

## CALIFORNIA ENERGY COMMISSION

1516 NINTH STREET  
SACRAMENTO, CA 95814-5512  
www.energy.ca.gov



<b>DOCKET</b>	
<b>07-AFC-8</b>	
DATE	<u>MAY 05 2009</u>
RECD.	<u>MAY 05 2009</u>

May 5, 2009

Mr. Michael Strobridge  
9450 Pronghorn Plains Road  
Santa Margarita, CA 93453

**Subject: Carrizo Energy Solar Field (07-AFC-8) –  
Staff’s Objection and Response to Your 4/10/09 Letter Regarding Wildlife Corridor  
Study Information Confidentiality and FSA Schedule and Your 4/28/09 Letter  
Responding to the Applicant Regarding the Discovery Process**

Dear Mr. Strobridge:

This letter is in response to two letters you have addressed to me dated April 10, 2009 and April 28, 2009. The first letter dated April 10, 2009 addressed information you would like on two subjects involving the Carrizo Energy Solar Farm Project (07-AFC-8):

- (1) disclosure of the Wildlife Corridor Study results; and
- (2) an issue having to do with the Final Staff Assessment (FSA) schedule.

Your second letter dated April 28, 2009 is a Response to Carrizo Energy’s April 14<sup>th</sup> Objection to Interveners Petition to Extend the 180 day Discovery Process.

In general, staff’s ability to respond to an Intervener such as yourself is restricted to addressing solely procedural questions. Staff addresses substantive questions and issues such as your first question, in written communications such as status reports by the project manager and filings by the staff attorney, which are served on all parties. Staff also addresses substantive items in publicly noticed workshops and hearings. While we are objecting to two of your three requests pertaining to the disclosure of the Wildlife Corridor Study results and the discovery process as being outside our purview (i.e., they are in the realm of the Commission’s committee of two commissioners assigned to the Carrizo project), we also would like to be as responsive as possible. We recognize that you are still somewhat new to participating as an intervener in an Energy Commission licensing proceeding, and also want to help clarify the distinctive roles of the Energy Commission, the Committee, and staff.

With regard to disclosure of the Wildlife Corridor Study results, this is the subject of a current motion that is governed by Regulation 1716.5. As provided by that regulation, you and the other parties will receive any comments of Commission staff in our publicly-filed formal response to the motion. At this time, staff has not taken a position and by our filings on April 17<sup>th</sup> and 23<sup>rd</sup> and May 1<sup>st</sup>, is encouraging the Committee to hear the opinions of all the parties. The Committee is expected to ultimately consider the disclosure issue, and is the appropriate party for you to address your concerns.

PROOF OF SERVICE (REVISED 4/10/09) FILED WITH  
ORIGINAL MAILED FROM SACRAMENTO ON 5/5/09  
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In response to your concern that staff would consider publishing the FSA prior to completion of the Wildlife Corridor Study, staff has in some cases published its FSA but has left place-holders for mitigation measures or final information to be filed as an addendum to the FSA prior to the evidentiary hearing. This would apply to circumstances where the information is needed to be accepted into the record prior to the evidentiary hearing and made available for comment and adjudication during the hearing by all parties. If staff's proposed mitigation measures are accepted by the Committee, they would be incorporated into the Presiding Member's Proposed Decision.

Ultimately, the proposed mitigation measures would have to be consistent with guidelines developed under the Wildlife Corridor Study, and provide a high degree of confidence that they would fully offset the project's impacts among the agencies including U.S. Fish and Wildlife Service, California Department of Fish and Game and the Energy Commission. Staff is able to respond to your concern in this case because your question is of a procedural nature.

Your second letter dated April 28, 2009 is a Response to Carrizo Energy's April 14<sup>th</sup> Objection to Interveners Petition to Extend the 180 day Discovery Process. The nature of this issue is not in the purview of staff and should be addressed to the Committee as a filing for the Application for Certification for the Carrizo Energy Solar Farm by Carrizo Energy, LLC, Docket No. 07-AFC-8, docketed and distributed to the Proof of Service List. The Proof of Service List includes the committee of two commissioners in this proceeding and thus provides them and the other parties the opportunity to consider your response.

