

## DOCKETED

<b>Docket Number:</b>	09-AFC-06C
<b>Project Title:</b>	Blythe Solar Power Project - Compliance
<b>TN #:</b>	212054
<b>Document Title:</b>	NextEra Blythe Solar Energy Center LLC's Petition for Ownership Transfer
<b>Description:</b>	N/A
<b>Filer:</b>	Marie Fleming
<b>Organization:</b>	DayZen LLC
<b>Submitter Role:</b>	Applicant Representative
<b>Submission Date:</b>	7/1/2016 12:09:53 PM
<b>Docketed Date:</b>	7/1/2016

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STATE OF CALIFORNIA

Energy Resources  
Conservation and Development Commission

In the Matter of:

Application for Certification for the  
**BLYTHE SOLAR POWER PROJECT**

**DOCKET NO: 09-AFC-6C**

**PETITION FOR OWNERSHIP  
TRANSFER**

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**INTRODUCTION**

This Petition seeks to transfer ownership of Units 1 and 2 and the Final Decision for the Blythe Solar Power Project (BSPP), 09-AFC-6C, from NextEra Blythe Solar Energy Center, LLC, a wholly-owned subsidiary of NextEra Energy Resources, LLC to two separate and distinct companies that are also wholly-owned by NextEra Energy Resources, LLC. The objective of this Petition For Ownership Transfer is to facilitate the power contracting, financing and construction of each phase or unit of the BSPP separately. In order to facilitate the separate financing of Units 1 and 2, NextEra Blythe Solar Energy Center, LLC requests the Commission modify the Order adopting the Final Decision to acknowledge the new Unit 1 and 2 ownerships. This approach is consistent with the Commission Orders that were adopted for the Ivanpah Solar Electric Generating System (ISEGS) project which similarly acknowledged the separate ownership of each phase or unit.

**BACKGROUND**

The BSPP was originally licensed as a solar trough power generating facility owned by Solar Trust of America on September 15 2010<sup>1</sup>. The original project owner, Solar Trust

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<sup>1</sup> Blythe Solar Power Project Final Decision, September 2010, 09-AFC-6, CEC 800-2010-009-CMF, TN 58591

of America, filed for bankruptcy and NextEra Blythe Solar Energy Center, LLC acquired the project. On June 12, 2012 the Commission approved a Petition For Ownership Transfer to NextEra Blythe Solar Energy Center, LLC.<sup>2</sup> On January 15, 2014, the Commission evaluated and ultimately approved a Petition For Amendment to convert the original solar trough project to a smaller photovoltaic facility consisting of four phases or units.<sup>3</sup>

### **OWNERSHIP TRANSFER PROCEDURES**

This Petition is prepared pursuant to 20 CCR 1769 (b). Section 1769 (b) requires this Petition to include:

- (A) a discussion of any significant changes in the operational relationship between the owner and operator;
- (B) a statement identifying the party responsible for compliance with the commission's conditions of certification; and
- (C) a statement verified by the new owner or operator in the same manner as provided in Section 1707 that the new owner or operator understands the conditions of certification and agrees to comply with those conditions.

The remainder of the Petition sets forth information responsive to these requirements.

### **CHANGES IN OPERATIONAL RELATIONSHIP**

NextEra Blythe Solar Energy Center, LLC will transfer all rights and interest in Unit 1 of the BSPP to Blythe Solar 110, LLC and will also transfer of all rights and interest in Unit 2 of the BSPP to Blythe Solar II, LLC. Therefore, after the close of these transactions, NextEra Blythe Solar Energy Center, LLC will only own the shared facilities that are common to all four units of the BSPP and Units 3 and 4. All of the entities outlined above are wholly-owned subsidiaries of Blythe Solar Holdings, LLC. which is wholly owned by NextEra Energy Resources, LLC.

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<sup>2</sup> TN 66220

<sup>3</sup> Order No. 14-0115-2, Blythe Solar Power Project Amendment, January 2014, 09-AFC-6C, CEC 800-2013-002-CMF, TN 201580

## RESPONSIBLE PARTIES

Upon closing of the transactions identified above the party responsible for compliance with the Conditions of Certification will be as follows:

Unit 1: Blythe Solar 110, LLC  
Unit 2: Blythe Solar II, LLC  
Unit 3: NextEra Blythe Solar Energy Center, LLC  
Unit 4: NextEra Blythe Solar Energy Center, LLC

Shared Facilities: NextEra Blythe Solar Energy Center, LLC

All of the entities will have the following same contact person and address:

Gregory Schneck, Vice President  
Blythe Solar Power Project  
700 Universe Blvd  
Juno Beach, FL 33408

## MODIFIED ORDERS

After discussions with Staff, NextEra Blythe Solar Energy Center, LLC proposes to include the attached Proposed Orders for the Commission to consider. The Proposed Orders would confirm ownership of each unit to each respective owner, and identical to the Order adopted for ISEGS would require the new owners to continue to be jointly and severally responsible for compliance with conditions of certification applicable to the shared facilities and for all biological conditions of certification.

## VERIFICATION

Attached is a verified statement that the each of the entities has read and understands the conditions of certification contained in the Final Decision and agrees to comply with those conditions as outlined in the attached Proposed Orders.

