

**DOCKET**

**09-AFC-9**

DATE Dec. 09 2011

RECD. Dec. 09 2011

December 9, 2011

California Energy Commission  
Docket Unit  
1516 Ninth Street  
Sacramento, CA 95814-5512

Subject: **STA OPPOSITION TO INTERVENORS' REQUEST FOR  
CONTINUANCE  
RIDGECREST SOLAR POWER PROJECT  
DOCKET NO. (09-AFC-9)**

Enclosed for filing with the California Energy Commission is the original of **STA  
OPPOSITION TO INTERVENORS' REQUEST FOR CONTINUANCE**, for the  
Ridgecrest Solar Power Project (09-AFC-9).

Sincerely,



Marie Mills

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STATE OF CALIFORNIA

Energy Resources  
Conservation and Development Commission

In the Matter of:

**RIDGECREST SOLAR POWER  
PROJECT**

**DOCKET NO: 09-AFC-9**

**STA OPPOSITION TO  
INTERVENORS' REQUEST FOR  
CONTINUANCE**

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Solar Trust of America (STA) opposes the Intervenor's<sup>1</sup> Request For Continuance of the Commission's consideration of STA's Motion for Order Affirming Application for Jurisdictional Waiver for the Ridgecrest Solar Power Project (RSEP). STA filed the motion six months ago. The Ridgecrest Siting Committee (Committee) issued an order for legal briefs and held oral argument on the matter, at which, all parties and members of the public were provided a full opportunity to participate in the proceeding. Intervenor Center For Biological Diversity (CBD) and Western Watersheds filed written briefs and presented oral argument at the Committee Hearing. Intervenor Basin and Range Watch and Kerncrest Audobon Society elected not to file briefs and further elected not to participate in oral argument before the Committee.

After oral argument, the Committee then requested the full Commission to review the matter since the issues involved may be applicable to more than solely the RSEP. The full Commission agreed to hear the matter and removed the Applicant's Motion from the Ridgecrest Committee. In doing so the Commission issued "Commission Order Withdrawing Applicant's Motion Regarding Jurisdictional Waiver and Scheduling Order" on August 24, 2011, and allowed all of the parties, and others to file comments and additional briefs, directing the parties to answer specific questions developed by the Chief Counsel's Office. Intervenor CBD filed an additional brief and Intervenor

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<sup>1</sup> Intervenor Center For Biological Diversity, Kerncrest Audobon Society, Western Watersheds Project and Basin and Range Watch filed a Request For Continuance on December 8, 2011. County of Riverside, Supervisor John Benoit filed a Request For Continuance on December 9, 2011.

Kerncrest Audobon filed two briefs documenting its opposition. In addition, Riverside County filed a brief documenting its opposition and incorporating the legal arguments contained in the California State Association of Counties.

First, there is no regulatory requirement for the Commission to have issued a "Proposed Decision" for consideration. However, the Proposed Decision is not voluminous, raises no new issues, and is merely 6 and ½ pages in length. The issues addressed in the Proposed Decision were well known by the Intervenors at the time they filed briefs and provided oral argument and public comment. The transcript containing all of the oral argument made before the Committee was made available to the full Commission when it granted removal of the matter from the Committee. The Commission provided additional opportunity by allowing additional briefing for all members of the public and Intervenors. Intervenors, who are now requesting a continuance, participated in the additional round of briefing. There simply is no reason to allow an extension of this matter which was the subject of three opportunities for written briefs, and full oral hearing and argument. There is no prejudice to any of the parties, who have had a fair and ample opportunity to participate, when the Commission considers the matter on December 14, 2011. We therefore, urge the Commission to DENY the Requests For Continuance.

Respectfully Submitted,

December 9, 2011



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Scott A Galati  
Counsel to STA



**BEFORE THE ENERGY RESOURCES CONSERVATION AND DEVELOPMENT  
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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 12/05/2011)**

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DECLARATION OF SERVICE

I, Marie Mills, declare that on December 9, 2011, I served and filed copies of the attached **STA OPPOSITION TO INTERVENORS' REQUEST FOR CONTINUANCE**, dated December 9, 2011. The original documents, 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;
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**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:

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Attn: Docket No. 09-AFC-9  
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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:

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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.



\_\_\_\_\_  
Marie Mills