

**STATE OF CALIFORNIA**

**Energy Resources Conservation  
And Development Commission**

In the Matter of: ) Docket No. 07-AFC-8  
)  
Application for Certification for the )  
Carrizo Energy )  
Solar Farm Project )

**STAFF’S RESPONSE TO PETITIONS OF  
INTERVENORS RUSKOVICH AND STROBRIDGE  
TO REOPEN AND EXTEND DISCOVERY**

**A. INTRODUCTION**

This memorandum responds on behalf of Commission Staff to (1) the “Petition for Extension of Data Discovery” filed by Intervenor John Ruskovich on or about March 30, 2009, and (2) the “Petition to extend the 180 day Data Discovery Period” filed by Intervenor Michael Strobridge on or about March 31, 2009<sup>1</sup>.

Despite their titles, these two Petitions actually seek to *reopen*, not just extend, discovery.

In this case, both Petitioners have extensively participated in this proceeding from the outset, yet they both elected to wait to Intervene until very late in the proceeding, long after the close of discovery. That overriding fact, coupled with the lack of any explanation for Petitioners’ delay, militates against a finding of good cause for reopening discovery at this late date. Staff is of the opinion that Petitioner’s have not

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<sup>1</sup> The undersigned counsel for the California Energy Commission received the Strobridge Petition by email with a date and time stamp indicating that it was sent after the close of business on March 30, 2009 at 9:38 pm.

carried their burden of proving good cause, and Staff recommends that the Petitions be denied.

We submit the following information in the hope that it will assist the Committee in reaching a fair and appropriate resolution of the Petitions.

**B. PETITIONERS SEEK TO REOPEN DISCOVERY**

It is important to note that these two Petitions, despite being named Petitions to extend the 180-day discovery period, actually seek to reopen the discovery period approximately ten months after it closed.

**C. DISCOVERY CLOSED ON JUNE 16, 2008**

California Code of Regulations, Title 20, section 1716 (e) provides that all requests for information shall be submitted no later than 180 days from the date the commission determines an application is complete, unless the committee allows requests for information at a later time for good cause shown. In this proceeding, the commission determined the application was complete on December 19, 2007. No party has previously sought the committee's permission to reopen or extend discovery in this matter. Thus, discovery closed by operation of law on June 16, 2008.

**D. THE FEBRUARY 13, 2009 COMMITTEE ORDER**

The February 13, 2009 Committee Order that granted the Ruskovich and Strobridge Petitions to Intervene expressly provides, "The deadlines for conducting discovery and other matters shall not be extended by the granting of these Petitions."

**E. PETITIONERS DID NOT DISCLOSE THEIR INTENT TO FILE DISCOVERY**

California Code of Regulations, Title 20, section 1207 provides in relevant part:

(a) Any person may file with the Docket Unit or the presiding committee member a petition to intervene in any proceeding. The

petition shall set forth the grounds for the intervention, the position and interest of the petitioner in the proceeding, the extent to which the petitioner desires to participate in the proceedings, and the name, address, and telephone number of the petitioner. . . .

(c) . . . Any person whose petition is granted by the presiding member shall have all the rights and duties of a party under these regulations. . . . [Emphasis added].

California Code of Regulations, Title 20, section 1712 provides in relevant part:

(a) Any person may petition to intervene pursuant to Section 1207 of these regulations. Any person whose petition is granted by the presiding member shall have all the rights and duties of a party under these regulations. No person who becomes a party shall be permitted to reopen matters or reopen discovery dealt with in the proceeding prior to the time when such person became a party, without a showing of good cause. [Emphasis added].

Intervenors Ruskovich and Strobridge filed their Petitions to Intervene on or about January 27, 2009 and February 2, 2009, respectively. A copy of each Petition to Intervene is attached hereto as **Exhibit A and B**. These documents are offered to establish that neither Petition to Intervene disclosed any intent to reopen or extend discovery or propound multiple sets of discovery, as required by the regulations set forth above. Any such intention should have been stated in that part of the petitions describing “the extent to which the petitioner desires to participate in the proceedings” as required by section 1207, above.

Nonetheless, after being granted Intervenor status on February 13, 2009, Petitioners Ruskovich and Strobridge propounded multiple sets of data discovery without having requested or obtained prior committee approval to do so, as follows:

Michael Strobridge:

- Data Request Set 1 (1-3), propounded February 26, 2009
- Data Request Set 2 (1), propounded March 4, 2009

- Data Request Set 3 (1-14), propounded March 8, 2009
- Data Request Set 4 (1-20), propounded March 16, 2009
- Data Request Set 5 (1), propounded March 18, 2009
- Data Request Set 6 (1-6), propounded March 29, 2009

John Ruskovich:

- Data Request Set 1 (1-9), propounded March 15, 2009
- Data Request Set 2 (1-3), propounded March 17, 2009

Petitioner's failure to comply with section 1207 and identify their discovery plans in their respective Petitions to Intervene further militates against any finding of good cause to reopen discovery now.

F. PETITIONERS' STATED REASONS FOR SEEKING TO REOPEN DISCOVERY ARE INSUFFICIENT TO ESTABLISH GOOD CAUSE

Petitioners attempt to comply with California Code of Regulations, Title 20, section 1716 (e), which requires a showing of "good cause" to reopen or extend discovery after the 180-day discovery period has expired<sup>2</sup>, by asserting in their Petitions the following as the basis of their request to reopen discovery:

1. The Petition of Michael Strobridge asserts:

- (1) This is not a typical one-year siting process because the Carrizo Energy Solar Farm (CESF) Application for Certification (AFC) is a new type of project. This is illustrated by the fact that the AFC was already 673 days old as of the date the Petition was prepared;
- (2) the CESF AFC has generated a tremendous amount of data and multiple reports;
- (3) California Code of Regulations, Title. 20, section 1723.5 gives any party or person the right to propose modifications in a project;

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<sup>2</sup> California Code of Regulations, Title 20, section 1716 (b) further requires all data requests to include reasons for the request.

- (4) on March 29, 2009 Petitioner Strobridge sent a letter to Project Manager John Kessler stating concerns about potential noise at his family's residence near the proposed CESF site and proposing that the applicant move the power block, and
  - (5) Petitioner Strobridge does not believe he can properly represent his family or his community if his late-filed data requests are "silenced".
2. The Petition of John Ruskovich asserts:
- (1) revised reports and changes in water use estimates justify further data requests;
  - (2) this project is the first of its kind and will set precedent;
  - (3) several workshops concerning some draft sections of the Final Staff Assessment (FSA) are still planned,
  - (4) data will constantly be created in all phases of this project up to and including decommissioning, and
  - (5) it is Petitioner's right to submit data requests and he is being denied the right to do so.

As discussed in the following sections, the above reasons do not constitute "good cause" to reopen discovery at this late stage of the proceeding.

#### G. APPLICABLE LAW

The primary regulatory provisions applicable to these Petitions are set forth in California Code of Regulations, Title 20, section 1716, entitled "Obtaining Information".

Section 1716 provides in relevant part:

- (d) Any party may request from a party other than the applicant information which is reasonably available to the responding party and cannot otherwise be readily obtained, and which is relevant to the proceeding or reasonably necessary to make any decision on the notice or application. All such requests shall state the reasons for the request.
- (e) all requests for information shall be submitted no later than 180 days from the date the commission determines an application is complete, unless the committee allows requests for information at a later time for good cause shown.

(f) Any party requested to provide information pursuant to this section shall, within 20 days of receiving the request, notify the requesting party and the committee in writing if it is unable to provide or objects to providing the information requested of it. . . .

(i) All information requests and responses shall be served on all parties to the proceeding by the requesting and responding parties respectively; . . . [Emphasis added].

Although Section 1716 does not specifically define the commonly – used legal term “good cause”, persuasive authority may provide some guidance. For example, California Code of Civil Procedure section 116.130 (j), applicable to small claims disputes, defines “good cause” as “circumstances sufficient to justify the requested order or other action, as determined by the judge.” Black’s Law Dictionary, Revised Fourth Edition (1968) (citations omitted) contains the following definition: “Substantial reason, one that affords a legal excuse”.

#### H. BURDEN OF PROOF

In adjudicated matters, the proponent of a motion or petition generally carries the burden of proof. California Evidence Code section 500 provides:

Except as otherwise provided by law, a party has the burden of proof as to each fact the existence or nonexistence of which is essential to the claim for relief or defense that he is asserting.

Petitioners Ruskovich and Strobridge claim that the facts set forth in their Petitions justify a finding of good cause to reopen discovery. They are the proponents of a modification to the discovery schedule which proposed modification could and likely will directly impact the manner in which the facility is designed, sited and/or operated. Petitioners therefore carry the burden of proof on their Petitions.

I. ALTHOUGH PETITIONERS WERE INFORMED OF THE ADVISABILITY OF INTERVENING EARLY IN THIS PROCEEDING, THEY CHOSE TO INTERVENE LATE

Attached hereto as **Exhibit C** is a true, accurate, and complete copy of a document entitled “**Intervening in Siting Cases, FREQUENTLY ASKED QUESTIONS.**” This document is from the Energy Commission’s public website. In that document, frequently-asked question number 6 (“When must the Petition for Intervention be filed with the Energy Commission?”) is answered as follows:

. . . [I]t is important to intervene as soon as possible as any issues resolved prior to intervention will not be reopened unless the intervenor can show good cause in a motion to the presiding committee member (typically changed factual circumstance, unacceptable prejudice, or critical new evidence). . . .

Attached hereto as **Exhibit D** is a true, accurate and complete copy of the comments of the Public Advisor’s Office concerning the availability of intervention, excerpted from the official transcript of the initial informational hearing and site visit that occurred on January 29, 2008.

The undersigned attended the January 29, 2008 informational hearing and site visit. Mr. Nick Bartsch of the Public Advisor’s Office also attended that hearing and placed a number of public informational handouts in a visible and publicly-accessible area of the Carriza Community Center. The undersigned recently spoke with Mr. Bartsch who confirmed that he in fact made available hard copies of the informational document attached hereto as **Exhibit C** (“Intervening in Siting Cases, FREQUENTLY ASKED QUESTIONS”) at the January 29, 2008 informational hearing and site visit.

Despite the Commission’s recommendation of early intervention, Petitioners Ruskovich and Strobridge waited approximately one year to file their Petitions to intervene-- on January 27, 2009, and February 2, 2009, respectively. Of relevance is

Petitioner Strobridge's admission that by his own calculation he did not file his Petition to reopen discovery until 673 days into the case<sup>3</sup>.

Another significant omission is the Petitions' failure to identify what specific data discovery Petitioners now seek to propound. From what little appears from the face of the Petitions, one is left to guess that the reopened discovery period either should be entirely unrestricted in scope, or else limited to the specific subject matter areas of noise and/or water. However, data discovery pertaining to those two subject matter areas could have been, and was, timely propounded by other parties while discovery was still open. Yet the Strobridge and Ruskovich Petitions fail to provide any explanation of why they choose not to intervene until long after discovery was closed.

Because the Petitions lack any reasonably specific description of the discovery Petitioners now seek to propound, and because the Petitions also lack any explanation of the reasons for Petitioners' excessive delay in seeking to propound that discovery, it is Staff's position that Petitioners have failed to establish good cause to reopen discovery at this late date.

J. PETITIONERS HAVE BEEN INVOLVED IN THE SUBSTANTIVE ISSUES RAISED IN THEIR PETITIONS SINCE EARLY IN THIS PROCEEDING

Although not discussed in the Petitions, the noise issue mentioned by Petitioner Strobridge is not new. Mr. Strobridge has consistently expressed significant concerns about potential project noise levels since early in this case.

Petitioner Ruskovich has similarly expressed significant concerns about water consistently since the first Informational hearing and site visit on January 29, 2008.

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<sup>3</sup> See, Strobridge Petition to extend the 180 day Data Discovery Period, page 1, third paragraph.

Petitioners' extensive involvement in this case is demonstrated by the transcripts of the workshops in this matter. Attached hereto as **Exhibits E, F, G and H** are true and accurate copies of excerpts from those transcripts containing the public comments of Mr. Strobridge and Mr. Ruskovich on these issues and others:

- First Informational Hearing, January 29, 2008: (**Exhibit E**)<sup>4</sup>
- Data Response Workshop, March 12, 2008 (**Exhibit F**)
- Community Informational Workshop, April 12, 2008 (**Exhibit G**)
- Data Response Workshop, August 5, 2008 (**Exhibit H**)

These transcripts were docketed on February 8, 2008, April 2, 2008, May 8, 2008 and August 29, 2008, respectively, and are offered for the purpose of establishing that these issues are not new, but have been known to, and extensively addressed by, Petitioners since early in this proceeding.

K. ON NOVEMBER 17, 2008, GOVERNOR SCHWARZENEGGER ISSUED EXECUTIVE ORDER S-14-08

While Staff believes that the Petitions' failure to establish good cause to reopen discovery is dispositive, other State policies also support denial of the Petitions. On November 17, 2008—approximately five (5) months after the close of discovery in this matter--the Governor issued Executive Order S-14-08 (Governor's Order). A true, complete and accurate copy of the Governor's Order is attached hereto as **Exhibit I**, official notice of which is hereby requested pursuant to California Code of Regulations, Title 20, section 1213<sup>5</sup>. The Governor's Order directly speaks to site certification policy

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<sup>4</sup> Although Michael (Mike) Strobridge was present at the January 29, 2008 Informational Hearing, he apparently did not speak on the record. However, another member of the Strobridge family, his father Tim Strobridge, did speak about noise levels and other issues on the record on behalf of the Strobridge family, so those comments are included here for informational purposes.

<sup>5</sup> Section 1213 provides:

and, among other things, calls for streamlining of the siting process for renewable energy generation. Specifically, it provides in relevant part:

**WHEREAS**, in 2003, the Governor called for an acceleration of the RPS, urging that 20 percent of California's electricity come from renewable sources by 2010 rather than 2017, seven years earlier than previously required, and this accelerated standard became law in September 2006, when the Governor signed SB 107; and . . .

**WHEREAS**, substantially increased development of renewable electricity sources, energy efficiency and demand response is needed to meet the greenhouse gas reduction goal of 1990 levels by 2020 and 80 percent below 1990 emissions levels by 2050, making the success and expansion of renewables a key priority for California's economic and environmental future; and . . .

**WHEREAS**, fostering greater and more timely renewable energy development means California's energy agencies must establish a more cohesive and integrated statewide strategy, including greater coordination and streamlining of the siting, . . . processes for renewable generation, . . . and

**WHEREAS**, deployment of new renewable energy technologies across the state will require utilizing new areas of biologically sensitive land; and

**NOW, THEREFORE, I, ARNOLD SCHWARZENEGGER**, Governor of the State of California, by virtue of the power vested in me by the Constitution and statutes of the State of California, do hereby order effective immediately:

1. That the following Renewable Portfolio Standard target is hereby established for California: All retail sellers of electricity shall serve 33 percent of their load with renewable energy by 2020. State government agencies are hereby directed to take all appropriate actions to implement this target in all regulatory proceedings, including siting, permitting, and procurement for renewable energy power plants and transmission lines.

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During a proceeding the commission may take official notice of any generally accepted matter within the commission's field of competence, and of any fact which may be judicially noticed by the courts of this state. Parties to a proceeding shall be informed of the matters to be noticed, and those matters shall be noted in the record, or attached thereto. Any party shall be given a reasonable opportunity on request to refute the officially noticed matters by evidence or by written or oral presentation of authority.

2. The Resources Agency shall lead the joint collaboration between the CEC and the DFG to expedite the development of RPS eligible renewable energy resources through the actions outlined in this order.

...

16. In order to facilitate the timely permitting of renewable energy projects, all state regulatory agencies shall give priority to renewable energy projects as set forth in this Executive Order.

Although the Executive Order speaks specifically to new renewable energy projects, general State policy discourages unnecessary, untimely and/or wasteful discovery in all certification proceedings.

As established in the following section, Petitioners have participated fully and extensively in this proceeding from the outset, appearing at workshops, making public comment, asking questions, writing letters, and voicing their concerns. There was nothing to prevent them from intervening earlier in the case while the 180 day discovery period was open. Reopening discovery at this point in the case at the request of parties that were the cause of their own delay would be inconsistent with State policy that favors a reasonably streamlined and efficient certification process.

#### L. IMPACT ON CASE SCHEDULE

Currently, there are a total of three (3) large solar projects planned for the Carrizo plain, of which the CESF is the first. Because of the potential cumulative impacts associated with large solar projects due to the amount of land area they consume, staff has had to develop additional innovative analysis in the form of a wildlife movement and corridor study, not typically required in fossil fuel power plant certification proceedings. That study has taken additional time to develop and is still underway. The novelty, and additional complexity of the CESF project resulted in many data requests and therefore Staff scheduled a draft Final Staff Assessment (FSA) workshop to cover several subject matter areas including Noise, Visual, Traffic, and Soil/Water. The workshop is expected

to take place sometime in the next several weeks. The above contributing factors already have resulted in a number of schedule changes and made this proceeding more time-consuming, albeit for good cause.

Project Manager John Kessler recently prepared a new Status Report docketed on or about April 10, 2009 that lays out for the committee the currently-estimated time frame for completion of this proceeding assuming discovery is not reopened. In the event the Petitions to reopen discovery are granted, the additional discovery period would likely prolong the case.

M. THE ADDITIONAL FSA WORKSHOP AND CORRIDOR MODEL DO NOT ESTABLISH GOOD CAUSE

As proffered justification for reopening discovery, Petitioner Ruskovich references the FSA additional workshop that is currently planned. In fact, , as noted above, Staff does plan to hold a special workshop either via teleconference or in person on several draft FSA sections. Extensive workshops already previously were held on all of the subject matter areas that would be covered in the additional upcoming workshop. Such an additional workshop is not required by law, but was intended as an additional opportunity for public discussion with respect to those particular sections of the draft FSA. The fact that Staff has elected to hold an additional workshop does not confer an entitlement on any Intervenor to reopen discovery.

Petitioner Strobridge mentions the Wildlife Corridor Model that is under development. That issue also is not new. It first arose in a comprehensive memorandum dated March 26, 2008 from the Department of Fish and Game that was publicly served and posted. The issue was publicly discussed at the August 5, 2008 data response workshop attended by Petitioners.<sup>6</sup>

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<sup>6</sup> Transcript, August 5, 2008 data response workshop, beginning at page 46.

