

## DOCKETED

|                         |  |
|-------------------------|--|
| <b>Docket Number:</b>   | 11-AFC-02  |
| <b>Project Title:</b>   | Hidden Hills Solar Electric Generating Station                                 |
| <b>TN #:</b>            | 204203   |
| <b>Document Title:</b>  | Intervenor Richard W. Arnold's Opposition to Petition for Continued Suspension |
| <b>Description:</b>     | N/A  |
| <b>Filer:</b>           | Patty Paul   |
| <b>Organization:</b>    | Richard Arnold   |
| <b>Submitter Role:</b>  | Intervenor   |
| <b>Submission Date:</b> | 4/15/2015 2:02:55 PM   |
| <b>Docketed Date:</b>   | 4/15/2015  |

**STATE OF CALIFORNIA**  
**ENERGY RESOURCES CONSERVATION and DEVELOPMENT COMMISSION**

**IN THE MATTER OF:**

**Docket No. 11-AFC-2**

**Hidden Hills Solar Electric Generating  
Station (HHSEGS) – Suspended**

---

**OPPOSITION TO PETITION FOR CONTINUED SUSPENSION - INTERVENOR  
RICHARD W. ARNOLD -TRADITIONAL LEADER AND RELIGIOUS PRACTITIONER**

**April 13, 2015**

**Richard W. Arnold, Intervenor  
P.O. Box 3411  
Pahrump, Nevada 89041-3411  
(702) 339-7200**

***OPPOSITION TO PETITION FOR CONTINUED SUSPENSION- HIDDEN HILLS SOLAR ELECTRIC GENERATING STATION - INTERVENOR RICHARD W. ARNOLD***

On August 5, 2011, BrightSource Energy/ Hidden Hills 1, LLC and Hidden Hills

II, LLC (hereinafter referred to as Applicant), filed an application with the California Energy Commission (hereinafter referred to as CEC) to site the proposed Hidden Hills Soar Electric Generation System (herein after referred to as HHSEGS), in southern Inyo County boarding the states of California and Nevada. The Applicant and CEC conducted numerous in-depth scientific studies during the application process to systematically evaluate the suitability of the proposed project.

All parties were afforded opportunities to submit their respective findings in advance to the CEC followed by the presentation of testimony at evidentiary hearings held in Shoshone, CA on March 12-18, 2013. After considerable discussion and the ability for all parties to present evidence along with

testimony from subject-matter experts, the proceedings concluded with the evidence being received by the CEC for further deliberation.

While involved in the HHSEGS, the Applicant through its subsidiaries elected to submit similar siting applications throughout the southern California in ill-conceived anticipation of receiving favorable approvals from the CEC. This approach led to poor planning, an apparent preferred approach by the Applicant, which still persists.

Notwithstanding the flawed tactics, in less than 30 days after the HHSEGS evidentiary hearings, the Applicant unexpectedly and most likely calculated, filed a NOTICE OF SUSPENSION OR APPLICATION FOR CERTIFICATION on April 3, 2013. The suspension was allegedly done so the Applicant as they state: *"plans to continue to evaluate and collect information on the Project."*

**In response to the notice of suspension** the CEC 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 stipulated:

**“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 with the understanding that action was taken:

**“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.”**

**After the notice was granted, the Applicant routinely filed minimal often-ambiguous quarterly status reports typically after the deadline and lacking any substantive information. In the absence of making any significant progress to “*evaluate and collect information on the Project*” it appeared the Applicant’s approach has been a feeble attempt to unnecessarily delay the project. This approach appears to be as a stall tactic at taxpayer’s expenses, a ploy that continues to exist.**

Originally, the CEC specified an advance period of one year from the date of filing, to allow the Applicant to make these determinations by stating:

**“The suspension shall expire on April 3, 2014.**

Expectedly, the applicant used the original suspension not to produce any real evidence of progress in hopes of further delaying the project.

In another attempt to draw out the HHSEGS suspension, CEC granted an additional extension for the HHSEGS by establishing a new expiration date of April 3, 2015 with similar conditions and expectations to ensure the Applicant was making proper progress.

