

DOCKET

11-CAI-02

DATE SEP 22 2011

RECD. SEP 22 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

**CALIFORNIA UNIONS FOR RELIABLE ENERGY
WITNESS QUALIFICATIONS
AND REVISED TENTATIVE EXHIBIT LIST**

September 22, 2011

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Attorneys for the CALIFORNIA
UNIONS FOR RELIABLE ENERGY

California Unions for Reliable Energy (“CURE”) submits the qualifications of its witnesses, David Marcus and Robert Koppe, as Attachment A. As explained during the September 19, 2011 prehearing conference, Mr. Koppe will testify in response to topics addressed in Respondent’s proposed Exhibits 203 and 204, including generation capacity, plant loads and efficiency. Since a workshop on these exhibits was not held until September 22nd, Mr. Koppe will not present written testimony in advance of the September 26th hearing but, instead, will testify by telephone.

CURE provides its revised tentative exhibit list in Attachment B and reserves the right to supplement this exhibit list with additional documents at any time up to and including the close of the evidentiary hearings. The revised tentative exhibit list shows Exhibit 47, which was included on the tentative exhibit list docketed and served on the parties on September 12th, but which was inadvertently omitted from the word version provided to Hearing Officer Celli. The revised tentative exhibit list also adds Exhibits 48 and 49, which are the resumes of CURE’s witnesses. At the September 22, 2011 workshop, all parties indicated they would stipulate to entering CURE’s Exhibits 1 through 49 into the evidentiary record.

Dated: September 22, 2011

Respectfully submitted,

/s/

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ATTACHMENT A

RESUME

DAVID I. MARCUS
P.O. Box 1287
Berkeley, CA 94701-1287

June 2011

Employment

Self-employed, March 1981 - Present

Consultant on energy and electricity issues. Clients have included Imperial Irrigation District, the cities of Albuquerque and Boulder, the Rural Electrification Administration (REA), BPA, EPA, the Attorney Generals of California and New Mexico, alternative energy and cogeneration developers, environmental groups, labor unions, other energy consultants, and the Navajo Nation. Projects have included economic analyses of utility resource options and power contracts, utility restructuring, utility bankruptcy, nuclear power plants, non-utility cogeneration plants, and offshore oil and hydroelectric projects. Experienced user of production cost models to evaluate utility economics. Very familiar with western U.S. grid (WSCC) electric resources and transmission systems and their operation and economics. Have also performed EIS reviews, need analyses of proposed coal, gas and hydro powerplants, transmission lines, and coal mines. Have presented expert testimony before FERC, the California Energy Commission, the Public Utility Commissions of California, New Mexico, and Colorado, the Interstate Commerce Commission, and the U.S. Congress.

Environmental Defense Fund (EDF), October 1983 - April 1985

Economic analyst, employed half time at EDF's Berkeley, CA office. Analyzed nuclear power plant economics and coal plant sulfur emissions in New York state, using ELFIN model. Wrote critique of Federal coal leasing proposals for New Mexico and analysis of southwest U.S. markets for proposed New Mexico coal-fired power plants.

California Energy Commission (CEC), January 1980 - February 1981

Advisor to Commissioner. Wrote "California Electricity Needs," Chapter 1 of Electricity Tomorrow, part of the CEC's 1980 Biennial Report. Testified before California PUC and coauthored CEC staff brief on alternatives to the proposed 2500 megawatt Allen-Warner Valley coal project.

CEC, October 1977 - December 1979

Worked for CEC's Policy and Program Evaluation Office. Analyzed supply-side alternatives to the proposed Sundesert nuclear power plant and the proposed Point Concepcion LNG terminal. Was the CEC's technical expert in PG&E et. al. vs. CEC lawsuit, in which the U.S. Supreme Court ultimately upheld the CEC's authority to regulate nuclear powerplant siting.

Energy and Resources Group, U.C. Berkeley, Summer 1976

Developed a computer program to estimate the number of fatalities in the first month after a major meltdown accident at a nuclear power plant.

Federal Energy Agency (FEA), April- May 1976

Consultant on North Slope Crude. Where To? How?, a study by FEA's San Francisco office on the disposition of Alaskan oil.

Angeles Chapter, Sierra Club, September 1974 - August 1975

Reviewed EIRs and EISs. Chaired EIR Subcommittee of the Conservation Committee of the Angeles Chapter, January - August 1975.

