

**BEFORE THE ENERGY RESOURCES CONSERVATION AND DEVELOPMENT COMMISSION  
OF THE STATE OF CALIFORNIA**

**COMPLAINT OF GARY LEDFORD ON  
HIGH DESERT POWER PROJECT  
WATER ISSUES**

**DOCKET No. 97-AFC-1C (C1)  
COMPLAINT-1**

**COMMITTEE RULING ON THE PLEADINGS**

On January 14, 2002, the Committee conducted a Prehearing Conference.<sup>1</sup> The parties stipulated to certain facts, stated their positions, and identified their exhibits. Based on the pleadings submitted in this matter and the evidentiary record in the certification proceeding, we rule as follows:

- Allegations in the Complaint concerning noncompliance with Conditions of Certification 2, 13, and 19 are dismissed *without prejudice*. The deadlines for compliance with those Conditions have not yet occurred.
- Allegations in the Complaint concerning noncompliance with Condition of Certification 1e are dismissed *with prejudice*. During the certification proceeding, the Energy Commission considered and rejected Complainant's assertion that the 24-inch water pipeline is "oversized." The Commission Decision finds the "design capacity of the project pipelines is required to meet project needs." (Commission Decision at page 227.) Respondent complied with the Verification requirements of Condition 1e by submitting its final design drawings in a timely manner.
- Allegations in the Complaint concerning noncompliance with Condition of Certification 17(1) are dismissed *subject to submittal of a signed codicil to the Aquifer Storage and Recovery Agreement (ASRA)*, which would incorporate the final Conditions of Certification as adopted by the Energy Commission and would explain any discrepancies between the ASRA and the final

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<sup>1</sup> At the Prehearing Conference, we canceled the Evidentiary Hearings that had been scheduled on January 16 and 17, 2002. See Notice Canceling Evidentiary Hearings, issued January 14, 2002.

Conditions. Respondent submitted the ASRA to the Commission in February 2000, when it was received into the evidentiary record as Exhibit 145.

Complainant's assertion that the ASRA was not timely filed is contrary to the record.

With respect to allegations concerning noncompliance with Conditions of Certification 11 and 12, we will review the evidentiary record as well as the documents submitted in this matter and issue our decision upon that information. If we determine that sworn testimony is necessary, we will so indicate by formal notice. Otherwise, we find the matter submitted as filed.

If we determine that Conditions of Certification 11 and 12 do not accurately reflect the evidentiary record in the certification proceeding, we will recommend clarifications of those Conditions to the full Energy Commission.

Dated January 14, 2002, at Sacramento, California.

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ROBERT A. LAURIE  
Commissioner and Presiding Member  
High Desert Complaint Committee

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ROBERT PERNELL  
Commissioner and Associate Member  
High Desert Complaint Committee

