

**CALIFORNIA ENERGY COMMISSION**

1516 NINTH STREET, Rm. 100  
SACRAMENTO, CA 95814-5512  
(916) 651-2020  
[rrenaud@energy.state.ca.us](mailto:rrenaud@energy.state.ca.us)



October 4, 2011

Mr. Robert Crizer  
Crizer Wind Energy, Inc.  
1191 4<sup>th</sup> Street  
Los Osos, California 93402-1201

<b>DOCKET</b>	
<b>11-CAI-03</b>	
DATE	OCT 04 2011
RECD.	OCT 04 2011

Re: DyoCore Wind Turbine Complaint Proceeding

Dear Mr. Crizer:

Thank you for your recent letter setting forth your concerns regarding the DyoCore turbine and the rebates under the Emerging Renewables Program (ERP). In your letter you clearly set forth your view of the facts, and request monetary relief from the Energy Commission.

As you probably know, this matter is now the subject of a Complaint filed by Energy Commission Staff against DyoCore, alleging that the output rating of the DyoCore turbine was grossly overstated by DyoCore. In accord with Energy Commission regulations, a committee of two commissioners, Commissioners Peterman and Boyd, has been appointed to conduct hearings about the allegations of the Complaint. I have been assigned as the Hearing Officer.

We are not in a position to comment on the factual claims you make in your letter because this matter is currently pending. You can become a party to the proceeding, and thus have the opportunity to present evidence supporting your position, by intervening in the case. For information on becoming an intervenor, please consult the Public Adviser section of the Commission website:

[http://www.energy.ca.gov/public\\_adviser/index.html](http://www.energy.ca.gov/public_adviser/index.html).

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You may access all the documents and information concerning the proceeding on the commission website, at the following URL:

[http://www.energy.ca.gov/renewables/emerging\\_renewables/11-cai-03/index.html](http://www.energy.ca.gov/renewables/emerging_renewables/11-cai-03/index.html).

Sincerely yours,

*Original signed by:*

Raoul A. Renaud  
Hearing Adviser II

cc: Carla Peterman, Commissioner and Presiding Member  
James D. Boyd, Vice Chair and Associate Member  
Jonathan Knapp  
Renee Webster-Hawkins



**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**

***IN THE MATTER OF THE COMPLAINT AGAINST  
DYO CORE, INC. BROUGHT BY  
ENERGY COMMISSION STAFF***

***Docket No. 11-CAI-03  
(Revised 9/16/2011)***

**COMPLAINANT**

California Energy Commission  
Robert P. Oglesby  
Executive Director  
1516 Ninth Street  
Sacramento, CA 95814  
*e-mail service preferred*  
[roglesby@energy.state.ca.us](mailto:roglesby@energy.state.ca.us)

California Energy Commission  
Payam Narvand  
Program Manager  
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**COUNSEL FOR COMPLAINANT**

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California Energy Commission  
Jonathan Knapp  
Staff Counsel  
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[jknapp@energy.state.ca.us](mailto:jknapp@energy.state.ca.us)

**RESPONDENT**

DyoCore, Inc.  
Ralph Bettencourt, CEO  
David Raine, CTO  
3125 Tiger run Court, #104  
Carlsbad, CA 92010  
[ralph@dyocore.com](mailto:ralph@dyocore.com)  
[dave@dyocore.com](mailto:dave@dyocore.com)

**INTERVENORS**

Solar Point Resources Inc.  
Jane E. Luckhardt  
Stephen J. Meyer  
Downey Brand, LLP  
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Sacramento, CA 95814  
[jluckhardt@downeybrand.com](mailto:jluckhardt@downeybrand.com)  
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**INTERESTED  
ENTITIES/AGENCIES**

Bay Area Energy Solutions  
1326 Marsten Road  
Burlingame, CA 94010  
[www.bayenergy.com](http://www.bayenergy.com)

California Solar Systems  
1411 Rusch Court  
Santa Rosa, CA 95401  
[barryw@855casolar.com](mailto:barryw@855casolar.com)

Synergy Corp.  
863 N Bush Avenue  
Clovis, CA 93611  
[marlin.magic@sbcglobal.net](mailto:marlin.magic@sbcglobal.net)