Bechtel Power Corporation (BPC), June 1973 - April 1974

Planning and Scheduling Engineer at BPC's Norwalk, California office. Worked on construction planning for the Vogtle nuclear power plant (in Georgia).

Education

Energy and Resources Group, U.C. Berkeley, 1975 - 1977

M.A. in Energy and Resources. Two year master's degree program, with course work ranging from economics to engineering, law to public policy. Master's thesis on the causes of the 1972-77 boom in the price of yellowcake (uranium ore). Fully supported by scholarship from National Science Foundation.

University of California, San Diego, 1969 - 1973

B.A. in Mathematics. Graduated with honors. Junior year abroad at Trinity College, Dublin, Ireland.

Professional Publications

"Rate Making for Sales of Power to Public Utilities," with Michael D. Yokell, in Public Utilities Fortnightly, August 2, 1984.

QUALIFICATIONS AND EXPERIENCE OF

ROBERT H. KOPPE

EMPLOYMENT HISTORY

1968-1974 - Consolidated Edison Company of New York

For his first two years with Con Ed, Mr. Koppe was an engineer in the company's Nuclear Engineering Division. For the next four years, he was manager of that Division and was responsible for licensing, safety analysis and engineering for safety-related projects for Con Ed's five nuclear units. His responsibilities included design review and licensing for the Indian Point 2 and 3 turnkey units; design review of modifications and additions to the three Indian Point units; and modifications, analysis, and engineering support for the nuclear portions of the Indian Point 1 and 2 units during operation. He participated extensively in the design, safety analysis, and licensing for the proposed Verplank 1 and 2 BWR units.

1974-1994 S. M. Stoller/Hagler, Bailly, Boulder, CO

In 1974, Mr. Koppe was employed by the Power Division of the S. M. Stoller Corp., which was purchased by RCG/ Hagler, Bailly in 1989. During his 20 years with the Division, he was deeply involved in the following areas of:

- developing data bases for power plant performance and power plant equipment reliability,
- analyzing the performance of power plants and power plant equipment,
- developing power plant performance standards,
- reducing power plant operating costs, and
- auditing/reviewing power plant performance and costs.

He is the author of numerous reports on these subjects and has presented expert testimony on them before regulatory bodies in Maine, Massachusetts, New York, Pennsylvania, Delaware, Maryland, Virginia, North Carolina, Louisiana, Texas, Oklahoma, Wisconsin, Ohio and Ontario, and before several licensing boards of the Nuclear Regulatory Commission. He has also presented expert testimony in two civil suits.

1994-present, Koppe Consultants Inc., Boulder, CO

In 1994, Mr. Koppe left Hagler Bailly and formed his own consulting company. He has continued with the work he did at Hagler Bailly.

EDUCATION

- State University of New York, College of Forestry, BS, Wood Products Engineering, 1965.
- Ohio State University, MS, Nuclear Engineering, 1966.

In addition, Mr. Koppe completed all course work toward a Ph.D. in Nuclear Engineering at the Massachusetts Institute of Technology.

PROFESSIONAL EXPERIENCE

The following are some of the projects in which Mr. Koppe has had a major role, either as project manager or as a principal contributor. These projects all involved fossil-fired (primarily coal) power plants. Mr. Koppe worked on many other projects that involved nuclear power plants.

POWER PLANT PERFORMANCE TARGETS

- Studies to develop performance targets (Capacity Factor, Equivalent Availability Factor and Heat Rate) for many nuclear and fossil power units, including:
- nine fossil and four nuclear units owned by Atlantic Electric,
- eleven fossil and four nuclear units owned by Delmarva Power and Light,
- seven fossil units owned by Metropolitan Edison,
- seven fossil units owned by Philadelphia Electric,
- two fossil units and one nuclear unit owned by Southern California Edison,
- one nuclear and five fossil units owned by Rochester Gas and Electric,
- five fossil and four nuclear units owned by Virginia Power, and
- twelve fossil units owned by TransAlta (also included targets for O&M and capital additions costs).