The Commission, through the Public Advisor’s public website, expressly advises all persons considering intervention to do so early in our certification proceedings and further expressly warns of the consequences of failure to do so is that matters already resolved might not be reopened. Petitioners now urge that their interests cannot be protected without reopening and extending discovery. However, the fact is that had they simply filed a request for intervention earlier in the case, they almost certainly could have avoided the necessity of filing these late Petitions to reopen discovery now. Petitioners have been full participants in this proceeding since the informational hearing and have attended several workshops held by Staff to discuss issues in the case. They are fully familiar with the issues in this case, as well as with the schedule. Their decision to intervene late in the proceeding does not comport with the substantive concerns they have expressed since the outset of this case.<sup>7</sup>

Petitioner Ruskovich’s claim that he is “being denied the right for the submittal of data request” and Petitioner Strobridge’s claim that he is being “silenced” are therefore not justified, since the delay is the direct result of their own inaction, and noise, water and other subject matters could have been the subject of timely data requests before the close of discovery had Petitioners elected to intervene earlier.

## N. POLICY CONSIDERATIONS

The two Petitions to reopen discovery involve two competing State policies.

### 1. Unlimited Public Participation

On the one hand, the Commission encourages full public participation in all power plant certification proceedings in order to achieve the widest and most meaningful level of public involvement in the siting process. Historically, in previous fossil-fuel plant

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<sup>7</sup> California Civil Code Section 3527 provides:  
“The law helps the vigilant before those who sleep on their rights.”

certification proceedings where untimely or tardy intervention is not an issue, there has been little or no opposition to extending discovery when new substantive information has been presented. In this case, Staff is of the opinion that the following three (3) substantive information areas have arisen since the close of discovery:

1. Any new or revised information in Applicant's February 2009 Traffic Mitigation Plan and associated new proposed traffic mitigation measures (but not other traffic issues that have been known and extensively discussed since long before the close of discovery);
2. Any new or revised information in Applicant's February 2009 Noise Mitigation Plan and associated new proposed noise mitigation measures (but not other noise issues that have been known and extensively discussed since long before the close of discovery);
3. Any new or revised information contained in Applicant's February 2009 and March 2009 Revised Hydrology/Hydrogeology Reports (but not other water issues that have been known and extensively discussed since long before the close of discovery).

## 2. Efficient Certification

On the other hand, good government administration requires a reasonably efficient, non-wasteful certification process for all siting cases. An efficient certification process is inconsistent with encouragement or tolerance of late intervention and untimely and/or unlimited discovery demands.

In addition, as noted above, there are particularly compelling reasons to maximize efficiency in renewable energy certification proceedings. AB 32 and Executive Order S-14-08 require a reasonable streamlining and expediting of the

certification process if the important goals of those programs are to be met. Given the issues of global warming and greenhouse gases, many would consider the word “important” in the preceding sentence to be a significant understatement.

The Executive Summary section of the California Energy Commission’s 2008 Integrated Energy Policy Report (IEPR) Update contains the following relevant policy discussion:

Since 2002, California has had a mandate to increase the use of renewable generation to 20 percent of retail electricity sales by 2010. On November 17, 2008, Governor Schwarzenegger signed [Executive Order S-14-08](#), which raises California's renewable energy goals to 33 percent by 2020. This enhanced target will help California meet the aggressive greenhouse gas emission reduction target of 1990 levels by 2020.

The Energy Commission believes the state can reach the 33 percent renewables target by 2020. There are, however, major barriers to achieving this goal, including: . . . the impacts of renewable contract delays or cancellations; . . .and permitting issues for renewable generation facilities in environmentally sensitive areas. . . .

Contract delays or cancellations for renewable projects continue to be a barrier to meeting California's renewable goals. Thirty five percent of the contracts signed under the [Renewables Portfolio Standard](#) have been either delayed (25 percent) or cancelled (10 percent). . . .

The number and size of proposed large-scale renewable power plants makes environmental permitting an increasing concern. Many of these new facilities are proposed in ecologically sensitive areas that could require habitat mitigation and restoration, which must be factored into the costs of the projects. Environmental mitigation issues can also affect project development schedules and project success.

Resolution of these Petitions to reopen discovery requires the committee to weigh the competing policy goals of (1) full public participation and (2) a reasonably efficient certification process.

Clearly, these two competing policy goals are not and cannot be absolute and unlimited, nor does each exist by itself in a vacuum irrespective of the other. At some

point, some limitation of public participation is necessary if certification proceedings are ever to end. Similarly, there is a limit to how much a proceeding can be streamlined for efficiency without undermining due process.

Staff submits that the record establishes that Petitioners have been afforded full participation in this proceeding from the outset and that Petitioners have failed to establish that there would be any cognizable harm to their due process rights if discovery is not reopened at this late stage of the proceeding.

O. TIMELINE SUMMARY (some dates may be approximate – see footnote 1.)

- October 24, 2007                      AFC filed
- December 19, 2007                  AFC deemed complete
- January 29, 2008                      First Informational Hearing and Site Visit
- March 12, 2008                        First Data Response Workshop
- March 26, 2008                        13-page memorandum from CDFG including issue of the need for analysis of wildlife movement corridor analysis
  
- April 12, 2008                         Special Supplemental Informational Workshop held in Santa Margarita
- June 16, 2008                         Close of discovery
- June 26, 2008                         Applicant files Hydrology/Hydrogeology Report
- July 9, 2008                            Supplement to AFC filed
- August 5, 2008                         Second Data Response Workshop
- November 17, 2008                    Hearing CURE motion to compel
- November 17, 2008                    Governor’s Order S-14-08
- November 21, 2008                    PSA
- January 27, 2009                      John Ruskovich files Petition to Intervene
- February 2, 2009                      Michael Strobridge files Petition to Intervene
- February 13, 2009                     Committee grants both Petitions

- February 24, 2009            Applicant files Draft Noise and Traffic Mitigation Plans
- February 26, 2009            Strobridge Data Request Set 1
- February 27, 2009            Applicant's 1st Revised Hydrology/Hydrogeology Rpt
- March 2, 2009                 Applicant's 2<sup>nd</sup> Revised Hydrology/Hydrogeology Rpt.
- March 4, 2009                 Strobridge Data Request Set 2
- March 8, 2009                 Strobridge Data Request Set 3
- March 15, 2009                Ruskovich Data Request Set 1
- March 16, 2009                Strobridge Data Request Set 4
- March 17, 2009                Ruskovich Data Request Set 2
- March 18, 2009                Strobridge Data Request Set 5
- March 29, 2009                Strobridge Data Request Set 6
- March 30, 2009                Ruskovich Petition to reopen discovery
- March 31, 2009                Strobridge Petition to reopen discovery

P. OBJECTION TO RESPONSE OF CURE

On April 13, 2009, Intervenor California Unions for Reliable Energy (CURE) served a document entitled "Response of CURE to Petitions to Extend Discovery Period". The document purports to address the merits of the Ruskovich and Strobridge Petitions to reopen discovery. In fact, CURE's filing does not concern the Petitions filed by Intervenor Ruskovich and Strobridge, but rather goes beyond the issues raised in those Petitions and asks that discovery be reopened in specifically identified subject matter areas that are not at issue in the Ruskovich and Strobridge Petitions.

This is more than a minor technical flaw. The issues raised by CURE are not currently before the Committee. CURE is fully entitled to file its own separate Petition, should it so choose, to reopen the discovery period in order to allow limited discovery into the specific subject matter areas that it has identified. But under California Code of Regulations, Title 20, section 1716, CURE would have to do so in a separate Petition,

not as a purported "Response" to another party's Petition. In such a case, section 1716 provides that the other parties would have 14 days to prepare a Response to any such Petition by CURE to reopen discovery into specific, limited subject matter areas identified by CURE.

CURE's filing, which is more in the nature of a Petition than a Response, was received only 24 hours before Staff's deadline to respond. Staff therefore objects to CURE's Petition, labeled as a "Response", as untimely and irrelevant to the two Petitions at issue. As such, it should be disregarded unless and until such time as CURE files an actual Petition to reopen discovery and the other parties are afforded their full 14 days to respond.

## CONCLUSION

The Ruskovich and Strobridge Petitions to reopen discovery present the committee first, with the issue of whether Petitioners have shown good cause to reopen, without limitation, a discovery period that closed on June 16, 2008. Based on the reasons stated in each Petition and the fact that Petitioners have been proactive participants in this proceeding since the outset, Staff submits that neither Petition demonstrates good cause to reopen discovery, with or without limitation, nor do they establish that Petitioners, having participated extensively throughout this proceeding, would be denied due process by not being allowed to reopen discovery at this late date.

Moreover, there is a competing public policy interest in having a reasonably efficient and timely certification process. That policy conflicts with encouragement and tolerance of late intervention and untimely data requests.

It is the position of Commission Staff that Petitioners have not shown good cause to generally reopen discovery without limitation, have not shown good cause to reopen

any specific discovery, and have failed to meet their burden of proof. Staff, therefore, recommends that the Petitions be denied.

In the alternative, and without waiving the above, if these Petitions are granted, Staff recommends that any temporary reopening of discovery be strictly limited in time and scope to only those issues that have legitimately arisen since the close of discovery. The record currently presented by these two Petitions is insufficient to justify reopening any discovery.

Date: April 14, 2009

Respectfully submitted,

/S/

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California Energy Commission  
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Email: [mdoughto@energy.state.ca.us](mailto:mdoughto@energy.state.ca.us)

# Exhibit A

Form 1 \_\_\_\_\_  
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\_\_\_\_\_

RECEIVED BY  
2009 JAN 29 PM 2:01  
CHIEF COUNSEL OFFICE

STATE OF CALIFORNIA  
State Energy Resources  
Conservation and Development Commission

In the Matter of:

Carrizo Energy Solar Farm  
07-AFC-8

Docket No.  
PETITION FOR INTERVENTION

Petitioner, John A. Roskovich, states:

1. Petitioner, John Roskovich, petitions to intervene in the above-entitled proceeding.
2. Petitioner's address and telephone number are:  
13084 Soda Lake Road, Santa Margarita, CA 93453  
home - 805-475-2255 - cellphone 805-441-7006
3. Petitioner's position and interest in the proceeding are  
Carrisa Plains Resident
4. Petitioner  does  does not wish to reserve the right to present evidence and to cross-examine witnesses.
5. Petitioner will be represented by myself or attorney, if one is so hired.

1/27/09

Date

John A. Roskovich

Signature

Check box if continuation pages are attached.  
(Proof of Service Must be Attached)

Form 3 \_\_\_\_\_

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\_\_\_\_\_

STATE OF CALIFORNIA  
State Energy Resources  
Conservation and Development Commission

In the Matter of:

Carrizo Energy Solar Farm )  
07-AFC-8 )  
\_\_\_\_\_ )

Docket No.  
FINANCIAL HARDSHIP  
PETITION

John A. Ruskorich hereby petitions to be excused from \_\_\_\_\_

- Filing 12 copies with the Commission Docket Unit.
- Serving its papers on all other parties of record.

Compliance with the above requirement(s) creates an undue financial hardship for the Petitioner in that:

I cannot afford all the postage and copy cost. This volume of material would create.



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](http://WWW.ENERGY.CA.GOV)

APPLICATION FOR CERTIFICATION  
FOR THE *CARRIZO ENERGY*  
*SOLAR FARM PROJECT*

Docket No. 07-AFC-8

PROOF OF SERVICE  
(Revised 11/25/2008)

**INSTRUCTIONS:** All parties shall either (1) send an original signed document plus 12 copies or (2) mail one original signed copy AND e-mail the document to the address for the Docket as shown below, AND (3) all parties shall also send a printed or electronic copy of the document, which includes a proof of service declaration to each of the individuals on the proof of service list shown below:

CALIFORNIA ENERGY COMMISSION

Attn: Docket No. 07-AFC-8  
1516 Ninth Street, MS-15  
Sacramento, CA 95814-5512  
[docket@energy.state.ca.us](mailto:docket@energy.state.ca.us)

**APPLICANT**

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Vice President-Projects  
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Palo Alto, California 94303  
[perry@ausra.com](mailto:perry@ausra.com)

Kristen E. Walker, J.D.  
URS Corporation  
1615 Murray Canyon Road, Suite 1000  
San Diego, California 92108  
[kristen\\_e\\_walker@urscorp.com](mailto:kristen_e_walker@urscorp.com)

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**APPLICANT CONSULTANT**

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Senior Project Manager  
GIS Manager/Visual Resource  
Specialist  
URS Corporation  
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San Diego, CA 92108  
[angela\\_leiba@urscorp.com](mailto:angela_leiba@urscorp.com)

**INTERESTED AGENCIES**

California ISO  
[e-recipient@caiso.com](mailto:e-recipient@caiso.com)

**INTERVENORS**

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

John Burch  
Traditional Council Lead  
Salinan Tribe  
8315 Morro Road, #202  
Atascadero, California 93422  
[salinantribe@aol.com](mailto:salinantribe@aol.com)

\* Environmental Center of  
San Luis Obispo (ECOSLO)  
c/o Babak Naficy  
P.O. Box 13728  
San Luis Obispo, California 93406

JEFFREY D. BYRON  
Commissioner and Associate Member  
[jbyron@energy.state.ca.us](mailto:jbyron@energy.state.ca.us)

Gary Fay  
Hearing Officer  
[Gfay@energy.state.ca.us](mailto:Gfay@energy.state.ca.us)

John Kessler  
Project Manager  
[jkessler@energy.state.ca.us](mailto:jkessler@energy.state.ca.us)

Caryn Holmes  
Staff Counsel  
[cholmes@energy.state.ca.us](mailto:cholmes@energy.state.ca.us)

Michael Doughton  
Staff Counsel  
[mdoughto@energy.state.ca.us](mailto:mdoughto@energy.state.ca.us)

Elena Miller  
Public Adviser  
[publicadviser@energy.state.ca.us](mailto:publicadviser@energy.state.ca.us)

**ENERGY COMMISSION**

JACKALYNE PFANNENSTIEL  
Chairman and Presiding Member  
[jpfannen@energy.state.ca.us](mailto:jpfannen@energy.state.ca.us)

**DECLARATION OF SERVICE**

I, Agency Garnett-Ruskovich, declare that on 1/27/09, I deposited copies of the attached Petition for Intervention in the United States mail at Atascadero, CA with first-class postage thereon fully prepaid and addressed to those identified on the Proof of Service list above.

OR

Transmission via electronic mail was consistent with the requirements of California Code of Regulations, title 20, sections 1209, 1209.5, and 1210. All electronic copies were sent to all those identified on the Proof of Service list above.

I declare under penalty of perjury that the foregoing is true and correct.

Agency D. Garnett Ruskovich

# Exhibit B

STATE OF CALIFORNIA  
State Energy Resources  
Conservation and Development Commission

In the Matter of:  
Carrizo Energy Solar Farm  
07-AFC-8

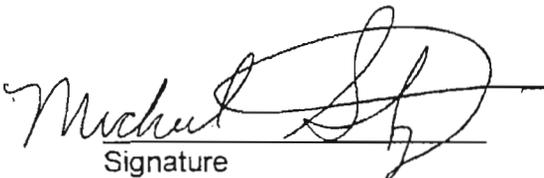
Docket No. 07-AFC-8  
PETITION FOR INTERVENTION

DOCKET	
07-AFC-8	
DATE	JAN 28 2009
RECD.	FEB 02 2009

Petitioner, Michael Strobridge, states:

1. Petitioner, Michael Strobridge, petitions to intervene in the above-entitled proceeding.
2. Petitioner's address and telephone number are:  
9450 Pronghorn Plains Rd.  
Santa Margarita, CA 93453  
Cell: (805) 458-0568 Work: (805) 461-1344
3. Petitioner's position and interest in the proceeding are  
Resident of Carrisa Plains.
4. Petitioner  does  does not wish to reserve the right to present evidence and to cross-examine witnesses.
5. Petitioner will be represented by himself or an attorney.

January 28, 2009  
Date

  
Signature

- Check box if continuation pages are attached.  
(Proof of Service Must be Attached)

STATE OF CALIFORNIA  
State Energy Resources  
Conservation and Development Commission

In the Matter of:  
Carrizo Energy Solar Farm  
07-AFC-8

Docket No. 07-AFC-8  
PROOF OF SERVICE

I declare that on January 28, 2009, I deposited the attached Petition for Intervention in the United States mail in Atascadero, California, with certified first class postage and addressed to the following identified on the Proof of Service list below.

**CALIFORNIA ENERGY COMMISSION**

Attn: Docket No. 07-AFC-8  
1516 Ninth Street, MS-15  
Sacramento, CA 95814-5512  
docket@energy.state.ca.us

**APPLICANT**

Perry H. Fontana, QEP  
Vice President-Projects  
Ausra, Inc.  
2585 East Bayshore Road  
Palo Alto, California 94303  
perry@ausra.com

**APPLICANT CONSULTANT**

Angela Leiba, GISP  
Senior Project Manager  
GIS Manager/Visual Resource  
Specialist  
URS Corporation  
1615 Murray Canyon Road, Suite 1000  
San Diego, CA 92108  
angela\_leiba@urscorp.com

Kristen E. Walker, J.D.  
URS Corporation  
1615 Murray Canyon Road, Suite 1000  
San Diego, California 92108  
kristen\_e\_walker@urscorp.com

**COUNSEL FOR APPLICANT**

Jane E. Luckhardt  
DOWNEY BRAND  
621 Capitol Mall, 18th Floor  
Sacramento, CA 95814  
jluckhardt@downeybrand.com

**INTERESTED AGENCIES**

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Traditional Council Lead  
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salinantribe@aol.com

\* Environmental Center of  
San Luis Obispo (ECOSLO)  
c/o Babak Naficy  
P.O. Box 13728

San Luis Obispo, California 93406

**ENERGY COMMISSION**

JACKALYNE PFANNENSTIEL  
Chairman and Presiding Member

JEFFREY D. BYRON  
Commissioner and Associate Member  
jbyron@energy.state.ca.us

Gary Fay  
Hearing Officer  
Gfay@energy.state.ca.us

John Kessler  
Project Manager  
jkessler@energy.state.ca.us

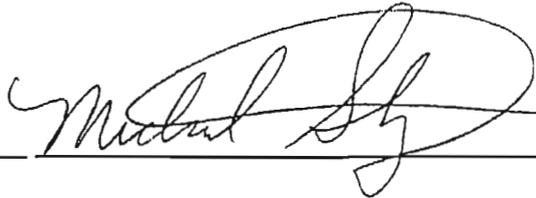
Caryn Holmes  
Staff Counsel  
cholmes@energy.state.ca.us

Michael Doughton  
Staff Counsel  
mdoughto@energy.state.ca.us

Elena Miller  
Public Adviser  
publicadviser@energy.state.ca.us

1/28/09

Date Signature



---

Check box if continuation pages are attached

STATE OF CALIFORNIA  
State Energy Resources  
Conservation and Development Commission

In the Matter of:  
Carrizo Energy Solar Farm  
07-AFC-8

Docket No. 07-AFC-8  
FINANCIAL HARDSHIP  
PETITION

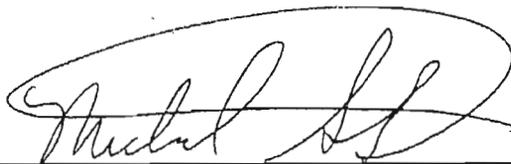
Michael Strobridge, hereby petitions to be excused from

- Filing 12 copies with the Commission Docket Unit.
- Serving its papers on all other parties of record.

