

DOCKET

08-AFC-13C

DATE July 07 2011

RECD. July 08 2011

Dear Mr. Gibson:

Thank you for taking time to speak with me earlier today by telephone. This email confirms my understanding of our conversation.

As I explained, I called you (CDFG General Counsel) on behalf of the Energy Commission committee assigned to the proceeding known as the Calico Solar Project Amendment to advise you of the committee's July 1, 2011 ruling in that proceeding. A copy of the ruling is attached for your convenience.

I summarized the pertinent facts and determinations of the ruling, including the committee's commitment to confer with CDFG regarding which public agency will serve as CEQA lead agency over the photovoltaic (PV) portion of the proposed project amendment. As stated in the July 1 ruling, the Energy Commission has exclusive certification jurisdiction over the project's thermal powerplant component and related facilities and accordingly, must serve as the sole CEQA lead agency over these project elements. Although the Energy Commission has no certification jurisdiction over the PV component, either the Energy Commission or CDFG could serve as lead agency over this project component.

You advised me that you will review the July 1 ruling, discuss the matter with appropriate individuals within your agency, and provide a response to the committee.

Finally, to ensure transparency in my communication with you today regarding the existence and nature of the July 1 ruling, I identified several individuals to receive a courtesy copy of this email. These individuals include the committee assigned to the Calico Solar Project Amendment proceeding, their advisors, and representatives of the parties to the proceeding.

Please let me know if I have misstated or misunderstood our discussion. Thank you for your courtesy.

Kourtney Vaccaro
Hearing Adviser II
California Energy Commission
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