

**DOCKET**

**11-CAI-02**

DATE SEP 12 2011

RECD. SEP 12 2011

**STATE OF CALIFORNIA**

**Energy Resources Conservation  
and Development Commission**

In the Matter of Complaint Against )  
ORMAT NEVADA, INC. brought by )  
California Unions for Reliable Energy )  
\_\_\_\_\_ )

Docket No. 11-CAI-02

**INTERVENOR'S  
PREHEARING CONFERENCE STATEMENT**

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September 12, 2011

Attorneys for the County of Imperial

STATE OF CALIFORNIA

Energy Resources Conservation  
and Development Commission

In the Matter of Complaint Against )  
ORMAT NEVADA, INC. brought by ) Docket No. 11-CAI-02  
California Unions for Reliable Energy )  
\_\_\_\_\_ )

**INTERVENOR'S  
PREHEARING CONFERENCE STATEMENT**

On August 19, 2011, the Commission issued a Notice of Prehearing Conference and Evidentiary Hearing and Order ("Notice"). Pursuant to this Notice, the County of Imperial ("County" or "Intervenor") submits this Prehearing Conference Statement containing the following information requested by the Notice. The County notes that its Petition to Intervene was approved on September 12, 2011, hours before this Prehearing Conference Statement was due. The County files this abbreviated Prehearing Conference Statement in order to preserve its rights to participate in the Prehearing Conference and Evidentiary Hearings scheduled in this matter. The County reserves its right to amend its list of proposed witnesses and to present additional evidence to respond to the allegations contained in Complainant California Unions for Reliable Energy's ("CURE") complaint and request for investigation. The County further reserves its right to introduce additional evidence responsive to evidence included in the Prehearing Conference Statements submitted by CURE and Respondent Ormat Nevada, Inc.'s ("Ormat") or any evidence submitted by the parties at the Prehearing Conference and Evidentiary Hearing.

1. *The identity of each witness sponsored by the party; a brief summary of the testimony to be offered by each witness; qualifications of each witness; and the time required to present direct testimony by each witness.*

Due to the late notice received by the County that its Petition to Intervene was granted, the County has been unable to confirm the availability of the witnesses that it may sponsor. The identity of each witness that may be sponsored by the County and a brief summary of their testimonies are provided below. The County shall provide notice and qualifications of the County's witnesses to the other parties as to the confirmed availability of witnesses that will be sponsored by the County as soon as such information is known. The County will submit notice to the Committee, with an additional hard copy to Hearing Officer Celli.

- a. **Armando Villa (Direct examination estimate- 30 min.):**

Mr. Villa is the current Director of Planning and Development Services for the County. Mr. Villa will testify to the environmental review process of Ormat's existing North Brawley Geothermal Development and Respondent's proposed East Brawley Geothermal Development. Mr. Villa will also testify to his awareness of CURE's involvement in the environmental review process of both projects. Mr. Villa will further testify to how the County calculates the generating capacities for proposed geothermal projects and how the County determines whether the projects should be aggregated as part of its permitting and environmental review process.

**b. Jim Minnick (Direct examination estimate- 30 min.):**

Mr. Minnick is the Assistant Planning and Development Services Director for the County. Mr. Minnick will testify to the environmental review process of Respondent's existing North Brawley Geothermal Development and Respondent's proposed East Brawley Geothermal Development. Mr. Minnick will also testify to his awareness of CURE's involvement in the environmental review process of both projects. Mr. Minnick will further testify to how the County calculates the generating capacities for proposed geothermal projects and how the County determines whether the projects should be aggregated as part of its permitting and environmental review process.

**c. Richard Cabanilla (Direct examination estimate- 30 min.):**

Mr. Cabanilla is a Planner IV at the Planning Development Services Department of the County. Mr. Cabanilla will testify to the environmental review process of Respondent's existing North Brawley Geothermal Development and Respondent's proposed East Brawley Geothermal Development. Mr. Cabanilla will also testify to his awareness of CURE's involvement in the environmental review process of both projects. Mr. Cabanilla will further testify to how the County calculates the generating capacities for proposed geothermal projects and how the County determines whether the projects should be aggregated as part of its permitting and environmental review process.

**d. Jurg Heuberger (Direct examination estimate- 30 min.):**

Mr. Heuberger is the previous Director of Planning and Development Services for the County who immediately preceded Mr. Villa. Mr. Heuberger is also the current Executive Officer for the Imperial County Local Area Formation Commission. Mr. Heuberger will testify to the environmental review process of Respondent's existing North Brawley Geothermal Development and, to the extent that Mr. Heuberger has relevant knowledge, Mr. Heuberger will also testify to Respondent's proposed East Brawley Geothermal Development. Mr. Heuberger will also testify to his awareness of CURE's involvement in the environmental review process of the existing North Brawley Geothermal Development and, to the extent that Mr. Heuberger has relevant knowledge, to the proposed East Brawley Geothermal Development. Mr. Heuberger will further testify to how the County calculates the generating capacities for proposed

geothermal projects and how the County determines whether the projects should be aggregated as part of its permitting and environmental review process.

**2. *An exhibit list identifying exhibits and declarations that each party intends to offer into evidence.***

Due to the late notice received by the County on the morning of September 12, 2011, that the County's Petition to Intervene was granted, the County has not had a full opportunity to identify and prepare exhibits and declarations that the County intends to offer into evidence. The County, however, reserves the right to introduce exhibits and declarations that it intends to offer into evidence in response to later filings submitted by the parties. The County will provide notice to the other parties, as well as the Committee and Hearing Officer Celli, as to the exhibits and declarations the County intends to offer into evidence as soon as such information is available. The County may introduce evidence from the administrative record associated with the County's review of the North Brawley and East Brawley projects.