Compliance with the above requirement(s) creates an undue financial hardship for the Petitioner in that:

Myself, as the petitioner, am a self-employed single-parent who has found himself spending unforeseen expenses due to three solar plants invading my home. With the economy in a down turn, I feel that my income can not suffer anymore as I intervene to protect my community.

1/28/09  
Date

  
Signature

# Exhibit C



[Home](#) [»» public\\_adviser](#) [»» intervenor\\_faq](#)

## **Intervening in Siting Cases FREQUENTLY ASKED QUESTIONS**

### **1. What Is Intervention?**

A process by which members of the public, individuals and groups, may formally participate in a power plan licensing or siting case by becoming a party to the proceedings of that case.

### **2. What law governs this process?**

The Energy Commission is governed by the [Warren-Alquist Act \(Public Resources Code Section 25000 et seq.\)](#) and [California Code of Regulations \(Title 20\)](#). Both references are available to you on the [Energy Commission Web Site](#). An updated version of the regulations can be found at [www.calregs.com](#).

### **3. What Rights do intervenors have in a formal siting proceeding?**

While any member of the public may comment at formal hearings, only parties can testify. Comments may only be used to influence a decision and cannot, on their own, be used to support a decision. Testimony though, because it is given under oath and subject to cross examination, has greater weight, and can be used to support a finding on any relevant issue. Additionally intervenors have a right to:

- » Receive all filings in a case including the original application
- » Receive all notices of hearings and workshops
- » Present evidence and witnesses at any hearings
- » Cross-examine the witnesses presented by other parties
- » Request and obtain data from all other parties
- » File documents relevant to the siting proceedings including motions, petitions, objections, and briefs

### **4. What Responsibilities do intervenors have in a formal siting proceeding?**

- ❖ Serving the intervenor's papers on all other parties
- ❖ Presenting the intervenor's witnesses for cross-examination by other parties
- ❖ Responding to data requests from other parties as outlined in Energy Commission regulations
- ❖ Complying with the assigned committee's orders. Such orders typically require:
  - ❖ Identifying witnesses and witness qualifications
  - ❖ Identifying issues requiring a decision by the Energy Commission
  - ❖ Serving testimony and exhibits by due dates established in the order
  - ❖ Filing and serving post-hearing briefs when necessary to protect the intervenor's interests in a case
  - ❖ Complying with all other requirements of a party

## 5. How can a group or individual become an intervenor in a formal siting proceeding?

The Intervention process begins with a formal request to the Energy Commission called a Petition for Intervention. Twelve copies of this petition must be submitted. The petition is then considered by a two member committee who will grant the petition if appropriate grounds are stated in the request or the presiding member of the committee may grant leave to the extent he or she deems reasonable and relevant. Appropriate grounds would include living in the vicinity of the proposed power plant, having an interest in the area, having an interest in the construction of the plant, having an interest in a waterway or other natural body affected, as well as other similar interests.

[Sample Form 1 in Adobe Acrobat PDF](#) (PDF, 2 pages, 48 kb)

[Sample Form 1 in Microsoft Word](#) (MS Word file, 1 page, 44 kb)

## 6. When must the Petition for Intervention be filed with the Energy Commission?

The petition must be filed at least thirty days prior to the first evidentiary hearing of the siting proceeding. This hearing will take place between ninety and one-hundred days after the application has formally been accepted to begin the siting process. Petitions for intervention are not usually accepted until the committee is appointed and data adequacy phase is complete (usually forty-five days after an application is first filed). If the petition is filed after the first evidentiary hearing has been held, the petitioner must additionally make a showing of good cause. In any event, it is important to intervene as soon as possible as any issues resolved prior to intervention will not be reopened unless the intervenor can show good cause in a motion to the presiding committee member (typically changed factual circumstance, unacceptable prejudice, or critical new evidence). The petition along with proof of service should be sent to the Energy Commission Docket Unit at:

California Energy Commission  
Docket Unit  
1516 Ninth Street, MS 4  
Sacramento, CA 95814

## 7. What happens if an individual's Petition for Intervention is denied by the two member committee?

The petitioner may appeal a denial to the full five member committee but must do so within fifteen days of denial or that denial becomes final.

[Click Here For Applicable Law](#) (Title 20 California Code of Regulations Section 1207(d))

## 8. Can an intervenor ever withdraw from participation in the siting proceeding?

At any time during the proceeding, an intervenor or party may request to withdraw from further participation by filing a Request to Withdraw.

[Sample Form 2 in Adobe Acrobat PDF](#) (PDF, 1 page, 36 kb)

[Sample Form 2 in Microsoft Word](#) (MS Word file, 1 page, 32 kb)

## 9. What does it cost to intervene in Energy Commission Proceedings?

The intervenor is responsible for all intervention related costs. The costs of intervention vary significantly, depending primarily upon the following factors: (1) the number of workshops and hearings held; (2) the method of representation, such as self-representation or representation by an attorney; (3) the costs for time spent on intervention-related activities, and (4) the number and scope of various filings in the case. The Commission does not charge for processing the petitions to intervene. Also, it does not reimburse intervenors for any intervention-related costs. Therefore, we have no information regarding these costs except to state that they may vary significantly for reasons mentioned above.

## 10. Can an intervenor be excused from costs associated with being an intervenor?

If either requirement of intervention: (1) Filing twelve copies of the Petition for Intervention or (2) serving all other parties of record with the petition creates an undue financial hardship upon the intervenor due to unemployment or other such reasons, the intervenor may so state in a petition to intervene or file with the Commission a Financial Hardship Petition. If granted, the intervenor will be excused from these requirements. The decision to grant or deny a Financial Hardship Petition is discretionary and determined by the two-member committee assigned to conduct the proceeding. The intervenor granted hardship status must still file the original of the document with the Dockets Unit, but the copying and serving requirements are performed for the intervenor by the Docket Unit. Alternatively, the intervenor may file one original paper copy with the Docket Unit and electronic copies in the manner specified in section 1209.5 of the Commission's regulations.

[Sample Form 3 in Adobe Acrobat PDF](#) (PDF, 1 page, 44 kb)

[Sample Form 3 in Microsoft Word](#) (MS Word file, 1 page, 42 kb)

[Applicable Law](#) (Title 20 California Code of Regulations Section 1209.5)

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[Decisions Pending and Opportunities for Public Participation](#)

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State of California, Arnold Schwarzenegger, Governor

Last Modified: 06/19/08

# Exhibit D

INFORMATIONAL HEARING AND SITE VISIT  
BEFORE THE  
CALIFORNIA ENERGY RESOURCES CONSERVATION  
AND DEVELOPMENT COMMISSION

In the Matter of: )  
 )  
Application for Certification for) Docket No.  
The Carrizo Energy Solar Farm by ) 07-AFC-8  
Carrizo Energy, LLC )  
\_\_\_\_\_ )

CARISSA PLAINS HERITAGE ASSOCIATION  
COMMUNITY CENTER  
10750 CARISSA HIGHWAY  
SANTA MARGARITA, CALIFORNIA 93453

TUESDAY, JANUARY 29, 2008

5:17 p.m.

Reported by:  
Troy Ray  
Contract No. 170-07-001

COMMITTEE MEMBERS PRESENT

Jackalyne Pfannenstiel, Presiding Member

Jeffrey Byron, Associate Member

HEARING OFFICER AND ADVISORS

Gary Fay, Hearing Officer

Gabriel Taylor, Advisor

Tim Tutt, Advisor

STAFF AND CONSULTANTS PRESENT

Mary Dyas, Project Manager

Caryn Holmes, Senior Staff Counsel

Michael Doughton, Senior Staff Counsel

Terry O'Brien

Brian McCullough

PUBLIC ADVISER

Nick Bartsch

APPLICANT

Jane Luckhardt, Attorney  
Downey Brand Attorneys, LLP

Robert Morgan

Perry Fontana  
Carrizo Energy

INTERVENORS

Tanya A. Gulesserian Attorney  
Adams, Broadwell, Joseph and Cardozo  
representing California Unions for Reliable Energy

ALSO PRESENT

Alex Bugrov  
Air Pollution Control District

Patty Nolan  
California Valley

Orchel D. Krier, First Vice President  
Board of Directors  
Taft Chamber of Commerce

Bob Lawson  
Cal Poly Physics Department

Donna Del Santo

Clay Bowman

Carol Bowman

Nate Nix

Nicole Nix

Pamela Burgett

Fred Young

Pete Giambalvo

Mary Giambalvo

John Childers

Roberta A. Petersen

Joni Clark

Stephen D. McVicar

Darrell Twisselman

Nolan Twisselman

Stacey Twisselman

Don Rose

ALSO PRESENT

Ellen Carroll  
County Environmental Coordinator  
San Luis Obispo County

Amy Gilman  
5th District LH  
San Luis Obispo County

Susan Harvey  
North County Watch

Al Normandin  
Sierra Club

John McKenzie  
Planning and Building  
San Luis Obispo County

Bob Nolen

Patt Nolen

Leon E. Elwell  
Blackwell Land, LLC

Emily Solomon  
URS Denver

Louise French  
Sierra Club, Santa Lucia Chapter and  
California/Nevada Regional Conservation Committee

Janet Klock

Stu Stoddard  
Atascadero U.S.D.

Robert Harrington  
Tetra Tech, Inc.

Marie Lindley  
Philip Williams & Associates

Don Maruska

Ray Hatch  
CPNM Advisory Committee

ALSO PRESENT

Alfred Look

William Moraski  
Portable Power Systems

Debbie Arnold

Gordon Hayes

Gabe Davis  
REC Solar

Van Parseghian

Robin Bell

Mike Strobbridge

Tim A. Strobbridge

Gwyneth Holder

Jim Bell

Catherine A. Read

John Ruskovich

Mark Nie

Ryan Cooper

## I N D E X

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## P R O C E E D I N G S

1

2

5:17 p.m.

3

HEARING OFFICER FAY: We want to welcome you to this informational hearing being conducted by the California Energy Commission. It is to begin the process of reviewing the application for certification of the Carrizo Energy Solar Farm power project.

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And I'll just briefly go over the format for today. A couple housekeeping items. There is an agenda out on the front table, and there are a couple corrections to make to the agenda. At the end it just shows adjourning without any public comment. And I want to stress that there'll be numerous opportunities throughout this evening's hearing to ask questions and to make public comments.

18

19

20

21

22

In addition, we got a little over-zealous in our desire to recycle old stationary, and so my apologies to Governor Schwarzenegger, we acknowledge that he is the current Governor --

23

24

25

(Laughter.)

HEARING OFFICER FAY: -- in spite of what it says at the top of the agenda.

The proceedings are -- the idea is that

1 the entire year-long or longer review process is  
2 as open and as transparent as possible. And we  
3 want members of the public to have the fullest  
4 opportunity to understand the review process and  
5 to understand the project, and potential impacts  
6 of the project. And to actually have input into  
7 that review process.

8 On January 8th we sent out a notice of  
9 today's events. And it was mailed out to  
10 everybody involved in the project, including the  
11 adjoining landowners and interested governmental  
12 agencies. A little later I'll introduce Nick  
13 Bartsch and he'll probably comment on some of the  
14 extensive efforts that the Public Adviser's Office  
15 made to try to get the word out. It was obviously  
16 successful because we see a lot of you here.

17 The documents that may be helpful for  
18 you today are the staff's issues identification  
19 report, which I believe they provided a lot of  
20 copies out in front on the coffee table. And even  
21 if you don't have one, Mary Dyas, the Project  
22 Manager, will be talking about what that is and  
23 what is contained in it. It's kind of a staff's  
24 first introductory comment on the project.

25 In addition, you'll want to pick up some

1 of the flyers that the applicant has placed  
2 around, because I think it will help inform you  
3 about the project. They, of course, will be going  
4 into some detail in their presentation about the  
5 project.

6 And we had our site visit. I hope  
7 everybody was able to make it. We got to see the  
8 property and where the connections will be for the  
9 transmission line and what the road access is, et  
10 cetera.

11 I'll be going over a few legal and  
12 process matters about how we do this. We'll have  
13 the presentation by the applicant about the  
14 project, itself. The staff will give a  
15 presentation about how they conduct their review  
16 of the project, their environmental review.

17 And the Public Adviser will explain the  
18 opportunities for the public to participate at any  
19 level they wish. And by level I mean level of  
20 effort. You can do everything from just show up  
21 and make a comment or ask a question to become a  
22 full party like the staff and the applicant, and  
23 be one of the major parties in the case.

24 And as I say, we'll have public comments  
25 and questions. And we will, at the end, discuss

1 the proposed schedule for the case.

2 Now, at this point I'd like to ask Nick  
3 if he's prepared to say -- oh, we just lost Nick.  
4 There he is. Nick, do you want to say a few words  
5 about the Public Adviser's role and how people can  
6 participate.

7 MR. BARTSCH: I apologize. Thank you,  
8 Mr. Fay.

9 (Parties speaking simultaneously.)

10 HEARING OFFICER FAY: The tall one,  
11 Nick.

12 ASSOCIATE MEMBER BYRON: The other mike.

13 HEARING OFFICER FAY: By the way, before  
14 Nick starts I'll just mention that we very much  
15 want to have your comments and your questions, but  
16 you're going to have to come up to this podium and  
17 speak into the microphone so your neighbors can  
18 hear you, and so the court reporter can record  
19 your name and your comments or questions.

20 If you just call something out the  
21 transcript won't reflect who said it, and may not  
22 even pick up what you say. So we'd appreciate it  
23 if you'd come up and make your comments up here.

24 Go ahead, Nick.

25 MR. BARTSCH: Thank you, Mr. Fay. My

1 name is Nick Bartsch. I am the representative  
2 from the Public Adviser's Office which is part of  
3 the Energy Commission that's headed by the  
4 Governor's appointed Public Adviser.

5 Our main responsibility is to provide  
6 the information for the general public and all  
7 those interested in projects such as this one.  
8 And also to help you so that you can have  
9 meaningful participation in the licensing process  
10 and throughout the entire process.

11 This whole process will take about a  
12 year or so. This is only the first of many  
13 opportunities where the public will have a chance  
14 to have meaningful participation; and also getting  
15 information about the entire process.

16 On the table is this yellow sheet  
17 summarizes what the project is about. And it's  
18 important because on that yellow sheet about  
19 three-quarters of the way down there is an email  
20 address. If you have access to the internet you  
21 can type that email address in and it will get you  
22 directly into a dedicated site for this particular  
23 project.

24 And you can also have an opportunity to  
25 sign up on the list server there so you'll be

1 electronically notified. You also, if you signed  
2 our sign-in sheet you had an opportunity there to  
3 indicate there whether you wanted hard copies or  
4 electronic copies of information. We can provide  
5 either one to you. Our main goal is to make sure  
6 that you have an opportunity to participate.

7           There are a couple of ways for you to  
8 participate. As a general interest, if you just  
9 wanted to make comments along the way, you can do  
10 so. And I can certainly help you. You can either  
11 start tonight, or also continue providing  
12 comments, written or oral, in subsequent events  
13 all along the way. I'll be happy to explain to  
14 you further how you can do that.

15           Now, if you want more formal  
16 participation in the process, to provide testimony  
17 which then will be used in the decisionmaking, or  
18 more full use in the decisionmaking process you  
19 can petition the Committee to intervene, to be an  
20 intervenor or a formal participant in the process.  
21 And I can certainly explain to you how to do that,  
22 and give you all the information. We can help you  
23 to become an intervenor; you do not have to be an  
24 attorney to do so. We can help you but we cannot  
25 represent you in the process.

1           The other thing, I just wanted to give  
2           you a very brief summary of our outreach efforts  
3           to bring you folks here and basically to publicize  
4           this very important first event in this long  
5           public process.

6           And we have put out flyers, notices. We  
7           have put out public service announcements over  
8           television, the tv station out of San Luis Obispo.  
9           We have publicized it through the school system,  
10          the Atascadero School District has a school here  
11          and we try to get the notices to them so they, in  
12          turn, can publicize it.

13          Notices have been sent to local  
14          libraries. And also, by the way, the application  
15          is available in the regional libraries. And I can  
16          give you -- interested to get into the  
17          application, I can give you the nearest place  
18          where you can find it.

19          We have also notified elected and  
20          appointed officials of San Luis Obispo County, the  
21          jurisdiction here. We have also notified property  
22          owners and other interested parties within a six-  
23          mile radius around here, approximately 60 or so  
24          notices we have sent out with letters.

25          So obviously we've been successful

1 because a lot of you folks showed up, and we are  
2 very glad.

3           Tonight, during the public comment  
4 period we're going to -- you have an opportunity  
5 to provide public comments, and later on you can  
6 have written comments sent to the Commission,  
7 either by mail or email.

8           And just make sure that when you do that  
9 you put the name of the project and also a docket  
10 number on it. And there's information on this  
11 yellow sheet where to send it to.

12           I'll be happy to give you additional  
13 instructions on how to provide comments about this  
14 whole process. If you want to comment tonight I'd  
15 like to ask you to fill out -- I'll pass these  
16 blue cards out. I want you to put your name on it  
17 so that I can give it to the Hearing Officer, so  
18 then you can be called in turn.

19           This is the process we like to follow  
20 because it does give everybody an opportunity to  
21 speak and will give us a record of all the folks  
22 who have addressed us.

23           That's all right now. If you have  
24 questions, I'll pass these blue cards out for  
25 those who want to fill it out. And I'll be

1 available in the back of the room to answer  
2 questions that you may have. Thank you very much.

