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DOCKET

09-AFC-10

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

**Subject: RICE SOLAR ENERGY, LLC'S COMMENTS ON THE PRESIDING
MEMBER'S PROPOSED DECISION
RICE SOLAR ENERGY PROJECT
DOCKET NO. (09-AFC-10)**

Enclosed for filing with the California Energy Commission is the original of **RICE SOLAR ENERGY LLC'S COMMENTS ON THE PRESIDING MEMBER'S PROPOSED DECISION**, for the Rice Solar Energy Project (09-AFC-10).

Sincerely,

A handwritten signature in blue ink, appearing to read "Marie Mills".

Marie Mills

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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
COMMENTS ON THE PRESIDING
MEMBER'S PROPOSED DECISION**

Rice Solar Energy, LLC (RSE), a wholly owned subsidiary of SolarReserve, in accordance with the Committee Order files these comments on the Presiding Member's Proposed Decision (PMPD) for the Rice Solar Energy Project (RSEP). RSE appreciates the Committee's commitment to expediting the AFC process for the RSEP and especially thanks the Hearing Officer for producing the PMPD so quickly.

To assist the Committee in preparing errata to the PMPD, the comments are organized by PMPD Section and page number below.

INTRODUCTION

Page 1, Fourth Paragraph, First Line

Colorado is misspelled.

Page 1, Last Line

Although the AFC and Staff Assessment identify that the RSEP would occupy approximately 1,410 acres, the project would actually occupy 1,387 acres, including all of the fenced area (heliostat field, evaporation ponds, administration area) and the runoff channels that are outside the permanent fenced area. This does not include the generator tie-line access road or transmission line towers, or the substation. Exhibit 47

(Supplemental Information Item #9) is a table of acreages that Staff has agreed to for biological resources mitigation and is the basis for these comments. Therefore, the following modification should be made throughout the PMPD.

“The power plant would occupy ~~4,410~~ **1,387** acres.”

This modification should also be made at the following locations as well:

- Project Description, Page 1, Section 1, Second Paragraph, First Line
- Alternatives, Page 2, Last Line
- Alternatives, Page 19, Final Paragraph
- Alternatives, Page 6, b. Disturbance Areas
- Alternatives, Page 7, First Paragraph, Second Line

Page 2, Second Paragraph

This paragraph should be modified to correct the reference to the Parker-Blythe #2 existing transmission line. Western Area Power Administration (Western) has dropped the reference to this line as either #1 or #2 and the PMPD should be similarly modified. The references should be removed at the following locations as well:

- Project Description, page 1, second to last paragraph
- Project Description, page 3, Figure 1
- Project Description, page 12, third and fourth paragraphs

Page 12, Second Paragraph

The word “owed” should be changed to “owned”.

PROJECT DESCRIPTION

Page 5, Item 3, First Bullet

The term “filed” should be changed to “field”.

Page 7, a. Heliostats, line 1

The amount of acreage for the heliostat field would be 1,329 acres and therefore the following should be modified.

“Up to 17,500 heliostats would occupy approximately ~~4,370~~ **1,329** acres...”

Page 8, Figure, Layout

RSE agreed to provide a 100-foot buffer between State Route 62 and the construction laydown yard fence. This is shown in Figure SII9-1 (Exhibit 47), but has not been

included in a site layout drawing. We suggest placing a note on Figure 3 acknowledging the 100 foot buffer..

Page 9, Last Paragraph

The phrase “to melted” should be changed to “to be melted”.

Page 10, Second Paragraph, Second Sentence

The term “though” should be changed to “through”.

Page 14, After Table 2

This section describes that RSE estimated that the project would not use more than 180 AFY of groundwater during operations. Staff’s analysis and subsequent Conditions of Certification limit the RESP to 150 AFY which RSE accepts. Therefore the following should be added directly following this Table to ensure there is no confusion about the amount of groundwater the RSEP will use during operation

“Staff subsequently analyzed and restricted the Applicant to 150 AFY. See Soil & Water Section.”

Page 15, Paragraph 3, Line 4

The PMPD correctly identified that the AFC described that the RSEP originally contained a 30-acre detention pond. However, in the Staff Assessment/Draft Environmental Impact Statement (SA/DEIS) the Staff recommended removal of the detention pond from the Project Description in order to minimize impacts to “waters of the state”. This condition is embodied in Condition of Certification **BIO-22**, to which RSE agreed. Therefore the following modification should be made.

“On-site runoff would drain as it would naturally from north to south ~~on~~ **through** the RSEP site. ~~into a 30-acre detention pond where it would infiltrate or be released gradually.”~~

Page 18, Findings of Fact 6

The word “or” after MWh should be changed to “of”.

ALTERNATIVES

Page 17, 3rd Paragraph, Last Sentence

After adjudication the Committee did not agree with Staff’s finding of significance relating to visual resources and therefore the following modification to this sentence should be made.

“A project at the site would have a direct visual impact to the National Trails Highway and **Staff finds that** visual impacts would likely be significant, **similar to Staff’s findings regarding** the proposed RSEP site. **The Committee did not agree with Staff and instead found that there would be no significant visual impacts at the proposed RSEP site.**”

Page 24, Second Paragraph, Line 4

Neither Staff nor Applicant has made a finding that the project would alter sand movement and therefore the following modification should be made.

“...wildlife movement; and alteration of ephemeral streams, ~~and alteration of sand movement associated with the proposed project.~~”

FACILITY DESIGN

Page 2, First Paragraph, Second Sentence

The reference to gas pipelines should be deleted as the RSEP does not include any gas pipelines.

TRANSMISSION SYSTEM ENGINEERING

Page 9, Second Paragraph

The word “entitles” should be changed to “entities”.

Page 13, Finding 7

The word “generation” should be replaced with “facility”.

WORKER SAFETY AND FIRE PROTECTION

Page 15, Condition of Certification WORKER SAFETY-7

RSE requests the following modification to allow it to satisfy its obligation by submitting a letter of credit. This method has been approved by the Commission and Riverside County Fire Department (RCFD) for the Blythe Solar Power Project, Palen Solar Power Project, and the Genesis Solar Energy Project. Therefore we request the verification to this condition be modified as follows:

Verification: At least thirty (30) days prior to the start of site mobilization, the project owner shall provide to the CPM documentation that ***a letter of credit in*** the amount of \$570,000 has been paid ***provided*** to the RCFD.

