

Memorandum

Date: December 13, 2010
Telephone: (916) 654-4679

To: Commissioner Robert Weisenmiller, Presiding Member
Chair Karen Douglas, Associate Member

From: California Energy Commission – John Kessler, Project Manager
1516 Ninth Street
Sacramento, CA 95814-5512

Subject: **STAFF'S PMPD COMMENTS SET 3 -
RICE SOLAR ENERGY PROJECT (09-AFC-10)**

DOCKET	
09-AFC-10	
DATE	<u>12/13/10</u>
RECD.	<u>12/13/10</u>

Enclosed is Set 3 of staff's comments on the Presiding Member's Proposed Decision (PMPD) for the Rice Solar Energy Project (RSEP). At the December 3, 2010 PMPD Conference, the Committee encouraged staff and applicant to develop mutually acceptable language to address the rescue and medical aid functions under Worker Safety and Fire Protection. Staff and applicant have done so, and the proposed updates to the PMPD are as enclosed.

With respect to Conditions of Certification WORKERSAFETY-9 and -10, please use the applicant's proposed changes as filed in their PMPD Comments dated November 30, 2010. Staff agrees with these changes. With respect to Condition of Certification WORKERSAFETY-7 whereby the applicant proposed that its payment to Riverside County Fire Department (RCFD) be issued as a Letter of Credit, staff and applicant remain in disagreement.

As part of the resolution to the rescue function, staff and applicant have agreed to a new Condition of Certification WORKERSAFETY-11 as enclosed. Staff believes this will allow verification that the rescue capabilities for which the RCFD is normally relied upon are in fact being provided onsite. Staff believes that the required rescue capability could be provided either directly by the applicant, or by construction companies under contract for particular types of construction.

The proposed changes to the PMPD Worker Safety and Fire Protection section are as follows:

Proposed changes to PMPD Page 8, Paragraph 1:

~~Should RCFD and the Applicant reach agreement such~~ To the extent that the RCFD and REMS determine that the RSEP may lawfully provide on-site emergency medical and rescue services, we would require the project owner to comply with Conditions of Certification WORKER SAFETY-9, -10 and -~~10~~-11. These Conditions are based on the Applicant's submitted Revised Fire Needs Assessment (Ex. 50). Implementation of

these conditions will shorten the crucial time-to-treatment and reduce the time-to-hospital for injured workers, while at the same time reducing potential demands on and impacts to RCFD resources, benefitting both workers and the community.

Proposed changes to PMPD Page 9, Paragraph 4:

Notwithstanding these evidentiary deficiencies, we find that the project's potential incremental impact on the identified cumulative impacts could be significant. RSEP must therefore make a monetary contribution to be applied to RCFD's mitigation efforts. Based on the limited cost figures submitted by Staff by way of Staff-proposed Condition of Certification Worker Safety-7, the County's development fee impact program¹, and project's expected payment of property taxes, we find that RSEP's onetime payment of the development impact fee, property taxes, and a onetime payment of \$570,000 will reduce the incremental impact to less than significant levels. These requirements are set forth in Condition of Certification WORKER-7.

Proposed New Condition of Certification Worker Safety-11

WORKER SAFETY-11: The project owner shall provide the CPM with a schedule indicating when construction activities that create the potential for rescue incidents will be ongoing, the type of construction to be done, the names of the rescue team members to be onsite, and documentation showing that the rescue team members have the appropriate training.

Verification: At least 60 days prior to the commencement of any construction activities that create the potential for rescue incidents, the project owner shall provide to the Safety Monitor (provided for in Worker Safety-4) for review and to the CPM for review and approval:

- A. a schedule indicating when the construction activities will occur;
- B. a description of the type of construction to be done;
- C. the names of the rescue team members to be onsite; and
- D. documentation showing that the rescue team members have the appropriate training.

Docket (09-AFC-10)
Webworks
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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, Maria Santourdjian, declare that on December 13, 2010, I served and filed copies of the attached Staff's PMPD Comments Set 3, dated December 13, 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: [\[http://www.energy.ca.gov/sitingcases/ricesolar\]](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:

- 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.

Originally Signed by
Maria Santourdjian