3 HEARING OFFICER FAY: Thank you, Nick.  
4 There's a number of major documents that will be  
5 coming out as the case progresses. And early on  
6 the staff will sponsor a number of workshops,  
7 which are an informal meetings, with the applicant  
8 and other parties, interested agencies and members  
9 of the public. And they will most likely be down  
10 here in this area.

11 And people can come and ask detailed  
12 questions and give their comments while the staff  
13 is still just beginning its analysis. And it's a  
14 great opportunity to get you word in early.

15 That will lead to a number of data  
16 requests and data responses from the applicant.  
17 And the workshops then follow after the data  
18 responses so that everybody understands what was  
19 written down.

20 All these documents are available  
21 publicly and the staff uses the data responses to  
22 their questions to form a preliminary staff  
23 assessment that is available to the public; and it  
24 is really the first cut of the staff's formal  
25 analysis.

# Exhibit E

INFORMATIONAL HEARING AND SITE VISIT  
BEFORE THE  
CALIFORNIA ENERGY RESOURCES CONSERVATION  
AND DEVELOPMENT COMMISSION

In the Matter of: )  
 )  
Application for Certification for ) Docket No.  
The Carrizo Energy Solar Farm by ) 07-AFC-8  
Carrizo Energy, LLC )  
\_\_\_\_\_ )

CARISSA PLAINS HERITAGE ASSOCIATION  
COMMUNITY CENTER

10750 CARISSA HIGHWAY

SANTA MARGARITA, CALIFORNIA 93453

TUESDAY, JANUARY 29, 2008

5:17 p.m.

Reported by:  
Troy Ray  
Contract No. 170-07-001

COMMITTEE MEMBERS PRESENT

Jackalyne Pfannenstiel, Presiding Member

Jeffrey Byron, Associate Member

HEARING OFFICER AND ADVISORS

Gary Fay, Hearing Officer

Gabriel Taylor, Advisor

Tim Tutt, Advisor

STAFF AND CONSULTANTS PRESENT

Mary Dyas, Project Manager

Caryn Holmes, Senior Staff Counsel

Michael Doughton, Senior Staff Counsel

Terry O'Brien

Brian McCullough

PUBLIC ADVISER

Nick Bartsch

APPLICANT

Jane Luckhardt, Attorney  
Downey Brand Attorneys, LLP

Robert Morgan

Perry Fontana  
Carrizo Energy

INTERVENORS

Tanya A. Gulesserian Attorney  
Adams, Broadwell, Joseph and Cardozo  
representing California Unions for Reliable Energy

ALSO PRESENT

Alex Bugrov  
Air Pollution Control District

Patty Nolan  
California Valley

Orchel D. Krier, First Vice President  
Board of Directors  
Taft Chamber of Commerce

Bob Lawson  
Cal Poly Physics Department

Donna Del Santo

Clay Bowman

Carol Bowman

Nate Nix

Nicole Nix

Pamela Burgett

Fred Young

Pete Giambalvo

Mary Giambalvo

John Childers

Roberta A. Petersen

Joni Clark

Stephen D. McVicar

Darrell Twisselman

Nolan Twisselman

Stacey Twisselman

Don Rose

ALSO PRESENT

Ellen Carroll  
County Environmental Coordinator  
San Luis Obispo County

Amy Gilman  
5th District LH  
San Luis Obispo County

Susan Harvey  
North County Watch

Al Normandin  
Sierra Club

John McKenzie  
Planning and Building  
San Luis Obispo County

Bob Nolen

Patt Nolen

Leon E. Elwell  
Blackwell Land, LLC

Emily Solomon  
URS Denver

Louise French  
Sierra Club, Santa Lucia Chapter and  
California/Nevada Regional Conservation Committee

Janet Klock

Stu Stoddard  
Atascadero U.S.D.

Robert Harrington  
Tetra Tech, Inc.

Marie Lindley  
Philip Williams & Associates

Don Maruska

Ray Hatch  
CPNM Advisory Committee

ALSO PRESENT

Alfred Look

William Moraski  
Portable Power Systems

Debbie Arnold

Gordon Hayes

Gabe Davis  
REC Solar

Van Parseghian

Robin Bell

Mike Strobbridge

Tim A. Strobbridge

Gwyneth Holder

Jim Bell

Catherine A. Read

John Ruskovich

Mark Nie

Ryan Cooper

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1 respond to some of those?

2 MR. FONTANA: No, I think it's fine.

3 (Laughter.)

4 MR. FONTANA: I appreciate the comments.

5 HEARING OFFICER FAY: All right. And I  
6 want to reiterate that just because you may not  
7 leave today with the answer to your question, it  
8 doesn't mean you won't be able to pose that either  
9 in writing to the staff or coming to a workshop  
10 locally and be sure that the staff is taking into  
11 account your concerns in their analysis.

12 Go ahead, sir.

13 MR. STROBRIDGE: Hi, my name is Tim  
14 Strobridge. And my question is the noise levels.  
15 At our last meeting you had you couldn't answer  
16 the question.

17 My belief is these kind of meetings,  
18 AUSRA should come prepared; they should be able to  
19 answer any question that is posed by this  
20 community to anybody sitting here. If you can't  
21 answer the questions you're not prepared.

22 But my question is noise levels.

23 MR. FONTANA: I certainly appreciate the  
24 comment. However, I think people appreciate in a  
25 1000-page application I don't have every number at

1                   And then we'll make our recommendation  
2 to the Commissioners, who are the decisionmakers  
3 at the Energy Commission.

4                   So, did that answer your question?

5                   HEARING OFFICER FAY: Yes, sir in the  
6 blue shirt.

7                   AUDIENCE SPEAKER: (inaudible).

8                   PRESIDING MEMBER BYRON: No, please come  
9 up to the microphone. While you're coming up,  
10 though, let me give you the short answer.  
11 Commissioners don't have to be as nuanced in the  
12 answers. Mr. Maruska, the answer is yes, it could  
13 affect the project going forward from my  
14 perspective. Okay? Does that answer your  
15 question?

16                   MR. MARUSKA: (inaudible).

17                   PRESIDING MEMBER BYRON: Please  
18 introduce yourself.

19                   MR. RUSKOVICH: My name's John  
20 Ruskovich. I live out here. Why are you just  
21 talking about the kit fox, according to the  
22 federal government? We have the condor; we have  
23 the eagles, hawks. We have the elk. We have the  
24 vernal pool shrimp. I can't do anything with my  
25 land because this is what's on my land.

1                   So there's a lot more endangered species  
2                   out here besides one thing. And I have been  
3                   bucking against this process. So it can't be a  
4                   line that just stops. The line keeps moving. The  
5                   vernal pool shrimp moved because I wanted to build  
6                   a farm road on my land. There's vernal pool  
7                   shrimp throughout this whole area.

8                   The native Carrizo Grass. That's why  
9                   the Conservative is down here with a quarter of a  
10                  million acres that we can't even run cattle on  
11                  anymore. This is such environmental special land,  
12                  very sensitive.

13                  I don't know why BLM is not here at this  
14                  meeting representing stop this growth. Okay. So  
15                  it's not just the kit fox. It's every other  
16                  endangered species; when you walk out to check  
17                  your cattle in the morning, that they say is on my  
18                  land.

19                  So, I've talked to you before. I would  
20                  like a meeting with all you gentlemen about all  
21                  these concerns.

22                  PRESIDING MEMBER BYRON: And ladies.

23                  MR. RUSKOVICH: And ladies, yes.

24                  There's a proposed piece of property out in this  
25                  area that would be perfect for this plant. And

1 Mr. Ruskin?

2 MR. RUSKOVICH: Again, I'd like to work  
3 with this Commission, show you where a better  
4 piece of land is. I'm totally against this  
5 project for many reasons.

6 But, as far as financially, this is a  
7 new corporation and they don't know how to bid on  
8 land and how to build something without looking at  
9 the cost of bringing material in to the project  
10 site.

11 Highway 58, Bitter Water Road, Shell  
12 Creek Road cannot be traveled on by semis to bring  
13 in the product to build this plant.

14 The water issue enough people are going  
15 to bring up.

16 The endangered species, I'm bringing  
17 that up. And like I said, I'd like to talk to you  
18 in closed session. My corporation's willing to  
19 fight this in court. And right now what I'm told  
20 is might not be a problem. But I'd rather work  
21 this with you people as an individual group  
22 instead of getting attorneys involved. Okay?

23 So, if we can talk after this meeting, I  
24 can even show you the proposed land tomorrow  
25 morning. And it's right over this mountain. And

1           it's ready to go, okay? And the U.S. Department  
2           of Energy own the land.

3                     Thank you.

4                     HEARING OFFICER FAY: Thank you. I just  
5           want to mention, you're certainly free to talk to  
6           the applicant or the staff, but the Committee  
7           won't be having that kind of conversation in a  
8           closed session. It's all on the record as far  
9           as --

10                    MR. RUSKOVICH: On the record, yes, but  
11           I think just us --

12                    AUDIENCE SPEAKER: We all want to know  
13           what's going on -- not between you and them.

14                    HEARING OFFICER FAY: Yeah, not between  
15           us.

16                    AUDIENCE SPEAKER: Not between you and  
17           them.

18                    HEARING OFFICER FAY: Yeah. I just want  
19           to clarify that. That's our ex parte rule.

20                    Robin Bell, do you have a comment?

21                    MS. BELL: Hi. I'm Robin Bell, and I  
22           own property 1.2 miles from the AUSRA site and  
23           plan to live there forever after.

24                    In general I don't think this plant  
25           belongs here because of the technology, because of

1 HEARING OFFICER FAY: Thanks very much.

2 Did staff get all those suggestions on --

3 MS. DYAS: Yeah.

4 HEARING OFFICER FAY: -- document sites?

5 Great. Because we want as much information

6 available to you as possible.

7 Tim Strobridge.

8 MR. STROBRIDGE: My name's Tim

9 Strobridge and I oppose this project from the get-  
10 go. Mainly on, well, my family --

11 AUDIENCE SPEAKER: Microphone, please.

12 MR. STROBRIDGE: My family purchased  
13 property here, we're somewhat new, seven years  
14 ago. And my son looks forward to living here with  
15 this community. And we've learned to appreciate  
16 what's here. There's nothing like it. I mean  
17 anywhere else. It's a special place.

18 And I don't think that a venture  
19 capitalist should be allowed to come in here and  
20 exploit your community, my son's property, for the  
21 benefit of the almighty buck. And that's what  
22 it's about. It's about money.

23 The only reason they're building this  
24 plant is to make money. Venture capitalists,  
25 that's the only reason they're putting their money

1 sir, please come on up.

2 MR. STROBRIDGE: I just want to remind  
3 the --

4 PRESIDING MEMBER PFANNENSTIEL: Please  
5 come to the mike. Yeah, we can't -- we won't be  
6 able to record it unless you do.

7 MR. STROBRIDGE: I just want to remind  
8 everybody that there's no tax money for this;  
9 they're exempt. You're not going to get any tax  
10 money out of this project. So they're working on  
11 your backs. You're paying their taxes.

12 PRESIDING MEMBER PFANNENSTIEL: If  
13 there's nothing else let me just conclude. There  
14 will be an order coming out of the Committee on  
15 scheduling. That's the next thing that happens.  
16 And the schedule will set out when the process  
17 that we've heard talked about earlier will take  
18 place.

19 With that, I want to thank everybody for  
20 being here. This is the reason we're holding it  
21 here, not only to talk to you, but to hear from  
22 you. And so we really appreciate both your being  
23 here and your being open and candid and very  
24 thoughtful and informative.

25 So, with that, having nothing else,

# Exhibit F

DATA RESPONSE WORKSHOP  
BEFORE THE  
CALIFORNIA ENERGY RESOURCES CONSERVATION  
AND DEVELOPMENT COMMISSION

In the Matter of: )  
Carrizo Energy Solar Farm ) Docket No.  
Responses to Data Requests ) 07-AFC-8  
URS Project 22239472.018000 )

<b>DOCKET</b>	
07-AFC-8	
<b>DATE</b>	MAR 12 2008
<b>RECD.</b>	APR 02 2008

CARRISA PLAINS HERITAGE ASSOCIATION  
COMMUNITY CENTER  
10750 CARRISA HIGHWAY  
SANTA MARGARITA, CALIFORNIA 93453

WEDNESDAY, MARCH 12, 2008

5:10 p.m.

Reported by:  
Troy Ray  
Contract No. 150-07-001

PETERS SHORTHAND REPORTING CORPORATION (916) 362-2345

PROOF OF SERVICE / REVISED 2/5/08 FILED WITH  
ORIGINAL MAILED FROM SACRAMENTO ON 4/2/08

CF

STAFF AND CONSULTANTS PRESENT

Mary Dyas, Project Manager

Caryn Holmes, Staff Counsel

Eric Knight, Siting Office Supervisor

Michael Doughton, Staff Counsel

Suzanne Phinney

Negar Vahidi

Beverly Bastian

Jason Ricks

Mark Lindley

Rick York

Brian McCollough

Casey Weaver

Paul Marshall

APPLICANT

Jane Luckhardt, Attorney  
Downey, Brand Attorneys, LLC  
Carrizo Energy, LLC  
Ausra CA II, LLC

Perry Fontana  
Robert Morgan  
Sam McIntosh  
George Dore  
Pete Johnson  
Carrizo Energy, LLC  
Ausra CA II, LLC

Angela Lieba  
Sarah Temple  
Kristin Walker  
Emily Sullivan  
Jeremy Hollins  
URS Corporation

APPLICANT

Theresa Miller  
Matt Moore  
Robert Scott  
Mark Storm  
Amy Gramlich  
Brian Glenn  
URS Corporation

Joe Patch  
Ken Horn  
Patch Services

INTERVENOR

Tanya A. Gulesserian, Attorney  
Adams, Broadwell, Joseph & Cardozo  
California Unions for Reliable Energy

ALSO PRESENT

Jim Patterson, Supervisor  
San Luis Obispo County

Ellen Carroll  
John McKenzie  
San Luis Obispo County

James Kilmer  
Caltrans  
California Department of Transportation

Deborah Hillyard  
Dave Hacker  
California Department of Fish and Game

Bob Nolen

Patty Nolen

Gordon Hayes

Tim Strobridge

Mike Strobridge

ALSO PRESENT

Robin Bell

Jim Bell

Louise French

John Ruskavitch

Susan Harvey  
North County Watch

Fred Young

Kelly Hayes

Ryan Cooper

Kenneth Tab

Roberta Peterson

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1 assessment, like I said, there will be a section  
2 in there for responses to public comment and  
3 questions. And that's where we, as the Energy  
4 Commission, will be responding to your questions.

5 I believe Perry is going to be filing  
6 tomorrow responses, you know, that are going to be  
7 docketed and distributed to staff, as well, and be  
8 made available to the public, the responses to  
9 your questions.

10 MR. RUSKAVITCH: Okay, because so far  
11 everybody's just kind of batting around. But --

12 MS. DYAS: Well, no, that's as far as  
13 our process --

14 MR. RUSKAVITCH: ~~See~~ this is, I mean this  
15 is so easy for me to get. And I don't know why  
16 URS did not find out this road was not suitable  
17 for truck traffic. It's so easy to bring it up in  
18 Caltrans.

19 The only A category is over the  
20 Tehachapis, not out here. You have 1900 vehicles  
21 per hour in each lane. Where the hell do you get  
22 that figure from? I mean, that's all part of the  
23 problem.

24 So, here's to start. Hats off to the  
25 Highway Patrol --

1 is set by the Highway Capacity Manual. And it's  
2 on an hourly basis. The hourly volumes that we  
3 get from Caltrans says that the volumes are about  
4 50 cars an hour on this section of highway 58.  
5 That, if you go into the processes, that's a level  
6 service A.

7 Now, the 1900 cars an hour, that's  
8 capacity for a two-lane road. We are nowhere near  
9 the capacity of a two-lane road with a traffic  
10 volume of 50 to 80 cars an hour. That's the level  
11 of service A that's referred to.

12 Now, condition, that's a whole separate  
13 discussion. And we'll leave that for --

14 MR. RUSKAVITCH: Because you need to  
15 change your report because it's wrong.

16 AUDIENCE SPEAKER: You didn't do your  
17 homework.

18 MS. DYAS: Were there any other public  
19 comments on this?

20 MS. HARVEY: Thank you very much. Susan  
21 Harvey, North County Watch. I was concerned when  
22 you were talking about alternate routes in here.  
23 The only alternate routes, of course, would be  
24 unpaved roads; it would be Soda Lake Road or  
25 Bitterwater Road. And we'd have a huge problem

1 is you can bring in.

2 Level surface A simply addresses how  
3 many cars and trucks are actually traveling on  
4 that road.

5 And so I think that there are just some  
6 different categories there that they're maybe  
7 creating some confusion.

8 MR. RUSKAVITCH: John Ruskavitch, again.  
9 Isn't it true you're opening up a manufacturing  
10 plant in Las Vegas, Nevada, south of town, off of  
11 highway 15? And isn't this where the majority of  
12 the parts are going to be manufactured?

13 Now, if you put them in small container-  
14 type trailers you have to come over the Tehachapi  
15 truck scale. So what you're looking at is weight  
16 factor of less than 72,000 pounds overall gross to  
17 load in Las Vegas, with 30-foot long trailers, to  
18 come over highway 58?

19 So you're not even maximizing what a  
20 normal semi can haul. So are you manufacturing in  
21 Vegas or not?

22 MR. FONTANA: We do have a manufacturing  
23 facility in Las Vegas, but by moving limited  
24 manufacturing onto the site we'll be shipping raw  
25 materials directly to the site.

1                   As Sam McIntosh indicated, we have not  
2                   done procurement yet. But I can say that all of  
3                   the materials are not going to come from Las  
4                   Vegas. We'll have raw materials shipped here to  
5                   the site.

6                   And as Sam also indicated, the reason we  
7                   expect the reduction in truck trips is when our  
8                   assemblies are together, frankly the space frames,  
9                   you'd be shipping a lot of air on the truck. And  
10                  by shipping the raw materials you can avoid some  
11                  of that.

12                 MR. RUSKAVITCH: But isn't this going to  
13                 be mainly stainless steel? What is the main  
14                 number one material used?

15                 I've been in the interstate trucking  
16                 business since 1987, so that's why I kind of know  
17                 the business. And I know where all the brokers  
18                 and the majority of material comes from. So you  
19                 can't kind of tell me something that I don't, you  
20                 know, -- I know what I'm talking about when it  
21                 comes to that industry.

