

CALIFORNIA ENERGY COMMISSION

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



Sent By Electronic Mail to:
ralph@dyocore.com

July 26, 2011

Ralph Bettencourt, CEO
DyoCore, Inc.
3125 Tiger Run Court
Carlsbad, CA 92010

DOCKET
11-CAI-03
DATE <u>JUL 26 2011</u>
RECD. <u>AUG 03 2011</u>

RE: Complaint Regarding DyoCore, Inc., SolAir Wind Turbine

Dear Mr. Bettencourt:

Please be advised that the enclosed complaint was filed against DyoCore, Inc., pursuant to title 20, section 1231 of the California Code of Regulations. Section 1231 permits any person, including California Energy Commission staff to file a complaint alleging a violation of a statute, regulation, order, program, or decision adopted, administered, or enforced by the Energy Commission.

The complaint alleges that DyoCore, Inc., ("DyoCore") violated the intent of the Energy Commission's Emerging Renewables Program ("ERP"), and, in particular, Appendix 3, Section (A)(2) of the ERP Guidebook by submitting grossly overstated information regarding the performance characteristics of the DyoCore SolAir wind turbine (model no. S80015dc) ("DyoCore turbine") in order to have the wind turbine listed by the Energy Commission as eligible for use under the ERP. The complaint requests that the DyoCore wind turbine be immediately removed from the Energy Commission's "List of Eligible Small Wind Turbines" on the ERP website, that the Energy Commission provide guidance regarding the resolution of pending ERP applications for rebate reservations and payment requests for small wind systems using the DyoCore turbine, that the Energy Commission take all action necessary to recover ERP funds that were paid as rebates for small wind systems using the DyoCore turbine, and, if appropriate, that this matter be referred to the Attorney General for investigation and prosecution.

This letter and the enclosed complaint are being provided as a courtesy to you. We encourage you to forward a copy of these documents to DyoCore's certified distributors that have submitted ERP applications for rebate reservations and payment requests for small wind systems using the DyoCore turbine. If the complaint is determined to be sufficient, it will be served upon DyoCore in accordance with title 20, section 1232 of the California Code of Regulations.

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At the Energy Commission's Business Meeting tomorrow, Energy Commission staff intend to update the Energy Commission on the status of the ERP suspension, including the review and processing of pending applications for program funding, the development of proposed revisions to the program guidelines, and the review of other program-related issues. During this update, Energy Commission staff intend to inform the Energy Commission of the filing of the complaint against DyoCore.

If you have any questions concerning the complaint, please direct them to Jonathan Knapp or Gabriel Herrera of the Energy Commission's Office of Chief Counsel at (916) 657-3773 and (916) 654-5141, respectively.

Sincerely,

A handwritten signature in black ink, appearing to read 'R. Oglesby', with a long horizontal flourish extending to the right.

Robert P. Oglesby
Executive Director

Enclosure

cc: David Raine, CTO
DyoCore, Inc.
3125 Tiger Run Court
Carlsbad, CA 92010
dave@dyocore.com