

DOCKETED

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Filer:	Kevin Emmerich
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STATE OF CALIFORNIA
Energy Resources Conservation
and Development Commission

In the Matter of:

APPLICATION FOR CERTIFICATION) DOCKET NO. 09-AFC-7C
FOR THE PALEN SOLAR POWER)
PROJECT)
_____)

**OPPOSITION TO SECOND PETITION FOR EXTENSION OF DEADLINE FOR
COMMENCEMENT OF CONSTRUCTION, INTERVENER BASIN AND RANGE WATCH**

January 5th, 2016

Laura Cunningham
Kevin Emmerich
Basin and Range Watch
PO Box70,
Beatty, NV, 89003
Phone: 775-553-2806
atomictoadranch@netzero.net
bluerockiguana@hughes.net

Opposition to Second Petition to Extend

Basin and Range Watch opposes the Palen SEGS I, LLC, (now a new owner - Maverick Solar LLC) Petition to Extend the Construction Deadline by one year.

The latest petition fails to comply with the California Energy Commission rules section 1720.3. Palen SEGS 1 LLC did not meet the 5 year construction deadline. Palen SEGS LLC/Maverick Solar did not submit a new Petition to Amend the project by the deadline - [December 22nd, 2015](#). Since the 2010 decision by the commission has expired, it should be noted that 1720.3 states that an extension can only be granted before this deadline. Since no petition for amendment was filed by [December 22, 2015](#), the permit expired as of [December 15, 2015](#) under the terms of the Commission's Order.

We do not believe there is "good cause" to extend the petition due to outdated biological and cultural surveys. We do not believe that there is "efficient use" based on older surveys. A photovoltaic project is very different from a parabolic trough project and can have different impacts on biological, cultural and visual resources. We do not believe that the bankruptcy of Abengoa shows good cause from a public perspective. Failing to amend the petition also neglects the goals of including public participation for the California Environmental Quality Act (CEQA) which are to "inform the public and responsible officials of the environmental consequences of their decision before they are made."

Furthermore, there is still no Bureau of Land Management (BLM) NEPA approval of any of the Palen Solar Project proposals since 2010. The CEC should be working more closely with the BLM.

A new amendment will also better address the cumulative scenario of large-scale solar in the region. It is within a Solar Energy Zone and several other very large projects have either been completed or are in planning and under construction. If anything, all environmental review needs more details, not streamlining.

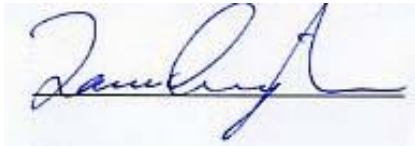
We do not believe the Commission should be taking jurisdiction over photovoltaic projects. The CEC's own legislative history prevents them from taking authority over wind energy, hydroelectric or photovoltaic facilities. This contradicts the Warren-Alquist Act. The CEC is limited to jurisdiction over thermal facilities with a generating capacity of 50 or more megawatts. As it stands now, all CEC review for the Palen Solar Project is for parabolic trough and power towers and there are clearly no intentions to construct the permitted projects as is.

In conclusion, Basin and Range Watch believes that the Petition to Extend the Construction Deadline by one year should be rejected due to the fact that the petition does not comply with CEC regulations.

Sincerely,

Laura Cunningham
Kevin Emmerich

Basin and Range Watch
PO Box 70,
Beatty, NV, 89003
Phone: 775-553-2806
atomicoadranch@netzero.net
bluerockiguana@hughes.net

A handwritten signature in blue ink, appearing to read "Paul King", written over a horizontal line.A handwritten signature in blue ink, appearing to read "Kevin Smith".