22                 MR. McINTOSH: You asked about whether  
23                 the majority of the material is stainless steel.  
24                 No, it's carbon steel, the majority of the  
25                 material.

1 MR. RUSKAVITCH: And where's the  
2 manufacturing that you're going to bid from?

3 MR. McINTOSH: The manufacturing of  
4 carbon steel occurs all across the world -- all  
5 around the world. And then those components are  
6 fabricated in various fabrication shops.

7 And then we bring that fabricated raw  
8 material in and form sub-assemblies --

9 MR. RUSKAVITCH: Like out of China?

10 MR. McINTOSH: And those sub-assemblies  
11 are then formed into full assemblies. Like out of  
12 China for what particular?

13 MR. RUSKAVITCH: For the carbon steel.  
14 Most of the mills here in the United States are  
15 being shut down.

16 MR. McINTOSH: I think Newcore would  
17 argue that.

18 MR. RUSKAVITCH: Where?

19 MR. McINTOSH: Newcore.

20 MR. RUSKAVITCH: Where's that at  
21 exactly?

22 MR. McINTOSH: Newcore manufacturers and  
23 fabricates steel all over the United States.

24 MR. RUSKAVITCH: Where's the -- I'm just  
25 asking because, you know, you would start bidding

1 we'd want to target the lowest quality water for  
2 the power plant.

3 MR. SCOTT: I anticipate that it would.  
4 It looks like it's basically a two-aquifer system.  
5 There's a deeper confined zone and a shallower  
6 zone. And the shallower zone, I think, has a  
7 known history of lesser water quality than the  
8 deeper zone. And then it also --

9 AUDIENCE SPEAKERS: Opposite, opposite.

10 AUDIENCE SPEAKER: You've got it  
11 backwards.

12 (Audience speaking simultaneously.)

13 MR. RUSKAVITCH: The top water is what  
14 we drink out here; you can't drink the deep, it's  
15 alkaline.

16 AUDIENCE SPEAKER: Do your homework.

17 MR. LINDLEY: Okay, so that's where I  
18 think, as part of that report, it might be helpful  
19 to help target or take a look at the water quality  
20 from the shallower zone, the zone that most of  
21 these folks are grabbing their water from; and  
22 then the deeper zone.

23 And if the power plant can use the water  
24 from the deeper zone that's of a lower quality,  
25 that would help to preserve --

1 MS. DYAS: Thank you, Robin.

2 MR. RUSKAVITCH: John Ruskavitch. Part  
3 of this visual is also the thermal flare from the  
4 condenser units. In URS' report, they keep  
5 shrinking my airstrip, because I'm within the  
6 20,000 feet of the project. By being under 3200  
7 feet, they do not have to file a report with the  
8 Federal Aviation to get their opinion on this  
9 project.

10 Well, I'm 4200 paved, and I'm within the  
11 20,000 feet, so I would like a Federal Aviation  
12 report about the plumes and the glare for airplane  
13 travel. And it's not just used once in a great  
14 while.

15 Thank you.

16 MS. HOLMES: Just for the record, FAA  
17 doesn't do plumes.

18 MR. RUSKAVITCH: No, no, it's in their  
19 report that by --

20 MS. HOLMES: If you asked for an FAA  
21 report on plumes, the FAA doesn't analyze plumes.  
22 They're working on developing a method for doing  
23 it, but they don't do it yet. It's been an issue  
24 in another case. The staff does it.

25 MR. RUSKAVITCH: So, by shrinking the

1 strip they are exempt. I'm saying I'm long and  
2 you're saying you're still exempt. Is that --

3 MR. KNIGHT: The FAA determination is a  
4 no-hazard, only address structure heights, the  
5 brick and mortars. Not thermal --

6 MR. RUSKAVITCH: Well, I'm just going by  
7 their report.

8 MS. HOLMES: Okay, well, now you know  
9 what the -- what FAA does and doesn't do.

10 MS. LIEBA: This is Angela Lieba for  
11 URS. I just wanted to clarify for our land use  
12 person who isn't available tonight due to a family  
13 emergency, the FAA requires that a notice of  
14 proposed construction or alteration affecting a  
15 navigable airspace be filed for any construction  
16 or alteration of greater height than an imaginary  
17 surface extending outward and upward at 100-to-1  
18 for horizontal distance of 20,000 feet from the  
19 nearest point of the nearest runway of each  
20 airport with at least one runway more than 32,00  
21 feet in actual length, excluding heliports.

22 The applicant's project site is over  
23 four miles, or 21,120 feet from the nearest edge  
24 of the California Valley Airfield landing strip.  
25 And the laydown area is over three and a half

1 miles, or 18,480 feet from the nearest edge of the  
2 landing strip.

3 The tallest structures at the proposed  
4 site are the 150-foot transmission line poles, and  
5 the 115-foot air-cooled condensers.

6 The applicant's project is not within  
7 20,000 feet of the airfield and does not exceed  
8 the height of the imaginary surface extending at a  
9 slope of 100-to-1 from the airstrip in question.

10 Therefore, it is not required to file  
11 FAA 7460 notice of proposed construction or  
12 alteration. That's from our land use expert.

13 MR. RUSKAVITCH: I'm going by your map  
14 where it shows that it's much further than your  
15 three miles. I'm going by your resource maps, not  
16 what I'm creating. I'm going off your maps.

17 MS. LIEBA: Again, this is based on an  
18 imaginary plain, not a flat, you know, looking at  
19 a map -- what's the correct term -- looking down  
20 on a plain. You're talking about an imaginary  
21 plain that comes from the airport strip. That's  
22 what the FAA looks at.

23 I hope that clarifies your question,  
24 John.

25 MS. HAYES: Hi, this is Kelly Hayes.

1 Gramlich -- usually we have the coloring of the  
2 buildings and all the structures proposed on the  
3 project site to match the -- or to be very similar  
4 to the natural colors in the environment.

5 So it's not like we're putting a big red  
6 building in the middle of a nice green or, you  
7 know, tan-colored field.

8 MR. COOPER: Yeah. It may be -- I'll be  
9 around after, maybe we can talk. But I got some  
10 ideas that I kind of -- so, I'll talk to you later  
11 about that.

12 (Laughter.)

13 MR. STROBRIDGE: My name is Mike  
14 Strobridge, and I've got a question about the  
15 noise on my property. I'm building a house right  
16 now and it would be best if you had your little  
17 map up there, I think.

18 MS. LIEBA: The noise map?

19 MR. STROBRIDGE: Yeah.

20 MR. STORM: I'm sorry, could you repeat  
21 the question, Mr. Strobridge?

22 MS. LIEBA: He just wants to look at --

23 MR. STROBRIDGE: I just have a question  
24 about the noise. I'll show you the proximity of  
25 my house.

1 MR. STORM: Oh.

2 (Pause.)

3 MR. STROBRIDGE: So, see that dot,  
4 that's my shop. My house dot right there.

5 MR. SPEAKER: That's on the -- ranch.  
6 You're up on --

7 MR. STROBRIDGE: No, this is me. This  
8 is my shop. This is my house, my house being  
9 built right now. Before your plant is even  
10 okayed.

11 Your condensers are on the far end of  
12 your building directly in line with my house. I'm  
13 the closest resident to your condensers. How loud  
14 is that going to be to my house? Does it sound  
15 like a jet going through my property constantly?

16 MR. STORM: No. It's a good question.  
17 You can see from the contours that the location  
18 you identified, it would be beyond the 45 db  
19 contour. In other words, it's actually between  
20 the 45 and the 40 db contour.

21 As a jet, as you're saying, I mean I've  
22 been to the San Diego Airport. I measured 100 db  
23 standing 300 feet from a jet engine. That's not  
24 what we're seeing here in this figure.

25 MR. STROBRIDGE: Well, when I go

1 outside, to give you an example of noise, I can go  
2 outside of my house right here on say a Saturday  
3 morning, and this guy up in here, I can hear his  
4 radio in his house, okay, like it's in my front  
5 yard. What's the decibel rating of a normal radio  
6 at normal noise listening to it.

7 That's how far sound travels from there  
8 to there. How far is that? All right, I can see  
9 guys that come over here shooting squirrels out of  
10 their truck, and I can hear them load their  
11 shotgun from my front porch. That's pretty  
12 minimal noise, if you ask me. And that's carrying  
13 a hell of a far distance. A whole lot less than -  
14 -

15 MR. STORM: Yeah, we're just looking for  
16 a -- I mentioned earlier one of my comments about  
17 like a sound thermometer. You see table 5.12-1  
18 from the AFC. I show a variety of decibel numbers  
19 going from zero db, which is -- zero db represents  
20 the lowest that a healthy human child can hear.  
21 Up to, as you were saying, Mr. Strobridge, a  
22 commercial jet at takeoff, which is 120 db.  
23 That's your range.

24 And there's a number of examples. For  
25 example, in this table I'm showing 40 db would

1 be -- I'm sorry --

2 MR. STROBRIDGE: I realize how loud it  
3 is. I'm telling you look, for example, I'm sure  
4 you guys don't go driving around shooting  
5 squirrels, but loading shotguns like this, --  
6 noise, loading your shells in your shotgun. I can  
7 hear that from all the way over, probably two  
8 miles.

9 So, (inaudible).

10 MR. STORM: It will depend on the  
11 distance. If I had a sound meter it would depend  
12 on the distance from that source.

13 MR. STROBRIDGE: Also, I have another  
14 question.

15 MS. BELL: No, he's saying he can hear  
16 that at a mile, that --

17 MR. STROBRIDGE: That's more than a  
18 mile, two miles (inaudible) --

19 MR. SPEAKER: Go back over to the  
20 microphone as fast as you can, please. I just  
21 want to make sure to get all your comments on the  
22 record.

23 MR. STROBRIDGE: It's roughly two miles.  
24 I'm giving you an example. It's very quiet out  
25 here. Your plant, 40 db might sound reasonable to

1       you, but to me that's absurd. I'm right by your  
2       condensers. What's the legal setback from a  
3       residence to your condensers? Is it legal for you  
4       to put them right up on somebody's house? Is it a  
5       mile, two miles, 100 yards? What's the legal  
6       setback from a residence to your condensers?

7               MR. STORM: Well, in terms of noise  
8       it's --

9               MR. STROBRIDGE: I'm not asking about  
10       noise. I'm asking about setback distance. What's  
11       the legal distance from a house to your  
12       condensers?

13              MS. LUCKHARDT: That's more of a land  
14       use question.

15              MR. STROBRIDGE: Well, land use or not,  
16       I'm just curious.

17              MS. LUCKHARDT: And it, you know, the  
18       project will meet whatever setback requirements  
19       there are, so it's not a matter of it being too  
20       far. But as far as --

21              MR. STROBRIDGE: I'm just curious how  
22       far it is. Do you know?

23              MS. LUCKHARDT: Off the top of my head I  
24       don't. Do you know --

25              MS. LIEBA: Our land use guy is not here

1           unfortunately.

2                   MS. LUCKHARDT: Let's see if we can find  
3           the setback.

4                   MR. STROBRIDGE: Well, where'd he go?

5                   MS. LIEBA: He had a death in his  
6           family.

7                   MR. STROBRIDGE: Oh, okay.

8                   MS. LIEBA: I apologize for him not  
9           being here.

10                   MS. LUCKHARDT: We're going to see if we  
11           can't find the setbacks.

12                   MR. STORM: Sure. There's a number of -  
13           - as I was starting to say, the sample levels  
14           going from zero on up to 120. And the first  
15           column indicates noise sources, sample noise  
16           sources.

17                   For example, 50 db light traffic 100  
18           feet. Forty would be distant bird calls. Thirty  
19           db a soft whisper at, I think it's five feet. And  
20           then on upwards. Those are sample noise sources.

21                   The third column from the left I  
22           describe as a noise environment. Again, really  
23           just more examples. So you can get a 50 at -- the  
24           sample source being light traffic at 100 feet. A  
25           typical noise environment at that level would be

1 low limit of daytime urban ambient sound.

2 And then the right-most column I  
3 described as human judgment. With respect to  
4 anything like a reference level.

5 I think what you're trying to address  
6 is, you know, what is that shotgun shell loading.  
7 You know, where would that be in this scale.

8 MR. STROBRIDGE: That's also going to be  
9 a constant, so it's going to be a constant dull  
10 mmmmmm, correct? I mean you're going to have  
11 constant noise. I mean would you put something in  
12 your house that went ahhhhhh all day long? Hell,  
13 no. You'd throw that thing out the window.

14 MR. STORM: Yeah, as I did with my air  
15 conditioner a year ago, yeah.

16 MR. STROBRIDGE: You know, you're  
17 talking about making that dull constant noise that  
18 is very annoying to the average person in like a  
19 five-mile-square radius. That's kind of a lack of  
20 respect for the people that live around this area.

21 MR. STORM: Well, let --

22 MS. DYAS: Let's not get into arguments.  
23 I mean answer the question, but it sounds like  
24 it's just turning into an argument. So, state the  
25 exact question, and then see if you can answer it.

1                   MR. STORM: I mean I don't want to argue  
2 a point. I just wanted to clarify that, yes,  
3 every sound has a source level. And as you get  
4 further away, more distant from that source, the  
5 level decreases.

6                   And that's one thing we are trying to  
7 depict with our contours in our figure. That,  
8 yes, if you're standing right next to those  
9 condenser fans, wow, that's going to be really  
10 loud.

11                   But if I'm a mile away, two miles away,  
12 the sound level you would expect to be much much  
13 less.

14                   MR. STROBRIDGE: I'm 2800 feet away. I  
15 measured it yesterday, 2800 feet.

16                   MR. STORM: Yes, and as we discussed  
17 earlier, --

18                   MR. STROBRIDGE: That's roughly like  
19 what, half a mile?

20                   MR. STORM: Well, I'm looking right at  
21 the location identified. At the --

22                   MR. STROBRIDGE: So how loud would that  
23 be at a half a mile? Directly in line with the  
24 condensers.

25                   MR. STORM: I understand the direction

1 and so forth. I can't give you a precise value.  
2 But I can tell you, based on the figure, that the  
3 level will be between 45 and 40 db. That's what  
4 we predicted.

5 That's correct, yes. My colleague  
6 reminded me that that's just from the plant. It  
7 does not include what may already be ambient  
8 levels. And our site survey showed that ambient  
9 levels are already in that neighborhood in terms  
10 of the decibel scale.

11 MR. STROBRIDGE: I'll tell you what,  
12 you're more than welcome to come out to my house  
13 on a Saturday morning and listen to the ambient  
14 levels. And I guarantee you it's not that. It's  
15 dead silent.

16 MR. STORM: I won't --

17 MR. STROBRIDGE: I mean has Ausra ---

18 MR. STORM: I won't disagree that there  
19 would be quiet moments --

20 MR. STROBRIDGE: -- or URS -- has any of  
21 you guys come out here on --

22 MR. STORM: Yes, yes, we -- yes. When  
23 we conducted measurements.

24 MR. STROBRIDGE: Okay, well, I spend all  
25 my time here.

1                   MR. STORM: As a matter of fact, we  
2 conducted both short-term measurements, and I say  
3 short-term, a duration of 15 to 20 minutes.

4                   And we also conducted long-term, what we  
5 call long-term monitoring, for example at the  
6 school. Obviously the school being a noise  
7 sensitive receiver.

8                   We had a monitor there for a 25-hour  
9 period as required by the CEC. So that we  
10 captured, you know, not only the levels, you know,  
11 to see how the levels changes throughout the day  
12 and night.

13                  MS. LUCKHARDT: Well, it's not in the  
14 document, but we'll pull this back information and  
15 get it out to everybody.

16                  MR. STROBRIDGE: And you'll be able to  
17 give me an answer on legal setback?

18                  MS. LUCKHARDT: Yeah. We will.

19                  MR. STROBRIDGE: All right. And I have  
20 one more thing. It'll be quick. And you guys  
21 probably want to go home.

22                  Now, the variance, or modification to  
23 the height requirements on these condensers,  
24 they're 115 feet high. The legal height is what,  
25 35 feet in an ag area, 35, 40 feet? It's roughly

1 in there.

2 Anyways, so --

3 MS. LIEBA: This is Angela Lieba again.  
4 It's actually, the restriction, and John from the  
5 County can help me clarify this for my land use  
6 person who's not here, but the legal requirement  
7 is 35 feet for a habitable structure. So that's  
8 the County ordinance.

9 MR. STROBRIDGE: So what is it for an --  
10 I know that we can't build a 115 foot barn out  
11 here.

12 MS. LIEBA: Well, if the barn is  
13 considered a habitable structure then you're  
14 required to abide by the County ordinance of the  
15 335-foot height restriction.

16 MR. STROBRIDGE: Okay, so what is the  
17 height on it? So you can build something 500 feet  
18 high in an ag zone, or --

19 MS. LIEBA: No, --

20 MR. STROBRIDGE: What is the height  
21 requirement in an ag zone, in our ag zone?

22 MS. LIEBA: Clearly the -- well,  
23 specifically the question related from the CEC was  
24 asking about the administration building. That's  
25 a 40-foot-tall structure that we have proposed as

1 part of our --

2 MR. STROBRIDGE: I'm not asking what's  
3 the height. You know, you have to get some kind  
4 of modification to put it up 115 feet, correct?

5 MS. LIEBA: No. What the CEC is asking  
6 for is clarification with the County for the  
7 administration building, which is considered a  
8 habitable structure. The administration building  
9 is currently proposed at 40 feet.

10 MR. STROBRIDGE: Where's the County guy?  
11 Are you the County guy? What is the height  
12 requirement on a nonhabitable ag structure?

13 MR. RUSKAVITCH: Thirty-five feet.

14 MR. STROBRIDGE: Thirty-five feet. I'm  
15 just curious, you know.

16 MR. MCKENZIE: John McKenzie. There's  
17 within the height measurements or height ordinance  
18 requirements, there's an exception provision that  
19 speaks to public facilities -- I'm sorry, not  
20 public facilities, but to utility, public  
21 utilities. Which would be an exception to that  
22 35-foot height limit. So, --

23 MR. STROBRIDGE: Now there's a --

24 MR. MCKENZIE: -- you can allow --

25 MR. STROBRIDGE: -- you have, there's

1 two things that go along with that modification,  
2 things are allowed to go that high?

