

DOCKETED

Docket Number:	11-AFC-02
Project Title:	Hidden Hills Solar Electric Generating Station
TN #:	204580
Document Title:	Notice of Hearing on Applicant's Motion to Continue Suspension and Energy Commission Staff's Motion to Terminate Proceeding
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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

**NOTICE OF HEARING ON APPLICANT'S MOTION TO CONTINUE SUSPENSION
AND ENERGY COMMISSION STAFF'S MOTION TO TERMINATE PROCEEDING**

PLEASE TAKE NOTICE that the Committee designated by the Energy Commission to conduct proceedings on the Application for Certification (AFC) for the Hidden Hills Solar Electric Generating System (HHSEGS) has scheduled a hearing on:

**WEDNESDAY, JUNE 3, 2015
Beginning at 10:00 a.m.**

**California Energy Commission
Charles R. Imbrecht Hearing Room (Hearing Room B)
1516 Ninth Street
Sacramento, CA 95814
(Map attached)**



TELECONFERENCE OPTION: Parties and the Public may attend the meeting in person at the above location or by telephone and/or by computer via our "WebEx" web conferencing system. For details on how to participate by WebEx, please see the "Participation through WebEx" directions attached to this Notice.

INTRODUCTION

On April 8, 2015, Applicant filed a Petition for Continued Suspension of the AFC for the HHSEGS (TN# 204092). On April 16, 2015, the HHSEGS Committee received the Energy Commission staff's (Staff) Motion to Terminate Proceeding (TN# 204231) for the HHSEGS. The Motion seeks an Order terminating the AFC for the HHSEGS project for failure to pursue the application with due diligence under California Code of Regulations, title 20, section 1720.2.

PURPOSE OF THE HEARING

The HHSEGS Committee will conduct the hearing to allow the parties to submit evidence and argument on the Applicant's Petition for Continued Suspension of the AFC and on Staff's Motion to Terminate Proceeding.

BACKGROUND

The HHSEGS project proposed to build two power towers, solar fields, and associated facilities to generate 270 gross megawatts (MW) each (250 MW net), for a total net output of 500 MW. HHSEGS would be located on approximately 3,277 acres (5.12 square miles) of privately-owned land in Inyo County, California, adjacent to the Nevada border. The project site is approximately 18 miles south of Pahrump, Nevada, and approximately 45 miles west of Las Vegas, Nevada.

The Applicant is Hidden Hills Solar I, LLC, and Hidden Hills Solar II, LLC, which are wholly-owned subsidiaries of Hidden Hills Solar Holdings, LLC (their sole member), which is in turn a wholly-owned subsidiary of BrightSource Energy, Inc. (BrightSource) (its sole member), a Delaware corporation. On August 5, 2011, Applicant submitted its AFC, which was found data adequate on October 5, 2011.

Evidentiary Hearings were held from March 12, through March 15, 2013, at the Death Valley Academy in Shoshone, California. The last Evidentiary Hearing was held on March 19, 2013, at the Energy Commission in Sacramento, California. The formal parties of record were the Applicant, Staff, John William Zellhoefer, the Center for Biological Diversity, the Old Spanish Trail Association, Cindy R. MacDonald, Richard Arnold, the Southern Inyo Fire Protection District, the Amargosa Conservancy, and Inyo County.

On April 3, 2013, Applicant filed a Notice of Suspension of its AFC (TN# 70195). No reason for the suspension was given in the filing other than the conclusion that Applicant "determined there is a need to suspend" the AFC. On April 4, 2013, the Committee ordered the HHSEGS proceedings suspended. The Order required Applicant to serve quarterly status reports beginning October 1, 2013. The Order was set to expire on April 3, 2014.

The timely October 1, 2013 status report (TN# 200700) indicated that Applicant was reviewing the project to "determine a course of action that would allow for the project to reinstate permitting activities." It further advised that the Applicant had withdrawn its Interconnection Request from the California Independent System Operator (CAISO).

Applicant's second status report (TN# 201941) was filed two weeks late (January 16, 2014). The report contains no information other than to quote the following sentence verbatim from the previous status report: "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's third status report was timely filed on April 1, 2014. The third status report is identical to the second (TN# 201567).

On April 3, 2014, the suspension expired according to the terms of the Order.

On April 11, 2014, Applicant filed a second Notice of Suspension of its AFC (TN# 202010). The Applicant indicated that it sought another one year suspension to continue to evaluate and collect information on the project. Comments in opposition to Applicant's request were filed by Staff, Intervenor Richard Arnold, Cindy MacDonald, and Center for Biological Diversity, as well as a public comment from Ann Harrell-Aldrich (TN#s 202114, 202015, 202162, 202229, 202257, 202265).

On May 6, 2014, the Committee again granted Applicant's request to continue the suspension to April 3, 2015, and again required quarterly status reports beginning October 1, 2014 (TN# 202310).

On October 23, 2014, Applicant filed its fourth status report three weeks late (TN# 202310). The status report indicates that the Applicant has been monitoring the California investor owned utilities' (IOU) 2014 and 2015 Request for Offer (RFO) processes to be prepared to participate with a competitive power tower bid. The 2014/2015 RFO window will run through Q2 2015, after which time the Applicant would "have enhanced transparency toward the path to future offtake agreements." The fourth status report further states that the Applicant has been unable to identify potential partners to fund the project.

On February 2, 2015, Applicant filed its fifth status report, one month late (TN# 203592). The report states "the applicant is actively monitoring and participating in the 2015 renewable procurement RFOs with CA. The 2015 procurement window will run through Q2 2015 wherein the applicant will be bidding-in the BrightSource power tower CSP [concentrated solar power] platform. It is expected that the IOU procurement process will provide enhanced transparency pertaining to the permitting and construction schedule for the Hidden Hills CSP project." The status report adds that the Applicant is still attempting to market the HHSEGS to potential project partners to fund the project.

