

DOCKETED

Docket Number:	11-AFC-02
Project Title:	Hidden Hills Solar Electric Generating Station
TN #:	202114
Document Title:	Extend Response to HHSEGS Suspension
Description:	N/A
Filer:	Richard Arnold
Organization:	Intervenor/ Richard Arnold
Submitter Role:	Intervenor
Submission Date:	4/18/2014 2:20:53 PM
Docketed Date:	4/18/2014

DOCKET NUMBER: 11-AFC-02

TN#:

PROJECT TITLE: HIDDEN HILLS SOLAR ELECTRIC GENERATING
STATION (HHSEGS)

DOCUMENT TITLE: INTERVENOR RESPONSE TO MEMORANDUM
RE: HHSEGS REQUEST TO EXTEND
SUSPENSION

FILER: RICHARD ARNOLD

SUBMITTER ROLE: INTERVENOR

SUBMISSION DATE: 4/17/2014

STATE OF CALIFORNIA
ENERGY RESOURCES CONSERVATION
AND
DEVELOPMENT COMMISSION

**TO: All interested parties in the Hidden Hills Solar Electric
Generating System (11-AFC-02)**

FROM: Richard Arnold, Intervenor

**SUBJECT: Response to Applicant's Request for an
Additional One-Year Suspension**

SUMMARY

BrightSource, Energy, Inc., through its subsidiaries, Hidden Hills Solar I, LLC, and Hidden Hills Solar II, LLC, hereinafter referred to as "Applicant", filed a Notice of Continued Suspension of Application for Certification on April 11, 2014 (TN: 202010 – See Attachment 1).

Thereafter, a Memorandum from Hearing Officer setting filing date for responses to Applicant's request to extend suspension was submitted and documented on April 14, 2014 stipulating the Committee will issue a written ruling on the request no later than May 8, 2014. (TN# 20215 -See Attachment 2)

BACKGROUND

On April 3, 2013, the Applicant filed a Notice to Suspend the Application for Certification for the Hidden Hills Solar Electric Generating System. Immediately thereafter, the Energy Resources Conservation and Development Commission for the State of California issued an Order Suspending Proceedings for the Application for Certification for the Hidden Hills Solar Electric Generating System (Document No. 11-AFC-02- See Attachment 2), effective on April 4, 2013.

The Order stipulates that:

“During the suspension of the proceedings, Staff and all responsible parties shall cease work on the Application and all pending motions are stayed.”

Further, the Order was granted:

“To ascertain whether the Applicant is making progress in developing the project,” and,

“Applicant to shall file and serve Quarterly Status Reports beginning October 1, 2013.”

[See Attachment 3 (TN# 202015) - Order Suspending Proceedings for Application for the Hidden Hills Solar Electric Generating System dated April 3, 2013.]

Concurrently, the Energy Resources Conservation and Development Commission for the State of California specified an advance period of one year from the date of filing, to allow the Applicant to make these determinations. Accordingly, the Energy Resources Conservation and Development Commission for the State of California specified:

“The suspension shall expire on April 3, 2014.

[See Attachment 3 (TN# 202015) - Order Suspending Proceedings for Application for the Hidden Hills Solar Electric Generating System dated April 3, 2013.]

Expectedly, on October 1, 2013, the Applicant paid close attention to comply with the stipulations and conditions of the Order Suspending Proceedings, and specifically began serving Quarterly Status Reports on the identified submittal dates. Upon examination the status reports, the Applicant failed to provide sufficient information to adequately demonstrate the sequential and quantitative progress made during each reporting period and identifying potential problems that could contribute to unforeseen delays.

Rather, the Applicant used the Quarterly Status Reports process, as a mechanism to simply state general intentions or alleged efforts to collect information necessary to evaluate the proposed project. At no time did the Applicant provide any detailed explanations for unanticipated delays in collecting additional information, nor their inability to conduct systematic evaluations. Equally, the Applicant gave no

preliminary indication of the potential for anticipated delays or the likelihood of exceeding the specified expiration date.

Conspicuously, the Applicant attempted to circumvent the process by initiating the filing of a Notice of Continued Suspension of Applicant's Certification on April 11, 2014, well after the pre-determined April 3, 2014, expiration date.