3 MR. MCKENZIE: There's no modification  
4 requirement. It's an exception which allows for  
5 structures to be taller than 35 feet if they fit  
6 under certain exceptions, which this, all the  
7 structures that are nonhabitable would fit under  
8 this exception. It's in the ordinance.

9 MR. STROBRIDGE: So if they decide to  
10 put up a 250-foot tall building, that's okay with  
11 the County?

12 MR. MCKENZIE: There are certain  
13 findings that need to be made to do that. One  
14 is --

15 MR. STROBRIDGE: Well, I'm just curious  
16 because it's okay at 115 feet, why would 250  
17 matter? I mean, what if they're going to like add  
18 onto it in a year, you know. Those condensers  
19 aren't big enough, hell, we're going to expand the  
20 plant to seven more sections. We're going to jump  
21 the size of those condensers up 250-foot-tall  
22 buildings. Maybe add a couple more online.  
23 What's to stop them from doing that?

24 MS. HOLMES: The Energy Commission.

25 (Laughter.)

1 MS. HOLMES: Can't do it without  
2 permits, without permission from us.

3 MR. STROBRIDGE: All right. People can  
4 do a lot of things with a lot of money.

5 Those are all the questions I have. But  
6 I would like the legal setback from the condensers  
7 to my house. Thank you.

8 MS. DYAS: Thank you, Mike. Did anybody  
9 else have any comments on the visual?

10 Okay, we'll quickly move on to the last  
11 two. Socioeconomics.

12 MS. PHINNEY: This is Suzanne Phinney  
13 and I'm representing staff who are working on the  
14 socioeconomic section. And I have a couple of  
15 questions.

16 In the AFC it's identified that total  
17 construction costs would be at \$500 million. And  
18 that the project would provide approximately 170  
19 million in construction payroll. And also that  
20 they anticipated wages and salaries would be  
21 roughly 55 million.

22 So I'm just trying to get some  
23 clarification on what's covered under those  
24 different costs, and particularly what is included  
25 in the 170 million payroll. That, you know, is

1 would appreciate it.

2 MR. PATCH: (inaudible).

3 MR. RUSKAVITCH: John Ruskavitch, again.

4 As far as the movement of hazardous material once  
5 the plant gets started, I've been confused with  
6 Tracy Road, turning directions. Right now it goes  
7 north/south. Then on some of your maps it goes  
8 east/west.

9 So the rumor that has been kind of going  
10 around out here is that you're planning on putting  
11 Tracy Road through to Soda Lake Road, then drop  
12 south to highway 58. In other words, that's part  
13 of the reason why you're looking at buying three  
14 sections of the Beck Ranch plus the old PG&E  
15 section. And that's in the County Courthouse at  
16 the Assessor's Office that you've made bids on  
17 that property.

18 So, I was just -- would like to find  
19 out. Are you planning on putting Tracy Road  
20 through? Or is that false information about  
21 buying seven and a half sections of land out here,  
22 not just one and a half sections?

23 MR. MORGAN: We have an option on six  
24 and a half sections roughly of land out here.

25 Putting Tracy Road through to some other road is

1 not part of our plans. Obviously we plan on  
2 improving Tracy Lane for the section that borders  
3 our sites, obviously make it better for  
4 transportation, better for our trucking and better  
5 for what goes beyond us.

6 That's all we have as --

7 MR. RUSKAVITCH: Why do you have so much  
8 land then if you just keep saying 640-acre project  
9 plus the laydown site. And once you're built then  
10 you're going to put the laydown site back to how  
11 it is today. Why are you looking at so much other  
12 additional land?

13 MR. MORGAN: Experience in power plant  
14 development suggests that it's prudent to have  
15 more land than you need for a number of reasons.  
16 I even heard earlier today discussion around  
17 mitigation for kit fox habitat and other things.  
18 So, it's also a bit of a buffer zone for our  
19 project site for certain aspects.

20 MR. RUSKAVITCH: And by you owning all  
21 this additional land, is that also going to be tax  
22 exempt? Because none of this land is in the  
23 williamson Act. That's the only reason why you  
24 folks are looking at it.

25 So, the tax value is quite high. So if

1       you buy it and there's another seven and a half  
2       sections of land out of the tax roll for this  
3       County. It's more of a loss. If you're not  
4       paying your way then there's no maintenance from  
5       these vehicles. You're not paying your way,  
6       you're not paying the fire department.

7               I donated the land for that new fire  
8       department so it could be built out here. That's  
9       what local people do out here, they help each  
10      other.

11              Well, if everything's exempt, you're not  
12      contributing to us out here.

13              MR. MORGAN: I'm not sure what  
14      information you have that suggests the land is  
15      exempt from property taxes.

16              MS. LUCKHARDT: The only exemption  
17      applies to actual development on property that are  
18      completed by certain timeframe. Other sections  
19      that aren't developed within the timeframe,  
20      according to the way the current laws are written,  
21      would not be exempt.

22              MR. RUSKAVITCH: So then you'd pay on  
23      the new value of the land?

24              MS. LUCKHARDT: Yeah.

25              MR. RUSKAVITCH: And then what would

# Exhibit G

<b>DOCKET</b>	
07-AFC-8	
DATE	APR 12 2008
RECD.	MAY 08 2008

INFORMATION WORKSHOP  
BEFORE THE  
CALIFORNIA ENERGY RESOURCES CONSERVATION  
AND DEVELOPMENT COMMISSION

In the Matter of: )  
) )  
Carrizo Energy Solar Farm ) Docket No.  
) 07-AFC-8  
\_\_\_\_\_ )

SANTA MARGARITA ELEMENTARY SCHOOL  
MULTI-PURPOSE ROOM  
22070 H STREET  
SANTA MARGARITA, CALIFORNIA 93453

SATURDAY, APRIL 12, 2008

1:20 p.m.

Reported by:  
Troy Ray

PETERS SHORTHAND REPORTING CORPORATION (916) 362-2345

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Caryn Holmes, Staff Counsel

PUBLIC ADVISER

Nicholas Bartsch

APPLICANT

Jane Luckhardt, Attorney  
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Carrizo Energy, LLC  
Ausra CA II, LLC

Perry Fontana  
Carrizo Energy, LLC  
Ausra CA II, LLC

ALSO PRESENT

Jim Patterson, Supervisor  
Amy Gillman, Legislative Assistant  
San Luis Obispo County

Ellen Carroll  
John McKenzie  
San Luis Obispo County

Eric Christen, Executive Director  
Coalition for Fair Employment in Construction

Bob Nolen

Pati Nolen

Tim Strobridge

Mike Strobridge

Mary Strobridge

ALSO PRESENT

Robin Bell

John Ruskovich

Susan Harvey  
North County Watch

George Galvin, Trustee  
Atascadero Unified School District

Kevin Dayton, General Affairs Director  
Associated Builders and Contractors of California

Megan Birney  
Community Environmental Council

Michael Chicacos  
Community Environmental Council

Walter Reil  
Central Coast Astronomical Society

Fred Collins, Tribal Administrator  
Northern Chumash Tribal Council

Kevin O'Neill  
TIC

Anne McMahon

Curtis Neil, Director of Marketing  
Sharp Salute Energy System

Tom Foss

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1 labor, and we've built them under project labor  
2 agreements where we had to use union labor. Our  
3 experience has been it costs us 30 percent more to  
4 build those power plants.

5 Now, ultimately us consumers pay that  
6 extra cost. I wouldn't have a problem, you know,  
7 an issue with it, but I know who's going to pay  
8 for it, and we can't afford to pay for that.

9 In addition, it's important that we get  
10 this renewable energy off the ground. It's a  
11 great thing; it's going to help our country. But  
12 it's a new technology, and being such it's a  
13 little bit more expensive than the existing  
14 technologies already. And they don't need this  
15 extra burden.

16 So we need to all support this process  
17 and help this permit go through without any  
18 project labor agreements, because we don't need  
19 the extra cost. Thank you.

20 MR. PATTERSON: Okay, thank you.

21 John Ruskovich.

22 MR. RUSKOVICH: My name's John  
23 Ruskovich. Those three binders right there, I  
24 have two more at home. It's all on this plant.  
25 My education. My mother was born in Taft and my

1 grandfather worked for Standard Oil of California  
2 for 46 years.

3 The natural gas you were talking about,  
4 I have documents at home for the whole San Joaquin  
5 Valley, in the upper delta, natural gas. It was  
6 found and capped because it can't be pulled out of  
7 the ground yet. Don't go there about having to  
8 bring it overseas. We have it in the state.

9 As far as this plant goes I've submitted  
10 on the 58 highway corridor where trucks can't go  
11 on. I've asked at three meetings about has  
12 anybody gone and looked at the LoKern site.

13 I will be submitting pictures and a  
14 report on that Monday to Ausra and to the Energy  
15 Commission to let you know one of the reasons why  
16 they were coming to the Plains was because of the  
17 powerlines and the old substation.

18 Well, nobody said that the powerlines  
19 and substation need over \$60 million worth of  
20 upgrades. Okay, why not build a new one five  
21 miles west of the Midway Substation on the LoKern  
22 property? Well, they looked at it on their funny  
23 map, but they ignored who might own that property.

24 Just to let you know, a group that might  
25 work with you really easy. The U.S. Department of

1 Energy, that's what their job is, is to create  
2 energy. No, there's no oil on it. The property  
3 is substandard ground; it won't even grow grass.  
4 It grows sagebrush.

5 So no wildlife will be destroyed.  
6 You're only 11 miles from I-5 corridor. You're  
7 right next to a hazmat plant. So, you know,  
8 noise, oil fields, none of that's a problem. The  
9 water issue. There's a California aqueduct that  
10 goes right through this property. You can use a  
11 million gallons a day out of it.

12 It's a no -- in our area it's all loss.  
13 We are going into our second drought year, failed  
14 crops. You think there's a lot of water to be  
15 pumped out of the ground? Our barley's not going  
16 to make it this year, and our cattle feed is only  
17 about this tall.

18 For those of you who don't know about  
19 this plant, anything less than 40 degrees this  
20 plant sucks energy to keep warm. Up to two  
21 mornings ago we've been freezing every morning  
22 since November, except for, I think, five  
23 mornings. It's not 40 until about 10:00 in the  
24 morning out there, for four to five months. So  
25 your plant's going to be running your heaters

1 keeping your water warm.

2 On the other side of the mountain your  
3 comment was, well, it's foggy, that's why we  
4 ignored it. When it's foggy over there, we're  
5 subfreezing in our area.

6 You really need to go back, start over,  
7 and look at this other project. I brought up the  
8 facts about the wells, where you turn grain silos  
9 and old grain tanks into water wells and tanks.  
10 You just had a man come out a week and a half ago  
11 and do a new well report because you knew that  
12 report was completely false. A lot of your other  
13 reports are completely false. Put this where it  
14 needs to be.

15 The Chumash Indians, thank you for  
16 filing comment. I want to get together with him.  
17 My family's been in this area since the 1880s  
18 actually, but before that they've been in  
19 California since 1840s. But I love the land out  
20 there. I love the antelope, the elk, the eagles,  
21 and that's why I'm here. As a rancher who  
22 represents the Farm Bureau a couple years ago, the  
23 stewardship awards, because of my love of the land  
24 and my animals.

25 Well, I feel that those antelope are

1 mine, just like my neighbors. And I'm here to  
2 protect them and our way of life. Please look at  
3 the report I'm going to submit Monday. It's part  
4 of your first alternative sites for western Kern  
5 County. This is perfect, almost desolate ground  
6 that you can't hurt any more than what's already  
7 there. An oilfield and a hazardous waste dump.

8 Why look at our area, because this is  
9 what's going to happen. You're going to come in  
10 with your 640 acres. There's two other companies  
11 coming in right behind you. They want in so bad  
12 they're threatening my neighbors already. You  
13 either sell to us or we're going to tie you up in  
14 legal problems, not letting you get building  
15 permits.

16 This is how this solar energy is now  
17 starting to threaten the people on the east side  
18 of this county they want it out there so bad.  
19 Build an industrial area. Not agricultural area.

20 But just to let you know, if this  
21 project goes through, for those of you who live in  
22 this county there's a project called the Dolitio  
23 Project in San Luis. That's now tied up in court.

24 We are looking at that option, too.

25 Who's we? Oh, there's about three of us, about

1 70,000 acres combined cattle land. That's how  
2 committed we are to this. We want our land  
3 protected. We don't need an industrial park.

4 I've been to other solar plants. The  
5 one at Four Corners. It's about a half a mile off  
6 the road, and it's 15 feet tall. And the cooling  
7 stacks are 25 feet tall. That we could almost  
8 live with, not something right on the road that's  
9 56 feet tall with cooling, well, block buildings  
10 115 feet tall. That's not in the Plains.

11 So, make it real easy for everybody.  
12 Please just go look at the land that's available  
13 for you on the west side of I-5 and highway 33 off  
14 of LoKern. There's over 5000 acres there that's  
15 abandoned ground. That would be perfect for this  
16 project. You can't sterilize it enough. You  
17 can't pollute it enough because the ground's  
18 already basically won't grow nothing and never  
19 has. And leave us alone.

20 Thank you.

21 MR. PATTERSON: Thank you for your  
22 comments.

23 I have a question here from Anne McMahon  
24 to the CEC. Do you want to make more comments  
25 than just that question? Okay, come on up then.

1       unfortunate people that are disillusioned by the  
2       fact that they think that the labor is taking all  
3       the -- labor unions are taking all the money from  
4       these corporations, it's corporations that want to  
5       keep it all.

6                 Thank you.

7                 MR. PATTERSON: Thank you for your  
8       comments.

9                 Mike Strobridge.

10                MR. STROBRIDGE: I live in Carrisa  
11       Plains. My property is 2800 feet from the back of  
12       this plant and where the cooling towers are going  
13       to be.

14                There's nothing green about this plant;  
15       there's nothing environmentally friendly about it,  
16       either. You got to weigh your options. What's  
17       more important to you people, the solar power or  
18       the environment?

19                They put this plant in they're going to  
20       kill every living thing on every square inch of  
21       this piece of property, all right. They're going  
22       to move over a million cubic yards of dirt.  
23       They're going to bulldoze the site. They're going  
24       to terrace it off, gone.

25                I live there. I'm there every day. I

1 mean they can tell me how it is, whatever; I'm  
2 there, I see it. There's antelope that run  
3 through there every day. Where else in the State  
4 of California do you see prong-horn antelope or  
5 tule elk? I've never seen them anywhere else.  
6 They'll be gone if these guys come in.

7 That square mile, that's just the  
8 beginning. This gentleman here told us they have  
9 options on six and a half more sections. That's  
10 six and a half square miles.

11 They're building thermal solar plants in  
12 the Mojave Desert that are 555 megawatts. Why  
13 would these guys stop at 177? They're doing the  
14 177 to get this square mile, dig their claws into  
15 us and take the rest.

16 They're claiming 19,000 gallons of water  
17 a day. They're going to pull them from the lower  
18 basin. We're all pulling our drinking water from  
19 the upper basin. And they're telling us that they  
20 do not connect in any way, it will not hurt us.

21 I would personally like to see the  
22 paperwork that shows that, you know, the  
23 impermeable barrier between these two. Because, I  
24 mean, I'm just a dumb hick in the sticks, but as  
25 far as I know, water comes from the sky, rain;

1 soaks through the ground. It's got to go through  
2 the upper basin to get to the lower. Doesn't come  
3 from the core of the earth.

4 I mean, I had my well certified two  
5 weeks ago. I met 13 gallons a minute. These guys  
6 last summer telling us that they're going to run  
7 their plant at 13 gallons a minute on a 24-hour  
8 basis, 365 days a year. That is the full  
9 capability of my well, all year round, all day  
10 long, never stopping. And that's not going to  
11 affect my well, at 2800 feet away?

12 I got two questions. If my well goes  
13 dry, which would force me off my property, you  
14 know, this is not the only solar company. I got  
15 other solar companies pressuring me, telling me  
16 they're going to surround me, they got options on  
17 three sides of me, I need to sell to them, I need  
18 to move.

19 I'm building a house right now. They're  
20 telling me I need to stop building. I just need  
21 to basically hand my property over to them for  
22 \$4000 an acre. Where do you get property in San  
23 Luis County for \$4000 an acre? That is an insult.

24 I want to know what Ausra is going to do  
25 for me if my well goes dry and I have to move my

1 family. This is a direct effect on my quality of  
2 life and my neighbors. There are 30 families  
3 within a three-mile radius of this plant that will  
4 be directly affected by it, 24 hours a day, every  
5 day of their life, Thanksgiving, Christmas,  
6 everything, we got to deal with this. I don't  
7 think that's very fair.

8 And I also have a question for the  
9 Energy Commission. What is the Energy Commission  
10 and the State of California going to do for me  
11 when my well goes dry and I'm forced to move?  
12 Because if you authorize this plant you're  
13 accepting partial responsibility for what happens  
14 to our area, our environment. The prong horn  
15 disappears, the State of California is directly  
16 responsible, along with Ausra, URS and everybody  
17 else that is involved with this.

18 You know, these anti-union guys coming  
19 in here, that's a joke. You know, you want to  
20 talk about the anti-union stuff, talk to Ausra. I  
21 don't want to hear it. I don't care, because I  
22 don't want this thing here. I have no problem  
23 with solar power. I think it's a good thing.

24 Every other company's in the Mojave.  
25 Why do they got to come into a residential area?

1 They say it's an ag area, but our area in this ag  
2 area is residential. What's wrong with the  
3 Mojave? This is an inappropriate spot for this  
4 plant, completely inappropriate.

5 You know, I don't know what to say. You  
6 know, everybody's got their hand out right now. I  
7 listened to one guy from back to the other, from  
8 this association, this, that, whatever. I see it  
9 every day on the -- I hear mitigation more than  
10 anything else. All mitigation is is somebody  
11 handing somebody else a bunch of money for them to  
12 turn their head the other way.

13 You know, everybody's got their damn  
14 hand out. It makes me sick. The way you guys do  
15 business makes me sick. I mean I didn't want to  
16 go there, man. I don't even want to be on record  
17 to say right now what I think of all of you. But,  
18 I'm done. But this is ridiculous.

19 You know, you guys come in here and  
20 barely give me any information. I don't know.  
21 I'm done.

22 MR. PATTERSON: Thank you for your  
23 comments.

24 (Applause.)

