



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)

<b>DOCKET</b>	
<b>09-AFC-9</b>	
DATE	JUL 28 2011
RECD.	JUL 28 2011

IN THE MATTER OF:

RIDGECREST SOLAR POWER PROJECT

Docket No. 09-AFC-9

**COMMITTEE ORDER AFTER HEARING ON APPLICANT’S MOTION  
 FOR ORDER AFFIRMING APPLICATION OF JURISDICTIONAL  
 WAIVER**

On July 25, 2011, the Committee in this proceeding convened a hearing, including oral arguments and public comments, on the Applicant’s Motion for Order Affirming Application of Jurisdictional Waiver. By its motion, Applicant Solar Trust of America Development LLC (formerly Solar Millennium, LLC) (“STA”) essentially seeks an advisory opinion as to whether STA could redesign its proposed Ridgecrest Solar Power Project (“Project”) utilizing only photovoltaic technology and continue to avail itself of the Energy Commission’s exclusive jurisdiction over power plant certifications, arguing that it can waive its exclusion from the Energy Commission’s jurisdiction under Public Resources Code, section 25502.3.<sup>1</sup>

The Commission has not previously addressed the applicability of Section 25502.3 to photovoltaic power plants. In light of the precedential nature of the question presented in STA’s motion, and the potential interest in the question on the part of stakeholders beyond the parties to this proceeding, the Committee respectfully requests that the Commission consider acting on its authority under Title 20 of the California Code of Regulations, section 1204(c), to withdraw the hearing and resolution of STA’s motion from the committee to allow consideration of the motion, including further briefing and oral argument if necessary, by the full Commission.

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<sup>1</sup> STA also renews its request for a suspension of the certification proceeding, which the Committee previously took under submission and will resolve separately from this motion.

The Committee will stay the resolution of the motion for thirty (30) days pending the Commission's consideration of this request. If the Commission has not acted pursuant to Section 1204(c) within that time, the Committee will deem the request denied and will issue a ruling on the motion thereafter.

It is so **ORDERED**.

Dated: July 28, 2011, at Sacramento, California

A handwritten signature in black ink, appearing to read "James D. Boyd", written over a horizontal line.

JAMES D. BOYD  
Vice Chair and Presiding Member  
Ridgecrest Solar AFC Committee



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**APPLICATION FOR CERTIFICATION  
For the *RIDGECREST SOLAR POWER  
PROJECT***

**Docket No. 09-AFC-9  
PROOF OF SERVICE  
(Revised 7/13/2011)**

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DECLARATION OF SERVICE

I, Maggie Read, declare that on, July 28, 2011, I served and filed copies of the attached Committee Order After Hearing on Applicant's Motion for Order Affirming Application of Jurisdictional Waiver, dated July 28, 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/sitingcases/solar\\_millennium\\_ridgecrest/index.html](http://www.energy.ca.gov/sitingcases/solar_millennium_ridgecrest/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."

**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. 08-AFC-9  
1516 Ninth Street, MS-4  
Sacramento, CA 95814-5512  
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**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.

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Michael J. Levy, Chief Counsel  
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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.

Original signed by: \_\_\_\_\_  
Maggie Read  
Hearing Adviser's Office