Once again, and most expectedly, the Applicant filed yet another petition to continue their Suspension of the Application for Certification for the on April 8, 2015. This notice is now based upon the need by the Applicant to actively “*monitor*” 2014/15 renewable procurement and energy storage solicitations, which run through the end of Q2 2015. The Applicant states the additional time will “*help*” to determine the viable commercial path for HHSEGS and would justify the resumption and completion of the suspended permit within an ambiguous statement [in the] “*very near term.*” These ambiguous terms and unidentifiable timeframes fail to provide further clarification or direction and should be considered insufficient justifications that require more specificity to the CEC.

This repeated pattern of petitioning and continuously being granted ongoing suspensions has resulted in a significant time lapse from the original filing on August 5, 2011 (nearly 4 years ago). Unfortunately, these calculated delays are done in the absence of providing sufficient reasoning and most importantly with total disregard to taxpayers and the State of California.

### **CONCLUSION**

In view of the aforementioned circumstances and the repeated failure of the Applicant to make any significant progress, it is now incumbent upon the CEC to thoroughly consider the merit of the HHSEGS along with several points before reaching a decision on this matter. Specifically, the CEC must now examine the following issues:

1. As noted in the Final Staff Assessment and further supported during the evidentiary hearings in March 2013, HHSEGS is an inappropriately proposed project with significant adverse effects within a highly sensitive cultural and biological environment. Subject-matter experts

opposing the siting of HHSEGS along with other testimony shared significant data with the CEC about 3 highly sensitive cultural and biological landscapes.

Equally, twenty-four (24) months have now passed with the Applicant still being unable to quantify and provide any significant information or results that warrant granting another petition to extend their suspension. By merely stating the Applicant needs more time to *"monitor" renewable procurement and energy storage solicitations to determine a viable commercial path forward*" is ambiguous and insufficient reasoning at best.

Moreover, the Applicant has continuously attempted to convince the CEC that "if" they are granted additional time to "monitor" procurement and storage solicitations that would be adequate justification to resume and complete their suspended permit *"within a very near term"* without



specificity. The Applicant ambiguous request should not be sufficient justification to compel the CEC to grant another suspension.

Clearly, the Applicant is now attempting to request additional time to once again suspend their application to in hopes to justify the resumption of their permit. Unfortunately, this double standard is done without the obligation of reciprocally "justifying" sufficient reasoning or compelling evidence for requesting another ambiguous application extension to the CEC.

It now appears the Applicant is coming before the CEC and asking that the Commission rely upon the Applicant's "hunch" if allowed to *"monitor" renewable procurement and energy storage solicitations, for a viable commercial path forward, their unfounded expectation or perhaps "wish" may magically happen without providing any certainty.*

2. Although attempts are still being made, HHSEGS has been unable to secure a consolidated land lease agreement necessary for the proposed project to proceed.
3. The Applicant has repeatedly failed over the past 2 years to demonstrate to the CEC it has acquired provisions or arrangements for on site power storage.
4. The Applicant has been unable to secure existing transmission lines in place needed to support the HHSEGS as proposed.
5. The Applicant has not adequately demonstrated it has a valid purchase agreement in place raising additional significant concerns about their intentions and ability to support the proposed project.

6. Currently, it appears there are no longer the tax credits that were once available to HHSEGS to make the proposed project a lucrative undertaking for the Applicant.

Clearly, for the past two years, the Applicant has failed to provide sufficient justification for submitting another petition to extend their suspension or application for certification. Therefore, it is respectfully requested that the Commission cease expending valuable staff time and other important resources by putting local tribal communities and traditional cultural and religious practitioners at ease by terminating the proceeding for this ill-conceived and costly non-existent project. In the alternative, the Commission should issue an order to show cause, putting the burden on the Applicant to show why the proceeding should not be terminated at this time.

Therefore, in consideration of the facts presented herein, it is vehemently recommended the CEC deny the Applicant's request as presented and immediately terminate the application. Moreover and with the utmost respect, it is further recommended that the CEC uphold the extended suspension expiration date of April 3, 2015 as identified in the terms specified.

April 15, 2015

---

Richard Arnold  
Intervenor

DATE