Throughout the application process and prior to the Order Suspending Proceedings, the Energy Resources Conservation and Development Commission for the State of California applied due diligence throughout their deliberations and provided one-year advance notice to the Applicant outlining specific terms or expectations, to insure clarity, transparency, reasonableness and anticipated progress.

For reasons unknown, the Applicant chose the tactic to provide minimalistic and evasive status information, lacking a good-faith effort for providing systematic and quantitative sequential updates. Contained therein, the Applicant chose to intentionally submit vague and ambiguous Quarterly Status Reports (Nos. 1 thru 3) [See Attachments 4-6 Applicant's Status Reports (TN#'s 200700, 201567 and 201941, respectively] merely stating:

“Applicant continues to review the project and results performed studies to determine a course of action that would allow for the project to reinitiate permitting activities”

Only on one isolated occasion, in Applicant's Status Report No. 1, dated October 1, 2013, was there a minimal attempt to provide a subtle glimpse into any progress made by simply stating:

“Applicant has withdrawn the project’s Interconnection Request (PIR) from the California ISO. If permitting were to be reinitiated, the applicant would determine an alternate path for transmission deliverability.”

[See Attachment 4 - Applicant's Status Report, dated October 1, 2013 (TN#200700)]

Clearly, the disingenuous disregard for providing detailed information prevented any reasonable effort by all interested parties to accurately monitor and ascertain the sequential and quantitative progress made during each reporting period.

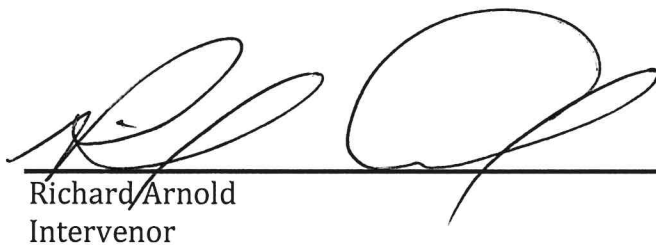
Further, the Applicant's continuous failure to identify or provide any compelling evidence relating to unforeseen circumstances that could potentially prevent compliance with the pre-determined expiration date and other stipulations identified therein by the Energy Resources Conservation and Development Commission for the State of California, are unacceptable.

CONCLUSION

The Applicant's inability to effectively plan and systematically collect information and qualitative data, coupled with the inability to provide ongoing updates in

Quarterly Status Reports are clearly insufficient reasons to consider or grant approval of their Notice of Continued Suspension of Applicant's Certification. The meager status information historically provided to all interested parties is yet another clear indication and attempt by the Applicant to deploy a distraction or incorporate a tactical delay.

Therefore, in consideration of the facts presented herein, it is vehemently recommended the Energy Resources Conservation and Development Commission for the State of California deny the Applicant's request as presented. Moreover and with the utmost respect, it is further recommended that the Energy Resources Conservation and Development Commission for the State of California boldly uphold the original suspension expiration date of April 3, 2014 as identified in the terms specified. (Document No. 11-AFC-02 - Order Suspending Proceedings - ATTACHMENT 2).


Richard Arnold
Intervenor

April 18, 2014

DATE

ATTACHMENT 1

NOTICE OF CONTINUED SUSPENSION OF APPLICATION FOR CERTIFICATION

Dated: April 11, 2014

(TN: 20201)

DOCKETED

Docket Number:	11-AFC-02
Project Title:	Hidden Hills Solar Electric Generating Station
TN #:	202010
Document Title:	Applicant's Notice of Continued Suspension of Application for Certification
Description:	N/A
Filer:	Amanda McCoy
Organization:	BrightSource Energy, Inc.
Submitter Role:	Applicant
Submission Date:	4/11/2014 1:34:29 PM
Docketed Date:	4/11/2014

STATE OF CALIFORNIA

Energy Resources Conservation
and Development Commission

In the Matter of:

Application for Certification for the
Hidden Hills Solar Electric Generating System

Hidden Hills Solar I and II LLCs

Docket No. 11-AFC-02

**HIDDEN HILLS SOLAR I, LLC AND HIDDEN HILLS SOLAR II, LLC
NOTICE OF CONTINUED SUSPENSION OF APPLICATION FOR CERTIFICATION**

