

1. All future NOI exemption requests are hereby assigned to the Energy Facility Siting Committee for review and recommendation to the full Commission; and,
2. The Energy Facility Siting Committee shall have the discretion to consider a Petitioner's written testimony filed in the form of affidavits executed under penalty of perjury, as well as any other documentary evidence, in lieu of taking testimony at evidentiary hearings; and, after reviewing the evidence submitted, the Committee shall issue a Proposed Decision and schedule hearings on the Petition for consideration by the full Commission; and,
3. The Commission shall continue to review NOI exemption requests on a case-by-case basis.

The Commission bifurcated its ruling in this matter. Four Commissioners voted to grant Blythe Energy's request for an exemption from NOI requirements. Commissioner Moore dissented. Three Commissioners voted to adopt portions of the Proposed Decision as a *Precedential Decision*. Commissioners Sharpless and Moore dissented.

Dated: _____

ENERGY RESOURCES CONSERVATION
AND DEVELOPMENT COMMISSION

WILLIAM J. KEESE
Chairman

DAVID A. ROHY, Ph.D.
Vice Chair

-Concurring and Dissenting-

-Dissenting-

JANANNE SHARPLESS
Commissioner

MICHAL C. MOORE
Commissioner

ROBERT A. LAURIE
Commissioner