AUDITS, REVIEWS AND STUDIES OF INDIVIDUAL UTILITIES, POWER PLANTS OR POWER PLANT OUTAGES

- An evaluation, for Virginia Power, of the performance of its five largest coal-fired units. The evaluation looked in detail at many recent or planned improvements in plant design and maintenance, and quantified the improvements in the performance of the units expected as a result.
- An evaluation, for Georgia Power, of its programs to improve the performance of its nuclear and fossil units, especially the Vogtle (nuclear) and Scherer (coal) units. The evaluation considered both design improvements and improvements in operations and maintenance, and quantified the costs and expected benefits of scores of improvements.

- An evaluation, for the Public Staff of the North Carolina Public Utilities Commission, of the life extension program proposed by Duke Power Company for eleven coal-fired units. The evaluation looked at the need for the life extension program, the improvements in the performance of the units expected to result from the program, and changes in program costs and plant outage times that might result if the program were carried out using schedules considerably different from the one proposed by Duke.
- An audit, for the New York Department of Public Service, of the availability and heat rate of Rochester G & E's one nuclear and five coal units. The audit included (1) comparison of RG&E's units with similar units in the industry, (2) evaluation of the management of the units and of various RG&E programs (such as maintenance, outage planning and plant modifications) as they affected availability and heat rate, (3) identification of programmatic or hardware changes that might improve availability or heat rate, and (4) prioritization of a number of proposed improvements based on cost-benefit evaluations of each improvement.
- An assessment, for the City of Cincinnati, of the costs that had been incurred to convert the Zimmer nuclear plant to coal, and a comparison of those costs to the anticipated costs of constructing a coal unit at a "greenfield" site. The "conversion" involved only a very modest use of equipment from the nuclear plant. The resulting plant is essentially a duplicate of the AEP design for 1300 Mw supercritical coal units.
- An assessment, for Houston Light and Power, of its proposed program for life extension of two older gas-fired units. These units had been mothballed and were being considered for refurbishment and life extension. The assessment focused on the scope of refurbishment that would be required and the performance (Equivalent Availability Factor) that could be expected from the units following that refurbishment.
- A study, for the California Department of Water Resources, of the expected capacity factor for a new coal-fired unit.
- An evaluation, for the Municipal Electric Association in Ontario, of Ontario Hydro's long term plans for its generating stations, which included 20 Candu-type nuclear plants and a number of coal-fired plants.
- Estimates, for an independent power producer, of the costs to build and operate a number of different power plants including a coal-fired plant, a combustion turbine plant and a combined cycle plant.
- Evaluations, for two different independent power producers, of the heat rates of their cogeneration facilities. The emphasis of these evaluations was the ability of the facilities to meet PURPA requirements for a QF.

- An evaluation, for Philadelphia Electric, of its coal plants at Eddystone and Cromby. The evaluation focused on performance changes to be expected as a result of new emissions control systems and many changes in plant design and operations.
- An assessment, for TransAlta (Alberta), of the expected performance and costs of its 12 coal power plants throughout their remaining lives. The assessment looked in detail at (1) historical performance and costs of the 12 units and of peer units throughout North America, (2) an assessment of the material condition of the plants done by an architect/engineer, and (3) review of expected modifications and upgrades of plant equipment throughout remaining life.

STUDIES OF INDUSTRY WIDE POWER PLANT EXPERIENCE

- An analysis, for EPRI, of data in the North American Electric Reliability Council's Generation Availability Data System (NERC-GADS) to determine the impacts of various problems on fossil plant performance as a function of design and operating characteristics. This study was to assist EPRI in R&D planning and was not published.
- A study, and a later update, for EPRI, of the performance of nuclear and large fossil generating units and of the causes of outages and deratings at those units. The studies looked in detail at:
 - how performance varied as a function of such factors as the size, age, and vintage of a unit;
 - the impacts of each plant system and component on plant availability;
 - the frequencies and duration of outages due to major problems; and
 - the effects of various design and operating conditions on the frequencies of problems.
- A study, for EPRI, covering the historical performance of fossil-fired units and the relationship of this performance to major unit characteristics such as size, age, vintage, fuel, steam pressure, etc. The study (based on analysis of NERC-GADS data) covered all units sized 200 Mw and larger over the period from 1965 through 1984. The analysis examined both unit and system/component performance. (EPRI Report CS-5627)

