

Item 1a

DOCKETED

Docket Number:	01-EP-04C
Project Title:	Alliance Century Certification Application for Four 10.5MW Simple Cycle Turbines - Compliance
TN #:	223037
Document Title:	Notice of Receipt Aliance Century Energy Facility
Description:	PETITION TO CHANGE OPERATOR FOR THE ALLIANCE CENTURY ENERGY FACILITY (01-EP-04C).
Filer:	Raquel Rodriguez
Organization:	California Energy Commission
Submitter Role:	Commission Staff
Submission Date:	3/26/2018 9:08:20 AM
Docketed Date:	3/26/2018

CALIFORNIA ENERGY COMMISSION

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



**NOTICE OF RECEIPT
PETITION TO CHANGE OPERATOR FOR THE
ALLIANCE CENTURY ENERGY FACILITY (01-EP-04C).**

On March 2, 2018, Clarion Energy West, LLC, filed a petition with the California Energy Commission (Energy Commission) requesting approval to transfer the operational control of the Alliance Century Energy Facility (ACEF), a simple-cycle peak power-generating project, from Colton Power, LP, to Alliance Energy Marketing, LLC.

The original owner, Colton Power, LP, submitted an application for the ACEF on March 21, 2001, under the emergency permitting authority granted to the Energy Commission (PRC § 25705). The ACEF, a nominal 40-megawatt, gas-fired, simple-cycle facility, was certified on April 25, 2001, under Executive Orders D-26-01 and D-28-01, in which the Governor ordered the Energy Commission and other agencies to expedite review of proposed thermal power plants for construction and operation on an emergency basis by September 30, 2001. The power plant was on line and producing power September 15, 2001. The facility is located in the city of Colton in San Bernardino County.

ENERGY COMMISSION REVIEW PROCEDURES

A statement describing the change in operator, signed under penalty of perjury by a representative of the proposed new operator of the project, was submitted to the Energy Commission staff for review and approval as required by Title 20, California Code of Regulations, section 1769(b). The statement affirms that the new operator agrees to be bound by the requirements of the Energy Commission's Decision for the project and understands the obligations imposed by the conditions of certification. Based on the information provided, staff will recommend the proposed change be approved by the Energy Commission as a consent item at the April 11, 2018 Business Meeting.

The petition has been docketed on the Energy Commission's Alliance Century Energy Facility Emergency Peaker project webpage at

<http://www.energy.ca.gov/sitingcases/peakers/century/index.html>

The Commission's Order, if approved, will also be docketed and posted to the webpage.

This Notice of Receipt has been mailed to the Commission's facility mail list of interested parties and property owners adjacent to the facility site. It has also been emailed to the facility listserve. The listserve is an automated Energy Commission system by which information about this facility is emailed to parties who have subscribed. To subscribe, go to the Commission webpage for ACEF, cited above, scroll down the right side of the webpage to the box labeled "Subscribe," and provide the requested contact information.

Any person may comment on the petition. To use the Energy Commission's electronic comment feature, go to the ACEF webpage, cited above, click on the "Comment on this

Proceeding,” or “Submit e-Comment” link, and follow the instructions in the on-line form. Be sure to include the facility name in your comments. Once accepted the comments will be distributed through the automated email system.

Written comments may also be mailed or hand-delivered to:

California Energy Commission
Dockets Unit, MS-4
Docket No. 01-EP-04C,
1516 Ninth Street
Sacramento, CA 95814-5512

All comments and materials filed with, and approved by, the Dockets Unit will be added to the facility Docket Log and become publicly accessible on the Energy Commission’s webpage for the facility.

For information on participating in the Energy Commission's review of the petition, call the Public Adviser at (800) 822-6228 (toll-free in California) or send an email to publicadviser@energy.ca.gov.

News media inquiries should be directed to the Energy Commission Media Office at (916) 654-4989, or by email to mediaoffice@energy.ca.gov.

