

DOCKET

09-AFC-9

DATE SEP 15 2011

RECD. SEP 15 2011

KERNCREST AUDUBON SOCIETY
PO Box 984
Ridgecrest, CA 93556

September 15, 2011

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

Subject: RESPONSE TO ORDER NO. 11-0824-8, CASE 09-AFC-9

Enclosed for filing with the California Energy Commission is the original of RESPONSE TO ORDER NO. 11-0824-8 for the Ridgecrest Solar Power Project (09-AFC-9).

Sincerely,

Daniel Burnett
Intervenor

KERNCREST AUDUBON SOCIETY
PO Box 984
Ridgecrest, CA 93556

September 15, 2011

STATE OF CALIFORNIA

Energy Resources
Conservation and Development Commission

In the Matter of:

DOCKET NO: 09-AFC-9

RIDGECREST SOLAR POWER PROJECT
0824-8

RESPONSE TO ORDER No. 11-
0824-8

Kerncrest Audubon Society appreciates the opportunity to comment once again on Solar Trust of America's Motion for Order Affirming Application of Jurisdictional Waiver in accordance with Order No. 11-0824-8.

It is our opinion that the issue has been decided by the California Legislature's passing of Senate Bill 226 on Friday, September 9, 2011 granting previously certified projects permission to convert from solar thermal to photovoltaic power generation without having to file a new application. We believe that if the legislators had considered the Energy Commission to have optional jurisdiction over projects converted from solar thermal to photovoltaic technology, as posed by the applicant, the Legislature would not have felt it necessary to introduce and pass this bill.

Further, by exercising their authority to legislate the matter, we think the legislators made it clear that they did not intend the Commission to have authority to decide on the issue of jurisdiction.

Respectfully submitted,

Daniel G. Burnett
Intervenor

DECLARATION OF SERVICE

I, Daniel G. Burnett, declare that on, , I served and filed copies of the attached , dated 15 September 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: [\[www.energy.ca.gov/sitingcases/solar_millennium_ridgecrest/index.html\]](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:

XX Served electronically to all e-mail addresses on the Proof of Service list;

XX 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:

X by sending an original paper copy and one electronic copy, mailed with the U.S. Postal Service with first class postage thereon fully prepaid and e-mailed respectively, 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
Sacramento, CA 95814-5512
docket@energy.state.ca.us

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.

Daniel G. Burnett

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

**Docket No. 09-AFC-9
PROOF OF SERVICE
(Revised 8/15/2011)**

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