Page 15, Condition of Certification WORKER SAFETY-9

The PMPD concludes that Conditions of Certification **WORKER SAFETY-9** and **-10** may not be allowed by Riverside County. We understand that the Commission will not require compliance with these conditions if Riverside County determines that the conditions will not comply with Riverside County ordinances. To clarify that these conditions are only applicable if Riverside County determines they are consistent with its ordinances, we have proposed revised verification language as shown below. We have also made some minor language modifications to more accurately reflect the contracting procedures necessary to provide adequate emergency response services on site during construction and which we believe will comply with Riverside County ordinances.

WORKER SAFETY-9 During any construction activities, the project owner shall provide on-site:

- a) an ***Advanced Life Support Provider*** ~~EMT-P (Paramedic)~~ who is certified by Riverside Emergency ***Medical*** Services (REMS) ***Agency*** along with the appropriate equipment and supplies;
- b) a ~~Advanced~~ ***Basic*** Life Support Ambulance with a California certified driver for use during medical emergency events; and
- c) ***an MOU with REMS for utilization of air medical services***

Verification: At least 30 days prior to the commencement of site mobilization, the project owner shall ***either provide a letter to the CPM from Riverside County stating this condition cannot be lawfully implemented in accordance with its ordinances or shall*** provide to the CPM for review and approval:

- a) the name and contact information for the ~~EMT-P~~ ***Advanced Life Support Provider***. The contact information of any replacements ~~EMT-P~~ shall be submitted to the CPM within one business day, and provide evidence in each Monthly Compliance Report during commercial operation; and
- b) a letter to the CPM confirming that the Basic Life Support Ambulance is available and will be onsite during any construction activities and provide evidence in each January Monthly Compliance Report during construction; and

- c) proof of its **MOU with REMS** ~~contract~~ for air medical service ~~to the CPM for review and approval~~ and provide evidence in each January Monthly Compliance Report during construction.

Page 16, Condition of Certification WORKER SAFETY-10

WORKER SAFETY-10 Beginning with commercial operation, the project owner shall provide onsite:

- a) an EMT-P who is certified by Riverside Emergency **Medical Services (REMS) Agency** along with the appropriate equipment and supplies; and
- b) ~~an MOU with REMS for a contract with an air medical services~~ to respond **based on clinical justification and a** ~~to a request~~ from an onsite EMT-P.

Verification: At least 30 days prior to the commencement of commercial operation, the project owner shall be ***either provide a letter to the CPM from Riverside County stating this condition cannot be lawfully implemented in accordance with its ordinances or shall*** provide to the CPM for review and approval:

- a) the name and contact information for the EMT-P(s) to be working on each shift. The contact information of any replacement EMT-P shall be submitted to the CPM within one business day, and provide evidence in each Monthly Compliance Report during commercial operation; and
- b) annually thereafter in the Annual Compliance Report, proof of its **MOU with REMS** ~~contract~~ for air medical services to the CPM for review and approval.

BIOLOGICAL RESOURCES

Page 7, First Paragraph, Line 5:

The heliostat field encompasses 1,329 acres, not 1,316. See Exhibit 47.

Page 7, 3rd paragraph, line 3

The acreage of the laydown area was modified to accommodate the 100-foot-wide buffer to State Route 62 required by Condition of Certification BIO-21 for desert tortoise and also to reduce impacts to Rice Army Airfield features. Therefore the following modification should be made consistent with Exhibit 47.

“The proposed logistics and lay-down area is on ~~60~~ **25.66** acres...”

Page 7, Third Paragraph, Last Line

The Parker-Blythe line is no longer in the Area of Potential Effects, because Western has found that a new fiber optic communication line is not necessary. Therefore the following modification should be made.

“...distribution line, ~~and the Western Parker-Blythe #2 transmission line.~~”

Page 7, Fourth Paragraph, Third Line

Staff and RSE have agreed that this number is 1,448 acres. Please see the table of acreages in Exhibit 47. Therefore the following modification should be made.

“...and permanent project disturbance would affect approximately ~~1,760~~
1,448 acres.”

Page 8, Table 1

Staff and RSE have agreed to different numbers for many of the entries to this table which are reflected in Exhibit 47. The following table reflects the correct acreages. Also, please remove the Parker-Blythe transmission line as the line is no longer necessary.

**Biological Resources Table 1
Summary of Project Components and Acreages¹**

Project Component	Applicant-Owned Land	Private Land (Other)	Public (BLM) Land	Total
Total contiguous applicant holdings (six parcels)	3,324 acres	n/a	n/a	3,,324 acres
Project site (four parcels, to be merged into one)	2,560 acres	n/a	n/a	2560 acres
Solar generator site, including permanent facilities within perimeter fence	4,410 1,368 acres	0	0	4410 1,368 acres
Permanent stream channel diversions (outside perimeter fence) ²	35-60 19 acres	0	0	35-60 19 acres
Long-term construction-phase disturbance (parking, lay-down, workforce RV camp, and logistics)	60 26 acres	0	0	60 26 acres
Permanent new access and maintenance road for transmission line (24 ft. wide x 4.6 or 5.4 miles) ²	0-3 3 acres	0	14-16 11 acres	14-16 14 acres
Long-term disturbance for new distribution line (existing line to perimeter of solar generator site)	Unkn.		Unkn.	Unkn.
Long-term disturbance for new transmission line towers and pull sites ⁴²	40 2 acres	40 2 acres	80 19 acres	100 23 acres

Permanent disturbance for interconnector substation	0	0	3 acres	3 acres
Long-term disturbance for ground line construction on existing Western 161 kV Transmission Line ⁵		Unkn.	Unkn.	127 acres
Total Project disturbance area³	1,515-1,540 1,418 acres	40 2 acres +	97-99 33 acres +	1,749-1,776 1,453 acres

1. Data from the Application for Certification (SR 2009a) unless otherwise noted. **Exhibit 47 unless otherwise noted**

2. Staff estimate based on CH2MHill 2010g.

3. Total generator tie-line right of way = 150 acres (Rice Solar Energy 2010). Staff estimates road disturbance as 24-foot width x length of road; length is reported as 4.6 miles in SR 2009a, and as 5.4 miles in CH2MHill 2010d.

4. 2. Staff estimates 90 towers and 10 pull sites, each site approximately ~~one~~ 0.5 acre; approximately 80% of tower and pull sites would be on BLM land.

