

## CALIFORNIA ENERGY COMMISSION

1516 NINTH STREET  
SACRAMENTO, CA 95814-5512  
www.energy.ca.gov

**DOCKET****09-AFC-9**DATE AUG 26 2011RECD. AUG 26 2011

To: All Parties in 09-AFC-9

From: Reneé Webster-Hawkins, Assistant Chief Counsel  
Chief Counsel's Office

Date: August 26, 2011

**Re: 09-AFC-9: Appendix to Order No. 11-0824-8**

Per direction of the Commission in its Order No. 11-0824-8 dated August 24, 2011, the Chief Counsel's Office hereby provides the following list of specific questions relevant to applicant's motion regarding a jurisdictional waiver under Section 25502.3 of the Public Resources Code<sup>1</sup>, which the parties to this matter shall address in their briefs to be filed and served no later than September 16, 2011 at 5:00 p.m.:

1. What is the legislative purpose of Section 25502.3?
2. What is the legislative purpose of Section 25501.7?
3. What does the term "facility" in Section 25502.3 refer to? Are there any electrical generating facilities of any size or technology that would not be included in this definition?
4. What facilities referred to in Section 25502.3 would not be eligible for an exemption under Section 25501.7?
5. If you conclude that sections 25501.7 and 25502.3 are both intended to apply only to the facilities identified in section 25501, why were two statutes adopted instead of a single statute?
6. Discuss the significance of the legislative history of relevant provisions and amendments to the Warren-Alquist Act, including but not necessarily limited to Sections 25120, 25501.7, 25502, 25502.3, 25540, and 25542, and whether the language and timing of those provisions and amendments supports the applicant's assertion that Section 25502.3 permits it to opt-in to the Energy Commission's exclusive certification jurisdiction by filing a notice of intention to file an application for certification of a solar photovoltaic electrical generating facility.

<sup>1</sup> All statutory references in this document are to the Public Resources Code.



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](http://WWW.ENERGY.CA.GOV)

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

**Docket No. 09-AFC-9  
PROOF OF SERVICE  
(Revised 8/15/2011)**

**APPLICANT**

STA Development, LLC  
Billy Owens  
Senior Director,  
Project Development  
1111 Broadway, 5th Floor  
Oakland, CA 94607  
[billy.owens@solartrustofamerica.com](mailto:billy.owens@solartrustofamerica.com)

STA Development, LLC  
Alice Harron  
Vice President,  
Project Development  
1111 Broadway, 5th Floor  
Oakland, CA 94607  
[alice.harron@solartrustofamerica.com](mailto:alice.harron@solartrustofamerica.com)

**CONSULTANT**

AECOM  
Elizabeth Copley, Project Manager  
2101 Webster Street, Suite 1900  
Oakland, CA 94612  
[elizabeth.copley@aecom.com](mailto:elizabeth.copley@aecom.com)

**APPLICANT'S COUNSEL**

Galati/Blek, LLP  
Scott Galati  
Marie Mills  
455 Capitol Mall, Suite 350  
Sacramento, CA 95814  
[sgalati@gb-llp.com](mailto:sgalati@gb-llp.com)  
[mmills@gb-llp.com](mailto:mmills@gb-llp.com)

Paul, Hastings, Janofsky & Walker,  
LLP  
Peter Weiner, Matthew Sanders  
55 2nd Street, Suite 2400-3441  
San Francisco, CA 94105  
[peterweiner@paulhastings.com](mailto:peterweiner@paulhastings.com)  
[matthewsanders@paulhastings.com](mailto:matthewsanders@paulhastings.com)

STA Development, LLC  
Jim Migliore, Associate  
Environmental Management  
1111 Broadway, 5th Floor  
Oakland, CA 94607  
*E-mail preferred*  
[jim.migliore@solartrustofamerica.com](mailto:jim.migliore@solartrustofamerica.com)

**INTERVENORS**

Desert Tortoise Council  
Sidney Silliman  
1225 Adriana Way  
Upland, CA 91784  
[gssilliman@csupomona.edu](mailto:gssilliman@csupomona.edu)

California Unions for Reliable Energy  
(CURE)  
Tanya A. Gulesserian  
Elizabeth Klebaner  
Marc D. Joseph  
Adams, Broadwell, Joseph  
& Cardozo  
601 Gateway Boulevard,  
Suite 1000  
South San Francisco, CA 94080  
[tgulesserian@adamsbroadwell.com](mailto:tgulesserian@adamsbroadwell.com)  
[eklebaner@adamsbroadwell.com](mailto:eklebaner@adamsbroadwell.com)

Basin and Range Watch  
Laura Cunningham  
Kevin Emmerich  
P.O. Box 70  
Beatty, NV 89003  
[bluerockiguana@hughes.net](mailto:bluerockiguana@hughes.net)

