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September 16, 2011

California Energy Commission  
Docket Unit  
Attn: Docket No. 09-AFC-9  
1516 Ninth Street, MS-4  
Sacramento, CA 95814-5512

<b>DOCKET</b>	
<b>09-AFC-9</b>	
DATE	SEP 16 2011
RECD.	SEP 16 2011

Subject: COUNTY OF RIVERSIDE'S COMMENT LETTER IN SUPPORT OF CALIFORNIA STATE ASSOCIATION OF COUNTIES' BRIEF OPPOSING MOTION FOR ORDER AFFIRMING APPLICATION OF JURISDICTIONAL WAIVER FOR THE RIDGECREST SOLAR POWER PROJECT (DOCKET NO. 09-AFC-9)

Dear Honorable Members of the Energy Commission:

As authorized by the Commission's order of August 24, 2011 (Order No. 11-0824-8), the County of Riverside respectfully submits this comment letter and joins in the arguments made by the California Association of Counties (CSAC) in its brief opposing Applicant's Motion for Order Affirming Application of Jurisdictional Waiver for the Ridgecrest Solar Power Project (Docket No. 09-AFC-9).

The County of Riverside strongly opposes Applicant's request for an order determining that a developer of a photovoltaic electrical generating facility has the discretion to voluntarily submit to the Commission's jurisdiction. The Commission was expressly created by the legislature to site and certify thermal powerplants and related electric transmission lines only. (Public Resources Code section 25500.) Photovoltaic facilities are specifically excluded from the Commission's jurisdiction. (Public Resources Code sections 25110 & 25120.) Jurisdiction over such facilities is instead exclusively vested in local land use authorities by their constitutionally conferred police powers.

If the Commission issues Applicant's requested order, Kern County may, at the election of the Applicant, be deprived of its constitutionally conferred police power to permit the Ridgecrest Solar Power Project. Moreover, as the Commission has recognized, issuance of the requested order would likely have far reaching effects. Other solar power plant developers may seek similar orders and other counties, including Riverside County, may, at the election of those developers, be deprived of their constitutionally conferred police power to permit photovoltaic facilities.

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California Energy Commission

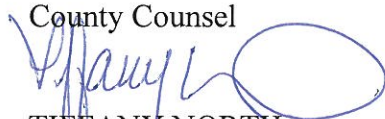
The County of Riverside respectfully requests that the Commission deny Applicant's Motion for Order Affirming Application of Jurisdictional Waiver for the Ridgecrest Solar Power Project. The County of Riverside further requests that it be added to the Proof of Service list as an Interested Agency for this Docket No. 09-AFC-9.

Thank you for your time and consideration. Should you have any questions concerning the County's position, please contact me at your convenience.

Sincerely,

PAMELA J. WALLS

County Counsel

A handwritten signature in blue ink, appearing to read 'Tiffany North', is written over the printed name and title of the Deputy County Counsel.

TIFFANY NORTH

Deputy County Counsel



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)**

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**DECLARATION OF SERVICE**

I, Maria Dusek, declare that on September 16, 2011, I served and filed copies of the attached COUNTY OF RIVERSIDE'S COMMENT LETTER IN SUPPORT OF CALIFORNIA STATE ASSOCIATION OF COUNTIES' BRIEF OPPOSING MOTION FOR ORDER AFFIRMING APPLICATION OF JURISDICTIONAL WAIVER FOR THE RIDGECREST SOLAR POWER PROJECT (DOCKET NO. 09-AFC-9) dated September 16, 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)

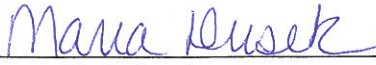
**CALIFORNIA ENERGY COMMISSION – CHIEF COUNSEL**  
 Michael J. Levy, Chief Counsel  
 1516 Ninth Street MS-14  
 Sacramento, CA 95814  
[mlevy@energy.state.ca.us](mailto:mlevy@energy.state.ca.us)

**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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[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.

  
\_\_\_\_\_

Maria Dusek

\*indicates change