Charlie Turlinski

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April 4, 2014

STATE OF CALIFORNIA

Energy Resources Conservation
and Development Commission

In the Matter of:

Application for Certification for the
Hidden Hills Solar Electric Generating System

Hidden Hills Solar I and II LLCs

Docket No. 11-AFC-02

**HIDDEN HILLS SOLAR I, LLC AND HIDDEN HILLS SOLAR II, LLC
NOTICE OF CONTINUED SUSPENSION OF APPLICATION FOR CERTIFICATION**

Hidden Hills Solar I, LLC and Hidden Hills Solar, II, LLC (collectively, the “Applicant”), provide this Notice of Continued Suspension of the Application for Certification for the Hidden Hills Solar Electric Generating System (“Notice”).

The Applicant has determined there is a continued need to suspend the Application for Certification for the Hidden Hills Solar Electric Generating System until April 3, 2015.

Notwithstanding this notice, the Applicant plans to continue to evaluate and collect information on the Project. While the Commission should not continue to process the Application, the Applicant does *not* wish for its Application to be withdrawn pursuant to Section 1709.8 of the Commission’s regulations. The Applicant will file a subsequent notice when it wishes for the Commission to continue processing the Application for Certification for the Hidden Hills Solar Electric Generating System, and that notice will request a Committee conference to establish a new schedule in the proceeding based on the circumstances at that time.

Dated: April 4, 2014

Respectfully submitted,

HIDDEN HILLS SOLAR I, LLC and
HIDDEN HILLS SOLAR II, LLC, Applicants

By: BrightSource Energy, Inc., the sole member of the
Applicants

By: 

Charlie Turlinski
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ATTACHMENT 2

**MEMORANDUM FROM HEARING OFFICER SETTING FILING DATE FOR
RESPONSES TO APPLICANT'S REQUEST TO EXTEND SUSPENSION**

Dated: April 14 201

DOCKETED

Docket Number:	11-AFC-02
Project Title:	Hidden Hills Solar Electric Generating Station
TN #:	202015
Document Title:	Memorandum re: HHSEGS Request to Extend Suspension
Description:	Memorandum from Hearing Officer setting filing date for responses to applicant's request to extend suspension
Filer:	Ken Celli
Organization:	California Energy Commission
Submitter Role:	Committee
Submission Date:	4/14/2014 10:27:23 AM
Docketed Date:	4/14/2014

Memorandum

April 14, 2014

To: All Persons Interested in the Hidden Hills Solar Electric Generating System
AFC (11-AFC-02)

From: Kenneth Celli, Hearing Advisor
California Energy Commission
1516 Ninth Street
Sacramento CA 95814-5512
(916) 651-8893
Ken.celli@energy.ca.gov

Subject: Applicant's Request for an Additional One-Year Suspension

Pursuant to Title 20, California Code of Regulations, § 1716.5, the parties shall submit any written responses they wish to make to the Applicant's Notice of Continued Suspension of Application on or before April 28, 2014. Responses are not required.

Members of the public may submit written comments at any time. In order for comments to be considered by the Committee with respect to the Applicant's request for an additional one-year suspension, please submit your comments as soon as possible.

The Committee will issue a written ruling on the request no later than May 8, 2014.

ATTACHMENT 3
ORDER SUSPENDING PROCEEDINGS FOR APPLICATION FOR THE HIDDEN
HILLS SOLAR ELECTRIC GENERATING SYSTEM

Dated: April 4, 2013

(TN# 202015)



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

ORDER SUSPENDING PROCEEDINGS

PLEASE TAKE NOTICE that all proceedings in the above-captioned matter are suspended pursuant to the Applicant's request, *Hidden Hills Solar I, LLC and Hidden Hills Solar II, LLC Notice of Suspension of Application for Certification* dated April 3, 2013.

During the suspension of the proceedings, Staff and all responsible agencies shall cease work on the Application and all pending motions are stayed.

To ascertain whether the Applicant is making progress in developing the project, Applicant shall file and serve quarterly status reports beginning October 1, 2013.

The suspension shall expire April 3, 2014.

So Ordered.

Dated: April 4, 2013, at Sacramento, California.