Dated: July 1, 2016

Respectfully Submitted,



Scott A Galati  
Counsel to NextEra Energy Resources

STATE OF CALIFORNIA

Energy Resources  
Conservation and Development Commission

In the Matter of:

Application for Certification for the  
**BLYTHER SOLAR POWER PROJECT**

**DOCKET NO: 08-AFC-9**

**DECLARATION OF GREGORY  
SCHNECK IN SUPPORT OF  
PETITION FOR OWNERSHIP  
TRANSFER**

I, Gregory Schneck, declare:

1. I am Vice President of NextEra Energy Resources and am a corporate officer for NextEra Blythe Solar Energy Center, LLC, Blythe Solar 110, LLC, and Blythe Solar II, LLC. I have personal knowledge of the matters set forth herein and could competently testify thereto if called as a witness to this proceeding.
2. Blythe Solar 110, LLC will acquire all rights and interest in Unit 1 of the Blythe Solar Power Project.
3. Blythe Solar II, LLC will acquire all rights and interest in Unit 2 of the Blythe Solar Power Project.
4. The Petition For Ownership Transfer will have no effect on the information or data provided in support of, or the Conditions of Certification contained in the Final Decision.
5. I have read and understand the Conditions of Certification set forth in the Final Decision dated, Order No. 14-0115-2, 09-AFC-6C.
6. Blythe Solar 110, LLC agrees to comply with all Conditions of Certification set forth in the Final Decision dated , Order No. 14-0115-2, 09-AFC-6C, as made applicable to Unit 1 and the shared facilities by the Revised Order proposed herein.
7. Blythe Solar II, LLC agrees to comply with all Conditions of Certification set forth in the Final Decision dated , Order No. 14-0115-2, 09-AFC-6C, as made applicable to Unit 2 and the shared facilities by the Revised Order proposed herein.
8. NextEra Blythe Solar Energy Center, LLC agrees to comply with all Conditions of Certification set forth in the Final Decision dated , Order No. 14-0115-2, 09-AFC-6C, for Units 3 and 4, and as made applicable to the shared facilities by the Proposed Orders attached to the Petition For Ownership Transfer

This declaration is made under penalty of perjury under the laws of the State of California and is executed at Juno Beach, Florida on the date set below.

DATED: June 30, 2016



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Gregory Schneck

## PROPOSED COMMISSION ORDER

This Commission Order modifies Order No. 14-0115-02 for the Commission Decision on the ***Blythe Solar Power Project Amendment***. In order to facilitate power contracting, financing and ultimate construction of the four units of the Blythe Solar Power Project independently from one another, the following clarifies the responsibilities of each company in compliance with conditions of certification contained in the Commission Decision.

The following findings are hereby added to the findings outlined in Commission Order NO. 14-0115-2.

### FINDINGS

The Commission hereby adopts the following findings in addition to those contained in the accompanying text:

1. The ***Blythe Solar Power Project*** consists of four individual units sharing common facilities. ***Blythe Solar Power Project Unit 1*** is a nominal 110 MW plant located on approximately 1068 acres in the north central portion of the ***Blythe Solar Power Project Site***. ***Blythe Solar Power Project Unit 2*** will be a nominal 125 MW plant located on approximately 822 acres in the north eastern portion of the ***Blythe Solar Power Project Site***. ***Blythe Solar Power Project Unit 3*** will be a nominal 125 MW plant located on approximately 1152 acres along the southern portion of the ***Blythe Solar Power Project Site***. ***Blythe Solar Power Project Unit 4*** is a nominal 125 MW plant located on approximately 866 acres in the southern and northwestern corner of the ***Blythe Solar Power Project Site***.

### ORDER

1. ***Blythe Solar Power Project Unit 1*** shall be solely responsible and liable for the implementation of the Conditions of Certification and Compliance Verifications enumerated in the accompanying text and Appendices which apply to Unit 1. Non-compliance by Blythe Solar Power Project Unit 2, Blythe Solar Power Project Unit 3 or Blythe Solar Power Project Unit 4 shall not be deemed to be non-compliance by ***Blythe Solar Power Project Unit 1***.
2. ***Blythe Solar Power Project Unit 2*** shall be solely responsible and liable for the implementation of the Conditions of Certification and Compliance Verifications enumerated in the accompanying text and Appendices which apply to Unit 2. Non-

compliance by Blythe Solar Power Project Unit 1, Blythe Solar Power Project Unit 3 or Blythe Solar Power Project Unit 4 shall not be deemed to be non-compliance by ***Blythe Solar Power Project Unit 2.***

3. ***Blythe Solar Power Project Unit 3*** shall be solely responsible and liable for the implementation of the Conditions of Certification and Compliance Verifications enumerated in the accompanying text and Appendices which apply to Unit 3. Non-compliance by Blythe Solar Power Project Unit 1, Blythe Solar Power Project Unit 2 or Blythe Solar Power Project Unit 4 shall not be deemed to be non-compliance by ***Blythe Solar Power Project Unit 3.***
4. ***Blythe Solar Power Project Unit 4*** shall be solely responsible and liable for the implementation of the Conditions of Certification and Compliance Verifications enumerated in the accompanying text and Appendices which apply to Unit 4, Non-compliance by Blythe Solar Power Project Unit 1, Blythe Solar Power Project Unit 2 or Blythe Solar Power Project Unit 3 shall not be deemed to be non-compliance by ***Blythe Solar Power Project Unit 4.***
5. Notwithstanding the foregoing, the responsibility and liability of Blythe Solar Power Project Unit 1, Blythe Solar Power Project Unit 2, Blythe Solar Power Project Unit 3 and Blythe Solar Power Project Unit 4, with respect to the liabilities and obligations of the Project Owners set forth in this Decision regarding (1) compliance with all biological mitigation measures and (2) construction and operation of the Common Areas and Common Facilities (Shared Facilities), shall be joint and several.