5. Estimate provided by Western (pers. comm. W. Werner).

3. Note that 6 acres within the disturbance area consists of a concrete apron that is not considered desert tortoise habitat for later calculations of compensation acreage. Therefore, the total acreage for the habitat compensation calculations is 1,448.4

Page 10, Table 2

The table should be modified to reflect the correct acreages as set forth in Exhibit 47.

**Biological Resources Table 2
Summary of Project Disturbance Acreage by Vegetation Type¹**

Vegetation Type	Solar Generator Site and Contiguous Facilities	Transmission lines and Interconnector Substation	Total
Creosote bush scrub	1,422-1,447 1,320 acres	107-109 42 acres	1,529-1,556 1,362 acres
White bursage scrub	87 acres	0	87 acres
Smoke tree woodland	0	0	0
Unvegetated (concrete pad)	6 acres	0	6 acres
Unmapped disturbance (existing 161-kv Parker-Blythe #2 transmission line)	0	127 acres	127 acres
Total Project disturbance area¹	1,515-1,540 1,413 acres	234-236 42 acres	1,749-1,776 1,455 acres

1. Does not include Distribution Line or Fiber Optic OPGW. **Note that the 6 acres consists of a concrete apron that are not considered desert tortoise habitat for later calculations of compensation acreage. Therefore, the total acreage for the habitat compensation calculations is 1,448.4**

Page 18, Second Paragraph

Since Western has determined that the fiber optic line is not necessary this paragraph should be deleted.

Page 30, First Paragraph

Staff and RSE have agreed to the table of acreages in Exhibit 47 and therefore the following modification should be made.

“...approximately ~~1,770~~ **1,448** acres of occupied desert tortoise habitat.”

Page 35, Third Paragraph

Staff and RSE have agreed to the table of acreages in Exhibit 47 and therefore the following modifications are necessary.

“...permanent and long-term impacts to approximately ~~1,661~~ **1,412** acres of lower quality habitat at the solar generator site to less than significant. For permanent and long-term impacts to approximately ~~109~~ **37** acres of higher-quality habitat.”

Page 35, Third Paragraph

The following modification is necessary to reflect the length of the new roadway

“...the ~~5.4~~ **4.6** miles of new roadway...”

Page 36, Table 5

See previous comments on acreages. Table numbers should be as follows:

1,411.5 acres	1:1	1,411.5 acres
36.9 acres	3:1	110.7 acres
1,448.4 acres	-	1,522.2 acres

Page 42, First and Second Paragraphs

The references to the Parker-Blythe transmission line should be deleted because the fiber-optic cable alternative is no longer being considered.

Page 44, Third Full Paragraph

Staff and RSE have agreed to the table of acreages in Exhibit 47 and therefore the following modification should be made.

“...~~1,770~~ **1,448** acres of foraging habitat in the region...”

Page 46, Third Paragraph, Line 3.

The following modification is necessary to accurately describe the length of the new access road.

“...extend for approximately ~~5.4~~ **4.6** miles along the transmission line...”

Page 51, Second Paragraph, Line 8

Condition of Certification **BIO-17** on page 123 uses the correct numbers to calculate the monetary obligation to fund a regional raven management plan. However, this sentence reflects older acreage estimates and should be modified as follows.

“...Account held by NFWF, for the ~~1,776~~-**1,448** acre total project footprint area. This payment of ~~\$190,209.60~~ **\$152,040** would support the regional raven management plan...”

Page 77, Finding of Fact # 1

The following modification is necessary to accurately reflect the disturbance acreage.

“1. Construction and operation of RSEP will result in the permanent loss of ~~1,770~~ **1,448** acres of habitat.”

Page 135

There are remnants of underline/strikeout in items (i) and (k) that are probably unintended on this page.

SOIL AND WATER RESOURCES

Page 8, Second Paragraph

The RSEP originally included a detention basin but Staff required it be deleted to minimize impacts to “waters of the state”. Therefore this paragraph should be deleted and we offer the following replacement for consideration.

The RSEP originally included a detention basin to accommodate on-site drainage. Staff required it to be removed from consideration in order to minimize impacts to “waters of the state”. The Applicant agreed and the requirement is embodied in Condition of Certification BIO-22.

CULTURAL RESOURCES

Page 11, 7. Cultural Resources Inventory, Second Paragraph

The fiber optic line along the Parker-Blythe transmission line is no longer part of the project and therefore the following modifications are necessary.

~~Eighty-one~~ **Three** previously recorded resources, ***all of the historic era***, (~~64 prehistoric and 17 historical~~) are within the RSEP study area., the vast majority of which are situated along the existing Parker Blythe Transmission Line No. 2. Of these, ~~77~~ **one** (Camp Rice) are ***is*** located

within the archaeological APE. ~~The prehistoric sites include 29 trail segments (two with associated petroglyphs, several with associated lithic scatters and/or quarries), 26 lithic scatters, 7 quarry sites, one geoglyph, and one ceramic scatter."~~

The historical **three** sites include ~~three small, unnamed temporary Desert Training Center camp sites, Camp Rice, 2 mining camps, two historic roads, the Atchison-Topeka-Santa Fe Railroad, and the Colorado River Aqueduct, the structural remains of a former Vidal power substation, and 6 refuse scatters and/or dumps.~~ (Ex. 200, p. 6.3-39.)

Page 14, 9. NRHP and CRHR Evaluations

The fiber optic line along the Parker-Blythe transmission line is no longer part of the project and therefore the following modifications are necessary.

~~Previously Recorded Resources within the APE. All previously recorded resources along the existing Parker-Blythe Transmission Line No. 2 were previously evaluated for possible eligibility. Their eligibility recommendations (eligible, not eligible, and indeterminate) are assumed valid for the purposes of this evaluation. (See Ex. 200, Cultural Resources Table 9, Appendix A for a listing.) We note that these recommendations have not received concurrence from the Office of Historic Preservation.~~

~~Of the 77 resources considered, 23 were recommended eligible for the NRHP, 35 were indeterminate (therefore possibly eligible), and 18 ineligible. The only other resource previously recorded within the APE (not recorded as part of the Parker-Blythe Transmission Line No. 2) is Camp Rice. It has not been evaluated. (Ex. 200, p. 6.3-46.)~~

Page 16, "Prehistoric Trails Network Cultural Landscape (PTNCL)"

The fiber optic line along the Parker-Blythe transmission line is no longer part of the project and the only prehistoric trail was associated with that project component. Since there are no prehistoric trails associated with other project components, this section should be deleted to the end of page 17.