If you have questions about this notice, please contact Project Manager Keith Winstead at (916) 654-5191 or via e-mail at keith.winstead@energy.ca.gov.

Date: _____

Signature on File _____

CHRIS DAVIS

Siting Office Manager

Siting, Transmission & Environmental Protection Division

Mail List 705
Alliance list-Serve

DOCKETED

Docket Number:	01-EP-04C
Project Title:	Alliance Century Certification Application for Four 10.5MW Simple Cycle Turbines - Compliance
TN #:	223027
Document Title:	Supplemental Affidavit of Greg Sharland in Support of Petition to Change Operational Control
Description:	N/A
Filer:	Gregory M Brown
Organization:	Brown Duke & Fogel, PLLC
Submitter Role:	Other Interested Person
Submission Date:	3/23/2018 7:38:42 AM
Docketed Date:	3/23/2018

**STATE OF CALIFORNIA
ENERGY RESOURCES CONSERVATION
AND DEVELOPMENT COMMISSION**

In the Matter of:

**Alliance Century Energy Facility
Alliance Drews Energy Facility**

Docket Nos. 01-EP-4C and 01-EP-5C

**SUPPLEMENTAL AFFIDAVIT OF GREG
SHARLAND IN SUPPORT OF PETITION
TO CHANGE OPERATIONAL
CONTROL**

STATE OF NEW YORK

COUNTY OF ST LAWRENCE

)
)
)
) ss.:
)

Greg Sharland, being duly sworn, deposes and says:

1. I am Vice President of Alliance Energy Marketing, LLC. I have personal knowledge of the matters set forth herein and could competently testify thereto if called as a witness for this matter.

2. This supplement is being filed in response to staff inquiries regarding the pending petition to change operational to clarify the prior filing in this proceeding.

3. There is no change in ownership. Colton Power, L.P. will remain the owner. Clarion Energy West LLC will be the new upstream owner. Clarion Energy West LLC is a new entity formed for purposes of the transaction. Attached as Exhibit 1 are pre-transaction and post-transaction organizational charts to clearly identify the relationship of the various entities.

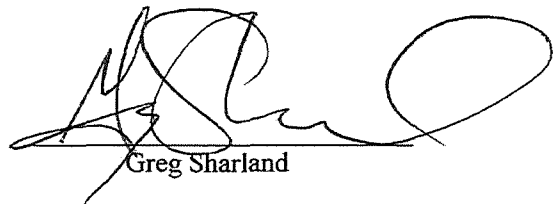
4. Colton Power, L.P. is the current operator. Upon closing the transaction, Alliance Energy Marketing, LLC will be the new operator under an agreement with Clarion Energy West LLC. Alliance Energy Marketing, LLC is not within the organizational structure of Clarion

Energy West, LLC. However, there is common management.

5. With respect to prior filings, please find attached as Exhibit 2 correspondence from Seller confirming that the operator listed in the California Energy Commission's records, PurEnergy Operating Services, LLC, was terminated on May 15, 2016 and the owner of the plants, Colton Power, L.P. has operated them since that date. We do not have a record of any filing with the California Energy Commission regarding the termination of PurEnergy Operating Services, LLC as operator of the plants.

6. Lastly, please note there was a typographical error in my prior declaration and please accept this supplement as a correction. Specifically, paragraph 2 "Carlton Power LP" should read "Colton Power, L.P."

This supplemental affidavit is made under penalty of perjury under the laws of the State of California.



Greg Sharland

Sworn to before me this
22nd day of March 2018.