**3. *Proposals for briefing deadlines and other scheduling matters.***

- a. Should the Committee conduct hearings on the question of administrative hearings, the County requests the opportunity to submit a written brief on the matter prior to the Committee's issuance of its proposed decision.
  - i. The County proposes that parties be permitted to submit a written brief within seven (7) days after the close of hearings on the second phase of the proceeding for consideration by the Committee prior to its issuance of a proposed decision.
- b. Should the Committee issue a proposed decision, the County requests the opportunity to provide written and oral submissions as permitted under Section 1236 of the Commission's regulations prior to the Commission's Decision on the matter.
  - i. The County proposes that parties be permitted to submit written briefs within fourteen (14) days after the issuance of a proposed decision by the Committee.
  - ii. The County proposes that parties be permitted to address the Commission prior to the adoption of a decision by the Commission.

**4. *Comments, if any, on the Committee's intention to use informal hearing procedures described below.***

The County has no objections to the Committee's intention to use informal hearing procedures for this proceeding.

**5. Statement identifying allegations of the Complaint and responses in the Answer that the County believes are, and are not, true.**

The County denies all the material allegations contained in CURE's complaint and request for investigation. The County further joins Ormat's answer and motion to dismiss filed on August 29, 2011. The County is the local jurisdiction in which the East and North Brawley Geothermal Developments that are at issue in this proceeding are located. The County Planning and Development Services is currently processing an application for a Conditional Use Permit for the East Brawley project and has caused a Draft Environmental Impact Report (EIR) to be prepared and published, in furtherance of the County's duties and responsibilities as a "lead agency" under the California Environmental Quality Act (CEQA) (Pub. Resources Code, § 21000 et seq.). The County has fully complied with CEQA thus far in assessing the project's environmental impacts and is considering all feasible mitigation measures and project alternatives. The County is currently in the process of preparing a Final EIR consisting of responses to all substantive comments received on the Draft EIR and minor changes to the text of the Draft EIR. The County wishes to maintain its jurisdiction over the permitting process for this and similarly situated geothermal projects, especially with regard to the development and implementation of feasible mitigation, in furtherance of the County's police powers and obligations under State law to protect the public health and welfare of its residents, businesses and natural resources.

September 12, 2011

Respectfully submitted,  
REMY, THOMAS, MOOSE & MANLEY, LLP

By 

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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

***IN THE MATTER OF COMPLAINT AGAINST  
ORMAT NEVADA, INC. BROUGHT BY  
CALIFORNIA UNIONS FOR RELIABLE ENERGY***

**Docket No. 11-CAI-02  
(Revised 8/19/11)**

**RESPONDENT**

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Reno, NV 89511

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**COMPLAINANT**

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& Cardozo  
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**INTERESTED  
AGENCIES/ENTITIES/PERSONS**

Imperial County Planning and  
Development Services  
801 Main Street  
El Centro, CA 92243

Imperial County Air Pollution  
Control District  
150 South 9th Street  
El Centro, CA 92243-2801

Imperial Irrigation District  
333 E. Barioni Boulevard  
Imperial, CA 92251

**ENERGY COMMISSION  
DECISIONMAKERS**

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**DECLARATION OF SERVICE**

I, Rachel Jackson, declare that on, 09/12/2011, I served and filed copies of the attached Intervenor's Prehearing Conference Statement, dated 09/12/2011. The original document, filed with the Docket Unit or the Chief Counsel, as required by the applicable regulation, 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/proceedings/11-cai-02/index.html>**

The document has been sent to the other parties in this proceeding (as shown on the Proof of Service list) and to the Commission's Docket Unit or Chief Counsel, as appropriate, in the following manner:

***(Check all that Apply)***

**For service to all other parties:**

- Served electronically to all e-mail addresses on the Proof of Service list;
- Served by delivering on this date, either personally, or for mailing with the U.S. 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 service preferred."

**AND**

**For filing with the Docket Unit at the Energy Commission:**

- by sending an original paper copy and one electronic copy, mailed with the U.S. Postal Service with first class postage thereon fully prepaid and e-mailed respectively, to the address below (preferred method);

**OR**

- by depositing an original and 12 paper copies in the mail with the U.S. Postal Service with first class postage thereon fully prepaid, as follows:

**CALIFORNIA ENERGY COMMISSION – DOCKET UNIT**  
Attn: Docket No. 11-CAI-02  
1516 Ninth Street, MS-4  
Sacramento, CA 95814-5512  
[docket@energy.state.ca.us](mailto:docket@energy.state.ca.us)

**OR, if filing a Petition for Reconsideration of Decision or Order pursuant to Title 20, § 1720:**

- Served by delivering on this date one electronic copy by e-mail, and an original paper copy to the Chief Counsel at the following address, either personally, or for mailing with the U.S. Postal Service with first class postage thereon fully prepaid:

California Energy Commission  
Michael J. Levy, Chief Counsel  
1516 Ninth Street MS-14  
Sacramento, CA 95814  
[mlevy@energy.state.ca.us](mailto:mlevy@energy.state.ca.us)

I declare under penalty of perjury under the laws of the State of California 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.

  
Rachel Jackson