Page 18, Table 2

The entries for Prehistoric Trails Network Cultural Landscape, Lithic Scatters/Quarries, Geoglyph, and Mining Camp should be deleted as the fiber optic line along the Parker-Blythe transmission line is no longer part of the project.

Page 20, Third and Fourth Paragraphs

Staff and RSE worked closely together during workshops to modify several Conditions of Certification, as documented in Staff's Rebuttal Testimony (Exhibit 208, dated October 27, 2010.). Therefore the following should be modified to reflect Exhibit 208.

Specifically regarding impacts to the Rice Army Airfield (Rice AAF), Camp Rice, and the surrounding DTC/C-AMA cultural landscape, we adopt **CUL-11, -12, and -13**. Condition **CUL-11** requires the project owner to construct and maintain a Historic Interpretive Area, with visitor services, including parking, ~~water, restrooms, and shade, appropriate to a desert environment. Although not specifically related to the interpretive value of the site, requirements for restrooms, drinking fountain, garbage cans, and shaded areas have been included to address relevant sanitary concerns and acknowledge the area's unique desert conditions. Providing self-closing containers and collection of refuse would minimize litter that could attract wildlife and invite increased predation on desert tortoise and other at-risk species. There are no existing restrooms or source of drinking water along SR 62 for many miles in either direction. Restrooms would prevent the inappropriate use of the land surrounding the interpretive area and provide a means to properly contain and dispose of human waste. A properly maintained drinking fountain would provide public access to potable water in an environment where outside activities could contribute to dehydration and heat-related illness. Shaded areas would also reduce heat-related impacts.~~

~~The Historic Interpretive Area would be located along the west side of the project's secondary access (fire access road), adjacent to several remaining artifacts of the Rice AAF (e.g., stem wall foundations and rock-lined paths), which would become part of an interpretive path. All sensitive site information related to the Rice AAF would be documented (and curated, if appropriate) prior to completion of the interpretive area and public access. Location of the Historic...~~

Page 24, Findings of Fact

These findings should be modified to reflect agreements reached with Staff and documented in Staff's Rebuttal Testimony (Exhibit 208, dated October 27, 2010 as discussed above.

3. ~~There are 77~~ **are three** cultural resource sites identified from previous and new resource investigations within the project's Area of Potential Effect. Two of these resource sites, Rice AAF and Camp Rice, included numerous features and artifact concentrations.
5. Of the resources identified in previous studies, ~~23~~ **2** sites were recommended as eligible for NRHPs. Both Rice AAF and Camp Rice have been identified as being eligible for the NRHPs.

6. The project assessment also recommended the designation of ~~two~~ **one** cultural landscapes: Desert Training Center and Prehistoric Trail Network.”

Pages 24 to 48, Cultural Resources Conditions of Certification.

These findings should be modified to reflect the agreements reached with Staff and documented in Staff’s Rebuttal Testimony (Exhibit 208, dated October 27, 2010 as discussed above.

CUL-4 – Items 6 and 8 and Verification paragraphs 1, 2 and 3

CUL-8 – New paragraph added after paragraph one and changes to paragraph 2

CUL-9 – Changes to most of the paragraphs and the verification

CUL-10 – Minor change to the Verification

CUL-11 – Changes to every paragraph in this Condition, including removing the requirements for a restroom, drinking fountain, and interpretive trail

CUL-12 - Changes to the first paragraph

In addition to the changes noted in Staff’s Rebuttal Testimony, Staff proposed, and RSE accepted, major changes to Conditions CUL-13 and CUL-14 and minor changes to CUL-7 on the day of the hearing. These were taken into evidence at the Evidentiary Hearing as Exhibit 210. A complete set of conditions is attached to these comments and should replace the Conditions in the PMPD entirely.

TRAFFIC AND TRANSPORTATION

Page 30, Condition of Certification TRANS-6

The PMPD included Condition of Certification TRANS-6 from the SA/DEIS. The Condition was modified by Staff’s Opening Testimony (Testimony of Alan Lindsley, Exhibit 205). Therefore the following should replace the version of Condition of Certification TRANS-6 contained in the PMPD.

TRANS-6 The project owner shall prepare a Heliostat Positioning Plan in coordination with the Avian Protection Plan specified in Condition of Certification **BIO-25** that would minimize potential for human health and safety hazards and bird injury or mortality from solar radiation exposure.

Verification: Within 90 days before RSEP commercial operation, the project owner shall submit a Heliostat Positioning Plan (HPP) to the CPM for review and approval. The project owner shall also submit the plan to potentially interested parties that may include CalTrans, CHP, FAA, and the Department of Defense (DOD) Southwest Renewable Energy Work

Group for review and comment and forward any comments received to the CPM. The Heliostat Positioning Plan shall accomplish the following:

1. Identify the heliostat movements and positions (including reasonably possible malfunctions) that could result in potential exposure of observers at various locations including in aircraft, motorists, pedestrians and hikers in nearby wilderness areas to reflected solar radiation from heliostats;
2. Describe within the HPP how programmed heliostat operation would address potential human health and safety hazards at locations of observers, and would limit or avoid potential for harm to birds;
3. Prepare a monitoring plan that would: a) obtain field measurements in candela per meters squared and watts per meter squared to validate that the Heliostat Positioning Plan would avoid potential for human health and safety hazards consistent with the methodologies detailed in the 2010 Sandia Lab document presented by Clifford Ho, et al¹, including those referenced studies and materials within related to ocular damage, and b) provide requirements and procedures to document, investigate and resolve legitimate human health and safety hazard complaints prioritizing localized response (e.g screening at location of complaint) regarding daytime intrusive light.
4. The monitoring plan should be made available to interested parties including CalTrans, CHP, FAA, and the Department of Defense (DOD) Southwest Renewable Energy Work Group and be updated on an annual basis for the first 5 years, and at 2-year intervals thereafter for the life of the project.

Page 31, Condition of Certification TRANS-7

Staff and RSE worked closely together during workshops to modify Condition of Certification TRANS-7. The PMPD contains a version of the condition contained in the SA/DEIS. The modified stipulated version is contained in Exhibit 48. The version contained in Exhibit 48 should replace the version contained in the PMPD.