Notary Public

BRANDI J. STARK
Notary Public, State of New York
ID # 01ST6301512
Appointed in St. Lawrence County
My Commission Expires 4/14/18

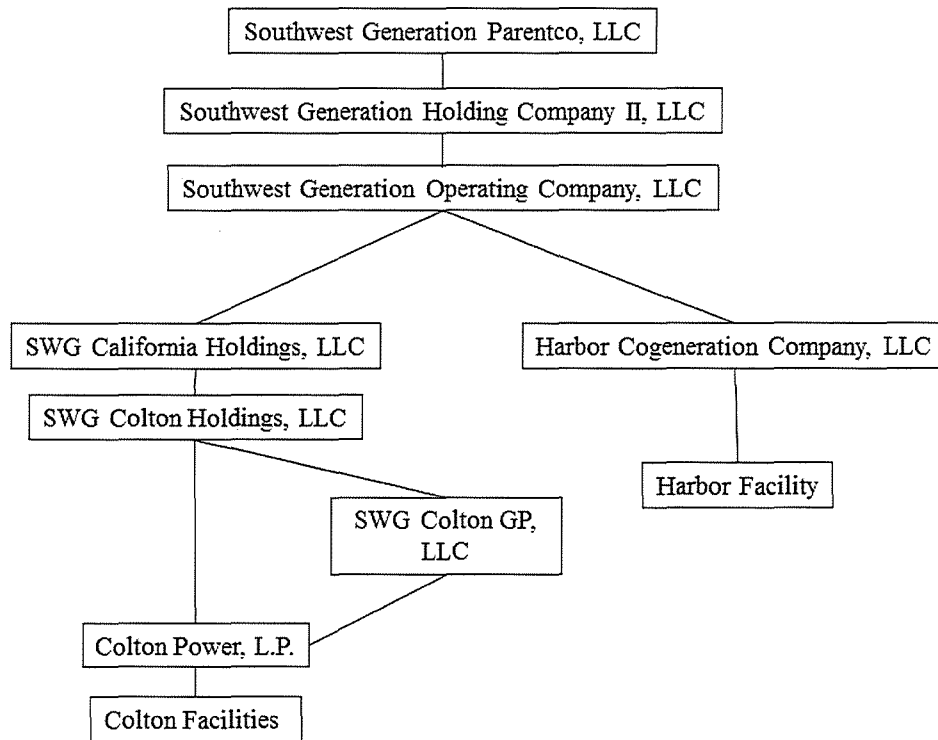
EXHIBIT 1

PUBLIC

Exhibit C

**Pre-Transaction and Post-Transaction
Organizational Charts**

Pre-Transaction Chart



PUBLIC

Post-Transaction Organizational Chart

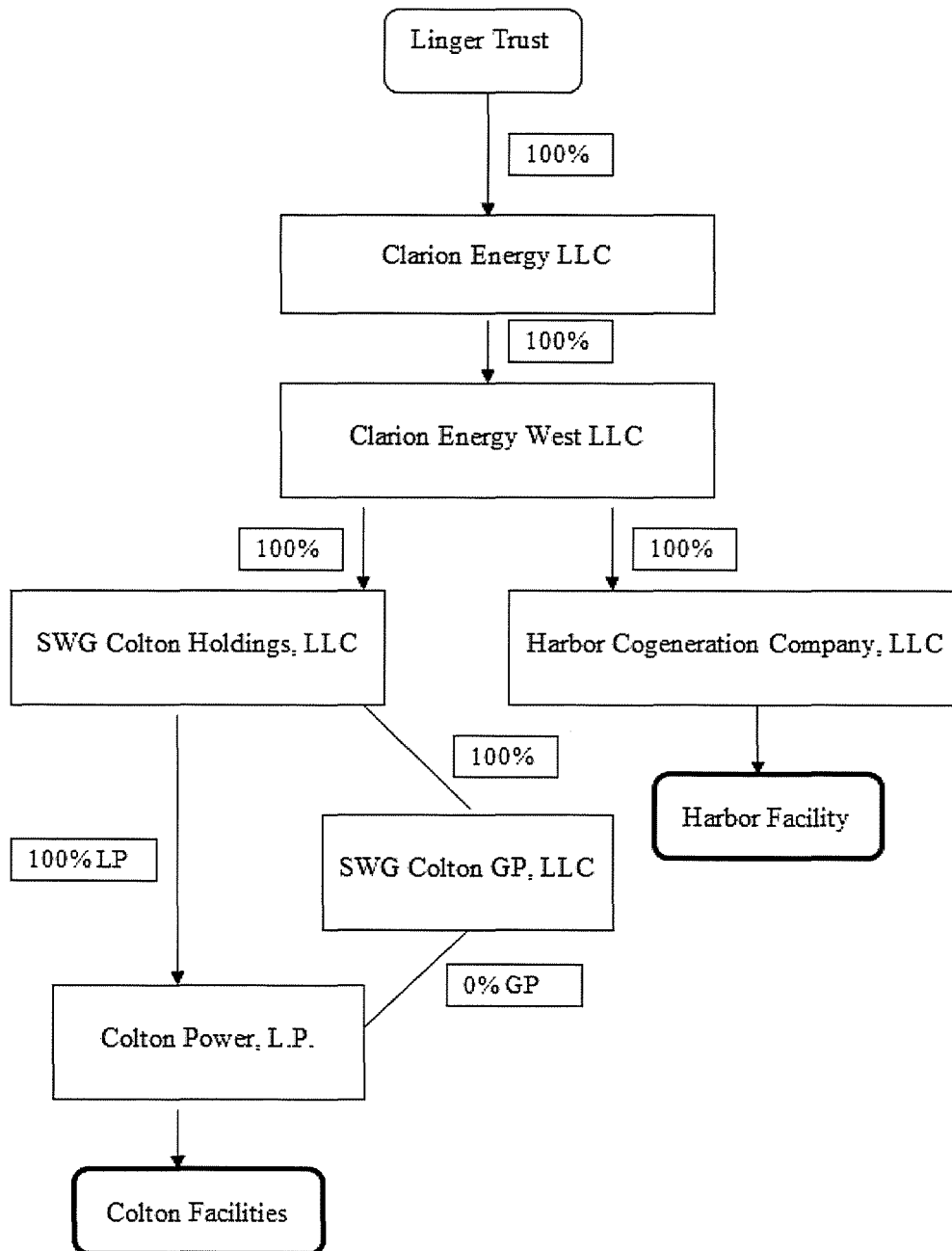


EXHIBIT 2



Colton Power, L.P.

March 20, 2018

Mr. Greg Sharland
Vice President
Alliance Energy Marketing, LLC
110 E. Seneca Street
Sherrill, New York 13461

Re: Status of PurEnergy Operating Services, LLC as Operator of Colton Plants

Dear Mr. Sharland:

This is in response to your inquiry regarding the operator of the Colton Drews and Colton Century power plants owned by Colton Power, L.P.

PurEnergy Operating Services, LLC ("PurEnergy") was the operator of the two plants until May 15, 2016. On that date, PurEnergy's services contract was terminated and the owner of the plants, Colton Power, L.P., took over their operations. Since that time, the two plants have been both owned and operated by Colton Power, L.P.

Sincerely,

COLTON POWER, L.P.

By: 

Name: Dave Rhodes

Title: Vice President of Business
Development

600 Seventeenth Street * Suite 2400S * Denver CO 80202
* Phone: 303.623.7300 * Fax: 303.825.3341 *

DOCKETED

Docket Number:	01-EP-04C
Project Title:	Alliance Century Certification Application for Four 10.5MW Simple Cycle Turbines - Compliance
TN #:	222827
Document Title:	Petition to Change Operational Control of Alliance Century and Drews Energy Facilities
Description:	N/A
Filer:	Gregory M Brown
Organization:	Brown Duke & Fogel, PLLC
Submitter Role:	Applicant Representative
Submission Date:	3/2/2018 12:55:34 PM
Docketed Date:	3/2/2018

**STATE OF CALIFORNIA ENERGY RESOURCES CONSERVATION
AND DEVELOPMENT COMMISSION**

In the Matter of:

