

CALIFORNIA ENERGY COMMISSION

1516 NINTH STREET
SACRAMENTO, CA 95814-5512
www.energy.ca.gov



November 24, 2010

Docket No: 08-AFC-13

DOCKET

8-AFC-13

DATE NOV 24 2010

RECD. NOV 24 2010

To the parties to the Calico Solar Project proceeding and members of the public:

On November 11, 2010, California Unions for Reliable Energy (“CURE”, an intervenor in the proceeding) and Mr. William Perez wrote a letter to the Energy Commission concerning the Notice of Decision (“NOD”) and the effective date of the final decision (“the CURE Letter”).

The Energy Commission treated the CURE letter as a petition for reconsideration of the effective date of the final decision. On December 1, 2010, the Energy Commission will decide whether to grant or deny CURE’s petition for reconsideration of the effective date of the final decision. The Energy Commission may also order, on its own motion, reconsideration of the effective date.

If the Energy Commission grants the petition for reconsideration of the effective date of the final decision, or if it orders, on its own motion, reconsideration of the effective date of the final decision, the Energy Commission will consider the enclosed draft order at the hearing immediately following the grant or motion for reconsideration on December 1st.

DRAFT ORDER

11-24-10

CALIFORNIA ENERGY COMMISSION

Application for Certification for the)
Calico Solar Project)
(formerly SES Solar I))
_____)

Docket No. 08-AFC-13

**COMMISSION'S ORDERS ON (1) FILING OF NOTICE OF DECISION
AND (2) RECONSIDERATION OF EFFECTIVE DATE OF DECISION**

The Energy Commission approved the Calico Solar Project on October 28, 2010; the order approving the project states that “[t]his Decision is adopted, issued, effective, and final on October 28, 2010.” The Notice of Decision (“NOD”) required by the California Environmental Quality Act (“CEQA”) was filed on November 3, 2010. The complete final decision for the project was docketed and made publicly available on November 12, 2010.

On November 11, 2010, California Unions for Reliable Energy (“CURE”, an intervenor in the proceeding) and Mr. William Perez wrote a letter to the Commission concerning the NOD and the effective date of the decision (“the CURE Letter”).

The Commission treated the CURE letter as a petition for reconsideration of the effective date of the Final Decision. On December 1, 2010, the Commission found that the CURE Letter presented new evidence that could not have been produced during evidentiary hearings on the case despite CURE’s due diligence: i.e., the circumstances of the filing of the NOD and the public availability of the Final Decision. The Commission thus granted CURE’s petition for reconsideration; the Commission also ordered, on its own motion, reconsideration of the effective date.

The Commission held a subsequent hearing, also on December 1, 2010, to decide whether to change the effective date of the Final Decision.

Pursuant to the authority granted by the Warren-Alquist Act and the Commission’s regulations, and for good cause shown, the Commission makes the following orders. (See Pub. Resources Code, §§ 25218, 25530; Cal. Code Regs., tit. 20, §§ 1720, 1720.4, 1768.)

DRAFT ORDER

11-24-10

1. The Final Decision is adopted, issued, effective, and final today, December 1, 2010.
2. The Chief Hearing Advisor shall (a) amend the Final Decision to state the December 1st effective date, (b) docket this Order, and (c) publicly notice the December 1st effective date on the Commission's website.
3. The stay ordered by the Chairman on November 19, 2010, is hereby vacated.
4. The Executive Director shall re-file the Notice of Decision today, December 1, 2010.
5. Nothing in this document or in actions related thereto should be considered as implying or stating agreement with any factual or legal argument in the CURE Letter, or as an interpretation of any statute or regulation pertaining to effective dates, NODs, statutes of limitation, or similar matters.

December 1, 2010

KAREN DOUGLAS
Chairman

JAMES D. BOYD
Vice Chair

JEFFREY D. BYRON
Commissioner

ANTHONY EGGERT
Commissioner

ROBERT B. WEISENMILLER
Commissioner



**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 CALICO SOLAR (Formerly SES Solar One)

Docket No. 08-AFC-13

PROOF OF SERVICE
(Revised 11/15/10)

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DECLARATION OF SERVICE

I, **Rhea Moyer**, declare that on November 24, 2010, I served and filed copies of the attached **Cover sheet dated 11/24/10; Draft Order of California Energy Commission's Order on (1) Filing of Notice of Decision and (2) Reconsideration of Effective Date of Decision** dated, November 24, 2010. The original document, filed with the Docket Unit, is accompanied by a copy of the most recent Proof of Service list, located on the web page for this project at: [www.energy.ca.gov/sitingcases/solarone].

The documents have been sent to both the other parties in this proceeding (as shown on the Proof of Service list) and to the Commission's Docket Unit, in the following manner:

(Check all that Apply)

FOR SERVICE TO ALL OTHER PARTIES:

- sent electronically to all email addresses on the Proof of Service list;
 by personal delivery;
 by delivering on this date, for mailing with the United States 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 **NOT** marked "email preferred."

AND

FOR FILING WITH THE ENERGY COMMISSION:

- sending an original paper copy and one electronic copy, mailed and emailed respectively, to the address below (**preferred method**);

OR

- depositing in the mail an original and 12 paper copies, as follows:

CALIFORNIA ENERGY COMMISSION

Attn: Docket No. 08-AFC-13
1516 Ninth Street, MS-4
Sacramento, CA 95814-5512
docket@energy.state.ca.us

I declare under penalty of perjury 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.



RHEA MOYER