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DOCKET

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California Energy Commission
Dockets Office, MS-4
Docket No. 09-Renew EO-01
1516 Ninth Street
Sacramento, CA 95814-5512

RE: Docket No. 09-Renew EO-01 Renewable Energy Executive Order

Dear Energy Commission,

Thank you for the two workshops held in Victorville, CA on June 18, 2009 regarding REAT (Renewable Energy Action Team), DRECP (Desert Renewable Energy Conservation Plan) and RETI (Renewable Energy Transmission Initiative). The many presentations were very informative. Solutions For Utilities, Inc. would like to comment on two issues:

1. Timelines, and
2. Reasonableness of biological mitigation factors.

1. Timelines:

The Governor has ordered 20% renewable energy procurement by 2010 and 33% by 2020.

The DRECP is currently scheduled to be completed by the end of 2010; RETI is also scheduled for completion by the end of 2010.

ARRA (American Revenue and Recovery Act) of 2009 specifies that the Dept. of Energy Loan Guarantee Program funds are available only to projects that commence construction by **September 20, 2011**. And the 30% grant/cash, in lieu of the Investment Tax Credit (ITC) or the Production Tax Credit (PTC), states the last date to submit an application is **December 31, 2011**.

In other words, the DRECP and the RETI are not currently scheduled to be complete in time to participate in any renewable projects in 2009 or 2010 to meet the Governor's 20% by 2010 Order.

If the RETI and DRECP are on schedule and conclude by the end of 2010, that would leave renewable generators only nine months for the loan guarantee program and twelve months for the 30% grant/cash program. That would seem an impossibly short period of time to locate a site, acquire the site, apply for and receive construction permits in order to apply for those two ARRA programs.

One of the many reasons that President Obama and our Federal lawmakers signed the ARRA of 2009 into law was to **jump start** our nation's economy. The plan of the ARRA is to put billions of taxpayer dollars into the economy **as soon as possible**, so it will be effective for its many purposes, including creating jobs, investing in renewable energy to reduce dependence on foreign oil, reducing carbon emissions and cleaning our environment, and many other reasons as outlined in the 400+ page Act. DOE Applications are expected to be available starting July 1, 2009.

The 30% cash/grant and DOE financing of projects are critical. It would literally take an "Act of Congress" to extend these two programs past the dates dictated in the ARRA of 2009. Delaying renewable generators until they are in jeopardy of losing these Federal benefits should not be an option California considers if California truly wants to be a leader in renewable energy and all the benefits associated therewith.

2. Reasonableness of Biological Mitigation Factors:

There must be a "Reasonableness" factor applied in balancing the biological considerations versus bringing renewable energy generation facilities online as soon as possible.

There should not be political advocating and government acquiescence to special interest groups versus the overwhelming economical, environmental and social gains created by renewable energy. Biological Class Surveys that are 25+ years old should not be considered in today's examination of project siting.

For an example, if a site has a biological study performed specifically for that site and the biological report reveals that the state and federally listed desert tortoise, Mohave ground squirrel, and burrowing owl were not observed during the field surveys; and, further, there were no "signs" (evidence, such as burrowing, living quarters, waste droppings, food remains, etc.) of these species living on the site; and, further, the species are not known to occur within the 'Zone of Influence' from previous overlapping surveys with BNSF, in our opinion it is unreasonable to require renewable generators to hire biologists to stand at the project site during all construction activities to watch that these species do not enter or cross the construction site. Requiring the developer to contact a biologist field rep is sufficient mitigation.

Another reason it is not reasonable to require the renewable generator to have a biologist standing on site is the size of the parcel. For example, on a 100-acre property, one biologist will not be able to see a tortoise crossing the eastern tip of the property from where the biologist could be standing on the western side of the property 2700 lineal feet away. This does not make sense to a logical, prudent person.

To expand on this: So then does it become necessary that you need to hire biologists to stand every 100 sf, every 200 sf, every 300 sf to watch

for these animals that are not present on the site, show no evidence of having lived on the site, and are not in the zone of influence? For a 300-acre property, do you need 20 biologists all standing in a grid formation during the whole of construction?

Perhaps 20-plus years ago the Class Surveys showed these animals at or near a project site. That elderly survey is not reasonable for today's consideration.

The Federal government and the State have laws to the effect that it is a criminal act to kill or harm these endangered species.

It is law enforcement agencies -- sheriffs, police, state troopers -- that enforce laws in California. Therefore, it is unreasonable for the CPUC, CEC, or any county planning and land use department to order and require a project developer have a "policeman biologist" standing on a site watching that a law is not broken.

The cost of adding this unreasonable mitigation factor will drive the cost of renewable energy procurement upward to the end consumer, without any added benefit.

Thank you for the opportunity to comment.

Respectfully submitted,

/S/ Mary C. Hoffman

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Solutions For Utilities, Inc.