¹ C.K. Ho, C.M. Ghanbari, and R.B. Diver, 2010, Methodology to Assess Potential Glare Hazards from Concentrating Solar Power Plants: Analytical Models and Experimental Validation, ES2010-90053, in proceedings of the ASME 2010 4th International Conference on Energy Sustainability, Phoenix, AZ, May 17-22, 2010.

TRANS-7 The project owner shall prepare a Power Tower LMVR Plan to provide procedures to conduct measurements and to document complaints regarding distraction effects to aviation, vehicular and pedestrian traffic associated with the RSEP solar receiver tower.

Verification: No later than 60 days prior to RSEP commercial operation, the project owner shall provide a Power Tower LMVR Plan applicable to RSEP for review and approval by the CPM. The plan shall specify procedures to document and investigate complaints regarding intrusive light, and report these to the CPM within 10 days of receiving a complaint.

The project owner shall measure the intensity of the luminance of light in candelas per meter squared and watts per meter squared reflected from the solar receiver tower according to the following:

- A. Within 90 days following commercial operation;
- B. If a major design change is implemented that results in an increase of the reflective luminance of the RSEP solar receiver tower; and
- C. After receiving a complaint regarding a distraction associated with the central solar receiver from a location where previous measurements were not taken.

The Power Tower LMVR Plan shall include provisions for the following:

1. Provide measurement data within 30 days to potentially interested parties that may include CalTrans, CHP, FAA, and the Department of Defense (DOD) Southwest Renewable Energy Work Group for review and comment, and to the CPM for review and approval.
2. Measurement of luminance at the locations where any distraction effects have been reported and at the locations nearest the solar receiver tower from the four sides of the power plant boundary, and the nearest public road, which may be substituted for one of the sides of the solar receiver tower during the time of day when values would be highest;
3. Measurement of luminance using an illuminance meter, photometer, or similar device and reporting of data in photometric units (candelas per meter squared and watts per meter squared); the measurements are intended to provide a relative and quantifiable measure of luminance that can be associated with any observed and reported distraction effect from the solar receiver tower.

4. Provisions for documenting reported distraction and if the solar receiver tower is identified as a safety concern; the project owner shall consider reasonable localized mitigation measures that are technically and financially feasible. The localized mitigation measures may include signage for or screening of the affected area or other reasonable measures
5. Post-mitigation verification; Within 30 days following the implementation of mitigation measures designed to reduce localized impact of the solar receiver tower, the project owner shall repeat the luminance measurements to demonstrate the effectiveness of mitigation measures and provide the new measurement data for review and comment by interested parties that may include CalTrans, CHP, FAA, and the Department of Defense (DOD) Southwest Renewable Energy Work Group, and for review and approval by the CPM.

(Note that this condition was slightly reformatted as Verification Item 4 was not numbered in Exhibit 48.)

VISUAL RESOURCES

Page 11, Last Paragraph, Item 7

Staff and RSE worked closely during workshops to modify Condition of Certification VIS-3 and agreed to remove the requirement for screening. Therefore the following modification should be made to the PMPD.

“Under this Condition, the soil surface and set-back area south of SR 62 must remain undisturbed to the maximum extent feasible and all ~~construction-related areas must be screened from the highway by 8-foot tall opaque screening or tan or brown color to blend with the surrounding soil surface.~~”

Page 33, Condition of Certification VIS-3

Staff and RSE worked closely during workshops and agreed to modify Condition of Certification VIS-3. The agreed modifications were included in Exhibit 48. The following modifications to the version contained in the PMPD will accurately reflect the version of this condition to which the parties stipulated.

VIS-3 To address potential impacts to motorists on SR 62 during and after the period of project construction, all construction laydown, administration, parking and other construction-related facilities shall be setback from SR-62 a minimum of ~~250~~ **100** feet, or greater where feasible. The soil surface and vegetation of the set-back area south of the highway shall remain undisturbed to the maximum extent feasible, except to accommodate the minimum practical number of access drive-ways, or to enhance existing native vegetation. ~~All construction-related areas shall be screened from the highway by 8' tall opaque screening of tan or brown color to blend with the surrounding soil surface to the extent feasible....~~

Verification: At least 90 days prior to start of construction, the project owner shall present to BLM's Authorized Officer and the CPM a revised staging area site plan including a set-back from SR-62 of at least ~~250~~ **100** feet. If the CPM...

.... *(remainder of condition unchanged)*

RSE will be prepared to discuss these comments at the PMPD Conference and will, if requested by Committee, assist the Hearing Office in preparing errata to the PMPD.

Dated: November 30, 2010

Respectfully Submitted,

Original Signed
Scott A. Galati
Counsel to Rice Solar Energy, LLC

Rice Solar Energy Project (09-AFC-10)
Staff and Applicant's Proposed Edits to Cultural Resource Conditions of
Certification CUL-7, -13 and -14

The following are edits to the Cultural Resource Conditions of Certification (COCs) that resulted from discussions between applicant, staff, Bureau of Land Management (BLM) and Western during the October 28, 2010 Issue Resolution Workshop. Proposed changes are in reference to the COCs as included in the SA/DEIS and are shown in underline and strikeout. CUL-13 and CUL-14 are new since the publication of the SA/DEIS. Changes that resulted from the October 28, 2010 workshop are further highlighted by bold print.

CUL-7 CONSTRUCTION MONITORING PROGRAM

The project owner shall ensure that the CRS, alternate CRS, or CRMs shall monitor, full time, all ground disturbance, to prevent construction impacts to undiscovered resources and to ensure that known resources are not impacted in an unanticipated manner.

Consistent with the recommendations of the County of Riverside, a Special Interest Monitor (SIM), designated by the ~~George S. General~~ Patton Memorial Museum, shall **be allowed to** monitor all ground disturbance, consistent with the actions of a CRM. ~~but shall only have the authority to halt construction or assume full responsibilities as a CRM if he/she meets the qualification requirements, as designated in CUL-2. Otherwise, a~~Any recommendations offered by the SIM shall be treated as advisory only and must be approved by the CRS or alternate CRS.

