

DOCKETED

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County Administrative Office

Gregory C. Devereaux
Chief Executive Officer

February 9, 2016

CALIFORNIA ENERGY COMMISSION
1516 Ninth Street, MS-4 (Dockets Unit)
Sacramento, CA 95814

**RE: Docket No. 09-AFC-7C (Palen Solar Power Project) – County of San Bernardino
Comments on Petition for Transfer of Ownership and Petition for Extension of
Deadline for Commencement of Construction**

Dear Hon. Commissioners:

The County of San Bernardino ("County") appreciates the opportunity to submit to the Honorable Commissioners of the California Energy Commission ("Commission") this letter in support of the February 3, 2016, Comment Letter submitted by the County of Riverside ("Riverside") to Palen SEGS I, LLC's ("Petitioner's") Petition for Ownership Transfer from Palen SEGS I, LLC to Maverick Solar, LLC, as well as Palen SEGS I, LLC's December 22, 2015, Petition for Extension of Deadline for Commencement of Construction (collectively, "Petitions").

As a foundational issue, the Petitions were submitted because of Maverick Solar LLC's stated intent to convert the Palen Solar Power Project ("Project") from solar parabolic trough technology to solar photovoltaic ("PV") technology under the Warren-Alquist State Energy Resources Conservation and Development Act ("Act"). (Cal. Public Resources Code §§ 25000 *et seq.*)

The Act, specifically, Public Resources Code section 25500.1¹, sets forth a narrow, specific provision under which the Commission retains continuing jurisdiction over a solar thermal project that converts to solar PV. Very simply, Section 25500.1 applies to solar PV conversion petitions filed with the Commission before June 30, 2012. Because we are almost four (4) years past this June 30, 2012, deadline, Petitioner instead attempts to utilize another section of the Act, Section 25502.3, as an end run around the Section 25500.1 June 30, 2012, sunset date.

For the sake of brevity and to avoid duplication, the County concurs with the well-articulated analysis set forth in the Riverside Comment Letter related to Section 25502.3. To interpret Section 25502.3 as providing Petitioners the *option* of retaining Commission jurisdiction for PV project conversions, renders the sunset date set forth in Section 25500.1 meaningless as well as violates the County's constitutional police power over solar PV projects. (Cal. Const. art. XI, § 7.)

¹ All statutory references are to the Public Resources Code unless otherwise noted herein.

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As this Commission is aware, the County has a rich history of renewable energy development. The Desert Region of the County is home to the first large scale solar projects in the State, constructed in Daggett, Harper Dry Lake, and Kramer Junction in the 1980s and 1990s. Since then, hundreds of residential, commercial, and utility scale solar PV projects have been constructed throughout the region under the County's land use oversight. Today, the San Bernardino County Partnership for Renewable Energy & Conservation ("SPARC") is creating a Renewable Energy Element for the General Plan pursuant to a generous grant from the Commission.

It is essential for the continued successful development of solar PV projects that the County retains its current police power, land use jurisdiction over solar PV projects. As such, the County respectfully supports Riverside's request that the Commission deny the Petitions.

Please note that the County Board of Supervisors has not adopted an official position on the Palen Solar Power Project or the Riverside County Comment Letter. However, to assist the Commission with its evaluation of the Petitions, the County Administrative Office is providing the above comments.

We are available to provide any further assistance so that the Commission and its staff clearly understand the concerns raised by the County. Also, should you wish to discuss the County's comments, Terri Rahhal, Planning Director can be reached at 909 387-4431.

Respectfully,



Gregory C. Devereaux
Chief Executive Officers

c: James Ramos, Chairman – Board of Supervisors – Third Supervisorial District
Terri Rahhal, Planning Director – Land Use Services Department