

DOCKETED

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Project Title:	Robert Landwehr Request for Investigation and Complaint
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Document Title:	Order Dismissing Request for Investigation and Complaint
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STATE OF CALIFORNIA

**Energy Resources Conservation
And Development Commission**

**Landwehr's Request for an Investigation and
Complaint**

**Docket No. 13-CAI-01
Order No. 13-0911-7**

**ORDER OF THE CALIFORNIA ENERGY COMMISSION
DISMISSING REQUEST FOR INVESTIGATION AND COMPLAINT**

I. INTRODUCTION

On August 16, 2013, Robert Landwehr timely filed a "Request for an Investigation and Complaint" (Complaint), pursuant to California Code of Regulations, title 20, section 1231.

II. PROCEDURAL HISTORY

Mr. Landwehr makes the following assertions in the above-captioned matter: (1) that an ex-parte communication was sent to Commissioner Douglas by the City of Victorville's Manager, Douglas Robertson; and (2) that the ex-parte communication was not provided to Mr. Landwehr by the California Energy Commission (Energy Commission) in response to his Public Records Act request.

III. FINDINGS

Having reviewed Mr. Landwehr's Complaint, and in consideration of arguments presented, the Energy Commission finds the following:

- (1) That the City of Victorville attempted to initiate an ex-parte communication with Commissioner Karen Douglas during the pending Petition to Extend the Construction Deadline for the Victorville 2 Hybrid Power Plant Project; and,
- (2) That Commissioner Douglas did not read the communication; and,
- (3) That upon receipt of Mr. Landwehr's Public Records Act Request, Staff Attorney, Jared Babula, conducted a reasonably diligent search consistent with the Commission's existing business practices, which did not discover the communication.

IV. CONCLUSION

For the foregoing reasons, the Complaint is dismissed for lack of merit, pursuant to California Code of Regulations, title 20, section 1232, subdivision (a)(1).

CERTIFICATION

The undersigned Secretariat to the Energy Commission does hereby certify that the foregoing is a full, true, and correct copy of an Order duly and regularly adopted at a meeting of the California Energy Commission held on September 11, 2013.

AYE: Weisenmiller, McAllister, Scott

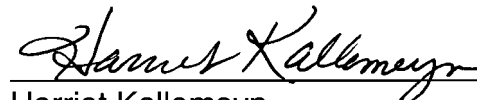
NAY: None

ABSENT: Hochschild

ABSTAIN: None

RECUSE: Douglas

Dated: September 17, 2013


Harriet Kallemeyn,
Secretariat