Full-time archaeological monitoring for this project shall include the archaeological monitoring of ground-disturbing activities by approved CRS or CPM in the areas specified, for as long as the activities are ongoing. Where excavation equipment is actively removing dirt and hauling the excavated material farther than fifty feet from the location of active excavation, full-time archaeological monitoring shall require at least two monitors per excavation area. In this circumstance, one monitor shall observe the location of active excavation and a second monitor shall inspect the dumped material. For excavation areas where the excavated material is dumped no farther than fifty feet from the location of active excavation, one monitor shall both observe the location of active excavation and inspect the dumped material. The research design in the CRMMP shall govern the collection, treatment, retention/disposal, and curation of any archaeological materials encountered.

On forms provided by the CPM, CRMs shall keep a daily log of any monitoring and other cultural resources activities and any instances of noncompliance with the Conditions and/or applicable LORS. Copies of the daily monitoring logs shall be provided by the CRS to the CPM, if requested by the CPM. From these logs, the CRS shall compile a monthly monitoring summary report to be included in the MCR. If there are no monitoring activities, the summary report shall specify why monitoring has been suspended.

The CRS or alternate CRS shall report daily to the CPM on the status of the project's cultural resources-related activities, unless reducing or ending daily reporting is requested by the CRS

and approved by the CPM. In the event that the CRS believes that the current level of monitoring is not appropriate in certain locations, a letter or e-mail detailing the justification for changing the level of monitoring shall be provided to the CPM for review and approval prior to any change in the level of monitoring. The CRS, at his or her discretion, or at the request of the CPM, may informally discuss cultural resources monitoring and mitigation activities with Energy Commission technical staff.

Cultural resources monitoring activities are the responsibility of the CRS. Any interference with monitoring activities, removal of a monitor from duties assigned by the CRS, or direction to a monitor to relocate monitoring activities by anyone other than the CRS shall be considered non-compliance with these ~~Conditions~~ conditions of certification.

Upon becoming aware of any incidents of non-compliance with the conditions of certification and/or applicable LORS, the CRS and/or the project owner shall notify the CPM by telephone or e-mail within 24 hours. The CRS shall also recommend corrective action to resolve the problem or achieve compliance with the Conditions. When the issue is resolved, the CRS shall write a report describing the issue, the resolution of the issue, and the effectiveness of the resolution measures. This report shall be provided in the next MCR for the review of the CPM.

Verification:

1. At least 30 days prior to the start of ground disturbance, the CPM shall provide to the CRS an electronic copy of a form to be used as a daily monitoring log.
2. Monthly, while monitoring is on-going, the project owner shall include, in each MCR, a copy of the monthly summary report of cultural resources-related monitoring prepared by the CRS and shall attach any new DPR 523A forms completed for finds treated prescriptively, as specified in the CRMMP.
3. At least 24 hours prior to implementing a proposed change in monitoring level, the project owner shall submit to the CPM, for review and approval, a letter or e-mail (or some other form of communication acceptable to the CPM) detailing the CRS's justification for changing the monitoring level.
4. Daily, as long as no cultural resources are found, the CRS shall provide a statement that "no cultural resources over 50 years of age were discovered" to the CPM as an e-mail or in some other form of communication acceptable to the CPM.
5. At least 24 hours prior to reducing or ending daily reporting, the project owner shall submit to the CPM, for review and approval, a letter or e-mail (or some other form of communication acceptable to the CPM) detailing the CRS's justification for reducing or ending daily reporting.
6. No later than 30 days following the discovery of any Native American cultural materials, the project owner shall submit, to the CPM, copies of the information transmittal letters sent to the Chairpersons of the Native American tribes or groups who requested the information. Additionally, the project owner shall submit to the CPM copies of letters of transmittal for all subsequent responses to Native American requests for notification, consultation, and reports and records.

7. The project owner shall submit to the CPM copies of any comments or information provided by Native Americans in response to the project owner's transmittals of information within 15 days of receipt.

CUL-13 HISTORIC INTERPRETIVE DOCUMENTARY (DTC/C-AMA SKY TOUR)

The project owner shall ~~ensure the production of~~ a high-definition, broadcast quality documentary of the Rice Army Airfield (Rice AAF), Camp Rice, and the surrounding DTC/C-AMA cultural landscape, focusing on the integration and contributions of the Rice AAF ~~and, Camp Rice, and other airfields and support facilities~~ to the DTC/C-AMA WWII military training mission, from an aviation perspective. **Costs for the documentary (including pre- and post-production costs) shall not be required to exceed the industry average of \$4,500 per minute. The final edited documentary shall be at least 26 minutes in length, excluding titles and credits. An approximately 10-minute abbreviated version of the documentary shall also be produced using primarily material from the 26-minute documentary.**

1. Prior to the start of filming, the project owner shall provide the qualifications of the proposed production company to the Executive Director of the ~~George S. General~~ Patton Memorial Museum for review and comment, and to the CPM for review and approval. The production company shall have experience in the creation of historic documentary-style videos, ~~consistent with History Channel, Discovery Channel, and PBS production values,~~ and shall provide evidence of the successful completion of at least three ~~full-length~~ videos of similar quality from project development to release. A copy of any **contract including the scope of work** related to the production of the documentary shall be submitted to the CPM within 10 days of execution.

2. Prior to the start of filming, the project owner shall also submit the resume of a proposed production advisor to the CPM for review and approval. The production advisor, shall be a qualified historian, with training and experience consistent with the requirements of the U.S. Secretary of Interior's Professional Qualifications Standards, as published in Title 36, Code of Federal Regulations, part 61. In addition, the advisor must have experience researching and documenting historic military resources, preferably within the DTC/C-AMA. The production advisor shall provide direction during production and post-production to ensure historical accuracy and to provide assistance obtaining historic WWII documentation (e.g., military film and training footage, news clips, still photos, audio and written transcripts of interviews) and the most recent information on Camp Rice and the Rice AAF in particular, and the DTC/C-AMA in general.

3. Prior to the start of site mobilization, the production company shall take the initial aerial footage ~~of the remains of the Rice AAF and Camp Rice facilities along with~~ **representative** features and training fields surrounding the the project area, as necessary to convey the context of the Rice AAF and Camp Rice within the DTC/C-AMA. ~~In addition, a~~ **Aerial footage may also document** the remains of other facilities and features in the project vicinity that are integral or contributing to the DTC/C-AMA cultural landscape, including airfields, camps, bombing ranges, and the King's Throne (where Patton sat to observe maneuvers)., ~~preferably prior to significant surface disturbance at the Blythe, Palen, and Genesis solar power project sites or other locations slated for development in the near future.~~ Historic film; still photos; re-creations; interview footage and audio tracks; and compatible, high-quality video footage of

the subject areas taken prior to current filming may also be integrated into the final product. The original acquisition format shall be high definition, 16X9, 1080p digital format, using broadcast-level cameras and lenses. The aerial documentation shall be photographed using a television motion picture, industry-accepted camera stabilization system, mounted to a helicopter.