DEVELOPMENT OF POWER PLANT DATA BASES AND RELIABILITY IMPROVEMENT PROGRAMS

- Preparation of the Generating Availability Data System (GADS) reporting manual for the North American Electric Reliability Council. Presentation of a series of workshops to teach utility personnel responsible for data reporting how to use the new reporting system.
- A series of six studies, for EPRI, to determine how power plant reliability/availability data systems could be improved. Interviews were conducted with utilities, equipment suppliers, architect/engineers, government agencies and operators of existing data systems -- as well as many non-utility organizations -- to determine what data were being collected, the uses being made of that data and the most effective ways to collect and to use data.
- Development, for EPRI and NERC, of a series of detailed examples showing use of NERC GADS data in utility decision making (EPRI Report NP 2167).
- Presentation of workshops sponsored by the Electric Power Research Institute on basic techniques in availability engineering, emphasizing use of NERC-GADS data. (EPRI Report NP-2166)

POWER PLANT ENFORCEMENT CASES

During the past 11 years, Mr. Koppe has prepared expert testimony in about 20 cases involving coal-fired generating units. In each case, Mr. Koppe evaluated one or more of the following issues as applied to one or more electric generating units:

- The extent to which upgrades to the units should have been expected to increase the availabilities of those units;
- The extent to which increases in the availabilities of the units should have been expected to cause an increase in the amount of electricity generated by those units;
- The extent to which upgrades to the units should have been expected to change the thermal efficiencies (heat rates) of the units; and
- Whether or not upgrades to the units should be considered to have been "routine maintenance, repair, or replacement".

ATTACHMENT B

STATE OF CALIFORNIA
California Energy Commission

In the Matter of Complaint Against

ORMAT NEVADA, INC. BROUGHT BY
CALIFORNIA UNIONS FOR
RELIABLE ENERGY

Docket No. 11-CAI-02

CALIFORNIA UNIONS FOR RELIABLE ENERGY
REVISED TENTATIVE EXHIBIT LIST

September 22, 2011

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Attorneys for the CALIFORNIA
UNIONS FOR RELIABLE ENERGY

Exhibit	Brief Description	Offered	Admitted
COMPLAINANT'S EXHIBITS			
1.	Verified Complaint and Request for Investigation By California Unions for Reliable Energy, dated June 28, 2011, docketed July 22, 2011		
2.	Verified Answer of Respondent Ormat Nevada, Inc., dated August 29, 2011, docketed August 29, 2011		
3.	Letter from Elizabeth Klebaner to Armando Villa and Sylvia Bermudez dated March 25, 2011, stamped received on March 28, 2011		
4.	Grant Deed, Loma Farms, Inc., dated July 3, 1984, and docketed on July 6, 1984		
5.	Application for Conditional Use Permit, Victor V. and Janet D. Veysey Trust, dated June 14, 2006		
6.	Letter from Charlene L. Wardlow to William S. Brunet, dated September 17, 2007		
7.	Letter from Jurg Heuberger to Charlene L. Wardlow, dated May 28, 2008, stamped received May 29, 2008		
8.	Letter from Johnny M. Romero to Jurg Heuberger, dated September 9, 2008, stamped received September 9, 2008		
9.	Letter from Carlton King to Jurg Heuberger, dated September 15, 2008		
10.	Letter from Manuel Ortiz to Jurg Heuberger, dated September 24, 2008, stamped received September 24, 2008		
11.	Letter from Fred Valera to Jurg Heuberger, dated October 22, 2008, stamped received October 23, 2008		
12.	Letter from Jurg Heuberger to Charlene Wardlow, dated October 30, 2008, stamped received November 3, 2008		
13.	Noise Impact Assessment submitted by Ormat Nevada Inc. to County of Imperial Planning & Development Services, dated December 4, 2008		

