

**CALIFORNIA ENERGY COMMISSION**

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



September 20, 2011

**NOTICE OF CONTINUED WORKSHOP FOR A VERIFIED COMPLAINT AND  
REQUEST FOR INVESTIGATION  
(11-CAI-02)**

**Thursday, September 22, 2011  
Starting at 10:00 am**

**California Energy Commission  
1516 9<sup>th</sup> Street, Sacramento, CA  
4 North Conference Room A (Wheelchair Accessible – Map attached)**

**To participate in the meeting by telephone please follow the Webex Information  
below:**

**Date:** Thursday, September 22, 2011

**Time:** 10:00 am, Pacific Daylight Time (San Francisco, GMT-07:00)

**Meeting Number:** 921 658 844

**Password:** ORMAT@930

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To join the meeting online  
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1. Go to  
<https://energy.webex.com/energy/j.php?ED=167374972&UID=484204137&PW=NYzM4MDc4MDE2&RT=MiMO>
2. If requested, enter your name and email address.
3. If a password is required, enter the meeting password: ORMAT@930
4. Click "Join".
5. If the meeting includes a teleconference, follow the instructions that appear on your screen.

To receive a call back, provide your phone number when you join the meeting, or call the number below and enter the access code.

Call-in toll-free number (US/Canada): 1-866-469-3239

Call-in toll number (US/Canada): 1-650-429-3300

Global call-in numbers:

<https://energy.webex.com/energy/globalcallin.php?serviceType=MC&ED=167374972&tollFree=1>

Toll-free dialing restrictions: [http://www.webex.com/pdf/tollfree\\_restrictions.pdf](http://www.webex.com/pdf/tollfree_restrictions.pdf)

Access code: 921 658 844

TO: MEMBERS OF THE PUBLIC

This notice is to inform you of the Continued Workshop that was initiated on Monday, September 19, 2011. At the direction of the Committee following the Prehearing Conference held that date for the complaint and investigation initiated by the California Energy Commission following a complaint by CURE against ORMAT Nevada, Inc. (ORMAT). The complaint asserts that ORMAT avoided California Energy Commission jurisdiction through improperly segmenting applications for two geothermal electrical generation projects (North Brawley and East Brawley) and sought permits through Imperial County. The Energy Commission is in the process of determining whether the projects are in fact jurisdictional to the Energy Commission.

### **Summary of the Verified Complaint and Request for Investigation**

On June 30, 2011, Complainant California Unions for Reliable Energy ("CURE") filed a Verified Complaint and Request for Investigation ("Complaint"), requesting the Commission to investigate whether Ormat Nevada, Inc. ("Ormat") has violated Public Resources Code section 25500 by circumventing the Commission's jurisdiction of Ormat's existing North Brawley Geothermal Development ("North Brawley") and Ormat's proposed East Brawley Geothermal Development ("East Brawley"). CURE alleges that Ormat's North and East Brawley developments are not distinct facilities operating under the 50 MW jurisdictional threshold, but are instead one facility with a combined generating capacity over the 50 MW jurisdictional threshold, and thus should be subject to the Commission's licensing authority. CURE provides as support a CPUC resolution authorizing a Power Purchase Agreement ("PPA") between Southern California Edison Company ("SCE") and Ormat for the sale of 50 MW from the North Brawley facility, with an option to sell an additional 50 MW from the East Brawley facility. CURE also alleges that the North Brawley and East Brawley facilities are not distinct units but are a single facility because they will function as interdependent and physically interconnected generation units, sharing both transmission and water supply infrastructure, all of which are owned or will be developed by Ormat; they are owned and will be controlled by Ormat; and they are proposed on adjoining parcels, which are leased or owned by Ormat.

### **Summary of the California Energy Commission Actions**

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**

In accordance with Section 1232(a), the Energy Commission Chairman assigned a committee to this proceeding and has taken the following actions:

1. The Dockets Unit is directed to immediately serve the Complaint on Ormat and other persons identified in Section 1231(b)(7).
2. Within twenty-one (21) days after service, Ormat filed and served an answer with CURE, the Energy Commission, and all persons identified in Sections 1231(b)(7) and 1232(a)(2).
3. Energy Commission Staff prepared a written assessment of the complaint and answer. The staff assessment was filed as a pre-hearing statement and served on CURE, and all persons identified in Sections 1231(b)(7) and 1232(a)(2).



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