hoffman
Project Manager
choffman@energy.state.ca.us

Christine Hammond
Staff Counsel
chammond@energy.state.ca.us

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

DECLARATION OF SERVICE

I, Debra Dabney, declare that on July 28, 2010, I served and filed copies of the attached Staff's Submittal of Proposed Conditions of Certification Regarding Worker Safety and Fire Protection, dated July 28, 2010. 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/abengoa/index.html>]. 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:

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

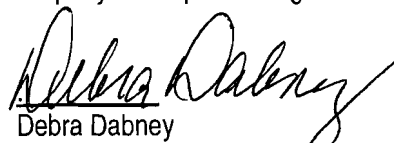
Attn: Docket No. 09-AFC-5

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.


Debra Dabney
Chief Counsel's Office



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 **ABENGOA MOJAVE**
SOLAR POWER PLANT

Docket No. 09-AFC-5
PROOF OF SERVICE
(Revised 7/21/2010)

APPLICANT

Emiliano Garcia Sanz
General Manager
Abengoa Solar Inc.
11500 West 13th Avenue
Lakewood, CO 80215
emiliano.garcia@solar.abengoa.com

Scott D. Frier
Chief Operating Officer
Abengoa Solar Inc.
13911 Park Ave., Ste. 206
Victorville, CA 92392
scott.frier@solar.abengoa.com

*Tandy McMannes
VP Business Development
Abengoa Solar Inc.
235 Pine Street, Suite 1800
San Francisco, CA 94104
tandy.mcmannes@solar.abengoa.com

APPLICANT'S CONSULTANTS

Frederick H. Redell, PE
Engineering Manager
Abengoa Solar, Inc.
11500 West 13th Avenue
Lakewood, CO 80215
frederick.redell@solar.abengoa.com

COUNSEL FOR APPLICANT

Christopher T. Ellison
Ellison, Schneider & Harris
2600 Capitol Ave., Suite 400
Sacramento, CA 95816
cte@eslawfirm.com

INTERESTED AGENCIES

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

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")
Tanya A. Gulesserian
Marc D. Joseph
Elizabeth Klebaner
Adams Broadwell Joseph & Cardozo
601 Gateway Boulevard, Suite 1000
South San Francisco, CA 94080
E-mail Preferred
tgulesserian@adamsbroadwell.com
eklebaner@adamsbroadwell.com

Luz Solar Partners Ltd., VIII
Luz Solar Partners Ltd., IX
Jennifer Schwartz
700 Universe Blvd
Juno Beach, FL 33408
jennifer.schwartz@nexteraenergy.com

ENERGY COMMISSION

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

JAMES D. BOYD
Vice Chairman and Associate Member
jboyd@energy.state.ca.us

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

Lorraine White
Adviser to Commissioner Eggert
lwhite@energy.state.ca.us

Craig Hoffman
Project Manager
choffman@energy.state.ca.us

Christine Hammond
Staff Counsel
chammond@energy.state.ca.us

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

DECLARATION OF SERVICE

I, Debra Dabney, declare that on July 28, 2010, I served and filed copies of the attached Staff's Submittal of Proposed Conditions of Certification Regarding Worker Safety and Fire Protection, dated July 28, 2010. 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/abengoal/index.html]. 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:

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. 09-AFC-5

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.

: /s/ _____
Debra Dabney
Chief Counsel's Office