4. Prior to the start of production editing, the project owner shall submit a first draft script, storyboard, and description of other related project elements, including proposed finished length of the documentary (a minimum of 26-minutes of edited footage for the full-length version and 10 minutes for the abbreviated (excerpt) version), to the DTCCL PI-Historian, production advisor, and Executive Director of the **George S. General Patton Memorial** Museum for review and comment, and to the CPM for review and approval.

5. Prior to the start of commercial plant operations, the project owner shall submit the final cut, with voice-over and background music track, along with packaging proofs, including sample cover, disk label, and packaging materials, to the DTCCL PI- Historian, production advisor, and Executive Director of the **George S. General Patton Memorial** Museum for review and comment, and to the CPM for review and approval.

6. Concurrent with the start of commercial plant operations, the project owner shall provide the final approved full-length documentary to the **George S. General Patton Memorial** Museum in a high definition format, suitable for mass market duplication, along with 500 DVD copies and 100 BluRay copies of the full-length packaged documentary, suitable for resale. Ten DVD copies and five BluRay copies of the packaged documentary shall also be provided to the BLM Palm Springs-South Coast Field Office, Western, and the CPM. The 10-minute excerpt shall be provided to all parties in a digital format compatible with display requirements of the Museum and webcasting requirements of BLM, Western, and the Energy Commission.

7. In conjunction with delivery of the final approved documentary in the designated format, the project owner shall provide a letter to the **George S. General Patton Memorial** Museum confirming that the Museum is assigned and shall exclusively retain all DVD, BluRay, and video reproduction and sales rights, and broadcast television distribution rights of the production, both foreign and domestic, excepting use of excerpts from the documentary [including the 10-minute **abbreviated documentary excerpt (short)**] on any Bureau of Land Management, Western, or Energy Commission website related to DTC/C-AMA, southern California Desert history, or renewable energy projects within former DTC/C-AMA areas. The letter shall also confirm that the production company may retain copies of the production specifically for promotional and demonstration purposes only. Copies of the letter shall be sent to the CPM, BLM, Western, and the production company representative.

8. The project owner shall ensure that all raw footage acquired during the production of the documentary is submitted to the DTCCL PI-Historian for use in the DTCCL study. Use of the footage for research purposes shall not be restricted. Ten DVD copies and five BluRay copies of the packaged documentary shall also be provided to the DTCCL PI-Historian.

Verification:

1. At least 15 days prior to the start of filming, the project owner shall provide the qualifications of the proposed production company to the Executive Director of the **George S. General Patton Memorial** Museum for review and comment, and to the CPM for review and approval. A copy of **the scope of work associated with** any contract related to the production of the documentary shall be submitted to the CPM within 10 days of execution.

2. At least 15 days prior to the start of filming, the project owner shall also submit the resume of a proposed production advisor to the CPM for review and approval. The production advisor, shall be a qualified historian, with training and experience consistent with the requirements of the U.S. Secretary of Interior's Professional Qualifications Standards, as published in Title 36, Code of Federal Regulations, part 61. In addition, the advisor must have experience researching and documenting historic military resources, preferably within the DTC/C-AMA.

3. Prior to the start of site mobilization, the production company shall take the initial aerial footage of the remains of the Rice AAF and Camp Rice facilities along with representative features and training fields surrounding the project area, as necessary to convey the context of the Rice AAF and Camp Rice within the DTC/C-AMA. The original acquisition format shall be high definition, 16X9, 1080p digital format, using broadcast-level cameras and lenses. The aerial documentation shall be photographed using a television motion picture, industry-accepted camera stabilization system, mounted to a helicopter.

4. At least 30 days prior to the start of production editing, the project owner shall submit a first draft script, storyboard, and description of other related project elements, including proposed finished length of the documentary (a minimum of **26 45**-minutes of edited footage), to the DTCCL PI-Historian, production advisor, and Executive Director of the **George S. General Patton Memorial** Museum for review and comment, and to the CPM for review and approval.

5. At least 90 days prior to the start of commercial plant operations, the project owner shall submit the final cut, with voice-over and background music track, along with packaging proofs, including sample cover, disk label, and packaging materials, to the DTCCL PI-Historian, production advisor, and Executive Director of the **George S. General Patton Memorial** Museum for review and comment, and to the CPM for review and approval.

6. Concurrent with the start of commercial plant operations, the project owner shall provide the final approved documentary to the **General George S. Patton Memorial** Museum in a high definition format, suitable for mass market duplication, along with 500 DVD copies and 100 BluRay copies of the full-length packaged documentary, suitable for resale. Ten DVD copies and five BluRay copies of the packaged documentary shall also be provided to the BLM Palm Springs-South Coast Field Office, Western, and the CPM.

7. In conjunction with delivery of the final approved documentary in the designated format, the project owner shall provide a letter to the Executive Director of the **General George S. Patton Memorial** Museum confirming that the Museum is assigned and shall exclusively retain all DVD, BluRay, and video reproduction and sales rights, and broadcast television distribution rights of the production, both foreign and domestic, excepting use of excerpts from the documentary (including the 10- minute **abbreviated documentary** ~~short~~ referenced in **CUL-14**) on any Bureau of Land Management, Western, or Energy Commission website related to DTC/C-AMA, military history, or energy projects in the southern California desert. The letter shall also confirm that the production company may retain copies of the production specifically for promotional and demonstration purposes only. Copies of the letter shall be sent to the CPM, BLM, Western, and the production company representative.

8. Within 30 days from the start of construction, the project owner shall ensure that all raw **aerial** footage acquired during the production of the documentary is submitted to the DTCCL PI-Historian for use in the DTCCL study. Use of the footage for research purposes shall not be restricted. Ten DVD copies and five BluRay copies of the packaged documentary shall also be

provided to the DTCCL PI-Historian.

