

DOCKET

11-AFC-04

DATE JUN 04 2012

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STATE OF CALIFORNIA

Energy Resources Conservation
And Development Commission

In the Matter of:

Docket No. 11-AFC-4

Application for Certification
for the Rio Mesa Solar
Electric Generating Facility

Energy Commission Staff's Request for Extension of Discovery Period

On May 24, 2012, the applicant formally informed staff and other parties that it would be revising the proposed project to remove the northern third of the project, Rio Mesa III, from the proposal.¹ Additionally, permanent facilities will be relocated west of the Western Area Power Administration transmission line. According to the applicant's presentation, the exact location and layout of the common facilities is yet to be determined, but will presumably be identified in the formal filing encapsulating all project changes to be filed by the applicant. The applicant has indicated that they will provide the revised project information in early July 2012.

Absent leave for good cause shown, parties are allowed 180 days from the filing of a complete application for certification to request information. (Title 20, Cal. Code Regs., §1716(e).) The Rio Mesa Solar Electric Generating Facility was deemed complete on December 14, 2011; thus, without leave from the Committee, the deadline for data requests would be June 11, 2012. The changes proposed by the applicant, while described as environmental enhancements, involve a substantial change to the project design. As such, staff anticipates that these changes may necessitate additional requests for information. As the applicant has acknowledged, the changes cannot be simplified by stating that all impacts are reduced by a third across the board. Major project components are being relocated and because resources are not evenly distributed on site, the evaluation of how the potential impacts have changed from the original proposal will require careful review and analysis to obtain a thorough understanding of which impacts are reduced and

¹ Applicant's presentation can be viewed at [http://www.energy.ca.gov/sitingcases/riomesa/documents/applicant/2012-05-24 Applicant Presentation on Project Change at May 24 2012 Workshop TN-65465.pdf](http://www.energy.ca.gov/sitingcases/riomesa/documents/applicant/2012-05-24%20Applicant%20Presentation%20on%20Project%20Change%20at%20May%2024%202012%20Workshop%20TN-65465.pdf). The applicant also served a formal notice of the project change on May 30, 2012, which can be viewed at [http://www.energy.ca.gov/sitingcases/riomesa/documents/applicant/2012-05-30 Bright Sources Notification of Submittal of Environmental Enhancement Proposal TN-65503.pdf](http://www.energy.ca.gov/sitingcases/riomesa/documents/applicant/2012-05-30%20Bright%20Sources%20Notification%20of%20Submittal%20of%20Environmental%20Enhancement%20Proposal%20TN-65503.pdf)

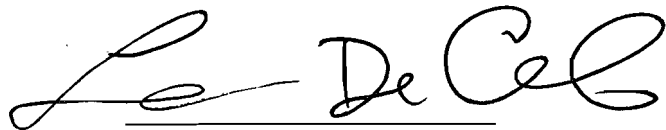
by how much and which remain unchanged. Additionally, these changes will affect the majority, if not all, of the technical areas reviewed by staff.

Therefore, staff requests the Committee extend the discovery period 60 days beyond the official date of submittal of the revised project information. This should provide staff sufficient time to review the new information and compose data requests, if necessary, to fill in any remaining informational voids due to the project change, assuming the applicant uses best efforts to submit a complete and thorough document clearly describing the project changes and correcting previously submitted estimations and analyses of impacts.

At this date staff does not expect to request additional time to publish the Preliminary Staff Assessment (PSA). However, staff has not seen the full extent of the proposed changes and reserves the right to make such a request if the scope of proposed change is greater than anticipated or if it becomes evident upon receipt of the information that incorporating the changes and allowing for proper internal review cannot be feasibly done while still maintaining an August publication date. While most technical sections will likely be able to quickly update the analysis based on the revised information and need only sufficient time for internal review, biological resources involves extensive analyses and close coordination with three other agencies and the later the revised information is received, the more difficult it becomes to ensure that these agencies have a meaningful opportunity for review and input while still hewing to an August publication date. Staff will endeavor to update the analysis as quickly as possible, and will bring the matter before the Committee if it appears that an August PSA is in jeopardy.

DATED: June 4, 2012

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Lisa DeCarlo". The signature is fluid and cursive, with a horizontal line underneath the name.

