

DOCKETED

Docket Number:	09-AFC-07C
Project Title:	Palen Solar Power Project - Compliance
TN #:	207270
Document Title:	Notice of Energy Commission Hearing on Petition for Ownership Transfer from Palen SEGS I, LLC to Maverick Solar, LLC & Petitions
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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

In the Matter of the
PALEN SOLAR POWER PROJECT

Docket No. 09-AFC-07C

NOTICE OF ENERGY COMMISSION HEARING ON PETITION FOR OWNERSHIP TRANSFER FROM PALEN SEGS I, LLC, TO MAVERICK SOLAR, LLC AND PETITIONS FOR EXTENSION OF DEADLINE FOR COMMENCEMENT OF CONSTRUCTION FOR THE PALEN SOLAR POWER PROJECT, POSSIBLE ASSIGNMENT OF COMMITTEE AND FURTHER ORDERS

PLEASE TAKE NOTICE that the California Energy Commission (Energy Commission) will consider and may rule on the Petition for Ownership Transfer from Palen SEGS I, LLC, to Maverick Solar, LLC and the Petitions for Extension of Deadline for Commencement of Construction for the Palen Solar Power Project (PSPP), and/or may appoint a Committee to conduct further proceedings during an Energy Commission business meeting on:

**Wednesday, February 10, 2016
Beginning at 10:00 a.m.**

**California Energy Commission
Art Rosenfeld Room
1516 Ninth Street
Sacramento, CA 95814
(See map below)**

Background

On September 16, 2015, the Energy Commission adopted an Order Granting Extension of Time to Construct. The Order granted the Project Owner's, Palen SEGS I, LLC, Petition to Extend the Time to Construct the Palen Solar Power Plant from December 15, 2015 to December 16, 2016 (TN 206118) and allowed them to file a project amendment to include solar trough generating technology and energy storage

capabilities. The Order specified, “If the petition for amendment is not received by 5:00 p.m. on December 22, 2015, this order is automatically rescinded and the permit for the PSPP shall be deemed to have expired as of December 15, 2015.”

On December 15, 2015, the project owner filed a Petition to Transfer Ownership to Maverick Solar, LLC (TN 207034). The Petition included a request for a 12 month extension of the start of construction date to December 15, 2016 pursuant to Public Resources Code (PRC) § 25534(j).

Also on December 15, 2015, the project owner filed a Declaration signed by Cliff Graham, Vice President of EDF Renewable Energy, the managing member of Maverick Solar, LLC, stating that Palen SEGS I, LLC agreed to transfer ownership of Solar Power Project to Maverick, “subject to approval by the United States Bankruptcy Court for the District of Delaware” (TN 207035).

On December 22, 2015, Palen SEGS I, LLC filed a Petition for Extension of Deadline for Commencement of Construction (TN 207099) requesting an extension of the deadline for the commencement of construction of the PSPP to June 15, 2017, conditioned upon the new owner (Maverick) filing a petition to amend the PSPP by June 15, 2016. This Petition cites Title 20 of the California Code of Regulations §1720.3 as well as PRC § 25534(j) in support of the request to extend the construction deadline. The Petition further states that “Maverick intends to file with the Commission a petition to convert the Project from solar parabolic trough technology to solar photovoltaic (PV) technology under Section 25502.3 of the Warren-Alquist Act. Section 25502.3 allows the proponent of a PV electrical generating facility to voluntarily submit to the Commission’s exclusive certification jurisdiction.”

The Energy Commission will address the questions of ownership change as well as the requested extensions to commence construction and decide whether to appoint a Committee to consider these and other matters at the hearing.

ORDERS

The Petitioner is ordered to file a response to the following questions by noon January 22, 2016.

- 1.) Did the existing Palen license expire on December 15 when no petition to amend was filed by December 22, 2015?
- 2.) If not, explain why a petition for extension of a construction deadline should be deemed to meet the requirement for a petition to amend.
- 3.) If the license has expired, what legal authority allows the Commission to revive the certificate and extend the construction commencement deadline?
- 4.) Who was the project owner of the PSPP on December 22, 2015?

