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July 10, 2012

VIA FACSIMILE TO (916)654-3882 AND EMAIL TO MARY.DYAS@ENERGY.CA.GOV

California Energy Commission
Energy Facilities Siting Office
ATTN: Mary Dyas, Compliance Project Manager
1516 Ninth Street
Sacramento CA 95814-5112

RE: NOTICE OF RECEIPT OF PETITION TO AMEND THE ENERGY COMMISSION
DECISION FOR THE BLYTHE SOLAR POWER PROJECT (09-AFC-6C)

Dear Honorable Members of the Commission and Ms. Dyas:

On June 28, 2012, Palo Verde Solar I, LLC (PVSI) filed a petition with the California Energy Commission (Energy Commission) to amend the Blythe Solar Power Project (BSPP) by replacing the previously approved solar thermal technology with photovoltaic (PV) generating technology.¹ This petition is hereinafter referred to as the "Petition to Amend." The County of Riverside (County) recently received the Energy Commission's Notice of Receipt of the Petition to Amend and is aware that the Energy Commission will consider assigning a committee to oversee the proposed amendment at its July 11, 2012 Business Meeting (Agenda Item 5). The County respectfully provides the following initial comments on this issue.

FINAL DECISION OF ENERGY COMMISSION ON BSPP

The Energy Commission issued its Final Decision on the BSPP on September 15, 2010. The Bureau of Land Management published the Plan Amendment/Record of Decision for the BSPP on October 22, 2010 and issued the Right-Of-Way Grant on November 4, 2010. The Final Decision describes the BSPP as a 1000 megawatt (MW) solar thermal generating plant that would consist of four adjacent, independent units of 250 MW. The BSPP was previously approved in the Final Decision to utilize solar parabolic trough technology to generate electricity. With this technology, arrays of parabolic mirrors collect heat energy from the sun and refocus the radiation on a receiver tube located at the focal point of the parabola. A heat transfer fluid (HTF) is heated to high temperature (750°F) as it circulates through the receiver tubes. The heated HTF is then piped through a series of heat exchangers where it releases its stored heat to generate high pressure steam. The steam is then fed to a traditional steam turbine generator where electricity is produced.

¹ On June 25, 2012, PVSI also requested Energy Commission approval to transfer the ownership of BSPP to NextEra Blythe Energy Center LLC.

BRIEF OVERVIEW OF MODIFIED BSPP AS SET FORTH IN THE PETITION TO AMEND

PVSI is seeking to modify the BSPP by replacing the solar thermal technology completely with PV generating technology. Specifically, PVSI now proposes to develop the BSPP in eight PV phases designed to generate 125 MW each. All eight phases would share an operations and maintenance facility, onsite substation, access and maintenance roads, perimeter fencing and other ancillary security facilities, and a double-circuit 230 kV gen-tie transmission line. PVSI also proposes to substantially enlarge the BSPP footprint to include 320 acres of privately-owned lands within the County's jurisdiction and to modify transmission line and access road corridors.

RECENT LEGISLATIVE CHANGES TO ENERGY COMMISSION JURISDICTION

PVSI filed its Petition to Amend pursuant to Public Resources Code section 25500.1 which was added on October 4, 2011 when the Governor signed Senate Bill 226. Subsection (a) of Public Resources Code section 25500.1 provides:

The owner of a proposed solar thermal powerplant, for which an application for certification was filed with the commission after August 15, 2007, and certified by the commission and, of a project on federal land, for which a record of decision was issued by the Department of the Interior or the Bureau of Land Management before September 1, 2011, may petition the commission not later than June 30, 2012, to review an amendment to the facility's certificate to convert the facility, in whole or in part, from solar thermal technology to photovoltaic technology, without the need to file an entirely new application for certification or notice of intent pursuant to Section 25502, provided that the commission prepares supplemental environmental review documentation, provides for public notice and comment on the supplemental environmental review, and holds at least one public hearing on the proposal. [Emphasis added].

COUNTY'S CONCERNS

Public Resources Code section 25500.1 applies in very limited circumstances. While the Petition to Amend may satisfy the timing requirements of this section, an amendment to a facility's certificate may not be sought for anything other than the conversion itself. There is nothing in Section 25500.1 that authorizes a solar powerplant owner to petition the Energy Commission to review an amendment that seeks to convert technology while also increasing the project footprint by 320 acres or while also modifying transmission line and access road corridors. Likewise, there is nothing in Section 25500.1 that gives the Energy Commission jurisdiction to review and approve an amendment that seeks these additional changes. The Energy Commission's jurisdiction applies only to conversion of the previously approved facility from solar thermal technology to PV technology.

The permitting of a PV facility over the newly acquired 320 acres remains subject to the County's constitutionally conferred police power. Additionally, it is the County's position that any proposed modifications to the transmission line and access road corridors, located on land subject to the County's jurisdiction, are also within the County's land use authority. As stated in the Petition to Amend, these modifications are being made solely to accommodate surrounding projects and are unrelated to the conversion of a solar thermal facility to a PV facility.

Thank you for the opportunity to provide these initial comments on this issue of importance to the County. Should you have any questions concerning this response, please do not hesitate to contact me at (951) 955-6300.

Sincerely,

PAMELA J. WALLS
County Counsel

A handwritten signature in black ink, appearing to read 'P. Walls', followed by a large, stylized flourish or scribble.

Tiffany N. North
Deputy County Counsel

Cc:

Jennifer Jennings, Public Adviser – California Energy Commission
Facsimile (916) 654-4493 and publicadviser@energy.ca.gov