

**Energy - Docket Optical System**

**From:** Lisa Belenky [lbelenky@biologicaldiversity.org]  
**Sent:** Monday, January 14, 2013 5:22 PM  
**To:** Celli, Ken@Energy; 'Andrea Grenier'; 'Angela Leiba'; 'Brad DeJean'; 'Bradley Brownlow'; 'Brian S. Biering'; 'California ISO'; 'Cedric Perry'; 'Chris Anderson'; 'Christina M. Caro'; 'Christopher T. Ellison'; Energy - Docket Optical System; Energy - Public Adviser's Office; 'Ileene Anderson'; 'Katherine Lind'; 'Kwame Thompson'; 'Lynnette Elser'; 'Richard T. Drury'; 'Tiffany North'; 'Todd Stewart'  
**Subject:** RE: Response to Notice of Suspension in Rio Mesa 11-AFC-04  
**Categories:** Ready to Docket

Mr. Celli, The Center may respond to the notice of suspension solely to seek clarification of the status of the Staff's pending motion to compel needed information for an incidental take permit application and the Applicant's objection. The Center had intended to respond to the applicant's objection and particularly the statements that it is solely the applicant's decision whether to seek incidental take coverage as part of the application. In this instance, the need for an incidental take permit is clear and the Center believes that the Commission must have all the information necessary to determine if it will issue an incidental take permit in lieu of CDFW.

Providing information necessary for the Commission to determine if a proposed project meets any LORS is mandatory, not optional to the applicant.

This is a very important issue to the Center and may significantly impact future projects and applications.

If the Commission intends to rule on the pending motion before the suspension is accepted, then the Center would like additional time to respond to the suspension notice. If the applicant withdraws their objection or if the motion is suspended while the application is suspended, then the Center will not need time to respond on this issue at this time.

Perhaps the Commission or Committee can clarify which of the pending issues they intend to address and when?

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-----Original Message-----

From: Celli, Ken@Energy [<mailto:Ken.Celli@energy.ca.gov>]

Sent: Monday, January 14, 2013 3:43 PM

To: Andrea Grenier; Angela Leiba; Brad DeJean; Bradley Brownlow; Brian S. Biering; California ISO; Cedric Perry; Chris Anderson; Christina M. Caro; Christopher T. Ellison; Energy - Docket Optical System; Energy - Public Adviser's Office; Ileene Anderson; Katherine Lind; Kwame Thompson; Lisa T. Belenky; Lynnette Elser; Richard T. Drury; Tiffany North; Todd Stewart  
Subject: Response to Notice of Suspension in Rio Mesa 11-AFC-04

To the Parties:

Please indicate whether you intend to respond to the Applicant's Notice of Suspension which was filed today. I would appreciate hearing from you before the end of the week.

Thank you,

Kenneth D. Celli  
Hearing Advisor II  
California Energy Commission  
1516 Ninth Street, MS-9  
Sacramento, CA 95814

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