Original Signed By:

KAREN DOUGLAS
Commissioner and Presiding Member
HHSEGS AFC Committee

Original Signed By:

DAVID HOCHSCHILD
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

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(Revised 3/25/13)**

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*After docketing, the Docket
Unit will provide a copy to the
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specifically directed to do so.*

KAREN DOUGLAS
Commissioner and Presiding
Member

DAVID HOCHSCHILD
Commissioner and Associate
Member

Ken Celli
Hearing Adviser

Galen Lemei
Adviser to Presiding Member

Jennifer Nelson
Adviser to Presiding Member

Jim Bartridge
Adviser to Associate Member

*Kelly Foley
Adviser to Associate Member

Eileen Allen
Commissioners' Technical
Adviser for Facility Siting

DECLARATION OF SERVICE

I, Marianne Baschiera, declare that on April 4, 2013, I served and filed copies of the attached ORDER SUSPENDING PROCEEDINGS dated April 4, 2013. This document is accompanied by the most recent Proof of Service, which I copied from the web page for this project at: <http://www.energy.ca.gov/sitingcases/hiddenhills/>.

The document has been sent to the other persons on the Service List above in the following manner:

(Check one)

For service to all other parties and filing with the Docket Unit at the Energy Commission:

 X I e-mailed the document to all e-mail addresses on the Service List above and personally delivered it or deposited it in the US mail with first class postage to those parties noted above as "hard copy required"; **OR**

 Instead of e-mailing the document, I personally delivered it or deposited it in the US mail with first class postage to all of the persons on the Service List for whom a mailing address is given.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and that I am over the age of 18 years.

Dated: April 4, 2013

Original Signed By:

Marianne Baschiera
Hearing Office

ATTACHMENT 4

Applicant's Status Report No. 1

Dated: October 1, 2013

(TN#200700)

DOCKETED

Docket Number:	11-AFC-02
Project Title:	Hidden Hills Solar Electric Generating Station
TN #:	200700
Document Title:	Applicant's Status Report, dated October 1, 2013
Description:	Applicant's Status Report - Hidden Hills Solar I and II, LLCs
Filer:	Amanda McCoy
Organization:	BrightSource Energy, Inc.
Submitter Role:	Applicant
Submission Date:	10/1/2013 2:38:23 PM
Docketed Date:	10/1/2013

STATE OF CALIFORNIA

**Energy Resources Conservation
and Development Commission**

In the Matter of:

Application for Certification for the
Hidden Hills Solar Electric Generating System

Hidden Hills Solar I and II LLCs

Docket No. 11-AFC-02

APPLICANT'S STATUS REPORT

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Email: cjensen@brightsourceenergy.com

October 1, 2013

STATE OF CALIFORNIA

Energy Resources Conservation
and Development Commission

In the Matter of:

Application for Certification for the
Hidden Hills Solar Electric Generating System

Hidden Hills Solar I and II LLCs

Docket No. 11-AFC-02

APPLICANT'S STATUS REPORT

The following discussion summarizes the status of the Hidden Hills Solar Electric Generating System ("HHSEGS") Application for Certification [11-AFC-02] proceeding since the order suspending proceedings was issued on April 4, 2013.

Applicant continues to review the project and results of previously performed studies to determine a course of action that would allow for the project to reinstate permitting activities.

Applicant has withdrawn the project's Interconnection Request (IR) from the California ISO. If permitting were to be reinstated, the applicant would determine an alternate path to provide for transmission deliverability.

October 1, 2013

Respectfully submitted,

HIDDEN HILLS SOLAR I, LLC and
HIDDEN HILLS SOLAR II, LLC, Applicants

By: BrightSource Energy, Inc., the sole member of the
Applicants

By: 

Clayter Jensen
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Oakland, CA 94612

ATTACHMENT 5
APPLICANT'S STATUS REPORT No. 2
Dated: January 16, 2014
(TN# 201567)

DOCKETED

Docket Number:	11-AFC-02
Project Title:	Hidden Hills Solar Electric Generating Station
TN #:	201567
Document Title:	Applicant's Status Report No. 2
Description:	N/A
Filer:	Amanda McCoy
Organization:	BrightSource Energy, Inc.
Submitter Role:	Applicant
Submission Date:	1/16/2014 2:29:29 PM
Docketed Date:	1/16/2014

