

## CALIFORNIA ENERGY COMMISSION

1516 NINTH STREET  
SACRAMENTO, CA 95814-5512  
www.energy.ca.gov



STATE OF CALIFORNIA  
Energy Resources Conservation  
And Development Commission

<b>DOCKET</b>	
<b>11-CAI-02</b>	
DATE	FEB 03 2012
RECD.	FEB 07 2012

***In the Matter of Complaint Against  
ORMAT NEVADA, INC. BROUGHT  
BY CALIFORNIA UNIONS FOR  
RELIABLE ENERGY***

**Docket No. 11-CAI-02**

**Dated: February 3, 2012**

AMENDED NOTICE OF HEARING ON PETITION FOR RECONSIDERATION  
AND  
OPPORTUNITY TO COMMENT

**NOTICE: The purpose of this amendment is to add details on Remote Attendance.**

**Notice of Hearing**

On December 5, 2011, the Energy Commission dismissed California Unions for Reliable Energy's (CURE) Complaint and Request for Investigation. (Docket No. 11-CAI-02, Order No. 11-1130-4 (Dec. 5, 2011).) On January 4, 2012, CURE filed a Petition for Reconsideration ("Petition") of that decision.

The Commission will hold a public hearing to consider whether to grant or deny the Petition at the following time and place:

**Monday, February 13, 2012  
Beginning at 9:00 a.m.**

**California Energy Commission  
First Floor Hearing Room A  
1516 Ninth Street  
Sacramento, California 95814  
(Wheelchair Accessible.)**

Members of the public and parties to the Complaint and Request for Investigation proceeding may participate and offer oral comments at the hearing. The Commission

also invites the public and any agency or party to submit written comments on the Petition in advance of the hearing.

## **Public Comments**

Comments may be filed physically or electronically. The Energy Commission encourages the use of electronic filing. Documents under 5MB may be filed electronically as an attachment to an e-mail directed to the Energy Commission's Dockets Office at [docket@energy.state.ca.us](mailto:docket@energy.state.ca.us). All documents filed electronically shall be in either Microsoft Word or Portable Document Format (PDF). Please include the name of the submitting entity or individual in the document file name, and the Docket Number, 11-CAI-02 in the subject line.

Paper copies must be sent to the Energy Commission's Docket Unit at:

California Energy Commission  
Dockets Office, MS-4  
Re: Docket No. 11-CAI-02  
1516 Ninth Street  
Sacramento, CA 95814-5512  
[docket@energy.state.ca.us](mailto:docket@energy.state.ca.us)

In order to ensure that your comments are considered in advance of the hearing, **all comments must be received physically or electronically at the email or physical address above by noon on Friday, February 10, 2012; a postmark of February 10, 2012 is insufficient.** Oral comments will be accepted at the hearing.

## **Procedural Background**

Section 1720 of the Commission's regulations allows any party in a proceeding to file a petition for reconsideration of a final decision or order, within 30 days after the decision or order is final. (Cal. Code Regs., tit. 20, § 1720, subd. (a).) That section also lists the required contents of such petitions and specifies deadlines for Commission action thereon. (*Id.*, § 1720, subds. (b)-(c).) The Commission must hold a hearing for the presentation of arguments on a petition for reconsideration and must grant or deny a petition for reconsideration within 30 days of its filing. (*Id.*, § 1720, subd. (b).) If the Commission denies the petition, then the original determination stands. If the Commission grants the petition, then it is required to hold a subsequent hearing (which may include the taking of evidence) within 90 days to consider whether to change the original determination (*Id.*, § 1720, subds. (b)-(c).)

## **Public Participation**

For information on how to participate at the Commission hearing, contact the Commission Public Adviser's Office at 916-654-4489 or toll free at 1-800-822-6228 or by e-mail [PublicAdvisor@energy.state.ca.us]. If you have a disability and need assistance to participate, contact Lourdes Quiroz at 916-654-5416 at least five days prior to the hearing.