**Alliance Century Energy Facility
Alliance Drews Energy Facility**

Docket Nos. 01-EP-4C and 01-EP-5C

Petition to Change Operational Control

**PETITION TO CHANGE OPERATIONAL CONTROL OF THE
ALLIANCE CENTURY AND DREWS ENERGY FACILITIES**

Greg Sharland
Clarion Energy West, LLC
110 E. Seneca Street
Sherrill, New York 13461
Tel. (315) 393-9048
gsharland@aeny.us

**STATE OF CALIFORNIA ENERGY RESOURCES CONSERVATION
AND DEVELOPMENT COMMISSION**

In the Matter of:

**Alliance Century Energy Facility
Alliance Drews Energy Facility**

Docket Nos. 01-EP-4C and 01-EP-5C

Petition to Change Operational Control

**PETITION TO CHANGE OPERATIONAL CONTROL OF THE
ALLIANCE CENTURY AND DREWS ENERGY FACILITIES**

Pursuant to California Code of Regulations, Title 20, section 1769(b), Clarion Energy West, LLC submits this petition to change operational control of the Alliance Century Energy Facilities and the Alliance Drews Energy Facility (the “Projects”) upon closing of a pending upstream ownership change.

The Projects are each 40-megawatt (nameplate) gas-fired simple cycle facilities located in San Bernardino County. Clarion Energy West LLC (“Clarion”) is acquiring the membership interest in SWG Colton Holdings, LLC, the upstream parent company of Colton Power, L.P.¹ The Commission has interpreted Title 20, California Code of Regulations, section 1769(b) as not requiring Commission approval for the upstream disposition of ownership interests, and therefore this Petition is limited to requesting approval of a change

¹ A petition is pending before the Federal Energy Regulatory Commission for authorization for the upstream disposition of ownership interest in Colton Power, L.P. (Docket No. EC18-52-00 Application for Authorization Under FPA Section 203 for the Disposition of Jurisdictional Facilities, et al. of Colton Power L.P., et al. (filed Feb. 6, 2018)).


operator.² This proposed change in operational control of the Projects does not seek any changes to any conditions of certification.

In connection with the Clarion acquisition of SWG Colton Power LLC, Colton Power, L.P. will enter into an Operations and Maintenance ("O&M") agreement with Alliance Energy Marketing, LLC ("AEM"), effective upon closing. AEM is a New York limited liability company that performs O&M services for several similar projects located in New York and Colorado.

As is required by section 1769(b), attached as an Exhibit is the Affidavit of Greg Sharland in Support of Change in Operational Control attesting that, as the new operator of the Projects under the O&M agreement, AEM understands the conditions of the certifications applicable to the Projects and agrees to comply with those conditions of certification as of the effective date of the new O&M agreement.

Clarion West respectfully requests that the Commission approve this Petition at the March 21, 2018 Business Meeting so AEM can assume operational control upon closing of the upstream disposition of ownership interest, which is anticipated to occur promptly after all required approvals are obtained.

Dated: February 26, 2018

By: 

² Docket No. 07-AFC-6, Application for Certification of the Carlsbad Energy Center Project, Committee Order Denying Change of Ownership Petition (Without Prejudice) (April 9, 2009). Should the Commission deem that such approval is required, Petitioner respectfully requests that the Commission also treat this Petition a request for such approval.

EXHIBIT

AFFIDAVIT OF GREG SHARLAND, VICE PRESIDENT,
ALLIANCE ENERGY MARKETING, LLC.

**STATE OF CALIFORNIA
ENERGY RESOURCES CONSERVATION
AND DEVELOPMENT COMMISSION**

In the Matter of:

**Alliance Century Energy Facility
Alliance Drews Energy Facility**

Docket Nos. 01-EP-4C and 01-EP-5C

**AFFIDAVIT OF GREG SHARLAND IN
SUPPORT OF PETITION TO CHANGE
OPERATIONAL CONTROL**

STATE OF NEW YORK

COUNTY OF ST LAWRENCE

)
) ss.:
)

Greg Sharland, being duly sworn, deposes and says:

1. I am Vice President of Alliance Energy Marketing, LLC ("AEM"). I have personal knowledge of the matters set forth herein and could competently testify ~~thereto~~ if ~~called as a witness~~ for this matter.

