

DOCKETED	
Docket Number:	23-OPT-01
Project Title:	Fountain Wind Project
TN #:	252889
Document Title:	County of Shasta Comments Re Incorrect Docketed Date re Determination of Complete Application for Fountain Wind Project
Description:	N/A
Filer:	Dawn Forgeur
Organization:	County of Shasta
Submitter Role:	Public Agency
Submission Date:	11/1/2023 4:46:14 PM
Docketed Date:	11/1/2023

BEFORE THE CALIFORNIA ENERGY COMMISSION

In the Matter of:

Fountain Wind Project Opt-In
Application for Certification

Docket No. 23-OPT-01

**COUNTY OF SHASTA
COMMENTS REGARDING INCORRECT DOCKETED DATE
RE DETERMINATION OF COMPLETE APPLICATION FOR
FOUNTAIN WIND PROJECT**

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COUNTY OF SHASTA

November 1, 2023

BEFORE THE CALIFORNIA ENERGY COMMISSION

In the Matter of:

Fountain Wind Project Opt-In
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RE DETERMINATION OF COMPLETE APPLICATION FOR
FOUNTAIN WIND PROJECT**

The County of Shasta (“County”) has reviewed California Energy Commission (“Commission”) staff’s *Determination of Complete Application for the Fountain Wind Project*, purportedly dated October 30, 2023 (“Application Determination”), and notes that there is an incorrect Docketed Date.¹ According to the Submission Date information listed on the docketed cover sheet, the filing was submitted on October 30, 2023 at 5:35 p.m., but has a Docketed Date of October 30, 2023. In accordance with 20 C.C.R. section 1208(b)(2), “documents filed after 5:00 p.m. on a business day . . . shall be deemed filed the next business day.” Therefore, if the Application Determination was submitted to the Docket Unit after 5:00 p.m. on October 30, then the correct Docketed Date is October 31, 2023. This “next business day” docketing procedure is also consistent with Commission Docketed Dates for submissions by the County and Save Our Rural Town in TN251601 and TN251380 where submissions were made after 5:00 p.m. on that business day but were not docketed until the following business day. The same procedure should apply to Commission staff.

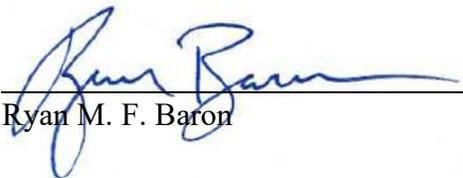
¹ TN 252844.

The correct Docketed Date for Commission staff submittals is material in this proceeding because under Public Resources Code section 25545.4(e)(1), the Commission shall determine whether to certify an environmental impact report and issue a certificate for the Fountain Wind Project no later than 270 days after the application is deemed complete. In this case, the Commission has issued a bulletin to the general public, dated October 31, 2023, that the date to decide “whether to approve or deny the project” is July 26, 2024. A Docketed Date of October 31, 2023, however, would result in a Commission decision deadline of July 29, 2024. This is because the 270th day would fall on a Saturday. And, pursuant to Code of Civil Procedure section 12, and presumably 20 C.C.R. section 1003, Saturdays are excluded from the computation of the time for an act provided by law to be done.

If the Commission verifies that Commission staff’s Application Determination was submitted after 5:00 p.m. and the Docketed Date is incorrect, the County requests that the date be corrected to October 31, 2023 and that the Commission issue an errata to any bulletins it has issued.² The County also notes that the news media has already published articles regarding the notice, and further requests that Commission staff contact such media outlets regarding the errata.

Dated: November 1, 2023

Respectfully submitted,

By: 
Ryan M. F. Baron

² By submitting these comments, the County is not waiving and in fact expressly reserves its right to object to the Application Determination.