

Maggie Read - 09-AFC-9 Ridgecrest Committee Request for Commission Action

From: Maggie Read
To: Carla Peterman; Jim Boyd; Karen Douglas; Michael Levy; Robert Weisenmiller
Date: 7/28/2011 4:58 PM
Subject: 09-AFC-9 Ridgecrest Committee Request for Commission Action
CC: Kourtney Vaccaro
Attachments: 7.28.11 Comm Order Requesting Committee Action.pdf; Maggie Read1.vcf

Please find attached the *Committee Order After Hearing on Applicant's Motion for Order Affirming Application of Jurisdictional Waiver*. A hard copy of this email and order will be delivered to your office.

*Maggie Read
California Energy Commission
Hearing Adviser's Office
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DOCKET	
09-AFC-9	
DATE	JUL 27 2011
RECD.	JUL 27 2011



**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**

IN THE MATTER OF:

RIDGECREST SOLAR POWER PROJECT

Docket No. 09-AFC-9

**COMMITTEE ORDER AFTER HEARING ON APPLICANT’S MOTION
FOR ORDER AFFIRMING APPLICATION OF JURISDICTIONAL
WAIVER**

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”) essentially seeks an advisory opinion 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 25502.3.¹

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 Committee respectfully requests that the Commission consider acting on its authority under Title 20 of the California Code of Regulations, section 1204(c), to withdraw the hearing and resolution of STA’s motion from the committee to allow consideration of the motion, including further briefing and oral argument if necessary, by the full Commission.

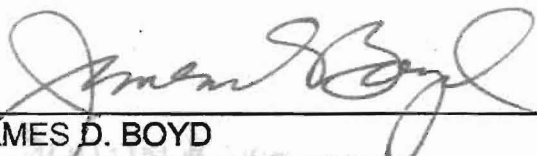
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¹ STA also renews its request for a suspension of the certification proceeding, which the Committee previously took under submission and will resolve separately from this motion.

The Committee will stay the resolution of the motion for thirty (30) days pending the Commission's consideration of this request. If the Commission has not acted pursuant to Section 1204(c) within that time, the Committee will deem the request denied and will issue a ruling on the motion thereafter.

It is so **ORDERED**.

Dated: July 28, 2011, at Sacramento, California



JAMES D. BOYD
Vice Chair and Presiding Member
Ridgecrest Solar AFC Committee



**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**

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

**Docket No. 09-AFC-9
PROOF OF SERVICE**

ENERGY COMMISSION COMMISSIONERS

JAMES D. BOYD
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Commissioner
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DECLARATION OF SERVICE

I, Maggie Read, declare that on, July 28, 2011, I served and filed copies of the attached E-mail from Maggie Read dated July 28, 2011 to Commissioners Boyd, Weisenmiller, Peterman and Douglas re: Committee Order After Hearing on Applicant's Motion for Order Affirming Application of Jurisdictional Waiver, in the following manner:

(Check all that Apply)

For service to all other parties:

- Served electronically to all email addresses on the Proof of Service list;
- Served by delivering on this date, either personally, or 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 Docket Unit at the Energy Commission:

- by sending an original paper copy and one electronic copy, mailed and emailed respectively, to the address below (preferred method);

OR

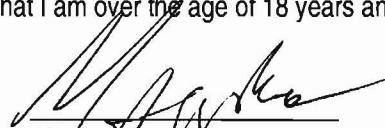
- by depositing in the mail an original and 12 paper copies, as follows:

CALIFORNIA ENERGY COMMISSION – DOCKET UNIT
Attn: Docket No. 08-AFC-9
1516 Ninth Street, MS-4
Sacramento, CA 95814-5512
docket@energy.state.ca.us

- Served by delivering on this date one electronic copy by email, and personal delivery of a hard copy to the Chief Counsel at the following address, either personally, or by depositing in the mail.

California Energy Commission
Michael J. Levy, Chief Counsel
1516 Ninth Street MS-14
Sacramento, CA 95814
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.



Maggie Read
Hearing Adviser's Office