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March 9, 2012

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

<b>DOCKET</b> 09-AFC-9
DATE <u>MAR 09 2012</u>
RECD. <u>MAR 16 2012</u>

Dear Chairman Weisenmiller and Members of the California Energy Commission (CEC),

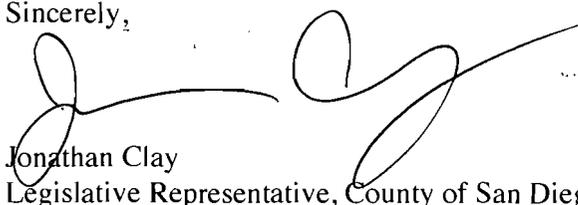
The County of San Diego opposes the policy direction contained in the Ridgecrest Solar Power Project (Docket No. 09-AFC-9) regarding jurisdictional authority.

The County joins along with other local government entities in opposing the order determining that a developer of a photovoltaic electrical generating facility has the ability to choose the jurisdiction under which the project will be subject to approval. This policy direction would remove local control and decision-making authority over projects that have significant impacts to local land use. The approval of such projects should rightfully reside with the local government that has land use authority over the proposed project.

As raised by other concerned entities, the concept that the Commission could exert authority over photovoltaic facilities is questionable - the Legislature expressly created the Commission to site and certify thermal power plants and related electric transmission lines only (Photovoltaic facilities are specifically excluded from the Commission's jurisdiction as per Public Resources Code section 25110 & 25120). The County of San Diego believes that such a significant change in policy regarding the siting and approval process over non-CEC jurisdiction power plants should be considered separate from the motion for approval of the Ridgecrest Solar Power Project. Such a significant proposed change to jurisdiction authority should be considered in a separate, deliberate policy process involving the CEC, other state agencies involved in the siting process, local jurisdictions that have land use authority, and the California Legislature that originally set the parameters for the CEC's authority.

For these reasons, the County of San Diego opposes approval of the policy direction contained in the Ridgecrest Solar Power Project. The County of San Diego would also like to be included as an interested agency so that the County could be kept apprised of further developments as it relates to the development of policies regarding the jurisdictional authority of the CEC related to power plant siting.

Sincerely,



Jonathan Clay  
Legislative Representative, County of San Diego