



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)

**DOCKET**

**11-CAI-03**

DATE JUL 29 2011

RECD. JUL 29 2011

**COMPLAINT**

**AGAINST DYOCORE, INC., BY CALIFORNIA  
ENERGY COMMISSION, EXECUTIVE DIRECTOR,  
ROBERT P. OGLESBY**

**Docket No. 11-CAI-03**

**SERVICE OF COMPLAINT AND SCHEDULING ORDER**

On July 26, 2011, California Energy Commission Executive Director Robert P. Oglesby ("Complainant") filed a *Complaint Against DyoCore, Inc.* ("Complaint"), alleging that DyoCore violated the intent of the Emerging Renewables Program ("ERP"), and, in particular, Appendix 3, Section (A)(2) of the Emerging Renewables Program Final Guidebook ("ERP Guidebook"), by submitting grossly overstated information regarding the performance characteristics of the DyoCore SolAir wind turbine ("DyoCore turbine") in order to have the DyoCore turbine listed by the Commission as eligible for use under the ERP. Complainant requests that the DyoCore turbine be immediately removed from the Energy Commission's "List of Eligible Small Wind Turbines" on the ERP website, and that the Energy Commission provide guidance regarding the resolution of applications for rebate reservations and payment requests under the ERP for small wind systems that use DyoCore turbines, and take such action as may be necessary to recover ERP funds that were paid as rebates for such systems. In addition, Complainant requests that the Energy Commission refer this matter to the Attorney General for investigation and prosecution, as appropriate.

The Complaint is brought pursuant to Section 1231. Pursuant to the procedures set forth in Section 1231:

**Commission Response to the Complaint filed pursuant to Section 1231**

1. In accordance with Section 1232(a), the Energy Commission Chairman or committee assigned to this proceeding must take either of the following actions within 30 days after the Complaint was received by the Energy Commission Chief Counsel, which was July 26, 2011:
  - a. Dismiss the matter upon a determination of insufficiency or lack of merit of the pleadings (specifying whether the dismissal is with or without prejudice); or
  - b. Serve the Complaint upon DyoCore, Inc. and other persons identified in Section 1231(b)(7).

2. The Chief Counsel's Office is directed to immediately serve the Complaint on DyoCore, Inc. and other persons identified in Section 1231(b)(7).
3. Within twenty-one (21) days after service, DyoCore shall file and serve an Answer to all persons identified on the most current Proof of Service list on file with the Docket Unit.
4. Energy Commission Staff is directed to prepare a written assessment of the Complaint and the Answer. The staff assessment shall be filed and served by first class mail (or electronically if so indicated on the Proof of Service) on all persons identified on the most current Proof of Service on file with the Docket Unit within seven (7) days of service of the Answer.
5. The governing procedures for the resolution of the Complaint filed pursuant to Section 1231 shall be those codified at Sections 1200 through 1236.5 as attached, together with the informal hearing procedures in Article 10 of the Administrative Procedures Act (Government Code, §§ 11445.10 through 11445.60). Further procedures will be ordered as necessary by the committee assigned to this proceeding by subsequent order of the Commission, or if none has been assigned, the Chairman.

It is so **ORDERED**.

Dated: July 29, 2011, at Sacramento, California.



---

ROBERT B. WEISENMILLER  
Chairman  
California Energy Commission



**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)**

**COMPLAINT  
AGAINST DYOCORE, INC., BY CALIFORNIA  
ENERGY COMMISSION, EXECUTIVE DIRECTOR,  
ROBERT P. OGLESBY**

**Docket No. 11-CAI-03**

**PROOF OF SERVICE  
(Original 7/27/11)**

**APPLICANT**

Robert P. Oglesby  
Executive Director  
California Energy Commission  
1516 Ninth Street  
Sacramento, CA 95814  
[roglesby@energy.state.ca.us](mailto:roglesby@energy.state.ca.us)  
(email-preferred)

Payam Narvand  
Program Manager  
California Energy Commission  
1516 Ninth Street  
Sacramento, CA 95814  
[PNarvand@energy.state.ca.us](mailto:PNarvand@energy.state.ca.us)  
(email-preferred)

**COUNSEL FOR APPLICANT**

Gabe Herrera  
Senior Staff Counsel  
California Energy Commission  
1516 Ninth Street  
Sacramento, CA 95814  
[gherrera@energy.state.ca.us](mailto:gherrera@energy.state.ca.us)  
(email-preferred)

Jonathan Knapp  
Staff Counsel  
California Energy Commission  
1516 Ninth Street  
Sacramento, CA 95814  
[jknapp@energy.state.ca.us](mailto:jknapp@energy.state.ca.us)  
(email-preferred)

**RESPONDENT**

Ralph Bettencourt, CEO  
David Raine, CTO  
DyoCore, Inc  
3125 Tiger run Court, #104  
Carlsbad, CA 92010  
[Ralph@dyocore.com](mailto:Ralph@dyocore.com)  
[dave@dyocore.com](mailto:dave@dyocore.com)