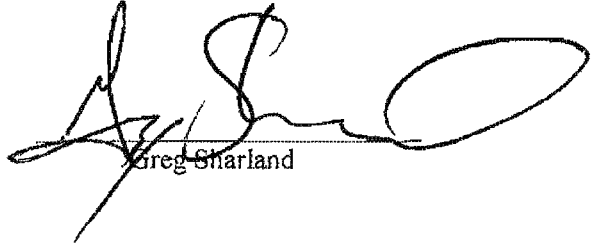
2. Clarion Energy West LLC has a pending transaction to acquire 100 percent of the upstream ownership interest of Carlton Power, LP.

3. In connection with this acquisition and upon closing, Colton and AEM intend to enter into an operations and maintenance agreement ("O&M").

4. Under the O&M agreement, AEM would provide services to the Century and Drews energy facilities ("Projects"), including, but not limited to, operating the facilities, coordinating and performing maintenance activities, major maintenance of the facilities, procuring, supplying and replacing equipment, and scheduling all outages and maintenance shutdowns.


5. As set forth in the Petition to Change Operational Control submitted simultaneously with this Affidavit, AEM agrees to comply with all conditions of certification as set forth in the Commission's Final Decisions and any subsequent approvals of amendments related thereto, as well as all laws, ordinances, regulations or standards applicable to the Projects.

This affidavit is made under penalty of perjury under the laws of the State of California as to the truth and accuracy of the Petition submitted herewith.



Greg Sharland

Sworn to before me this
1st day of March 2018.



Notary Public

TATIANA A. GOTOWALA
No. 01GO6368007
Notary Public, State of New York
Qualified In St. Lawrence County
My Commission Expires 12/04/2021



**STATE OF CALIFORNIA
ENERGY RESOURCES CONSERVATION
AND DEVELOPMENT COMMISSION**

In the Matter of:)	
ALLIANCE CENTURY ENERGY FACILITY)	Docket No. 01-EP-04C
)	
)	Order No. 18-0411-1a
)	
CLARION ENERGY WEST, LLC)	ORDER APPROVING
)	Petition to Transfer Operational Control
_____)	

On March 2, 2018, Clarion Energy West, LLC, filed a petition with the California Energy Commission (Commission) requesting approval to transfer the operational control of the Alliance Century Energy Facility (ACEF), from Colton Power, LP, to Alliance Energy Marketing, LLC. Staff filed a notice and summary of the petition on March 26, 2018.

The ACEF, a nominal 40-megawatt, gas-fired, simple-cycle facility, was certified on April 25, 2001, under Executive Orders D-26-01 and D-28-01. The facility, located in the city of Colton in San Bernardino County, was on line September 15, 2001.

As part of the petition, Alliance Energy Marketing, LLC, submitted a statement, signed under penalty of perjury, agreeing to be bound by the requirements of the facility license and that it understands the obligations imposed by the conditions of certification.

STAFF RECOMMENDATION

Commission staff reviewed the petition, finds that it complies with the requirements of Title 20, section 1769(b) of the California Code of Regulations, and recommends approval of the petition transferring operational control from Colton Power LP to Alliance Energy Marketing, LLC.

ENERGY COMMISSION FINDINGS

Based on the record, including staff's recommendation, the Commission finds that the petition has met the requirements of Title 20, section 1769(b).

CONCLUSION AND ORDER

The California Energy Commission hereby adopts staff's recommendation and approves the petition transferring operational control from Colton Power LP to Alliance Energy Marketing, LLC.

CERTIFICATION

The undersigned Secretariat to the Commission does hereby certify that the foregoing is a full, true, and correct copy of an Order duly and regularly adopted at a meeting of the California Energy Commission held on April 11, 2018.

AYE:

NAY:

ABSENT:

ABSTAIN:

Cody Goldthrite
Secretariat