



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)

California Energy Commission

**DOCKETED**  
**11-AFC-2**

TN # 68707

NOV. 29 2012

***APPLICATION FOR CERTIFICATION FOR THE  
HIDDEN HILLS SOLAR ELECTRIC  
GENERATING SYSTEM***

**Docket No. 11-AFC-02**

**ORDER RE: INTERVENOR, CINDY R. MACDONALD'S  
MOTION TO TERMINATE APPLICATION FOR CERTIFICATION  
FOR THE HIDDEN HILLS SOLAR ELECTRIC GENERATING SYSTEM**

**Introduction and Summary**

On November 26, 2012, the Committee designated to conduct proceedings on the above-captioned Application for Certification (AFC) received Intervenor Cindy R. Macdonald's Motion to Terminate Application for Certification for the Hidden Hills Solar Electric Generating System (hereinafter "HHSEGS").

The Motion seeks an Order terminating the AFC for the HHSEGS project after a hearing in the vicinity of the project site based on the following allegations:

1. The AFC misrepresents that the Applicant has obtained rights for the entire HHSEGS site.
2. The AFC contains materially false statements regarding the untested and experimental nature of the proprietary software and heliostat/mirror system.
3. The AFC willfully omits disclosure of risks of malfunction associated with the heliostat/mirror washing technology and systems.
4. The comments submitted by Nicholas T. Gabler fail to disclose his business association with Applicant.

**Discussion and Analysis**

We commend Intervenor, Cindy R. MacDonald for raising the points in her motion, which clearly demonstrate her commitment to the integrity of the AFC process. However, Public Resources Code § 25534, which is the statute she relies upon as the

procedural vehicle for her motion applies to post-certification of a facility. At this time we are still in the pre-hearing stage of the AFC process and we must defer consideration of questions of fact until they can be tested openly and fairly in an evidentiary hearing. Whether the issues raised in the motion will affect the weight or admissibility of evidence is a matter to be determined by the Committee at the evidentiary hearing. As an intervenor, Ms. MacDonald will have the opportunity to raise these issues, examine witnesses and offer supporting evidence at the evidentiary hearing, and we encourage her to do so. However, we find that relief requested is premature at this time.

At the most recent Status Conference on November 15, 2012, facts came to light that the Final Staff Assessment (FSA) will likely publish in mid-December 2012 which is in the next few weeks (11/15/12 RT 12:12 – 14:2, 16: 6-11). The evidentiary hearings will commence relatively soon thereafter; usually within about ten weeks from the FSA publication. Therefore, the issues raised in the motion can be heard in the near future without prejudice to the movant.

### **Conclusion**

The Motion to Terminate the Application for Certification for the Hidden Hills Solar Electric Generating System is **DENIED** without prejudice.

Dated: November 29, 2012, at Sacramento, California.

*Original Signed By:* \_\_\_\_\_

KAREN DOUGLAS  
Commissioner and Presiding Member  
HHSEGS AFC Committee

*Original Signed By:* \_\_\_\_\_

CARLA PETERMAN  
Commissioner and Associate Member  
HHSEGS 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  
HIDDEN HILLS SOLAR ELECTRIC  
GENERATING SYSTEM**

**Docket No. 11-AFC-02**

**PROOF OF SERVICE  
(Revised 9/20/12)**

**APPLICANT**

BrightSource Energy  
Stephen Wiley  
Michelle L. Farley  
Bradley Brownlow  
1999 Harrison Street, Suite 2150  
Oakland, CA 94612-3500  
[swiley@brightsourceenergy.com](mailto:swiley@brightsourceenergy.com)  
[mfarley@brightsourceenergy.com](mailto:mfarley@brightsourceenergy.com)  
[bbrownlow@brightsourceenergy.com](mailto:bbrownlow@brightsourceenergy.com)

BrightSource Energy  
Clay Jensen  
Gary Kazio  
410 South Rampart Blvd., Suite 390  
Las Vegas, NV 89145  
[cjensen@brightsourceenergy.com](mailto:cjensen@brightsourceenergy.com)  
[gkazio@brightsourceenergy.com](mailto:gkazio@brightsourceenergy.com)

**APPLICANTS' CONSULTANTS**

Strachan Consulting, LLC  
Susan Strachan  
P.O. Box 1049  
Davis, CA 95617  
[susan@strachanconsult.com](mailto:susan@strachanconsult.com)

CH2MHill  
John Carrier  
2485 Natomas Park Drive, Suite 600  
Sacramento, CA 95833-2987  
[jcarrier@ch2m.com](mailto:jcarrier@ch2m.com)

**COUNSEL FOR APPLICANT**

Ellison, Schneider and Harris, LLP  
Chris Ellison  
Jeff Harris  
Samantha Pottenger  
2600 Capitol Avenue, Suite 400  
Sacramento, CA 95816-5905  
[cte@eslawfirm.com](mailto:cte@eslawfirm.com)  
[jdh@eslawfirm.com](mailto:jdh@eslawfirm.com)  
[sgp@eslawfirm.com](mailto:sgp@eslawfirm.com)

**INTERVENORS**

Jon William Zellhoefer  
P.O. Box 34  
Tecopa, CA 92389  
[jon@zellhoefer.info](mailto:jon@zellhoefer.info)

Center for Biological Diversity  
Lisa T. Belenky, Sr. Attorney  
351 California Street, Suite 600  
San Francisco, CA 94104  
[lbelenky@biologicaldiversity.org](mailto:lbelenky@biologicaldiversity.org)

Center for Biological Diversity  
Ileene Anderson, Public Lands  
Desert Director  
PMB 447  
8033 Sunset Boulevard  
Los Angeles, CA 90046  
[ianderson@biologicaldiversity.org](mailto:ianderson@biologicaldiversity.org)

