

# ELLISON, SCHNEIDER & HARRIS L.L.P.

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November 7, 2011

<b>DOCKET</b>	
<b>11-AFC-2</b>	
DATE	<u>NOV 07 2011</u>
RECD.	<u>NOV 07 2011</u>

Commissioner Karen Douglas, Presiding Member  
Commissioner Carla Peterman, Associate Member  
Hidden Hills Solar Electric Generating System (11-AFC-2)  
California Energy Commission  
1516 Ninth Street  
Sacramento, CA 95814

Re: Hidden Hills Solar Electric Generating System (11-AFC-2): Notice Pursuant to  
20 C.C.R. § 1716(f): CEC Staff Data Request, Round 1A, Request 33.

Dear Commissioners Douglas and Peterman:

Hidden Hills Solar I, LLC and Hidden Hills Solar II, LLC (the "Applicant") hereby files this notice as required by Section 1716(f) of the Commission's regulations.

Section 1716 of the Commission's regulations (Cal. Code Regs., tit. 20 § 1716) allows parties to request from an Applicant "information which is reasonably available to the Applicant which is relevant to the application proceedings or reasonably necessary to make any decision on the ...application."

Staff's Data Request 33, dated October 17, 2011, asks the Applicant to do the following:

"Please provide a new KOP-8, in the Nopah Wilderness Range, after receiving comments from the Pahrump and Las Vegas Paiute Tribal officials and after consultation with Energy Commission Staff. The view may or may not be similar to the view previously identified by CH2MHill as VP6. The view from the Nopah Wilderness Range is intended to represent the Native Americans' visual area of concern looking toward the project site. Please provide a photograph of existing conditions and a visual simulation of the project from this KOP."

While the Applicant has already provided photo simulations from seven key observation points ("KOPs"), including KOP 5, which provides a viewpoint similar to that requested by Staff, and while the time and expense of preparing the simulation is significant, the Applicant

does not object to providing an additional simulation representing a visual area of concern to Native Americans. The Applicant agrees to provide a simulation if the following conditions can be met:

- (1) If the Applicant is permitted to directly confer with Pahrump and Las Vegas Paiute tribal officials and the Staff regarding the selection of the KOP;
- (2) If a KOP can be identified that is mutually agreeable to the Pahrump tribal officials, Las Vegas tribal officials, Staff and the Applicant; and
- (3) If the selected KOP meets the Commission's established criteria as a location which provides a representative view that would be experienced by the general viewing public, or in this instance, a representative view from a location that is actually experienced by Native Americans who live nearby or visit the project area. KOPs are photographs of "key" locations within the project area that are highly visible to the public — for example, travel routes, recreational and residential areas that are actually traveled or utilized by a significant number of people.

The Applicant has no objection to providing an additional KOP that satisfies these criteria. If these criteria are not acceptable to the Staff or the parties with whom the Applicant will consult, then the requested information is not reasonably available to the Applicant and the Applicant would reluctantly object to Staff Data Request 33.

Respectfully submitted,

ELLISON, SCHNEIDER & HARRIS L.L.P.

By 

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STATE OF CALIFORNIA

Energy Resources Conservation  
and Development Commission

Application for Certification for the HIDDEN )  
HILLS SOLAR ELECTRIC GENERATING ) Docket No. 11-AFC-2  
SYSTEM PROJECT )  
\_\_\_\_\_ )

**PROOF OF SERVICE**

I, Karen A. Mitchell, declare that on November 7, 2011, I served the attached *Notice Pursuant to 20 C.C.R. § 1716(f): CEC Staff Data Request, Round 1A, Request 33* via electronic and U.S. mail to all parties on the attached service list.

I declare under the penalty of perjury that the foregoing is true and correct.



\_\_\_\_\_  
Karen A. Mitchell

**SERVICE LIST  
11-AFC-2**

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