

DOCKET	
09-AFC-10	
DATE	<u>JUN 07 2010</u>
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June 7, 2010

California Energy Commission
Dockets Unit
1516 Ninth Street
Sacramento, CA 95814-5512

**Subject: RICE SOLAR ENERGY, LLC's SCHEDULING STATEMENT
RICE SOLAR ENERGY PROJECT
DOCKET NO. (09-AFC-10)**

Enclosed for filing with the California Energy Commission is the original of **RICE SOLAR ENERGY, LLC's SCHEDULING STATEMENT**, for the Rice Solar Energy Project (09-AFC-10).

Sincerely,



Marie Mills

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STATE OF CALIFORNIA

Energy Resources
Conservation and Development Commission

In the Matter of:

Application for Certification for the
RICE SOLAR ENERGY PROJECT

DOCKET NO: 09-AFC-10

**RICE SOLAR ENERGY, LLC's
SCHEDULING STATEMENT
June 7, 2010**

In response to the May 26, 2010, Committee Order to provide a proposed schedule for the Rice Solar Energy Project that identifies critical milestones and provides support for a proposed schedule with factual and legal points, Rice Solar Energy, LLC (RSE) submits the following schedule with the supporting facts and legal basis.

RSE has made coordinated efforts with CEC Staff to discern a viable and defined schedule to meet the DOE Loan Guarantee program and ARRA funding eligibility / requirement. Even though there are a couple of flexible dates in the Staff's proposed schedule, the proposed schedules of both parties are complimentary. Accordingly, the proposed schedule by RSE, with defined dates, will allow the Committee to accept or refine a closing schedule that will achieve a Commission Decision this year as well as compliment the Federal process timelines.

Dated: June 7, 2010

// original signed //

Scott A. Galati
Counsel to Rice Solar Energy, LLC

RSEP'S PROPOSED SCHEDULE – Rice Solar Energy Project (09-AFC-10) - as of 6/7/10

ACTIVITY	CD*	DATE
Last Day to issue Data Requests		6/2/10
Parties file Proposed Schedules		6/7/10
Staff Assessment Workshop		June 2010
----- PDOC, Admin Staff Assessment	**	June 2010
----- Western initiates Section 106; submits Biological Assessment (BA) to USFWS		June/July 2010
Staff Assessment/Draft EIS published by CEC	1	7/21/10
Parties file Status Reports		7/26/10
Committee Status Conference (CEC Reg. §1208)		7/28/10
----- Staff Assessment/Draft EIS [NOA] published in Federal Register; 90-day comment CDCA Plan Amendment period begins		7/30/10
Staff Assessment Workshops		July / Aug. 2010
RSEP files SA Comments		8/20/10
Close of SA Comment Period		8/20/10
----- FDOC; BA determined adequate by USFWS		August 2010
Staff Publishes Addendum to Staff Assessment (if needed)	2	9/1/10
Party Stipulation: Uncontested Topics (CEC Reg. §1208(b))		9/3/10
Parties submit PHC Statements; Applicant files Testimony, Exhibits		9/8/10
Pre-hearing Conference and Evidentiary Hearing (CEC Reg. §1747)	3	9/16/10 [TBD]
----- USFWS issues Biological Opinion; Finalize Section 106 MOA		October 2010
PMPD published (30 day comment) (CEC Reg. §§1749 – 1752.5)	4	10/22/10 [TBD]
----- Close of CDCA Plan Amendment comment period		10/28/10
----- Comments into FEIS - circulate; and, <i>NOA of FEIS in Fed. Register</i>		Mid and <i>Late November</i> 2010
Energy Commission Decision*** (CEC Reg. §§1754, 1755) - 30+ days beyond PMPD	5	[TBD] Nov 24 or Dec 1***
----- BLM Plan Amd. Protest Period ends; Governor's review completed		Mid / Late December 2010
----- BLM Record of Decision/Right of Way (ROD/ROW) issued		Mid / Late December 2010

* CD – Critical Path Dates for CEC Licensing; discussed in the following page

** Federal processes and collateral matters (smaller font)

*** Special Business Meeting – Last Wednesday of November

Facts and Authority in Support of Proposed Schedule

As set forth in the RSE's proposed schedule, the emphasis on critical timing is placed on the CEC licensing process only as the Federal agencies will be working toward facilitating a complimentary schedule. Rice Solar Energy, LLC (RSE) presents the 5 critical dates for CEC licensing this year, and support thereof, in order to secure the DOE loan program and ARRA funding for this project, as follows:

1. Staff Assessment/Draft EIS published by CEC on July 21.

John Kessler, CEC Staff Project Manager, has proposed to RSE that the publication date of the SA be moved up from July 30. This will prevent the time slip associated with the Fed. Register publication of the NOA's which has occurred in other projects this year. To that, RSE is in agreement and believes that it is imperative to secure the earlier publication date as proposed.

