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California Energy Commission

DOCKETED

11-AFC-02

TN # 69482

FEB. 11 2013

District Counsel for the Southern Inyo
County Fire Protection District

**STATE OF CALIFORNIA
State Energy Resources
Conservation and Development Commission**

In the Matter of:

APPLICATION FOR CERTIFICATION
FOR THE HIDDEN HILLS SOLAR
ELECTRIC GENERATING SYSTEM
(SEGS)

DOCKET NO. 11-AFC-2

**PETITION TO INTERVENE AND REQUEST FOR
CHANGE OF HEARING LOCATION BY THE
SOUTHERN INYO FIRE PROTECTION DISTRICT**

1. Petitioner, Southern Inyo Fire Protection District, hereby petitions to
intervene in the above-captioned proceeding.

2. Petitioner will be represented in this proceeding by:

☐ Self

☒ Counsel

☐ Group Member

Contact information for representative, as noted above:

William D. Ross
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(213) 892-1592
wross@lawross.com

3. Petitioner ☒ is, ☐ is not, a member of a group or organization already a
party to this proceeding.

4. Petitioner seeks to intervene in this proceeding because [*state grounds for
intervening; reason for interest; the extent to which the petitioner desires to
participate in the proceeding; and, if Petitioner is a member of a group or
organization which is already a party, state why intervening as an individual is
necessary*]:

I. Petition To Intervene

Pursuant to Sections 1207 and 1712 of Title 20 of the California Code of Regulations, the Southern Inyo Fire Protection District ("District") hereby petitions to intervene in the above-captioned proceedings of the California Energy Commission ("Commission") regarding the licensing of the Hidden Hills Solar Electric Generating System Project ("Project").

The District, created in 1993, is a California Special District organized and existing under the Fire Protection District Law of 1987 (Health and Safety Code Section 13800 *et seq.*, the "Act"). The Project is located within the jurisdictional boundaries of the District, which is the local agency exclusively authorized by the Inyo County Local Agency Formation Commission to provide fire protection, fire prevention, and emergency medical services, and such other services as authorized by the Act in rural Inyo County. Therefore, the District will provide fire and emergency medical services to the Project and persons and businesses working at or performing business services for the Project site on or over the thoroughfares providing access to the Project.

The District's service area is approximately 1,200 square miles. The current budget of the District is approximately \$91,000 per year, based solely on a special assessment. The District does not share in any portion of the property taxes levied on the Project Site, consistent with California Constitution Article XIII.A.

On April 30, 2012 the District requested listing as an interested agency with respect to the Commission's licensing proceedings for the Project, due to the proceedings requiring certain District services, including the review of reports, plans, and studies in connection with Commission review and approval of the Project.

The District has informed the Commission and the Project Applicant that the Project will have impacts to District facilities, equipment and personnel due to the increased number of employees, vendors, suppliers and residents within the District area because of the Project's construction and prospective operation, as well as related impacts including but not limited to increases in roadway congestion along emergency response routes.

The District and BrightSource Development, LLC (the "Project Applicant") have analyzed actions including temporary funding actions that the Project Applicant can accomplish that address impacts on the District facilities, equipment and personnel until a Special Tax is approved to assure adequate permanent funding to address the on-going fire and emergency medical services needs of the Project and within the District, and are in the process of reaching mutually agreeable terms for addressing the impacts on fire and emergency medical services attributable to the Project. The Project Applicant has indicated that it does not oppose intervention by the District.

The District is directly affected by the Project, which will impact the adequacy of the District's resources available for public safety, fire safety, and initial response for emergency medical services, both at the project site and the District's jurisdictional service area as a whole. Therefore, the District wishes to participate fully in all phases of this proceeding. Filings should be served on the addresses listed below. Email service of documents is requested in addition to mailed paper copies.

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II. Motion For Change Of Location Of Evidentiary Hearing

Additionally, the District respectfully requests a change of location for Evidentiary Hearing currently scheduled March 12 – 15, 2013. The location for the Evidentiary Hearing is the Death Valley Academy Gymnasium located in Shoshone, California.

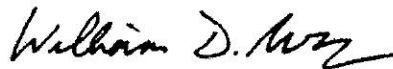
The District maintains, based on experience, that there is no capability for WebEx communication at either location and that even land line communication is unreliable and would therefore be inappropriate for an Evidentiary Hearing. Additionally, in view of the fact that evidence may have to be presented over multiple days, the insufficient lodging capability at this location is also a factor that should be considered. In fact, this precise issue has been analyzed in the Social Economics portion of the recently release FSA. There, on pages 4.18-16 the hotel supply within one hour of the Project site was analyzed specifically noting the capability of Shoshone as having a limited number of accommodations and characterizing the only “meaningful lodging” available in the area as being in Pahrump, Nevada.

Further, it is anticipated that the District will offer proposed expert testimony as well as be responsive to inquiries from Staff on issues dealing with property/life safety and emergency medical services for when the practicality of commuting from Las Vegas or San Bernardino is unrealistic. Some witnesses also may be precluded from obtaining lodging in Nevada as they are precluded by reimbursement policies of their public employers, even if they are private retained consultants.

Because of the physical and telecommunication inadequacies of Shoshone, both procedural and substantive due process considerations merit the relocation of the Evidentiary Hearing to Independence, California. It is respectfully suggested that interested individuals or Intervenors in the Shoshone area could attend an Evidentiary Hearing in Independence, California, the County seat, a location that has all communication facilities and lodging accommodations readily available.

5. Petitioner ☐ agrees, ☒ does not agree that if a document is served upon me via email, an additional paper copy by mail is not necessary.

February 11, 2013
Date



William D. Ross, District Counsel

☒ **Proof of Service and Declaration of Service attached.**

DECLARATION OF SERVICE

I, Le Chaune Metoyer, declare that on February 11, 2013, I served and filed copies of the attached **Petition To Intervene And Request For Change Of Hearing Location By The Southern Inyo Fire Protection District** dated February 11, 2013. This document is accompanied by the most recent Proof of Service, which I copied from the web page for this project at: <http://www.energy.ca.gov/sitingcases/hiddenhills/>.

The document has been sent to the other persons on the Service List above in the following manner:

(Check one)

For service to all other parties and filing with the Docket Unit at the Energy Commission:

 X I e-mailed the document to all e-mail addresses on the Service List above and personally delivered it or deposited it in the US mail with first class postage to those parties noted above as "hard copy required"; **OR**

 Instead of e-mailing the document, I personally delivered it or deposited it in the US mail with first class postage to all of the persons on the Service List for whom a mailing address is given.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and that I am over the age of 18 years.

Dated: February 11, 2013


Le Chaune Metoyer



**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**

***APPLICATION FOR CERTIFICATION FOR THE
HIDDEN HILLS SOLAR ELECTRIC
GENERATING SYSTEM***

Docket No. 11-AFC-02

**PROOF OF SERVICE
(Revised 2/8/13)**

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**OTHER ENERGY COMMISSION
PARTICIPANTS (LISTED FOR
CONVENIENCE ONLY):**

***After docketing, the Docket
Unit will provide a copy to the
persons listed below. Do not
send copies of documents to
these persons unless
specifically directed to do so.***

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Member

TBD
Commissioner and Associate
Member

Ken Celli
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Galen Lemei
Adviser to Presiding Member

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