25 MR. PATTERSON: Robin Bell.

# Exhibit H

DATA RESPONSE WORKSHOP  
BEFORE THE  
CALIFORNIA ENERGY RESOURCES CONSERVATION  
AND DEVELOPMENT COMMISSION

In the Matter of: )  
Carrizo Energy Solar Farm ) Docket No.  
07-AFC-8  
\_\_\_\_\_ )

CARRISA PLAINS HERITAGE ASSOCIATION  
COMMUNITY CENTER  
10750 CARRISA HIGHWAY  
SANTA MARGARITA, CALIFORNIA 93453

TUESDAY, AUGUST 5, 2008

6:08 p.m.

Reported by:  
Troy Ray

PETERS SHORTHAND REPORTING CORPORATION (916) 362-2345

STAFF AND CONSULTANTS PRESENT

Caryn Holmes, Staff Counsel  
John Kessler, Project Manager  
Mark Lindley  
Michael Doughton  
Brian McCollough  
Jason Ricks

APPLICANT

Jane Luckhardt, Attorney  
Downey, Brand Attorneys, LLC  
Carrizo Energy, LLC  
Ausra CA II, LLC

Robert Morgan  
Sam McIntosh  
Katherine Potter  
Pete Johnson  
Ausra

Emily Bierman  
Angela Lieba, Project Manager  
Kristen Walker, Assistant Project Manager  
George Dore  
Theresa Miller  
Bob Scott  
Jeremy Hollins  
Matt Moore  
Mark Storm  
Seth Hopkins  
Pat Mock  
Eric Labolle  
University of California Davis  
Amy Gramlich  
Emily Solomon  
URS Corporation

David Tateosian  
Power Engineers

INTERVENOR

Tanya Gulesserian, Attorney  
California Unions for Reliable Energy

ALSO PRESENT

Dave Hacker  
California Department of Fish and Game

Jim Patterson, Supervisor  
Amy Gilman, Legislative Assistant  
San Luis Obispo County

John McKenzie  
San Luis Obispo County

Robin Bell

John Ruskovich

Susan Harvey  
North County Watch

Greg McMillan

Terry Hester, Officer  
Justin Olson, Public Affairs Officer  
California Highway Patrol

Jim Bell

Jennifer McHenry

Tim Strobridge

Fred Young

Patrick McGibney

Mr. Frazier

Tom Foss

Darrell Twisselman

Irv McMillan

ALSO PRESENT

Janet Klock

Susan Cochrane

Mike Strobridge

Kelly Haynes

PETERS SHORTHAND REPORTING CORPORATION (916) 362-2345

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1 was all part of a response to a data request,  
2 correct? Then why wouldn't that traffic  
3 engineering be involved or included in this at  
4 this time?

5 MR. MORGAN: The supplement actually was  
6 not a response to a data request. It was  
7 something that we made a series of changes to, and  
8 provided our first-level analysis of that.  
9 Obviously there's now second level of analysis  
10 we'll have to go do.

11 MR. BELL: Thank you.

12 ~~MR. RUSKOVICH:~~ My name's John  
13 Ruskovich; I live out here. For 11 and a half  
14 years I owned Ruskovich Ranch Trucking Company.  
15 We went all the way to Alaska.

16 I can tell you personally you cannot  
17 come over highway 58 safely with a Peterbilt and a  
18 48-foot trailer, even with your trailer axle  
19 sucked up underneath of you.

20 The Highway Patrol in Templeton allows  
21 local people to bring semis out here because we  
22 live here. I will resubmit a report from the  
23 Highway Patrol DOT Officer that deals in only  
24 truck traffic out of the Templeton Branch of the  
25 CHP that states, no trucks running on highway 58.

1        Personally he told me, if I see one, call him.  
2        He'll be here in a flash to give tickets.

3                So, you know, I'm not creating this.  
4        The CHP did. And you ignored the last time I  
5        turned in the report. I will do it again.

6                Repeat. They don't want trucks on 58  
7        out here.

8                As far as Bitterwater Road, it's an  
9        earthquake fault. The ground is like a big  
10       sponge, it constantly moves. I've run semis up  
11       and down that road. Sometimes you almost knock  
12       out your front end if you don't know where the bad  
13       spots are, because that road moves daily.

14               So, I'm just trying to give you a little  
15       experience. If you don't like it, you don't like  
16       my reports, I'm sorry. I live here. These are  
17       the facts. So I'm going to give this to John.  
18       Thank you.

19               MR. KESSLER: Thank you, John.

20               MS. McHENRY: My name's Jennifer  
21       McHenry. I co-own G&G Ranch out here in the  
22       Carrisa Plains. I've been out here for almost  
23       three years. Sorry my husband could not make it  
24       tonight, he's at home with our 18-month old son.

25               As far as Bitterwater Road, have any of

1           been made that there's no formal report yet?

2                   MS. LUCKHARDT: No. There'll be formal  
3 reports. There'll be a determination by the Corps  
4 as to whether or not to issue a nationwide permit  
5 for the laydown area. And the Fish and Wildlife  
6 Service will issue a biological opinion, which  
7 will provide their assessment of the impacts of  
8 the project and their mitigation requirements.

9                   MS. HARVEY: And are there opportunities  
10 for submitting comments or anything like that on  
11 their decision on section 7?

12                   MS. LUCKHARDT: On the U.S. Fish and  
13 Wildlife Service that is just something that is  
14 issued to the Corps, so there isn't a formal  
15 comment period.

16                   On the nation Army Corps' permit there  
17 probably is, but I don't know it off the top of my  
18 head.

19                   MS. HARVEY: Thank you.

20                   MR. McCOLLOUGH: Sorry. This is Brian.  
21 I'll just, regarding traffic impacts on biological  
22 resources, we will be looking at that.

23                   MR. RUSKOVICH: John Ruskovich. I have  
24 multiple questions. To Ausra, you're still buying  
25 the entire Cavanaugh piece, right, 1920 acres?

1 MR. MORGAN: We have a total of about  
2 that under option to purchase.

3 MR. RUSKOVICH: Plus the 640 at the King  
4 Ranch? Plus three and a half sections of the Beck  
5 Ranch, is that correct?

6 MR. MORGAN: We have a total of about  
7 six and a half sections under option to purchase.

8 MR. RUSKOVICH: Okay, that six and a  
9 half sections, along with the nine and a half  
10 sections of OptiSolar, that's what needs to be,  
11 you know, looked at. We're talking 15 to 16  
12 sections. Plus there's another group right over  
13 here, four more sections are being looked at.

14 We're almost at 20 sections of land,  
15 gentlemen, that are being taken out. What I worry  
16 about is the antelope, elk, the eagles that we  
17 have out here that you don't go to Atascadero and  
18 see, the falcons. I worry about all of this  
19 wildlife, not just what's on the King piece. I  
20 worry about the whole thing.

21 This entire valley is a portal. This is  
22 my frontyard. That's this farmfield just that  
23 way. The antelope go from my home across these  
24 farm fields, all the way to the (inaudible).  
25 Their favorite diet is morning glory. It's our

1 biggest headache. But it's from farming. It's  
2 when you summer fallow the ground, the antelope  
3 travel through that farmland.

4 So if you're going to start fencing out  
5 20 sections of land, where are these guys going to  
6 live besides in my front yard and Jerry  
7 Diefenderfer's? And maybe, you know, -- my other  
8 two neighbors that aren't selling to you folks.

9 That's what you're doing, you're forcing  
10 all the antelope just south of 58 only. I don't  
11 think that's right. The federal government  
12 brought these animals back. They wandered and  
13 stay here. There's more antelope in this farm  
14 ground than there is down in BLM and all that  
15 240,000 acres. Because we take care of them.

16 The airplane lands on my property that  
17 does the surveys. So, this is what the option  
18 that they're trying to destroy.

19 I'm going to give you people these  
20 pictures. You can look at them tonight. You can  
21 take them home. I don't care. This is within a  
22 half a mile of this building. This is common  
23 sight. Nowhere else, okay.

24 These guys here go up and down. This is  
25 the corridor. This is where they live. The

1 impact of all this project, their six and a half  
2 sections of land that nobody talks about, just the  
3 proposed site. OptiSolar, and they're buying a  
4 few more acres than nine and a half sections, but  
5 I won't go there right now.

6 All of this ground they want to fence  
7 out. So where are these guys going to go? This  
8 is the destruction. I cannot believe that this  
9 clean energy and all Fish and Game and the Sierra  
10 Club is willing to destroy all these animals  
11 because we need solar energy, when all you got to  
12 do is flip the key for Morro Bay and turn her back  
13 on. Because we all know that plant's off. Why?

14 It doesn't affect these guys. Thank  
15 you.

16 MR. MORGAN: If I could just clarify one  
17 thing. We are proposing to use one section of  
18 land for this project, and half a section for  
19 construction laydown that gets returned to  
20 service.

21 MR. RUSKOVICH: But if I decide to build  
22 a housing project in Paso Robles and the County or  
23 the City requires me to put land aside for a park  
24 or for anything, it's the total acreage that I  
25 have to purchase for my development to go through

1 that has to go through the environmental impact  
2 report. Not where the one or two houses are going  
3 to be, the entire piece.

4 So it is not fair that you have people  
5 look at one piece of property when you're buying  
6 six and a half sections of property. This is all  
7 being impacted. All of these projects.

8 You don't understand because you're from  
9 the Bay Area. I'm sorry you can't grasp what's  
10 between here and that second set of mountains back  
11 there. But a few of us, this is our home and we  
12 love it. And we've spent millions of dollars to  
13 have what we have. We're not going to sacrifice  
14 all of our work and energy and money so that you  
15 can build a little solar power plant. That will  
16 fail.

17 All we're asking is for proper people to  
18 look and say, is it worth destroying this  
19 community and all these ranches and all this  
20 wildlife that's taken years to bring back for your  
21 project and for two other solar power plants. Or  
22 is it better to just turn Morro Bay back on.

23 Because these animals don't know Seven  
24 Mile Road is the boundary for BLM. And if it  
25 takes keeping you out of here, I'm quite sure I'll

1 give my property to BLM. I'll give them the whole  
2 routine. Because I don't care, but it's to keep  
3 you out of here. I'll do it.

4 That's how important it is to keep you  
5 people from not destroying our heritage. And this  
6 ground is our heritage --

7 (Applause.)

8 MR. RUSKOVICH: -- not yours.

9 MR. TWISSELMAN: My name is Darrell  
10 Twisselman. I've been out here for 76 years. A  
11 lot longer than anybody else that's been up here,  
12 by far.

13 I brought the antelope in here, the  
14 corridor for the antelope come from Mt. Shasta  
15 right straight in here, and I put them up here in  
16 the hill, introduced them.

17 The corridors will be determined by the  
18 natural instinct of the animals. If you fence  
19 them they'll go around or they'll leave or  
20 whatever.

21 The elk came. They were hauled from in  
22 the Owens Valley to (inaudible). Too many people.  
23 They came right on out here. They settled up  
24 there. I've got a big percentage of the elk on my  
25 property.

1       sure that the project doesn't capture runoff from  
2       8.2 square miles instead of 1 square mile.

3               And then there's also a number of other  
4       conditions that are related to your more typical  
5       drainage, erosion, sediment control, you know,  
6       wind erosion type things. And those kinds of  
7       conditions are on, you know, every Energy  
8       Commission project.

9               So, I think when the applicant comes in  
10       here they're going to have to, when they come to  
11       the Energy Commission for a license, they're going  
12       to have to adhere to certain conditions. And the  
13       conditions are going to be very protective of the  
14       water resources that this community depends on.

15              MS. BELL: I just wanted to comment back  
16       on one issue. That you do understand that we  
17       really can't go lower on our wells to go into the  
18       lower aquifer. That that's not an option for us.  
19       Because then we have, you know, nonpotable water.

20              MR. LINDLEY: I understand that.

21              MR. RUSKOVICH: John Ruskovich again.  
22       First off, I'd like to comment on your water  
23       report. And the gentleman that came around to do  
24       the survey, he met Jerry Diefenderfer and I at the  
25       shop. And we explained to him the wells on our

1 properties.

2 Then I received a copy of the report on  
3 the water wells in this area. First off, on the  
4 historical use of the groundwater you have, at one  
5 time on the, I call it section 33 or the Lotta  
6 Cain piece, there was 1000 to 1200 gallons per  
7 minute well.

8 Well, if you look back on the current  
9 reports, the pre-56 reports, or the after-56  
10 reports, there's never been a well on that  
11 property larger than 600 gallon per minute. So  
12 this report is a mistake.

13 Then you go on, this is the current  
14 survey. Okay. Let's get down to my property.  
15 Well, you have an unknown well on section 11  
16 that's not there. You have 111-foot well, and  
17 then an unknown well. And then on section 14 I  
18 have a 100 gallon per minute well, and an unknown  
19 well. And then on section 13 I have either four  
20 or five wells. I've lost track.

21 Every report's a little different.  
22 Well, this is the accurate report I will give you.  
23 I have one working well, 20 gallons per minute,  
24 not 500, not 100, not 110 feet in section 11.  
25 There is no wells in section 11. And the only

1 well on section 13 of mine is a dead well.

2 So, definitely you need to come back out  
3 and do your survey again. And this time maybe if  
4 the kid doesn't like the results, you need to just  
5 publish them the way the residents say.

6 Because it's the report that you have  
7 from Kenny Tabattabay (phonetic) that has location  
8 1 through location 9, okay. This is a report that  
9 you filed. It's online or I don't know.

10 This is the wells, okay, the drilled  
11 wells in 2002. I will swear on the Bible these  
12 wells results never happened because these wells  
13 were never drilled.

14 That's just on my property. I don't  
15 know what they've done on the other properties.  
16 But my history out here is kind of saying the well  
17 reports are a little off.

18 Now, also on February 15th you said you  
19 pumped 18,000 gallons of water out of the proposed  
20 well on section 33. I'd like to know who pumped  
21 that water; and was that out of the turbine well  
22 in the center of the field?

23 If it was, how big a generator did they  
24 bring? Because there's no power lines to that  
25 well. In your report you state you pulled it down

1 18,000 gallons. So how did you do that? There's  
2 no power there. To come up with your results from  
3 four labs in L.A.

4 I mean, you know, just kind of logical.  
5 So could I get some of those answers, please,  
6 tonight? Thank you.

7 MR. STROBRIDGE: I'm Tim Strobridge. I  
8 would like to bring up the fact that two of the  
9 closest wells to this project have not been  
10 surveyed by Ausra. It's Mr. Santos Reyes, which  
11 is sitting next to me tonight.

12 This property is 1351 feet, because I  
13 roller-taped it off, to the Ausra property. His  
14 home is at 1900 foot.

15 My son's property is at 2800 foot. His  
16 home is at 3200 feet. And no one from Ausra, URS  
17 has approached Mr. Reyes - his wife's at home all  
18 day long -- or my son, Mike Strobridge, about the  
19 wells. We haven't seen anybody on sound. It's  
20 just like, you know, they're concentrating their  
21 efforts someplace where it won't matter.

22 And, you know, I'm just wondering  
23 where -- I find it kind of amusing on this  
24 disclaimer on URS does not assume any liability  
25 for information that has been misrepresented.

1 But this uncertainty and limitations page in their  
2 report is kind of appropriate. Thank you.

3 MR. KESSLER: Thank you.

4 MR. STROBRIDGE: My name's Mike  
5 Strobridge. And I have a couple questions about  
6 the water. I have a document at home from the  
7 California Water Resource Department which states  
8 that the entire Carrisa water basin is 400,000  
9 gallons.

10 I'm just curious if you guys pump  
11 roughly 20,000 gallons of water a day, seven days  
12 a week, you'll completely drain the entire Carrisa  
13 water basin in three weeks, and that's giving you  
14 20,000 gallons leeway.

15 How do you plan on effectively  
16 recharging the water basin, when according to that  
17 report, a good majority of it is recharged by  
18 rainwater at an average of 7 to 8 inches of rain a  
19 year?

20 I also have another question about the  
21 onsite wells. Mrs. Cochrane said that it roughly  
22 put out 1200 gallons a minute, I believe she said.  
23 I'm just remotely curious if there's any  
24 documentation. This was in the '40s; this is  
25 roughly 65 years ago.

1           You know, aquifers change as far as I  
2 know. You know we're on the San Andreas Fault, so  
3 I'm assuming that the ground is moving, shifting,  
4 changing. Water flows different ways. It's never  
5 going to be the same every year.

6           I'm curious how you know that that well  
7 puts out 1200 gallons a minute. I mean did you --

8           MS. COCHRANE: (inaudible) --

9           MR. STROBRIDGE: -- standard?

10          MS. COCHRANE: (inaudible) people that  
11 irrigated (inaudible) --

12          MS. SPEAKER: -- a microphone.

13          (Parties speaking simultaneously.)

14          MR. STROBRIDGE: Did you --

15          MS. COCHRANE: No, but my grandparents  
16 had --

17          MR. STROBRIDGE: Well, I'm just curious,  
18 is the well certified? Is it certified flow rate  
19 gallons a minute? Or is it hearsay?

20                 Because personally, I mean I can tell  
21 you my well puts out 250 million gallons of water  
22 a minute, and I mean, are you going to believe me?  
23 I doubt it.

24                 My well is certified with the County of  
25 San Luis Obispo as of less than six months ago at

1 13 gallons a minute. I would like to know if  
2 Ausra is going to do a pump test on their onsite  
3 well and have it certified.

4 Because I had my well certified two  
5 years ago and the County made me recertify it to  
6 build my home. So I would like to know what that  
7 well actually puts out, gallons per minute,  
8 certified by a local well drilling company, not a  
9 URS affiliate.

10 That's all I have.

11 MR. TWISSELMAN: All right, one more  
12 comment. I pump probably 350 gallons a minute  
13 year round. I've got ponds for the elk and the  
14 antelope and the game that I've got all over the  
15 mountain.

16 And something I neglected to say about  
17 those springs that are putting out 20 to 30  
18 gallons a minute year round, on a certain level,  
19 they never go down or up, wet winters and dry  
20 winters. We can have 30 inches of rain or 10  
21 inches. They never vary. Everything else does.

22 ~~And that was one of the reasons, I say~~  
23 that's another subject from a different source.  
24 But I do pump year round into these ponds. And I  
25 did irrigate alfalfa, about 120 acres there, for

1 the amount of dust suppression and the amount of  
2 water that we use for dust suppression is included  
3 in the construction impacts, yes, it is.

4 Just to correct one thing the 90 percent  
5 rate is for fugitive dust control not for the  
6 amount of water in the soil. I think the amount  
7 of water in the soil is something like 15 percent.

