

CALIFORNIA ENERGY COMMISSION

DOCKET

08-AFC-13

DATE NOV 19 2010

RECD. NOV 19 2010

Application for Certification for the)
Calico Solar Project)
(formerly SES Solar I))
_____)

Docket No. 08-AFC-13

**CHAIRMAN’S ORDERS ON (1) FILING OF NOTICE OF DECISION AND
(2) RECONSIDERATION OF EFFECTIVE DATE OF DECISION**

The Energy Commission approved the Calico Solar Project on October 28, 2010; the decision approving the project states that “[t]his Decision is adopted, issued, effective, and final on October 28, 2010.” The Notice of Decision (“NOD”) required by the California Environmental Quality Act (“CEQA”) was filed on November 3, 2010. The complete final decision for the project was docketed and made publicly available on November 12, 2010.

On November 11, 2010, California Unions for Reliable Energy (“CURE”, an intervenor in the proceeding) and Mr. William Perez wrote a letter to the Commission concerning the NOD and the effective date of the decision (“the CURE Letter”).

Pursuant to the authority granted to the Chairman by the Warren-Alquist Act and the Commission’s regulations, I make the following orders. (See Pub. Resources Code, § 25217.5.) Cal. Code Regs., tit. 20, §§ 1103, subd. (b), 1203, subds. (c), (d).)

Nothing in this document or in actions related thereto should be considered as implying or stating agreement with any factual or legal argument in the CURE Letter, or as an interpretation of any statute or regulation pertaining to effective dates, NODs, statutes of limitation, or similar matters.

1. The Executive Director shall withdraw the Notice of Decision today (November 19, 2010) or as soon as possible thereafter.
2. The CURE Letter will be treated as a Petition for Reconsideration from CURE under the Commission’s regulations (see Cal. Code Regs., tit. 20, § 1720, subd. (a)), with the subject of the Petition being reconsideration of the “adopted, issued, effective, and final” date of the decision (“effective date”). (Because Mr. Perez is not a party to the Calico proceeding, he cannot petition for reconsideration. However, he is welcome to participate as a member of the public.)

3. The Commission will consider granting the Petition at the December 1, 2010, Business Meeting, and it will also consider ordering, on its own motion, reconsideration of the effective date of the decision to coincide with the date of re-filing of the NOD. The Executive Director shall notice consideration of the effective date on the agenda for the Commission's December 1, 2010 business meeting.

4. If on December 1st the Commission grants the Petition, or orders reconsideration on its motion, or both, the "subsequent hearing . . . [to] decide whether to change the decision" – i.e., to change the date to coincide with the re-filing of the NOD – shall be held immediately afterwards on December 1st. (See Cal. Code Regs., tit. 20, § 1720, subd. (c).)

5. The Executive Director shall not re-file the Notice of Decision until after the December 1, 2010, Business Meeting.

6. The provisions of the Calico decision related to its effective date are stayed (and any applicable statutes of limitations are therefore tolled) as of the date of this order, pending reconsideration. (See Cal. Code Regs., § 1720, subd. (d).)

November 19, 2010

 /s/ Karen Douglas
KAREN DOUGLAS
Chairman



**BEFORE THE ENERGY RESOURCES CONSERVATION AND DEVELOPMENT
COMMISSION OF THE STATE OF CALIFORNIA
1516 NINTH STREET, SACRAMENTO, CA 95814
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APPLICATION FOR CERTIFICATION
For the CALICO SOLAR (Formerly SES Solar One)

Docket No. 08-AFC-13

PROOF OF SERVICE
(Revised 11/15/10)

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DECLARATION OF SERVICE

I, Janet Preis, declare that on November 19, 2010, I served by electronic mail, the attached Chairman's Orders on (1) Filing of Notice of Decision and (2) Reconsideration of Effective Date of Decision, dated, November 19, 2010. 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: [www.energy.ca.gov/sitingcases/solarone].

The documents have 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;
 by delivering on this date, for mailing with the United States Postal Service with first-class postage thereon fully prepaid, to the name and address of the person served, for mailing that same day in the ordinary course of business; that the envelope was sealed and placed for collection and mailing on that date 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. 08-AFC-13
1516 Ninth Street, MS-4
Sacramento, CA 95814-5512
docket@energy.state.ca.us

I declare under penalty of perjury that the foregoing is true and correct, that I am employed in the county where this mailing occurred, and that I am over the age of 18 years and not a party to the proceeding.

/s/ Janet Preis