LISA M. DECARLO
Senior Staff Counsel
California Energy Commission
1516 9th Street
Sacramento, CA 95817
Ph: (916) 654-5195
E-mail: Lisa.DeCarlo@energy.ca.gov



**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 *RIO MESA SOLAR*
*ELECTRIC GENERATING FACILITY***

**DOCKET NO. 11-AFC-04
PROOF OF SERVICE
(Revised 6/4/12)**

APPLICANTS' AGENTS

BrightSource Energy, Inc.
Todd Stewart, Senior Director
Project Development
1999 Harrison Street, Suite 2150
Oakland, CA 94612
tstewart@brightsourceenergy.com

BrightSource Energy, Inc.
Michelle Farley
1999 Harrison Street, Suite 2150
Oakland, CA 94612
mfarley@brightsourceenergy.com

BrightSource Energy, Inc.
Brad DeJean
1999 Harrison Street, Suite 2150
Oakland, CA 94612
e-mail service preferred
bdejean@brightsourceenergy.com

APPLICANTS' CONSULTANTS

Grenier and Associates, Inc.
Andrea Grenier
1420 E. Roseville Parkway
Suite 140-377
Roseville, CA 95661
e-mail service preferred
andrea@agrenier.com

URS Corporation
Angela Leiba
4225 Executive Square, Suite 1600
La Jolla, CA 92037
angela_leiba@urscorp.com

COUNSEL FOR APPLICANTS

Ellison, Schneider, & Harris
Christopher T. Ellison
Brian S. Biering
2600 Capitol Avenue, Suite 400
Sacramento, CA 95816-5905
cte@eslawfirm.com
bsb@eslawfirm.com

INTERESTED AGENCIES

Mojave Desert AQMD
Chris Anderson, Air Quality Engineer
14306 Park Avenue
Victorville, CA 92392-2310
canderson@mdaqmd.ca.gov

California ISO
e-mail service preferred
e-recipient@caiso.com

Bureau of Land Management
Cedric Perry
Lynnette Elser
22835 Calle San Juan De Los Lagos
Moreno Valley, CA 92553
cperry@blm.gov
lelser@blm.gov

*Katherine Lind
*Tiffany North
Office of Riverside County Counsel
County of Riverside
3960 Orange Street, Suite 500
Riverside, CA 92501
e-mail service preferred
klind@co.riverside.ca.us
tnorth@co.riverside.ca.us

INTERVENORS

Center for Biological Diversity
Lisa T. Belenky, Senior Attorney
351 California Street, Suite 600
San Francisco, CA 94104
e-mail service preferred
lbelenky@biologicaldiversity.org

Center for Biological Diversity
Ileene Anderson
Public Lands Desert Director
PMB 447, 8033 Sunset Boulevard
Los Angeles, CA 90046
e-mail service preferred
ianderson@biologicaldiversity.org

**ENERGY COMMISSION –
DECISIONMAKERS**

CARLA PETERMAN
Commissioner and Presiding Member
carla.peterman@energy.ca.gov

KAREN DOUGLAS
Commissioner and Associate Member
e-mail service preferred
karen.douglas@energy.ca.gov

Kourtney Vaccaro
Hearing Adviser
e-mail service preferred
kourtney.vaccaro@energy.ca.gov

Jim Bartridge
Advisor to Presiding Member
jim.bartridge@energy.ca.gov

Galen Lemei
Advisor to Associate Member
e-mail service preferred
galen.lemei@energy.ca.gov

Jennifer Nelson
Advisor to Associate Member
e-mail service preferred
jennifer.nelson@energy.ca.gov

ENERGY COMMISSION STAFF

Pierre Martinez
Project Manager
pierre.martinez@energy.ca.gov

Lisa DeCarlo
Staff Counsel
lisa.decarlo@energy.ca.gov

Eileen Allen
Commissioners' Technical
Advisor for Facility Siting
e-mail service preferred
eileen.allen@energy.ca.gov

**ENERGY COMMISSION –
PUBLIC ADVISER**

Jennifer Jennings
Public Adviser's Office
e-mail service preferred
publicadviser@energy.state.ca.us

DECLARATION OF SERVICE

I, **Rhea Moyer**, declare that on **June 4, 2012**, I served and filed a copy of the attached document **Energy Commission Staff's Request for Extension of Discovery Period**, dated **June 4, 2012**. This document is accompanied by the most recent Proof of Service list, located on the web page for this project at: **<http://www.energy.ca.gov/sitingcases/riomesa/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 "e-mail preferred."

AND

For filing with the Docket Unit at the Energy Commission:

- by sending electronic copies to the e-mail 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:

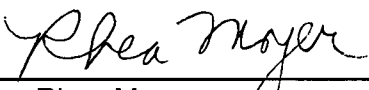
CALIFORNIA ENERGY COMMISSION – DOCKET UNIT
Attn: Docket No. 11-AFC-4
1516 Ninth Street, MS-4
Sacramento, CA 95814-5512
docket@energy.ca.gov

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
michael.levy@energy.ca.gov

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.



Rhea Moyer