- 5.) Who is the project owner of the PSPP today?
- 6.) If the license held by Palen SEGS I, LLC will be sold, identify by when, and to whom, it be sold.
- 7.) Explain how, if at all, bankruptcy proceedings mentioned in the petitions (i.e. the bankruptcy stay) affect orders from the California Energy Commission.
- 8.) Explain the relevance of PRC § 25534(j) to the license for this project, including whether it applies to projects not subject to PRC § 25534(a)(4).
- 9.) If the new project owner seeks to waive the jurisdictional exclusion of PV, does PRC 25502.3 require the project be required to proceed with a Notice of Intention?
- 10.) If the Commission must process a Notice of Intention, how would the project owner be able to commence construction by June 15, 2017?

Interested persons and members of the public are encouraged to file replies or comments on the Petitioner's filings by noon on Wednesday, February 3, 2016.

Participating by Telephone at a Business Meeting

To participate by telephone, please call toll free (888) 823-5065 on February 10, 2016 after 10:01 a.m. (PST). The pass code for the meeting is "Business Meeting" and the call leader is Jerome Lee. If you plan to speak on a specific item, please give the operator the item number. The item number may be found on the Business Meeting agenda. The Agenda for the February 10, 2016, business meeting is generally available ten days before the meeting at: http://www.energy.ca.gov/business_meetings/index.html

To avoid occasional technical problems with the Commission's telephone link, the Commission recommends that a written comment also be submitted either by facsimile or e-mail to the Public Adviser by 5:00 p.m. three days before the scheduled business meeting. Fax (916) 654-4493 or e-mail publicadvisor@energy.ca.gov.

The Business Meeting is broadcast via WebEx, the Energy Commission's on-line meeting service. To listen to the meeting and view any presentations, please paste the following link into your browser:

<https://energy.webex.com/energy/onstage/g.php?t=a&d=920379738>

You may also go to <https://energy.webex.com/ec> and enter Meeting Number **920 379 738**. The meeting password is **mtg@10am**.

If you wish to speak to the Commission regarding this or any other item on the agenda, use (888) 823-5065, as described above. The WebEx broadcast is listen-only. To both view the presentations on your computer and speak to the Commissioners, log in to the WebEx meeting but call the 888 number instead of joining the WebEx audio broadcast.

Contact Information

The Energy Commission's Public Adviser's Office is available to provide the public with an understanding of the proceedings and to make recommendations for meaningful participation. For assistance, contact Alana Mathews, Public Adviser, at (916) 654-4489 or (800) 822-6228, or by e-mail at publicadviser@energy.ca.gov.

If you have a disability and need assistance to participate in this event, contact Lourdes Quiroz at (916) 654-5146 or by e-mail at lou.quiroz@energy.ca.gov.

Questions of a legal or procedural nature should be directed to Kenneth Celli, Hearing Officer, at (916) 651-8893 or by e-mail at ken.celli@energy.ca.gov.

Technical questions about the project should be addressed to Lon Payne, Staff Project Manager, at (916) 654-3882, or by e-mail at leonidas.payne@energy.ca.gov.

Media inquiries should be directed to the Media and Public Communications Office at (916) 654-4989, or by e-mail at mediaoffica@energy.ca.gov.

Information regarding the status of the project, as well as notices and other relevant documents pertaining to this hearing, may be viewed on the Energy Commission's Internet web page at:

<http://www.energy.ca.gov/sitingcases/palen/index.html>

Dated: January 11, 2016, at Sacramento, California.

Original signed by

ROBERT B. WEISENMILLER
Chair of the California Energy Commission

Sent to mailing list numbers: 7373

**California Energy Commission
Art Rosenfeld Room
1516 Ninth Street
Sacramento, CA 95814
(Wheelchair Accessible)**

