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**CALIFORNIA
ENERGY COMMISSION**



March 27, 2024

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Response to the County of Shasta's Request for the Chair of the California Energy Commission to Review the Executive Director's Decision regarding the County's Request for Investigation

Dear Ryan M. F. Barron:

On January 4, 2024, the California Energy Commission (CEC) received Shasta County's Request for Investigation filed under California Code of Regulations, title 20, section 1231, concerning Fountain Wind LLC and the Fountain Wind Project (TN 253801). The Request for Investigation alleged Fountain Wind LLC's application for the Opt-in Certification program violated California Code of Regulations, title 20, sections 1707 and 1876; 1716(c); and 1877(g).

In a letter dated January 26, 2024, the CEC's Executive Director responded to Shasta County's Request for Investigation (TN 254155). The Executive Director determined Fountain Wind LLC did not initially comply with California Code of Regulations, title 20, sections 1707 and 1876, because the Fountain Wind Project application was filed without the required verification. However, because staff had already taken action to resolve this deficiency, the Executive Director determined no further action was necessary. The Executive Director further determined there was no violation of California Code of Regulations, title 20, sections 1716(c) or 1877(g).

On February 12, 2024, Shasta County filed a request for the Executive Director's determination to be reviewed by the Chair of the CEC as set forth in California Code of Regulations, title 20, section 1232.5 (TN 254421). This section provides for the review of determinations by the Executive Director that there has been no violation of a statute, regulation, order, program, or decision adopted, administered, or enforced by the CEC.

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Since the Executive Director determined the Fountain Wind Project did not initially comply with California Code of Regulations, title 20, sections 1707 and 1876, but that compliance has now been corrected, that determination is not subject to further review. If it were subject to further review, I would affirm the Executive Director's determination that no further action is necessary because the matter has been corrected.

Regarding the alleged violations by the project applicant of California Code of Regulations, title 20, sections 1716(c) and 1877(g), I affirm the Executive Director's determination that there has been no violation by the applicant. California Code of Regulations, title 20, section 1716(c) is not applicable to the Opt-in Certification program and therefore was not violated. California Code of Regulations, title 20, section 1877(g) requires the application to contain the applicant's plan or strategy, including a timeline for execution, to obtain the legally binding community benefits agreement required by Public Resources Code section 25545.10. In this case a draft agreement was submitted that met the initial requirements for a complete application.

Local government participation is an important part of the CEC's process and I encourage the County to continue to participate in the proceeding and contribute information to facilitate CEC staff's development of the environmental analysis.

Sincerely,



David Hochschild
Chair, California Energy Commission