

DOCKET

09-AFC-9

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February 16, 2012

California Energy Commission
Docket Unit
1516 Ninth Street
Sacramento, CA 95814-5512

Subject: **STA ADDITIONAL INFORMATION IN RESPONSE TO COMMITTEE
QUESTIONS TO SUPPORT MOTION FOR JURSDICTIONAL WAIVER
RIDGECREST SOLAR POWER PROJECT
DOCKET NO. (09-AFC-9)**

Enclosed for filing with the California Energy Commission is the original of **STA
ADDITIONAL INFORMATION IN RESPONSE TO COMMITTEE QUESTIONS TO
SUPPORT MOTION FOR JURSDICTIONAL WAIVER**, for the Ridgecrest Solar Power
Project (09-AFC-9).

Sincerely,



Marie Mills

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STATE OF CALIFORNIA

Energy Resources
Conservation and Development Commission

In the Matter of:

**RIDGECREST SOLAR POWER
PROJECT**

DOCKET NO: 09-AFC-9

**STA ADDITIONAL INFORMATION IN
RESPONSE TO COMMITTEE
QUESTIONS TO SUPPORT MOTION
FOR JURISDICTIONAL WAIVER**

On February 3, 2012, Solar Trust of America Development (STA) received through its Counsel of Record a request from the Hearing Officer assigned to this matter. Specifically the Hearing Officer requested STA to file a response to be docketed and served on all parties to answer the following inquiry:

A recent press release from Solar Trust of America (STA) announced that Solar Millennium AG, a majority equity shareholder of STA, initiated insolvency proceedings in Germany. Recent media reports further indicate that a sale of Solar Millennium's interest in STA may have been consummated.

For the benefit of the Commissioners and persons who have participated in the Ridgecrest Solar Power Project proceedings, including the proceedings that led to the Hearing Adviser's [Proposed] Commission Decision Affirming that Warren-Alquist Act Section 25502.3 Applies to Photovoltaic Electrical Generating Facilities, please confirm whether STA intends to proceed with a project and if so, how the insolvency proceedings and media reports of a sale may affect the timeline by which STA would do so.

Notwithstanding our contention that the question presented is wholly irrelevant to the matter currently pending before the Commission, the simple answer is that solarhybrid

AG, the buyer of Solar Millennium's interest in STA, intends to develop the Ridgecrest Solar Power Project (RSPP). Specifically, solarhybrid AG intends to develop a PV project that is smaller in footprint than the concentrated solar power configuration described in the RSPP AFC. The PV project will be located within BLM land (no County land) located on the south side of Brown Road thereby avoiding the desert tortoise habitat located north of Brown Road and avoiding the Mohave Ground Squirrel habitat corridor identified within the main wash area located on both sides of Brown Road. With respect to timing, neither STA nor solarhybrid AG can commit to date for filing of a PV Project for RSPP as development has been suspended until the Commission rules on the motion.

BACKGROUND

STA originally approached CEC Staff for guidance on the applicability of Section 25502.3 of the Warren Alquist Act to projects that would employ PV technology. Staff instructed STA Counsel to file a motion specifically in a proceeding involving a project that was seeking to employ PV technology. STA then filed the pending motion in this proceeding. That original motion was filed on June 17, 2011. The Committee ordered briefs which were filed by the parties on July 6, 2011. Oral argument took place before the Committee on July 25, 2011. On July 28, 2011, the Committee requested the Commission take the matter from the Committee as the decision would be precedential and would affect stakeholders beyond those involved in the Ridgecrest Proceeding. The Commission agreed and withdrew the motion from the Committee on August 24, 2011. On September 16, 2011 the parties filed Supplemental Briefs answering specific questions posed by the Commission. On December 5, 2011 after consideration of all documents in the matter, the assigned Hearing Officer published a Proposed Decision.

STA is entitled to a decision on its motion. The hearing on the Proposed Decision has been continued twice with the latest continuance being indefinite with no specified date. The Commission has had the issue under advisement for over 5 months. STA respectfully requests that the Commission rule on this matter and specifically requests the Commission adopt the Proposed Decision as its own.

Respectfully Submitted,

February 16, 2012



Scott A Galati
Counsel to STA



**BEFORE THE ENERGY RESOURCES CONSERVATION AND DEVELOPMENT
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**APPLICATION FOR CERTIFICATION
For the *RIDGECREST SOLAR POWER PROJECT***

**Docket No. 09-AFC-9
PROOF OF SERVICE
(Revised 2/10/2012)**

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DECLARATION OF SERVICE

I, Marie Mills, declare that on February 16, 2012, I served and filed copies of the attached **STA ADDITIONAL INFORMATION IN RESPONSE TO COMMITTEE QUESTIONS TO SUPPORT MOTION FOR JURISDICTIONAL WAIVER**, dated February 16, 2012. This document is accompanied by the most recent Proof of Service list, located on the web page for this project at: [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 e-mail addresses on the Proof of Service list;
- Served by delivering on this date, either personally, or for mailing with the U.S. 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 "e-mail preferred."

AND

For filing with the Docket Unit at the Energy Commission:

- by sending one electronic copy e-mailed to the address below (preferred method); **OR**
- by depositing an original and 12 paper copies in the mail with the U.S. Postal Service with first class postage thereon fully prepaid, as follows:

CALIFORNIA ENERGY COMMISSION – DOCKET UNIT
Attn: Docket No. 09-AFC-9
1516 Ninth Street, MS-4
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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 e-mail, and an original paper copy to the Chief Counsel at the following address, either personally, or for mailing with the U.S. Postal Service with first class postage thereon fully prepaid:

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I declare under penalty of perjury under the laws of the State of California 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.



Marie Mills