8 But, yes, it has been included in the  
9 construction, water use amounts. It is less than  
10 the amount of water that will be used during  
11 operation. And so, as a worst case, the analysis  
12 is done on operations use, because that's the  
13 higher use.

14 The onsite water for construction will  
15 be the wells. That will be the source of the  
16 water. That was one of the questions that was  
17 asked.

18 Let's see, Mr. Ruskovich had a variety  
19 of comments about the well data, so we asked that  
20 he provide that to Bob so that we can get that  
21 corrected.

22 I know we got some information from Mike  
23 Strobridge -- I was trying to get which one

24 MR. STROBRIDGE: Mike.

25 MS. LUCKHARDT: -- on the well capacity,

1 MR. STROBRIDGE: (inaudible) -- without  
2 my permission you're trespassing.

3 AUDIENCE SPEAKER: And there was a  
4 construction --

5 (Parties speaking simultaneously.)

6 MR. STROBRIDGE: I had a construction  
7 crew on the site --

8 MR. SPEAKER: I'm sorry, guys. I want  
9 all your comments to be on the record; you have to  
10 go in front of the microphone for it to be on the  
11 record. I know it's really important, you guys  
12 got to be by the microphone when you make your  
13 comments, please.

14 MS. LUCKHARDT: Okay, so we're going to  
15 have to check that, because there's some concern  
16 about whether it was actually done onsite and  
17 whether we actually had your permission to be  
18 onsite.

19 MR. STROBRIDGE: Well, I can agree  
20 that -- I can tell you right now it wasn't done  
21 onsite. I had a DC bulldozer there. I had a  
22 skip-and-drag and a skid -- you don't turn a  
23 bulldozer on and off all day; they run all day.

24 Again, I have a full concrete crew.  
25 They were pouring concrete. Not to mention if you

1 were there on the 3rd and the 4th, the 3rd my  
2 crews were there. On the 4th you were supposedly  
3 there at 12:30 or 1:30 in the morning. I live  
4 onsite. If you were there from 12:30 to 1:30 in  
5 the morning I would have been outside wondering  
6 what you were doing there. Probably not being  
7 very friendly about it.

8 If it wasn't me, it would have been my  
9 100-pound rottweiler that's loose at night. You  
10 wouldn't have been able to get out of you car.

11 And then you were supposedly there  
12 onsite on the 4th from 8:30 to 9:30 in the  
13 morning. My construction crews were there at 8:00  
14 in the morning. Also, OptiSolar had  
15 environmentalists on my west and north field on my  
16 property line driving their vehicles around at  
17 8:15 that same morning.

18 So, do you guys feel that you got an  
19 accurate sound report with all this equipment  
20 there? You got it as distant agriculture  
21 equipment. I've been keeping track of all your  
22 environmentalists and all the farming in my entire  
23 area. There was no farming in my area till the  
24 beginning of July.

25 Now, I'm not trying to call you a liar,

1 but personally, it's kind of leaning that way.  
2 Because I don't feel like I got a fair shake on  
3 the sound. Not with all that equipment there.

4 I'd actually like to ask the Energy  
5 Commission if they could have URS review my sound  
6 test on a weekend when there's no construction  
7 crews onsite. And there's either me or a  
8 representative of my family there onsite to make  
9 sure that everybody's there when they're supposed  
10 to be there.

11 And I can take my dogs offsite so my  
12 dogs will not -- if I'm inside of the house over  
13 there with that dog, he'll tear you up. So, I  
14 don't know, but this is a very inaccurate and  
15 dishonest report.

16 MS. LUCKHARDT: Okay, so we're going to  
17 have to check that. We don't have the people who  
18 actually did the test here tonight. So we're  
19 going to have to go back and check with them.

20 Okay, there was a question about whether  
21 the well onsite would be certified or not. If it  
22 is required by the County for a building permit it  
23 will be certified just like any housing permit  
24 requirement. But I will say that regardless, if  
25 the project wasn't confident about the fact that

1 that there would be a noise limit set for any  
2 nighttime construction. Because it seems pretty  
3 invasive, especially looking at the potential  
4 sound levels of it.

5 MR. STROBRIDGE: I just have one quick  
6 question. On the noise and everything, who's  
7 going to police it? I'm curious. They can't go  
8 above a certain decibel level, which I believe is  
9 like 70 in construction, I'm not sure.

10 But who do I call if they're loud and I  
11 want to call somebody. Who's going to police it?

12 MS. HOLMES: We typically have  
13 requirements for doing noise surveys. That's  
14 typically an operational requirement. It's  
15 possible we could consider doing that for  
16 construction noise, as well.

17 In terms of dealing with complaints the  
18 standard condition that we impose on all projects,  
19 they have to have a noise complaint line. They  
20 have to respond to it within 24 hours. And they  
21 have to let us know within 24 hours how they fixed  
22 the problem.

23 Sometimes we get phone calls directly.

24 MR. STROBRIDGE: So, say, for example,  
25 it's my daughter's birthday and their plant is

1 super loud. I got my family there. And I'm  
2 angry. Can I call the sheriff's department?

3 MS. HOLMES: What I would suggest that  
4 you do, if you know that you're going to be  
5 planning an event out there, call them and talk to  
6 them. They're going to have somebody who's an  
7 individual person that is responsible for  
8 addressing noise concerns specifically. If you  
9 know you're going to have a birthday party, call  
10 them and tell them.

11 MR. STROBRIDGE: That sounds reasonable,  
12 but I just -- I have a lack of faith in their  
13 response to anything that we have asked or said or  
14 requested. So there's really no faith there for  
15 them to do me any favors because they're not doing  
16 one by putting the plant there in the first place.

17 So, I --

18 MS. HOLMES: Well, I think they do have  
19 an interest in making the Commission Staff happy  
20 because we can tell them they have to stop  
21 construction if they're not taking care of noise  
22 problems.

23 That is the hook or the hammer, if you  
24 will. You know, if we get a lot of complaints  
25 about noise and they're not responding to them, we

1 can tell them stop until we come up with some sort  
2 of maybe an independent onsite monitor who's  
3 actually using handheld equipment to monitor noise  
4 levels.

5 I mean I don't know what it is, but what  
6 I'm saying is that you've got input into the  
7 process by calling them, which they have to  
8 respond to and they have to tell us they've  
9 responded to it.

10 And if that doesn't work you contact us  
11 directly. And if we get a lot of complaints we  
12 have the ability to tell them they have to stop.

13 MR. STROBRIDGE: Okay.

14 MS. HOLMES: That's the hook.

15 MR. STROBRIDGE: This is kind of a gray  
16 area because they're in the County but under the  
17 state jurisdiction, so I mean the sheriff's  
18 department is probably not going to want to deal  
19 with it.

20 I mean I have no problem calling you  
21 guys, but I would assume that it wouldn't take  
22 effect the same day or the same week. Probably a  
23 couple weeks, you know, that type of thing.

24 But I mean I know I make too much noise  
25 and my neighbor calls, the sheriff department

1 shows up. And they tell me to knock it off, you  
2 know, cease and desist immediately.

3 MS. HOLMES: Well, we're not going to  
4 tell you you can't call the sheriff's department.

5 (Laughter.)

6 (Parties speaking simultaneously.)

7 MS. HOLMES: And typically what we do as  
8 part of the analysis is try to -- we try to make  
9 sure that the kinds of conditions that John was  
10 talking about where you said you can't operate  
11 more than so many pieces of equipment at a time,  
12 and you have to stagger heavy equipment operation.  
13 And you have limitations on when things can  
14 operate, like not on weekends or not in the  
15 evenings.

16 We typically assess all of that before  
17 the project gets licensed, so that we can insure  
18 that the County's noise ordinance is met. We  
19 wouldn't license a project that didn't meet the  
20 County's noise ordinance.

21 MR. STROBRIDGE: Okay.

22 MR. KESSLER: I'll just mentioned that  
23 another concern that we heard in walking around  
24 this afternoon was what noise might the project  
25 make during operations.

# Exhibit I



## Office of the Governor

ARNOLD SCHWARZENEGGER  
THE PEOPLE'S GOVERNOR

## EXECUTIVE ORDER S-14-08

11/17/2008

**WHEREAS**, the State of California is a world leader in efforts to reduce global warming and greenhouse gas emissions, increase renewable energy production, promote energy efficiency, energy conservation, clean air and emission controls, expand the use of low carbon, alternative fuels and promote and commercialize new technologies and industries; and

**WHEREAS**, California has previously led the nation with an aggressive Renewable Portfolio Standard (RPS), requiring California's retail sellers of electricity to serve 20 percent of their load with renewable energy by 2010; and

**WHEREAS**, in 2003, the Governor called for an acceleration of the RPS, urging that 20 percent of California's electricity come from renewable sources by 2010 rather than 2017, seven years earlier than previously required, and this accelerated standard became law in September 2006, when the Governor signed SB 107; and

**WHEREAS**, California's high standards and ambitious goals have resulted in California leading the nation in renewable energy innovation, receiving more investment funding in clean technology than anywhere else in the United States, and accounting for 44 percent of all U.S. patents in solar technologies and 37 percent of all U.S. patents in wind technologies; and

**WHEREAS**, producing electricity from renewable resources provides multiple and significant benefits to California's environment and economy, including improving local air quality and reducing global warming pollution, diversifying energy supply, improving energy security, enhancing economic development, and creating jobs; and

**WHEREAS**, California has some of the best renewable energy resource areas in the world, providing immense potential for clean, valuable electricity generation in the state, and the development of these resources must be accelerated; and

**WHEREAS**, substantially increased development of renewable electricity sources, energy efficiency and demand response is needed to meet the greenhouse gas reduction goal of 1990 levels by 2020 and 80 percent below 1990 emissions levels by 2050, making the success and expansion of renewables a key priority for California's economic and environmental future; and

**WHEREAS**, fostering greater and more timely renewable energy development means California's energy agencies must establish a more cohesive and integrated statewide strategy, including greater coordination and streamlining of the siting, permitting, and procurement processes for renewable generation, improving the manner in which the state develops its transmission infrastructure, and encouraging technically and economically feasible distributed renewable energy opportunities; and

**WHEREAS**, the California Public Utilities Commission (CPUC) has approved more than 6,300 MW of renewable generation contracts for investor-owned utilities, and has identified various challenges that impede their timely realization, relating to transmission, financing, siting, permitting, integration, environmental and military objectives, technology development and commercialization and equipment procurement; and

**WHEREAS**, the California Energy Commission (CEC) in its 2007 Integrated Energy Policy Report (IEPR) indicated that there are substantial barriers to generation siting, permitting and transmission that must be addressed in order to achieve the 2010 and 2020 RPS goals; and

**WHEREAS**, the Renewable Energy Transmission Initiative (RETI) is a statewide initiative to help identify the transmission projects needed to accommodate these renewable energy goals and facilitate transmission corridor

designation and transmission and generation siting and permitting; and

**WHEREAS**, RETI will (1) assess competitive renewable energy zones in California and surrounding regions that can provide significant electricity to California consumers by 2020; (2) identify those zones that can be developed in the most timely and cost effective way, with least environmental impact; and (3) prepare detailed transmission plans for those zones identified for development; and

**WHEREAS**, deployment of new renewable energy technologies across the state will require utilizing new areas of biologically sensitive land; and

**WHEREAS**, California is committed to conserving natural communities at the ecosystem scale through the use of California's unique Natural Community Conservation Planning (NCCP) tool, coordinated by the Department of Fish and Game (DFG) and CEC, which identifies and provides for the region-wide protection of plants, animals, and their habitats while allowing for compatible economic activities such as renewable energy generation; and

**WHEREAS**, the Western Governor's Association has initiated the Western Renewable Energy Zone (WREZ) initiative to identify and expedite cost-effective, environmentally sensitive transmission development to areas with high-grade, renewable energy resources in order to bring about the development of 30,000 megawatts of clean and diversified energy across the West by 2015.

**NOW, THEREFORE, I, ARNOLD SCHWARZENEGGER**, Governor of the State of California, by virtue of the power vested in me by the Constitution and statutes of the State of California, do hereby order effective immediately:

1. That the following Renewable Portfolio Standard target is hereby established for California: All retail sellers of electricity shall serve 33 percent of their load with renewable energy by 2020. State government agencies are hereby directed to take all appropriate actions to implement this target in all regulatory proceedings, including siting, permitting, and procurement for renewable energy power plants and transmission lines.
2. The Resources Agency shall lead the joint collaboration between the CEC and the DFG to expedite the development of RPS eligible renewable energy resources through the actions outlined in this order.
3. The Department of Fish and Game shall immediately create a new internal division, the primary purpose being comprehensive planning and streamlined compliance services; including for renewable energy projects. The division shall ensure the timely completion of NCCPs, which embody the balancing of project assurances with ecosystem protection.
4. Pursuant to this Order and the MOU signed on November 17, 2008 by the CEC and DFG formalizing the Renewable Energy Action Team (REAT), the REAT shall lead completion of items 5 through 12.
5. Pursuant to the MOU, DFG and CEC shall immediately create a "one-stop" process for permitting renewable energy generation power plants. Instead of filing multiple sequential applications, the DFG and CEC shall create a concurrent application review process, which shall be filed directly at the state level. To facilitate this process, a special joint streamlining unit shall be created and shall reduce permit processing times by at least 50% for projects in renewable energy development areas, as such areas are defined by the REAT beginning on February 1, 2009.
6. Pursuant to the MOU signed on November 17, 2008 by the CEC, the DFG, the United States Bureau of Land Management and the U.S. Fish and Wildlife Service, the REAT shall endeavor to include all appropriate federal partners in the expedited permitting process described in number 5 above.
7. By December 1, 2008, the REAT shall initiate the Desert Renewable Energy Conservation Plan (DRECP) process for the Mojave and Colorado Desert regions.
8. By March 1, 2009, the REAT shall identify and publish top priority areas in California where other NCCPs or similar plans should be developed based upon their renewable energy development potential.
9. By December 31, 2009, the REAT shall develop and publish a Best Management Practices manual to assist RPS project applicants in designing projects to emphasize siting considerations and minimize environmental impacts for RPS desert projects.
10. By December 31, 2009, the REAT, in conjunction with our federal partners and stakeholder groups, shall develop a conservation strategy that clearly identifies and maps areas for RPS project development and areas

intended for long-term natural resource conservation as a foundation for the DRECP.

11. By December 31, 2010, the REAT, in conjunction with our federal partners and stakeholder groups, shall complete the draft DRECP and initiate the environmental review process.
12. By June 1, 2012, the final DRECP shall provide binding, long-term endangered species permit assurances, facilitate the RPS desert project approval process, and provide a process for state and federal conservation funding to implement the DRECP.
13. By January 1, 2010, the CEC shall provide an estimate of total retail electricity sales in California in 2020 by utility and shall update this number every two years through the IEPR.
14. Direct the CEC, and request the CPUC and California Independent System Operator (ISO), to work with other RETI stakeholders to complete the following by March 31, 2009: (a) develop a product that identifies top priority renewable energy zones that can be developed reliably, cost-effectively and with least environmental impact; and (b) issue a Renewable Transmission Development Report that identifies potential routes and interconnection points for new lines. I direct DFG to participate in the RETI process and the REAT to provide increased technical support to the RETI stakeholder group. I also request that the CPUC and the ISO support the RETI stakeholder group as appropriate in order to meet this deadline.
15. Direct the CEC, and request the CPUC, to participate in the WREZ initiative in order to increase availability to all potential renewable energy resources, coordinate research, planning, and investments with our regional partners, and to complement RETI. Specifically, I request that the CPUC, in conjunction with the CEC, ensure that there is information exchange and coordination between the WREZ initiative and RETI and to facilitate the feasible integration of the resulting plans from each initiative.
16. In order to facilitate the timely permitting of renewable energy projects, all state regulatory agencies shall give priority to renewable energy projects as set forth in this Executive Order.
17. In conjunction with its work with DFG to develop the DRECP pursuant to number 7 above and any work it performs to facilitate the siting and permitting of renewable generation and transmission projects, the CEC shall coordinate with BLM, CPUC, the California ISO, and other interested federal, state, and local agencies, work closely with interested stakeholders, and utilize input from RETI.

This Order is not intended to create, and does not create, any right or benefit, whether substantive or procedural, enforceable at law or in equity, against the State of California, its agencies, entities, officers, employees, agents or any other person.

**I FURTHER DIRECT** that as soon as hereafter possible, this Order be filed with the Office of the Secretary of State and that widespread publicity and notice be given to this Order.



**IN WITNESS WHEREOF** I have here unto set my hand and caused the Great Seal of the State of California to be affixed this the 17th day of November 2008.

ARNOLD SCHWARZENEGGER

Governor of California

**ATTEST:**  
DEBRA BOWEN  
Secretary of State

# **Proof of Service**



**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](http://WWW.ENERGY.CA.GOV)**

**APPLICATION FOR CERTIFICATION  
FOR THE CARRIZO ENERGY  
SOLAR FARM PROJECT**

**Docket No. 07-AFC-8  
PROOF OF SERVICE  
(Revised 4/10/2009)**

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\*indicates change

**DECLARATION OF SERVICE**

I, Chester Hong, declare that on April 14, 2009, I served and filed copies of the attached **“Response To Motions Of Intervenors Ruskovich And Strobridge To Reopen And Extend Discovery”**, dated April 14, 2009. The original document, filed with the Docket Unit, 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/sitingcases/carrizo/index.html>]**. The document has been sent to both the other parties in this proceeding (as shown on the Proof of Service list) and to the Commission’s Docket Unit, in the following manner:

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

**For service to all other parties:**

X sent electronically to all email addresses on the Proof of Service list;

X by personal delivery or by depositing in the United States mail at Sacramento, California with first-class postage thereon fully prepaid and addressed as provided on the Proof of Service list above to those addresses **NOT** marked “email preferred.”

**AND**

**For filing with the Energy Commission:**

X sending an original paper copy and one electronic copy, mailed and emailed respectively, to the address below (**preferred method**);

**OR**

\_\_\_\_\_ depositing in the mail an original and 12 paper copies, as follows:

**CALIFORNIA ENERGY COMMISSION**

Attn: Docket No. 07-AFC-8  
1516 Ninth Street, MS-4  
Sacramento, CA 95814-5512

[docket@energy.state.ca.us](mailto:docket@energy.state.ca.us)

I declare under penalty of perjury that the foregoing is true and correct.

\_\_\_\_\_/S/\_\_\_\_\_  
CHESTER HONG