



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

DOCKET

09-AFC-9

DATE JUN 01 2010

RECD. JUN 01 2010

**APPLICATION FOR CERTIFICATION FOR THE
RIDGECREST SOLAR
POWER PROJECT**

DOCKET No. 09-AFC-9

**ORDER GRANTING
KERNCREST AUDUBON SOCIETY'S REQUEST TO
EXTEND THE DEADLINE FOR DATA REQUESTS**

On May 10, 2010, Intervenor Kerncrest Audubon Society (KAS) filed and served its *Petition to Extend Deadline for Data Requests*. On May 12, 2010, KAS filed its *Supplemental Petition to Extend Data Request Deadline*. There was no opposition to the extension request.

The Commission Regulations provide that all requests for information (i.e., data requests) shall be submitted no later than 180 days from the date the commission determines an Application for Certification (AFC) is complete, "unless the committee allows requests for information at a later time *for good cause shown*." (Cal. Code Regs., tit.20, § 1716, subd. (e), emphasis added.) The Ridgecrest Solar Power Project was deemed complete on November 18, 2009, and as a result, the deadline for data requests was May 17, 2010. KAS asks the Committee to extend the deadline to June 17, 2010.

Both KAS petition documents essentially contend that neither KAS nor any other party could thoroughly or meaningfully comment on the topic of Biological Resources because Solar Millennium, LLC (Applicant) had not completed surveys addressing modifications to the project footprint by the May 17, 2010, data request deadline. According to KAS:

The surveys in question are the detailed complete full biological surveys of the expanded project footprint. Applicant revised the footprint on the project to exclude the El Paso wash after the Application for Certification (AFC) was accepted by the commission. This resulted in moving the project footprint into areas where applicant had not previously completed the required full biological surveys. CEC staff has asked for the surveys and Applicant is completing them.

(Supplemental Petition, ¶2.) KAS further contends that "[a] review of the completed survey[s] could well lead to a need for more detailed information regarding possible

mitigations [sic] plans such as translocation, habitat enhancement, burrow construction, take permits, and so on. “ (Supplemental Petition, ¶5.)

Thus, the issue for the Committee is whether KAS presents “good cause” or in other words, whether there are legally adequate or substantial grounds or reasons to grant KAS requests. On their face, the initial and supplemental petitions support a finding of good cause. An extension will provide each of the parties with a pre-hearing opportunity to meaningfully evaluate the findings of the referenced surveys – which are expected to be published on or about June 1, 2010 – and assess how those findings (1) relate to potential impacts and mitigation and (2) will be addressed in the evidentiary hearing.

IT IS THEREFORE ORDERED that the initial and supplemental petitions are **GRANTED in part** and that the deadline for submitting data requests to the Applicant regarding the biological resource studies scheduled for completion and publication on or about June 1, 2010, is extended to 30 calendar days after the last of these studies is filed and served on the parties.

Nothing in this order should be construed as commentary or a decision on the merits of the AFC or the sufficiency and scope of the environmental impact analysis of biological resources impacts. Those issues will be discussed and decided during the evidentiary hearings.

Dated June 1, 2010, at Sacramento, California.

Original signed by:
JAMES D. BOYD
Vice Chair and Presiding Member
Ridgecrest Solar AFC Committee

Original signed by:
ANTHONY EGGERT
Commissioner and Associate Member
Ridgecrest Solar AFC Committee



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**APPLICATION FOR CERTIFICATION
For the *RIDGECREST SOLAR
POWER PROJECT***

Docket No. 09-AFC-9

**PROOF OF SERVICE
(Revised 5/12/2010)**

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DECLARATION OF SERVICE

I, Maggie Read, declare that on, June 1, 2010, I served and filed copies of the attached Order Granting Kerncrest Audubon Society's Request to Extend the Deadline for Data Requests, dated June 1, 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/solar_millennium_ridgecrest].

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:

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-9

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.

Original signed by: _____
Maggie Read