



**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**

California Energy Commission

**DOCKETED**

**11-AFC-2**

**TN # 67061**

**SEP 10 2012**

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

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

### **ORDER GRANTING TIME EXTENSION**

On August 31, 2012, the Committee designated to conduct proceedings on the above-captioned Application for Certification (AFC) received Applicant's Motion In Limine For A Committee Ruling To Ensure The Final Staff Assessment Conforms To Substantive Requirements Of The California Environmental Quality Act ("CEQA").

On September 5, 2012, the Committee received from Intervenor, Center for Biological Diversity (CBD), a Request For Briefing Schedule And To Provide Additional Time To Respond To Applicant's Motion seeking an additional week to respond to Applicant's Motion In Limine.

Also, on September 5, 2012, the Committee received from Intervenor, Cindy R. MacDonald, a Motion To Extend Party Response Time To Applicant's "Motion In Limine" seeking an additional five weeks to respond to Applicant's Motion In Limine.

On September 7, 2012, Applicant submitted a Response to Requests for Additional time. Applicant objected to an extension beyond the timelines specified in Title 20, section 1716.5, but was willing to agree to a four day extension as requested by CBD.

Intervenor, Center for Biological Diversity, states as good cause that it requires additional time to prepare its response due to the timing of the filing of Applicant's Motion In Limine; the volume and complexity of the Motion and the issues contained therein; the unavailability of counsel and technical staff; the absence of prejudice to the Applicant and the obviation of the need for hearings.

Intervenor, Cindy R. MacDonald, states as good cause that the Applicant is acting in its self-interest by forcing other parties to respond within the regulatory timeframes of 15 days; that the complexity of the issues and volume of evidence are overwhelming to the average citizen; and that since the Applicant was willing to extend the hearing schedule by five weeks for the publication of the Final Staff Assessment (FSA), then she should

likewise be allowed to receive a five- to nine-week delay to respond to the Motion In Limine.

While the Committee is interested in the expeditious handling of this AFC process, the risk of delay is primarily to Applicant's disadvantage, rather than to other parties. Furthermore, Applicant's request for a delay in the publication of the FSA has certainly given the other parties more of an opportunity to understand both the data being submitted into the record and the Energy Commission's regulatory scheme. Intervenor, MacDonald did not state any hardship that she suffered as a result of the delay in the publication of the FSA that would entitle her to a reciprocal extension of time.

The timeframes in our regulatory scheme are presumptively reasonable. Nevertheless, we see no prejudice to the Applicant in allowing a reasonable extension of time to respond to the Motion In Limine in light of the concerns expressed by both Intervenor regarding the complexity of the legal issues contained in the Applicant's Motion In Limine and the need for a thorough briefing of the issues. To be clear, this Motion has no bearing whatsoever on the schedule for this AFC.

The Committee therefore **GRANTS** Intervenor's request for an extension. All reply briefs in response to Applicant's Motion In Limine must be filed by the parties no later than **5:00 pm on Monday, September 24, 2012**. There will be no rebuttal briefs and no hearing on the Motion. The Committee's Order on the Motion In Limine will be due October 1, 2012.

Dated: September 10, 2012, at Sacramento, California.

***Original Signed By:***

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KAREN DOUGLAS  
Commissioner and Presiding Member  
HHSEGS AFC Committee

***Original Signed By:***

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CARLA PETERMAN  
Commissioner and Associate Member  
HHSEGS AFC Committee



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Docket No. 11-AFC-02

**PROOF OF SERVICE  
(Revised 8/27/12)**

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DECLARATION OF SERVICE

I Jacqueline Clay, declare that on September 10, 2012, I served and filed copies of the attached ORDER GRANTING TIME EXTENSION, dated September 10, 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)*

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- Served electronically to all e-mail addresses on the Proof of Service list;
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**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:

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**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:

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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:**

Jacqueline Clay  
Hearing Advisers Office