2. Staff Publishes Addendum to Staff Assessment on September 1.

RSE does not anticipate that a protracted review time of two months (to September 20) for production of the Staff Addendum will be needed as a substantial amount (majority) of the SA topics will have already been penned and final by July 21. The prospective workshop(s) and the Comments to be supplied by Applicant in July and August should facilitate a quick turn around on outstanding issues, if any.

3. Pre-hearing Conference and Evidentiary Hearing (TBD: target Sept. 16)

Only one Staff Assessment is required under CEC Reg. §1741 et seq prior to proceeding to Evidentiary Hearing pursuant to §1747. And, there is no statutory or regulatory prohibition for holding the Prehearing Conference (PHC) and Evidentiary Hearing on the same day. Accordingly, and to accommodate the chance that an unforeseen matter might arise after publication of the SA on July 21 that could be considered substantial and have to be incorporated into the "Addendum", RSE is proposing that the PHC and Evidentiary Hearing be held as close as possible to 14 days after the SA Addendum is published on Sept. 1.

4. PMPD published (TBD: target October 22)

RSE has allowed for a five week turn-around of the PMPD from the date of the Evidentiary Hearing. However, if the Parties submit stipulations of uncontested matters (§1208b) prior to Evidentiary Hearing, the draft of the PMPD could begin much sooner (7 weeks total) and leave the period after the Evidentiary Hearing to attend to the contested matters, if any. And, for any collateral matters or comments that come in at hearing that are related to stipulated matters, those can also be incorporated into the PMPD during the post hearing period.

5. Energy Commission Decision (TBD: target Nov. 24 or Dec. 1)

RSE believes that a scheduling order indicating a Decision in late November or the first of December will accommodate the ability to attract and timely secure equity financing in order for RSE to pursue the Safe Harbor (5% rule) provision for ARRA funding as well as secure the defined schedule for purposes of the DOE loan guaranty and will expedite RSE's ability to execute the Large Generator Interconnect Agreement to commence work on necessary long-lead interconnection facilities and network upgrades. These proposed dates will also allow for any PMPD revision and concomitant 14 day notice period under §1753 and still secure a Decision in this calendar year.



BEFORE THE ENERGY RESOURCES CONSERVATION AND DEVELOPMENT
COMMISSION OF THE STATE OF CALIFORNIA
1516 NINTH STREET, SACRAMENTO, CA 95814
1-800-822-6228 – WWW.ENERGY.CA.GOV

**APPLICATION FOR CERTIFICATION
FOR THE *RICE SOLAR ENERGY POWER
PLANT PROJECT***

Docket No. 09-AFC-10

PROOF OF SERVICE
(Revised 3/4/2010)

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DECLARATION OF SERVICE

I, Marie Mills, declare that on June 7, 2010, I served and filed copies of the attached, **RICE SOLAR ENERGY, LLC's SCHEDULING STATEMENT, dated June 7, 2010**. 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/ricesolar>].

The documents have 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:

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

by personal delivery;

by delivering on this date, for mailing with the United States Postal Service with first-class postage thereon fully prepaid, to the name and address of the person served, for mailing that same day in the ordinary course of business; that the envelope was sealed and placed for collection and mailing on that date to those addresses **NOT** marked "email preferred."

AND

FOR FILING WITH THE ENERGY COMMISSION:

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. **09-AFC-10**

1516 Ninth Street, MS-4

Sacramento, CA 95814-5512

docket@energy.state.ca.us

I declare under penalty of perjury that the foregoing is true and correct, that I am employed in the county where this mailing occurred, and that I am over the age of 18 years and not a party to the proceeding.



Marie Mills