Western Watersheds Project  
Michael J. Connor, Ph.D.,  
California Director  
P.O. Box 2364  
Reseda, CA 91337-2364  
[mjconnor@westernwatersheds.org](mailto:mjconnor@westernwatersheds.org)

Kerncrest Audubon Society  
Terri Middlemiss, Dan Burnett  
P.O. Box 984  
Ridgecrest, CA 93556  
[catbird4@earthlink.net](mailto:catbird4@earthlink.net)  
[imdanburnett@verizon.net](mailto:imdanburnett@verizon.net)

Center for Biological Diversity  
Ileene Anderson  
Public Lands Desert Director  
PMB 447  
8033 Sunset Boulevard  
Los Angeles, CA 90046  
*E-mail preferred*  
[ianderson@biologicaldiversity.org](mailto:ianderson@biologicaldiversity.org)

Center for Biological Diversity  
Lisa Belenky  
Senior Attorney  
351 California Street, Suite 600  
San Francisco, CA 94104-2404  
*E-mail preferred*  
[lbelenky@biologicaldiversity.org](mailto:lbelenky@biologicaldiversity.org)

**INTERESTED AGENCIES/  
ENTITIES/PERSONS**

California ISO  
*E-mail Preferred*  
[e-recipient@caiso.com](mailto:e-recipient@caiso.com)

U.S. Department of the Interior,  
Bureau of Land Management  
Janet Eubanks, Project Manager,  
California Desert District  
22835 Calle San Juan de los Lagos  
Moreno Valley, California 92553  
[janet\\_eubanks@ca.blm.gov](mailto:janet_eubanks@ca.blm.gov)

**INTERESTED AGENCIES/ENTITIES  
PERSONS (Cont.)**

Naval Air Warfare Center Weapons Division  
Michael Owens, Energy Coordinator  
1 Administration Circle  
China Lake, CA 93555-6100  
*E-mail preferred*  
[michael.t.owens@navy.mil](mailto:michael.t.owens@navy.mil)

Naval Air Warfare Center Weapons Division  
Michael Owens, Energy Coordinator  
575 "I" Avenue, Suite 1  
Point Mugu, CA 93042-5049  
*E-mail preferred*  
[michael.t.owens@navy.mil](mailto:michael.t.owens@navy.mil)

Naval Air Weapons Station, China Lake  
CAPT Jeffrey Dodson, Commanding Officer  
1 Administration Circle, Stop 1003  
China Lake, CA 93555-6100  
*E-mail preferred*  
[jeffrey.dodson@navy.mil](mailto:jeffrey.dodson@navy.mil)

Naval Air Weapons Station, China Lake  
Tim Fox  
Community Plans & Liaison Officer  
429 E Bowen Rd, Stop 4003  
China Lake, CA 93555-6100  
*E-mail preferred*  
[timothy.h.fox@navy.mil](mailto:timothy.h.fox@navy.mil)

**ENERGY COMMISSION  
DECISION MAKERS**

ROBERT WEISENMILLER  
Chairman  
[rweisenmiller@energy.state.ca.us](mailto:rweisenmiller@energy.state.ca.us)

JAMES D. BOYD  
Vice Chair and Presiding Member  
[jboyd@energy.state.ca.us](mailto:jboyd@energy.state.ca.us)

CARLA PETERMAN  
Commissioner  
[cpeterman@energy.state.ca.us](mailto:cpeterman@energy.state.ca.us)

KAREN DOUGLAS  
Commissioner  
[kdouglas@energy.state.ca.us](mailto:kdouglas@energy.state.ca.us)

Kourtney Vaccaro  
Hearing Officer  
[kvaccaro@energy.state.ca.us](mailto:kvaccaro@energy.state.ca.us)

Tim Olson  
Adviser to Commissioner Boyd  
[tolson@energy.state.ca.us](mailto:tolson@energy.state.ca.us)

**ENERGY COMMISSION CHIEF  
COUNSEL**

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

**ENERGY COMMISSION STAFF**

Jared Babula  
Staff Counsel  
[jbabula@energy.state.ca.us](mailto:jbabula@energy.state.ca.us)

Eric Solorio  
Project Manager  
[esolorio@energy.state.ca.us](mailto:esolorio@energy.state.ca.us)

**ENERGY COMMISSION –  
PUBLIC ADVISER**

Jennifer Jennings  
Public Adviser  
*E-mail preferred*  
[publicadviser@energy.state.ca.us](mailto:publicadviser@energy.state.ca.us)

**DECLARATION OF SERVICE**

I, **Rhea Moyer**, declare that on, **August 26, 2011**, I served and filed copies of the attached **09-AFC-9: Appendix to Order No. 11-0824-8**, dated **August 26, 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:

**[www.energy.ca.gov/sitingcases/solar\\_millennium\\_ridgecrest/index.html](http://www.energy.ca.gov/sitingcases/solar_millennium_ridgecrest/index.html)**

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 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. 09-AFC-9  
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.

  
\_\_\_\_\_  
Rhea Moyer