On April 3, 2015, the suspension expired according to the terms of the Order.

Five days later, on April 8, 2015, Applicant filed a Petition for Continued Suspension of the AFC (TN# 204092), which contains the same language as the two previous "Notices of Suspension" with the added sentence: "The Applicant is actively monitoring the 2014/15 renewable procurement & energy storage solicitations (which run through the end of Q2 2015) with an expectation that results will help to determine a viable commercial path for the Hidden Hills SEGS that would justify the resumption and completion of the suspended permit within the very near term."

Comments in opposition to Applicant's request were filed by Intervenor Basin and Range Watch, Richard Arnold, Amargosa Conservancy, and Center for Biological Diversity, as well as a public comment from the California Wilderness Coalition (TN#s 204105, 204109, 204111, 204203, 204260).

On April 16, 2015, Staff filed its Motion to Terminate Proceeding (TN# 204231), stating that the Applicant's status reports contain "absolutely no substantive information regarding the progress of the project, or reasons to continue suspension" and that the "single-page pro-forma statements [are] devoid of substantive or useful information regarding the status of the project, or of activities relevant to its status."

Applicant's response to Staff's Motion was due May 1, 2015 (Cal. Code Regs, tit. 20, § 1716.5). To date, Applicant has filed no response.

Closed Sessions

The Committee may temporarily adjourn into closed session to deliberate pursuant to Government Code section 11126.

Transcripts

Parties are responsible for identifying errors in the transcripts of the proceedings. Corrections to the transcripts shall be filed within 30 days of the docketing of a transcript.

Public Adviser and Public Participation

Members of the public are welcome to attend and offer comments at the hearing. It is not necessary to be an Intervenor to participate in the public process. Comments may be submitted in writing. Simply visit the website at:

<http://www.energy.ca.gov/sitingcases/hiddenhills> and click on the "Submit e-Comment" link in the "Proceeding Information" box. Otherwise, written comments may be submitted by e-mailing them to docket@energy.ca.gov, or by U.S. Mail to: California Energy Commission - Docket Unit, 11-AFC-02, 1516 Ninth Street, MS-4, Sacramento, CA 95814. Please identify "**HIDDEN HILLS SOLAR ELECTRIC GENERATING SYSTEM, Docket No. 11-AFC-02**" on any e-mailed or written comments.

PLEASE NOTE: Your written and oral comments, attachments, and associated contact information (e.g. your address, phone, e-mail, etc.) become part of the viewable public record. Additionally, this information may become available via Google, Yahoo, and other search engines.

The Energy Commission's Public Adviser's Office is available to provide the public with an understanding of the proceedings and to make recommendations for meaningful

participation. For assistance, contact Alana Mathews, Public Adviser, at (916) 654-4489, or 800-822-6228, or by e-mail at: publicadviser@energy.ca.gov.

If you have a disability and need assistance to participate in this event, contact Lourdes Quiroz no less than five days prior to the hearing at (916) 654-5146, or by e-mail at: lou.quiroz@energy.ca.gov.

Information

Questions of a legal or procedural nature should be directed to Kenneth Celli, Hearing Adviser, at (916) 651-8893, or e-mail at: ken.celli@energy.ca.gov.

Technical questions concerning the project should be addressed to Mike Monasmith, Staff Project Manager, at (916) 654-4894, or e-mail at: mike.monasmith@energy.ca.gov.

Media inquiries should be directed to the Office of Media and Public Communications at (916) 654-4989, or e-mail at: mediaoffice@energy.ca.gov.

Information regarding the status of the project, as well as notices and other relevant documents pertaining to this proceeding, may be viewed on the Energy Commission's Internet web page at: <http://www.energy.ca.gov/sitingcases/hiddenhills/>.

Dated: May 11, 2015, at Sacramento, California.

/S/ KAREN DOUGLAS

KAREN DOUGLAS
Commissioner and Presiding Member
Hidden Hills SEGS AFC Committee

/S/ DAVID HOCHSCHILD

DAVID HOCHSCHILD
Commissioner and Presiding Member
Hidden Hills SEGS AFC Committee

Mailed to lists: 7401, 7402, 7403, 7404

Hearing Agenda

1. Call to Order
2. Applicant, Staff, and Intervenors may offer evidence and argument solely on the two issues raised in Applicant's and Staff's motions, namely:
 - a) Shall the Committee continue the HHSEGS suspension; and
 - b) Shall the Committee recommend the HHSEGS AFC be terminated for lack of due diligence.

2. Party and Public Comment

Parties, members of the public, and other interested persons and entities may speak up to five minutes on the matter appearing on this agenda.

3. Closed Session

Committee may go into closed session deliberations regarding the following:

Discussion regarding the evidence and arguments presented at the hearing.

The Committee will adjourn to closed session in accordance with Government Code section 11126, subdivision (c)(3), which allows a state body, including a delegated committee, to hold a closed session to deliberate on a decision to be reached in a proceeding the state body was required by law to conduct.

4. Adjourn



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HEARING ON MOTIONS	WEDNESDAY, JUNE 3, 2015	923 810 168	pwd#1516

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Please be aware that the meeting's WebEx audio and on-screen activity may be recorded. If you have difficulty joining the meeting, please call the WebEx Technical Support number at 1-866-229-3239. To see if your computer is compatible, visit <http://support.webex.com/support/system-requirements.html>.

Beginning at 10:00 a.m.

(Webex Teleconferencing Available)