In order to clarify the distinctive roles of the Energy Commission, the Committee and staff, we have inserted the following excerpt from the Commission's website ([www.energy.ca.gov/public\\_adviser/siting\\_faq.html](http://www.energy.ca.gov/public_adviser/siting_faq.html)) which you may find helpful in understanding how issues in this case get decided:

**1. What is the Energy Commission's role in the siting (or power plant licensing) process?**

The California Energy Commission ensures that needed energy facilities are certified in an expeditious and environmentally acceptable manner. The energy facilities certification process is designed to be rigorous, fair and consistent, while eliminating duplication and regulatory uncertainty.

The power plant site certification process applies to thermal energy facilities that produce 50 megawatts (MW) or more of electricity. Power plants below that threshold are reviewed by local agencies.

**2. Who makes the decision about the power plant?**

The five members of the California Energy Commission. During the energy facilities certification process, two commissioners are chosen to oversee all hearings, workshops and related proceedings on a specific project. The two-member "committee" will make recommendations to

the other Commissioners before final action for certification is determined at a public hearing of the full five-member Commission.

### **3. What is the role of the Energy Commission staff?**

The Energy Commission's staff, which includes a full range of environmental and engineering experts, is an independent, objective party in a power plant siting procedure.

The staff's function is to review information provided by the applicant, coordinate with other federal, state, and local agencies; do necessary field studies; and prepare and present testimony, include recommended conditions of approval, in hearings. The staff also implements a compliance monitoring program to ensure that power plants are constructed and operated according to the conditions of certification.

Please understand that the regulations do not require staff to engage in debate with anyone, including Interveners or Applicants during the analysis phase of the proceeding. Staff's analysis and recommendations to the Committee will be captured in its FSA and any outstanding issues can be adjudicated in the Evidentiary Hearing in this matter.

Staff appreciates the positive contribution you and others have made to this proceeding for the Carrizo Energy Solar Farm Application for Certification. We also acknowledge that this project and other photovoltaic projects proposed in the Carrizo Plain will have impacts on the residents of the area. We are examining these impacts to determine their significance and appropriate mitigation measures.

Sincerely,

John Kessler  
Project Manager

Staff's response to MStrobridge re Confid & FSA Sched (5-4-09)

Enclosure  
cc: Dockets 07-AFC-8  
Webworks  
POS



**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](http://WWW.ENERGY.CA.GOV)**

**APPLICATION FOR CERTIFICATION  
FOR THE *CARRIZO ENERGY*  
*SOLAR FARM PROJECT***

**Docket No. 07-AFC-8  
PROOF OF SERVICE  
(Revised 4/10/2009)**

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\*indicates change

**DECLARATION OF SERVICE**

I, Hilarie Anderson, declare that on May 5, 2009, I served and filed copies of the attached Staffs Response to M. Strobridge. The original document, filed with the Docket Unit, is accompanied by a copy of the most recent Proof of Service list, located on the web page for this project at:

**[<http://www.energy.ca.gov/sitingcases/carrizo/index.html>]**. The document has been sent to both the other parties in this proceeding (as shown on the Proof of Service list) and to the Commission's Docket Unit, in the following manner:

***(Check all that Apply)***

**For service to all other parties:**

sent electronically to all email addresses on the Proof of Service list;

by personal delivery or by depositing in the United States mail at Sacramento, California with first-class postage thereon fully prepaid and addressed as provided on the Proof of Service list above to those addresses **NOT** marked "email preferred."

**AND**

**For filing with the Energy Commission:**

sending an original paper copy and one electronic copy, mailed and emailed respectively, to the address below (**preferred method**);

**OR**

depositing in the mail an original and 12 paper copies, as follows:

**CALIFORNIA ENERGY COMMISSION**

Attn: Docket No. 07-AFC-8  
1516 Ninth Street, MS-4  
Sacramento, CA 95814-5512

[docket@energy.state.ca.us](mailto:docket@energy.state.ca.us)

I declare under penalty of perjury that the foregoing is true and correct.

**Original Signature in Dockets**  
**Hilarie Anderson**