Exhibit	Brief Description	Offered	Admitted
14.	Letter from Manuel Ortiz to Bill Darnell, dated January 8, 2009		
15.	Letter from Joe Marhamati to Milford Wayne Donaldson, dated July 15, 2009		
16.	Memo from Development Design & Engineering, Inc. (Contact: Derek Dessert) to Whom It May Concern, dated December 3, 2009		
17.	E-Mail from Jim Minnick to Jurg Heuberger, dated December 10, 2009		
18.	Project Report from Planning & Development Services Dept. to Environmental Evaluation Committee, dated December 10, 2009		
19.	Updated Project Description submitted by ORNI 19, LLC to County of Imperial Planning & Development Services, dated January 29, 2010		
20.	Letter from Alma Benavides to Janet Laurain, dated April 14, 2001		
21.	Memorandum of Understanding between the City of Brawley and Ormat Nevada, Inc., dated October 19, 2009		
22.	Ormat Wastewater Treatment Plant Tertiary Treatment Facility Conceptual Design Report with duplicate showing approximate date of February 14, 2011		
23.	Omitted		
24.	Comments on Brawley WWTP Tertiary Treatment Facility Conceptual Design Report, dated April 21, 2011		
25.	Letter from Vance Taylor to Janet Laurain, dated April 21, 2011		
26.	Facility Study Agreement between Imperial Irrigation District and Ormat Nevada Inc., dated January 4, 2008		
27.	First Amended and Restated Engineering and Procurement Agreement between Imperial Irrigation District and Ormat Nevada Inc., dated June 2, 2008		
28.	SB 610 – Water Supply Assessment prepared by Development Design & Engineering for Ormat Nevada, Inc., dated December 11, 2008		

Exhibit	Brief Description	Offered	Admitted
29.	North Brawley System Impact Study – Final Report, Revision 1, dated January 8, 2009		
30.	IID Interim Water Supply Policy for Non-Agricultural Projects, dated received April 22, 2011		
31.	Letter from Janet Laurain to Brad Poiriez, dated March 30, 2011		
32.	Letter from Charlene Wardlow to Jurg Heuberger, dated August 4, 2009		
33.	Letter from Charlene Wardlow to Jurg Heuberger, dated May 12, 2008		
34.	Letter from Ron Leiken to Brad Poirez dated September 14, 2010		
35.	Resolution Providing Direction to Staff from State Energy Resources Conservation and Development Commission, dated October 29, 1986		
36.	Letter from the California Energy Commission to Daniel Lyster, dated September 3, 1987, stamped received September 10, 1987		
37.	Environmental Impact Report Environmental Assessment prepared for the County of Mono energy Management Department and the Bureau of Land Management by ESA Planning and Environmental Services, dated October 1987		
38.	Waste Discharge Requirements (Revision 1) prepared by the California Regional Water Quality Control Board Colorado River Basin Region, dated January 16, 2008		
39.	Resolution E-4126 – Redacted prepared by the Public Utilities Commission of the State of California, dated March 13, 2008		
40.	Imperial Irrigation District Board Agenda Memorandum to Board of Directors from General Manager, dated October 7, 2008		
41.	Imperial Irrigation District Regular Meeting Agenda, dated October 7, 2008		
42.	E-Mail from Shahab Khoshmashrab to Ken Celli, dated August 8, 2011		

Exhibit	Brief Description	Offered	Admitted
43.	Nevada Geothermal Power: Project Status Report, dated May 11, 2011		
44.	<i>Ormat Technologies and Nevada Geothermal Power Execute EPC Contract for Blue Mountain Faulkner 1 Power Plant</i> , iStockAnalyst.com, dated April 2, 2008		
45.	<i>Top Plant: Blue Mountain Faulkner 1 Geothermal Power Plant, Humboldt County, Nevada</i> , by Angela Neville, JD, Powermag.com, dated December 1, 2010		
46.	Renewable Energy Update and Projects, Geothermal Projects, McIlvaine Company		
47.	County of Imperial East Brawley Geothermal Draft Environmental Impact Report, Volumes I and II, March 2011		
48.	Resume of David I. Marcus		
49.	Qualifications and Experience of Robert H. Koppe		

DECLARATION OF SERVICE

In the Matter of Complaint Against Ormat Nevada, Inc. Brought By
California Unions for Reliable Energy

Docket No. 11-CAI-02

I, Carol N. Horton, declare that on September 22, 2011, I served and filed copies of the attached **CALIFORNIA UNIONS FOR RELIABLE ENERGY WITNESS QUALIFICATIONS AND REVISED TENTATIVE EXHIBIT LIST** dated September 22, 2011. The original document, filed with the Docket Office, 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

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

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.

/s/
CAROL N. HORTON



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 9/12/11)**

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Imperial County Air Pollution
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El Centro, CA 92243-2801

Imperial Irrigation District
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