Crizer Wind Energy, Inc.  
1191 4<sup>th</sup> Street  
Los Osos, CA 93402  
[crizerwindenergy@sbcglobal.net](mailto:crizerwindenergy@sbcglobal.net)

My Wind Power  
4037 Phelan Road, A267  
Phelan, CA 92371  
[www.info@mywindpower.biz](http://www.info@mywindpower.biz)

Solar Point Resources  
P.O. Box 4761  
San Jose, CA 95150

Energy Pros  
2235 Solitude Court  
Rocklin, CA 95765  
[brian@energyproslc.com](mailto:brian@energyproslc.com)

Wind Solar Solutions  
420 Avalon Street  
Morro Bay, CA 93442  
[corky@windandsolarsolutions.com](mailto:corky@windandsolarsolutions.com)

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Ridgecrest, CA 93555  
[tammy@cagreenteam.com](mailto:tammy@cagreenteam.com)  
[rayw@cagreenteam.com](mailto:rayw@cagreenteam.com)

Prevailing Wind Power  
324 N Gertruda  
Redondo Beach, CA 90277  
[bob@prevailingwindpower.com](mailto:bob@prevailingwindpower.com)

**INTERESTED ENTITIES/AGENCIES  
(cont.)**

Green Solar Solutions, Inc.  
22267 Vacation Dr.  
Canyon Lakes, CA 92587  
[greensolarsolutions@yahoo.com](mailto:greensolarsolutions@yahoo.com)

Desert Power, Inc.  
77380 Michigan Dr.  
Palm Desert, CA 92211

San Diego Small Wind  
3125 Tiger Run Ct. #103  
San Marcos, CA 92009

Apple Acres, Inc. DBA Gridnot  
P.O. Box 645  
Lucerne Valley, CA 92356  
[info@gridnot.com](mailto:info@gridnot.com)

**ENERGY COMMISSION –  
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DECLARATION OF SERVICE

I, Maggie Read, declare that on October 4, 2011, I served and filed copies of the attached Letter to Mr. Robert Crizer of Crizer Wind Energy, Inc. from Raoul Renaud, dated October 4, 2011. The original document, filed with the Docket Unit or the Chief Counsel, as required by the applicable regulation, 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/renewables/emerging\\_renewables/11-cai-03/](http://www.energy.ca.gov/renewables/emerging_renewables/11-cai-03/)].

The document has been sent to the other parties in this proceeding (as shown on the Proof of Service list) and to the Commission's Docket Unit or Chief Counsel, as appropriate, in the following manner:

*(Check all that Apply)*

For service to all other parties:

- Served electronically to all e-mail addresses on the Proof of Service list;
- Served by delivering on this date, either personally, or for mailing with the U.S. Postal Service with first-class postage thereon fully prepaid, to the name and address of the person served, for mailing that same day in the ordinary course of business; that the envelope was sealed and placed for collection and mailing on that date to those addresses **NOT** marked "e-mail service preferred."

**AND**

For filing with the Docket Unit at the Energy Commission:

- by sending an original paper copy and one electronic copy, mailed with the U.S. Postal Service with first class postage thereon fully prepaid and e-mailed respectively, to the address below (preferred method); **OR**
- by depositing an original and 12 paper copies in the mail with the U.S. Postal Service with first class postage thereon fully prepaid, as follows:

CALIFORNIA ENERGY COMMISSION – DOCKET UNIT  
Attn: Docket No. 11-CAI-03  
1516 Ninth Street, MS-4  
Sacramento, CA 95814-5512  
[docket@energy.state.ca.us](mailto:docket@energy.state.ca.us)

**OR, if filing a Petition for Reconsideration of Decision or Order pursuant to Title 20, § 1720:**

- Served by delivering on this date one electronic copy by e-mail, and an original paper copy to the Chief Counsel at the following address, either personally, or for mailing with the U.S. Postal Service with first class postage thereon fully prepaid:

California Energy Commission  
Michael J. Levy, Chief Counsel  
1516 Ninth Street MS-14  
Sacramento, CA 95814  
[mlevy@energy.state.ca.us](mailto:mlevy@energy.state.ca.us)

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

*Original signed by:* \_\_\_\_\_  
Maggie Read  
Hearing Adviser's Office