



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	AUG 24 2011
RECD.	AUG 24 2011

IN THE MATTER OF:

RIDGECREST SOLAR POWER PROJECT

Docket No. 09-AFC-9

Order No. 11-0824-8

COMMISSION ORDER WITHDRAWING APPLICANT’S MOTION REGARDING JURISDICTIONAL WAIVER AND SCHEDULING ORDER

On July 25, 2011, the Committee in this proceeding convened a hearing, including oral arguments and public comments, on the Applicant’s Motion for Order Affirming Application of Jurisdictional Waiver. By its motion, Applicant Solar Trust of America Development LLC (formerly Solar Millennium, LLC) (“STA”) seeks an answer to a threshold question as to whether STA could redesign its proposed Ridgecrest Solar Power Project (“Project”) utilizing only photovoltaic technology and continue to avail itself of the Energy Commission’s exclusive jurisdiction over power plant certifications, arguing that it can waive its exclusion from the Energy Commission’s jurisdiction under Public Resources Code, section 25502.3.

On July 28, 2011, the Committee issued an order after hearing requesting that the Commission consider acting on its authority under Title 20 of the California Code of Regulations, section 1204(c) and withdraw the hearing and resolution of STA’s motion.

On August 24, 2011, the Commission considered the Committee’s request. The Commission has not previously addressed the applicability of Section 25502.3 to photovoltaic power plants. In light of the precedential nature of the question presented in STA’s motion, and the potential interest in the question on the part of stakeholders beyond the parties to this proceeding, the Commission hereby exercises its authority under Section 1204(c) to withdraw the above-referenced motion for consideration by the full Commission. The Commission clarifies that that all other proceedings in this AFC shall remain with the Committee.

The Commission acknowledges and takes into consideration the written briefs and letters regarding the motion filed with the Commission and submitted to the Docket Unit by certain parties and other interested entities to date, as well as the entire transcript of the July 25th hearing before the Committee. The Commission will provide all parties, any interested entities, and members of the public, one additional opportunity to file further briefing on the motion, however, such further briefing shall not be duplicative of legal or policy arguments already submitted by the same party, entity or person in this proceeding.

In addition, the Commission hereby directs the Chief Counsel to append to this order no later than August 26, 2011 a list of specific questions relevant to the motion which the parties to this matter shall address.

All briefs from parties and interested entities must be filed with the Commission, and submitted to the Docket Unit, and served upon the Proof of Service list plus the Chief Counsel no later than September 16, 2011 at 5:00 p.m.

The Commission will set a hearing on the motion by further order.

The Public Adviser is directed to transmit this order and the appended questions from the Chief Counsel via the Energy Commission listserv to ensure broad dissemination among interested stakeholders.

It is so **ORDERED**.

CERTIFICATION


The undersigned Secretary to the Commission does hereby certify that the foregoing is a full, true, and correct copy of a resolution duly and regularly adopted at a meeting of the California Energy Commission held on August 24, 2011.

AYE: Weisenmiller, Boyd, Douglas, Peterman

NAY: None

ABSENT: None

ABSTAIN: None


Harriet Kallemeyn
Secretariat



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

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

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DECLARATION OF SERVICE

I, Rhea Moyer, declare that on, August 24, 2011, I served and filed copies of the attached Commission Order Withdrawing Applicant's Motion Regarding Jurisdictional Waiver and Scheduling Order, Order No. 11-0824-8, dated August 24, 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]

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

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
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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