Questions of a legal or procedural nature should be directed to Jennifer Martin-Gallardo, Staff Counsel in the Chief Counsel's Office, at 916-651-3748 or by e-mail [jmarting@energy.state.ca.us].

Media inquiries should be directed to the Office of Media and Public Communications at 916-654-4989 or by e-mail [mediaoffice@energy.ca.gov].

## **Remote Attendance**

You can participate in this meeting through WebEx, the Energy Commission's online meeting service. Presentations will appear on your computer screen, and you listen to the audio via your telephone. Please be aware that the meeting's WebEx audio and on-screen activity will be recorded.

## **Computer Log-on:**

1. Please go to <https://energy.webex.com> and enter the unique meeting number:  
**924 210 669**
2. When prompted, enter your information and the following meeting password:  
**meeting@9am**

NOTE: Access to WebEx meetings is now available from your mobile device. To learn more and access your app, please visit [www.webex.com/overview/mobile-meetings.html](http://www.webex.com/overview/mobile-meetings.html)

Dated: 2/3/12

  
ROBERT B. WEISENMILLER  
Chair



**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)**

**RESPONDENT**

Ormat Nevada, Inc.  
6225 Neil Road  
Reno, NV 89511

**COUNSEL FOR RESPONDENT**

Christopher T. Ellison  
Samantha Pottenger  
Ellison, Schneider and Harris, LLP  
2600 Capitol Avenue, Suite 400  
Sacramento, CA 95816  
[cte@eslawfirm.com](mailto:cte@eslawfirm.com)  
[sgp@eslawfirm.com](mailto:sgp@eslawfirm.com)

**COMPLAINANT**

California Unions for Reliable Energy  
c/o Adams Broadwell Joseph  
& Cardozo  
Marc D. Joseph  
Tanya A. Gulesserian  
Elizabeth Klebaner  
601 Gateway Boulevard, Suite 1000  
South San Francisco, CA 94080  
[mdjoseph@adamsbroadwell.com](mailto:mdjoseph@adamsbroadwell.com)  
[tgulesserian@adamsbroadwell.com](mailto:tgulesserian@adamsbroadwell.com)  
[eklebaner@adamsbroadwell.com](mailto:eklebaner@adamsbroadwell.com)

**INTERVENORS**

\*Imperial County Planning and  
Development Services  
Armando Villa,  
Planning Director  
801 Main Street  
El Centro, CA 92243-2811  
[armandovilla@co.imperial.ca.us](mailto:armandovilla@co.imperial.ca.us)

\*Remy, Thomas, Moose &  
Manley, LLP  
Howard F. Wilkins  
455 Capitol Mall, Suite 210  
Sacramento, CA 95814  
[hwilkins@rtmmlaw.com](mailto:hwilkins@rtmmlaw.com)

**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**

ROBERT B. WEISENMILLER  
Chair and Associate Member  
[rweisenm@energy.state.ca.us](mailto:rweisenm@energy.state.ca.us)

KAREN DOUGLAS  
Commissioner and Presiding Member  
[kldougl@energy.state.ca.us](mailto:kldougl@energy.state.ca.us)

Kenneth Celli  
Hearing Officer  
[kcelli@energy.state.ca.us](mailto:kcelli@energy.state.ca.us)

**ENERGY COMMISSION STAFF**

Bob Worl  
Project Manager  
[rworl@energy.state.ca.us](mailto:rworl@energy.state.ca.us)

Jeff Ogata  
Assistant Chief Counsel  
[jogata@energy.state.ca.us](mailto:jogata@energy.state.ca.us)

**ENERGY COMMISSION  
PUBLIC ADVISER**

Jennifer Jennings  
Public Adviser  
*e-mail service preferred*  
[\\*publicadviser@energy.state.ca.us](mailto:publicadviser@energy.state.ca.us)

\*indicates change

## DECLARATION OF SERVICE

I, Janice Titgen, declare that on, February 7, 2012, I served and filed copies of the attached Amended Notice of Hearing on Petition for Reconsideration and Opportunity to Comment. 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.

\_\_\_\_\_  
Original signed by  
Janice Titgen