CUL-14 INTERPRETIVE MATERIALS

1. The project owner shall provide the design of at least one single page, double-sided tri-fold ~~tri-fold~~ brochure and an initial production run of ~~both documents of~~ at least 1,000 copies to the **General George S. Patton Memorial** Museum for public distribution, interpreting the significance of Rice AAF and Camp Rice as individual historical features and as contributing features within the DTC/C-AMA cultural landscape.

Prior to the final phase of plant construction, the project owner shall submit draft design proofs of the brochure to the Executive Director of the Museum for review and comment, and to the CPM for review and approval.

Prior to the start of commercial plant operations, the project owner shall submit final design proofs of the brochure to the Executive Director of the Museum for review and comment, and to the CPM for review and approval.

Prior to, or concurrent with the start of commercial plant operations, the project owner shall submit a digital/electronic template of the brochure designs, along with 1,000 copies, suitable for public distribution, to the Executive Director of the Museum. The project owner shall also submit the final digital/electronic template of the brochure to the CPM, BLM Palm Springs-South Coast Field Office, and Western. The project owner, Museum, Energy Commission, BLM, and Western shall have authorized use of the initial (and any revised) templates for future production runs for distribution to the public or display on any of the parties' informational websites.

2. ~~According to the Executive Director of the General George S. Patton Memorial Museum (Museum), a new museum will be built within the next five to six years. Following completion of construction and opening of the new facility to the public Prior to the start of commercial plant operations, the project owner shall provide a donation in the amount of \$25,000 to the General Patton Memorial Museum. The funds from this donation shall be earmarked for development and installation of displays and signage interpreting contributions of the Rice AAF and Camp Rice to the mission of the DTC/C-AMA at the **General George S. Patton Memorial** Museum. The resulting interpretive display shall also incorporate a way for the public to view the 10-minute **abbreviated** documentary excerpt identified in CUL-13 above. Historical information acquired during the DTC Cultural Landscape study, identified in CUL-1 above, shall also be made available to the Museum as a basis for development of the Rice AAF/Camp Rice displays.~~

~~Prior to the preliminary approval of the new Museum construction plans, the project owner shall consult with the Executive Director of the General George S. Patton Memorial Museum and DTCCL PI-Historian (or Energy Commission Cultural Staff, if the DTCCL study is no longer in existence) regarding design parameters, content, and construction requirements of the interpretive display.~~

~~Prior to the final approval of new Museum construction plans, the project owner shall submit the draft exhibit design plans to the Executive Director of the Museum and DTCCL PI-Historian for review and comment, and the CPM for review and approval.~~

Prior to the start of new Museum construction, the project owner shall submit the final exhibit design and construction plans to the Executive Director of the Museum and DTCCL PI-Historian for review and comment, and the CPM for review and approval.

Prior to the completion of construction, the project owner shall ensure that the approved interpretive display is constructed and installed as an integral part of the new Museum public display area.

If a new Museum is not constructed within 5 years of RSEP commercial operation, the interpretive display shall be planned and installed in the existing George S. Patton Museum in accordance with the steps outlined above including consultation with the Executive Director of the Museum, and review and approval by the CPM, and completed within 6 years of RSEP commercial operation.

Annually, for each year following the installation of the display, and for the life of the project, the project owner shall contribute \$10,000 to the Museum to offset the cost of the exhibit space; maintenance and upgrades to the display; curation of the display during times when it is being updated or is not on display; and to incorporate the information about Camp Rice, Rice AAF, and the DTC/C-AMA provided in the sky tour documentary, brochure, pamphlet, interpretive display, and on-going DTCCL research (see CUL-1) into teachers' Internet resources and Museum-sponsored podcast facilities for interactive learning.

Verification:

1. (a) At least 90 days prior to the completion of construction, the project owner shall submit draft design proofs of the brochure to the Executive Director of the Museum for review and comment, and to the CPM for review and approval.

(b) At least 30 days prior to the start of commercial plant operations, the project owner shall submit final design proofs of the brochure to the Executive Director of the Museum for review and comment, and to the CPM for review and approval.

(c) Within 30 days from the start of commercial plant operations, the project owner shall submit the final digital/electronic template of the brochure design, along with 1,000 copies, suitable for public distribution, to the Executive Director of the Museum. The project owner shall also submit the final digital/electronic template of the brochure to the CPM, BLM Palm Springs-South Coast Field Office, and Western.

2. Prior to the start of commercial plant operations, the project owner shall provide historic materials and funding in the amount of \$25,000 to the General Patton Memorial Museum for development of and install an interpretive display, related to the Rice AAF, Camp Rice, and the DTC/C-AMA, at the General Patton Memorial Museum. (a) At least one year prior to the preliminary approval of the new Museum construction plans, the project owner shall consult with the Executive Director of the George S. Patton Museum and DTCCL PI-Historian, production advisor identified in CUL-13, or qualified Energy Commission Cultural Staff, regarding design parameters, content, and construction requirements of the interpretive display.

(b) At least 120 days prior to the final approval of new Museum construction plans, the project owner shall submit the draft exhibit design plans to the Executive Director of the

Museum and DTCCL PI-Historian for review and comment, and the CPM for review and approval.

(c) At least 90 days prior to the start of new Museum construction, the project owner shall submit the final exhibit design and construction plans to the Executive Director of the Museum and DTCCL PI-Historian or production advisor identified in CUL-13 for review and comment, and the CPM for review and approval.

(d) At least 30 days prior to the completion of Museum construction, the project owner shall ensure that the approved interpretive display is constructed and installed as an integral part of the new Museum public display area.

(e) If a new Museum is not constructed within 5 years of RSEP commercial operation, the interpretive display shall be planned and installed in the existing George S. Patton Museum in accordance with the steps outlined above including consultation with the Executive Director of the Museum, and review and approval by the CPM, and completed within 6 years of RSEP commercial operation.

(e)(f) Prior to January 15 of each year following the installation of the display, and extending for the life of the project, the project owner shall contribute \$10,000 to the Museum. The project owner shall provide a copy of a receipt or letter from the Museum acknowledging the contribution to the CPM within 10 days of receipt.



**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 8/5/2010)**

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DECLARATION OF SERVICE

I, Marie Mills, declare that on November 30, 2010, I served and filed copies of the attached **RICE SOLAR ENERGY LLC'S PRESIDING MEMBER'S PROPOSED DECISION**, dated **November 30, 2010**. 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:

☒ 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-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, 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.



Marie Mills