STATE OF CALIFORNIA

**Energy Resources Conservation
and Development Commission**

In the Matter of:

Application for Certification for the
Hidden Hills Solar Electric Generating System

Hidden Hills Solar I and II LLCs

Docket No. 11-AFC-02

APPLICANT'S STATUS REPORT

Charlie Turlinski

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January 1, 2014

STATE OF CALIFORNIA

Energy Resources Conservation
and Development Commission

In the Matter of:

Application for Certification for the
Hidden Hills Solar Electric Generating System

Docket No. 11-AFC-02

Hidden Hills Solar I and II LLCs

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The following discussion summarizes the status of the Hidden Hills Solar Electric Generating System ("HHSEGS") Application for Certification [11-AFC-02] proceeding since the order suspending proceedings was issued on April 4, 2013.

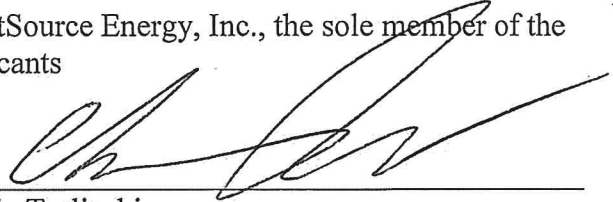
Applicant continues to review the project and results of previously performed studies to determine a course of action that would allow for the project to reinstate permitting activities.

January 1, 2014

Respectfully submitted,

HIDDEN HILLS SOLAR I, LLC and
HIDDEN HILLS SOLAR II, LLC, Applicants

By: BrightSource Energy, Inc., the sole member of the
Applicants

By: 
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ATTACHMENT 6
APPLICANT'S STATUS REPORT No. 3
Dated: APRIL 1, 2014
(TN# 201941)

DOCKETED

Docket Number:	11-AFC-02
Project Title:	Hidden Hills Solar Electric Generating Station
TN #:	201941
Document Title:	Applicant's Status Report No. 3
Description:	N/A
Filer:	Amanda McCoy
Organization:	BrightSource Energy, Inc.
Submitter Role:	Applicant
Submission Date:	4/1/2014 12:22:56 PM
Docketed Date:	4/1/2014

STATE OF CALIFORNIA

**Energy Resources Conservation
and Development Commission**

In the Matter of:

Application for Certification for the
Hidden Hills Solar Electric Generating System

Hidden Hills Solar I and II LLCs

Docket No. 11-AFC-02

APPLICANT'S STATUS REPORT

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April 1, 2014

STATE OF CALIFORNIA

Energy Resources Conservation
and Development Commission

In the Matter of:

Application for Certification for the
Hidden Hills Solar Electric Generating System

Docket No. 11-AFC-02

Hidden Hills Solar I and II LLCs

APPLICANT'S STATUS REPORT

The following discussion summarizes the status of the Hidden Hills Solar Electric Generating System ("HHSEGS") Application for Certification [11-AFC-02] proceeding since the order suspending proceedings was issued on April 4, 2013.

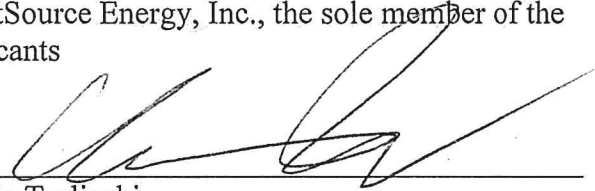
Applicant continues to review the project and results of previously performed studies to determine a course of action that would allow for the project to reinstate permitting activities.

April 1, 2014

Respectfully submitted,

HIDDEN HILLS SOLAR I, LLC and
HIDDEN HILLS SOLAR II, LLC, Applicants

By: BrightSource Energy, Inc., the sole member of the
Applicants

By: 
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ATTACHMENT 7
PROOF OF SERVICE LIST

Dated: April 18, 2014



CALIFORNIA ENERGY COMMISSION

HOME ABOUT US EFFICIENCY FUNDING POWER PLANTS RENEWABLES RESEARCH TRANSPORTATION

Proof of Service List

Docket: 11-AFC-02

Project Title: Hidden Hills Solar Electric Generating Station

Generated On: 4/18/2014 11:15:41 AM

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