**INTERESTED ENTITIES/AGENCIES**

Bay Area Energy Solutions  
1326 Marsten Road  
Burlingame, CA 94010  
(650) 375-5955

California Solar Systems  
1411 Rusch Court  
Santa Rosa, CA 95401  
(707) 637- 0762

Synergy Corp.  
863 N Bush Avenue  
Clovis, CA 93611  
(559) 352-6987

Crizer Wind Energy, Inc.  
1191 4th Street  
Los Osos, CA 93402  
(805) 528-4812

My Wind Power  
4037 Phelan Road, A267  
Phelan, CA 92371  
(760) 314-9375

Solar Point Resources  
P.O. Box 4761  
San Jose, CA 95150  
(408) 313-2814

Energy Pros  
2235 Solitude Court  
Rocklin, CA 95765  
(800) 709-4168

Canaday Electric  
402 Avalon Street,  
Morro Bay, CA 93442  
(805) 975-7739

CA Green Team  
337 Ridgecrest Blvd.  
Ridgecrest, CA 93555  
(760) 684-4458

Prevailing Wind Power  
324 N Gertruda  
Redondo Beach, CA 90277  
(310) 529-5217

Green Solar Solutions, Inc.  
22267 Vacation Dr.  
Canyon Lakes, CA 92587  
(951) 258-8580

Desert Power, Inc.  
77380 Michigan Dr.  
Palm Desert, CA 92211  
(760) 360-9060

San Diego Small Wind

3125 Tiger Run Ct. #103  
San Marcos, CA 92009  
(866) 404-2428

Apple Acres, Inc. DBA Gridnot  
P.O. Box 645  
Lucerne Valley, CA 92356  
(760) 978-6840

**ENERGY COMMISSION –  
DECISIONMAKERS**

Robert Weisenmiller  
Chairman  
[rweisenmiller@energy.state.ca.us](mailto:rweisenmiller@energy.state.ca.us)

Eileen Allen  
Advisor to Commissioner  
[eallen@energy.state.ca.us](mailto:eallen@energy.state.ca.us)

**ENERGY COMMISSION – PUBLIC  
ADVISER**

Jennifer Jennings  
Public Adviser  
[publicadviser@energy.state.ca.us](mailto:publicadviser@energy.state.ca.us)  
(email-preferred)

**ENERGY COMMISSION CHIEF  
COUNSEL**

Michael J. Levy  
Chief Counsel  
California Energy Commission  
1516 Ninth Street MS-14  
Sacramento, CA 95814  
[mlevy@energy.state.ca.us](mailto:mlevy@energy.state.ca.us)

Jennifer Martin-Gallardo  
Staff Counsel  
[jmarting@energy.state.ca.us](mailto:jmarting@energy.state.ca.us)  
(email-preferred)

### DECLARATION OF SERVICE

I, Teraja Golston, declare that on, July 29, 2011, I served and filed copies of the attached (11-CAI-03) Service of the Complaint and Scheduling Order dated July 29, 2011. The original document, filed with the Docket Unit or the Chief Counsel, as required by the applicable regulation, 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/renewables/emerging\\_renewables/11-cai-03/index.html](http://www.energy.ca.gov/renewables/emerging_renewables/11-cai-03/index.html)]. The document has been sent to the other parties in this proceeding (as shown on the Proof of Service list) and to the Commission's Docket Unit or Chief Counsel, as appropriate, in the following manner:

**(Check all that Apply)**

**For service to all other parties:**

- ☒ Served electronically to all email addresses on the Proof of Service list;
- ☒ Served by delivering on this date, either personally, or 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."
- ☒ Pursuant to the Order, a copy of the *Complaint Against DyoCore, Inc.* has been served on Respondent and the Interested Entities/Agencies listed on the Proof of Service.

**AND**

**For filing with the Docket Unit at the Energy Commission:**

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

**OR**

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

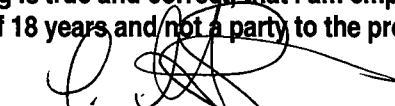
CALIFORNIA ENERGY COMMISSION – DOCKET UNIT  
Attn: Docket No. 11-CAI-03  
1516 Ninth Street, MS-4  
Sacramento, CA 95814-5512  
[docket@energy.state.ca.us](mailto:docket@energy.state.ca.us)

**OR, if filing a Petition for Reconsideration of Decision or Order pursuant to Title 20, § 1720:**

\_\_\_\_\_ Served by delivering on this date one electronic copy by email, and an original paper copy to the Chief Counsel at the following address, either personally, or by depositing in the mail.

California Energy Commission  
Michael J. Levy, Chief Counsel  
1516 Ninth Street MS-14  
Sacramento, CA 95814  
[mlevy@energy.state.ca.us](mailto:mlevy@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.**

  
\_\_\_\_\_  
Teraja Golston