Old Spanish Trail Association  
Jack Prichett  
857 Nowita Place  
Venice, CA 90291  
[jackprichett@ca.rr.com](mailto:jackprichett@ca.rr.com)

**INTERVENORS (con't.)**

Cindy R. MacDonald  
3605 Silver Sand Court  
N. Las Vegas, NV 89032  
[sacredintent@centurylink.net](mailto:sacredintent@centurylink.net)

Richard Arnold  
P.O. Box 3411  
Pahrump, NV 89041  
[rwarnold@hotmail.com](mailto:rwarnold@hotmail.com)

**INTERESTED AGENCIES**

California ISO  
[e-recipient@caiso.com](mailto:e-recipient@caiso.com)

Great Basin Unified APCD  
Duane Ono  
Deputy Air Pollution Control Officer  
157 Short Street  
Bishop, CA 93514  
[dono@gbuapcd.org](mailto:dono@gbuapcd.org)

County of Inyo  
Dana Crom  
Deputy County Counsel  
P.O. Box M  
Independence, CA 93526  
[dcrom@inyocounty.us](mailto:dcrom@inyocounty.us)

Nye County  
Lorinda A. Wichman, Chairman  
Board of County Supervisors  
P.O. Box 153  
Tonopah, NV 89049  
[lawichman@gmail.com](mailto:lawichman@gmail.com)

**INTERESTED AGENCIES (con't.)**

Nye County Water District  
L. Darrel Lacy  
Interim General Manager  
2101 E. Calvada Boulevard  
Suite 100  
Pahrump, NV 89048  
[llacy@co.nye.nv.us](mailto:llacy@co.nye.nv.us)

National Park Service  
Michael L. Elliott  
Cultural Resources Specialist  
National Trails  
Intermountain Region  
P.O. Box 728  
Santa Fe, NM 87504-0728  
[Michael\\_Elliott@nps.gov](mailto:Michael_Elliott@nps.gov)

Southern Inyo  
Fire Protection District  
Larry Levy, Fire Chief  
P.O. Box 51  
Tecopa, CA 92389  
[sifpd@yahoo.com](mailto:sifpd@yahoo.com)

**ENERGY COMMISSION –  
DECISIONMAKERS**

KAREN DOUGLAS  
Commissioner and Presiding Member  
[karen.douglas@energy.ca.gov](mailto:karen.douglas@energy.ca.gov)

CARLA PETERMAN  
Commissioner and Associate Member  
[carla.peterman@energy.ca.gov](mailto:carla.peterman@energy.ca.gov)

Ken Celli  
Hearing Adviser  
[ken.cell@energy.ca.gov](mailto:ken.cell@energy.ca.gov)

Eileen Allen  
Commissioners' Technical  
Advisor for Facility Siting  
[eileen.allen@energy.ca.gov](mailto:eileen.allen@energy.ca.gov)

Galen Lemei  
Advisor to Presiding Member  
[galen.lemei@energy.ca.gov](mailto:galen.lemei@energy.ca.gov)

Jennifer Nelson  
Advisor to Presiding Member  
[jennifer.nelson@energy.ca.gov](mailto:jennifer.nelson@energy.ca.gov)

Jim Bartridge  
Advisor to Associate Member  
[jim.bartridge@energy.ca.gov](mailto:jim.bartridge@energy.ca.gov)

**ENERGY COMMISSION –  
STAFF**

Mike Monasmith  
Senior Project Manager  
[mike.monasmith@energy.ca.gov](mailto:mike.monasmith@energy.ca.gov)

Richard Ratliff  
Staff Counsel IV  
[dick.ratliff@energy.ca.gov](mailto:dick.ratliff@energy.ca.gov)

Kerry Willis  
Staff Counsel  
[kerry.willis@energy.ca.gov](mailto:kerry.willis@energy.ca.gov)

**ENERGY COMMISSION –  
PUBLIC ADVISER**

Jennifer Jennings  
Public Adviser's Office  
[publicadviser@energy.ca.gov](mailto:publicadviser@energy.ca.gov)

## DECLARATION OF SERVICE

I, RoseMary Avalos, declare that on November 29, 2012, I served and filed copies of the attached ORDER RE: INTERVENOR, CINDY R. MACDONALD'S MOTION TO TERMINATE APPLICATION FOR CERTIFICATION FOR THE HIDDEN HILLS SOLAR ELECTRIC GENERATING SYSTEM, dated November 29, 2012. This document is accompanied by the most recent Proof of Service list, located on the web page for this project at: [www.energy.ca.gov/sitingcases/hiddenhills/index.html](http://www.energy.ca.gov/sitingcases/hiddenhills/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 marked **"hard copy required"** or where no e-mail address is provided.

**AND**

For filing with the Docket Unit at the Energy Commission:

- by sending an electronic copy to the e-mail 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. 11-AFC-02  
1516 Ninth Street, MS-4  
Sacramento, CA 95814-5512  
[docket@energy.ca.gov](mailto:docket@energy.ca.gov)

**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<sup>1</sup> 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  
1516 Ninth Street MS-14  
Sacramento, CA 95814  
[michael.levy@energy.ca.gov](mailto:michael.levy@energy.ca.gov)

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.

Original Signed By:

RoseMary Avalos  
Hearing Advisers Office

---

<sup>1</sup> This Proof of Service form is not appropriate for the use when filing a document with the Chief Counsel under Title 20, sections 1231 (Complaint and Request for Investigation) or 2506 (Petition for Inspection or Copying of Confidential Records). The Public Advisor can answer any questions related to filing under these sections.