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September 16, 2011

DOCKET

09-AFC-9

DATE Sept 16 2011

RECD. Sept 16 2011

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

Re: Docket No. 09-AFC-9
In the Matter of Application for Certification for the Ridgecrest Solar
Energy Project
Response to Order No. 11-0824-8

Dear Commission:

Enclosed for filing please find a letter from the Kings County Community Development Agency in response to Order Number 11-0824-8. Additionally, the County respectfully requests to be added to the Proof of Service list as an Interested Agency for this Docket Number, 09-AFC-9, as follows: County of Kings, Johannah Hartley, 1400 W. Lacey Blvd., Hanford, CA 93230, E-mail preferred, johannah.hartley@co.kings.ca.us.

Thank you.

Respectfully,

COLLEEN CARLSON
County Counsel


JOHANNAH HARTLEY
Deputy County Counsel

JH:md

Enclosure

h:\correspn\CEC response letter-intro



KINGS COUNTY COMMUNITY DEVELOPMENT AGENCY

Gregory R. Gatzka, Director
Chuck Kinney, Deputy Director – Planning
Darren Verdegaal, Deputy Director - Building

Web Site: www.countyofkings.com/planning/index.html

September 15, 2011

James D. Boyd
Vice Chair and Presiding Member
California Energy Commission
1516 Ninth Street
Sacramento, CA 95814-5512

Re: Docket No. 09-AFC-9
In the Matter of Application for Certification for the Ridgecrest Solar Energy Project
Response to Order No. 11-0824-8

To the Honorable Mr. James D. Boyd:

On behalf of the Kings County Community Development Agency, we respectfully submit this letter in opposition to the Solar Trust's Motion for Order Affirming Application of Jurisdictional Waiver regarding the Ridgecrest Solar Power Plant Project.

Kings County has experienced a substantial influx of commercial solar photovoltaic project applications over the past couple of years. Four projects totaling 173 MW have already been approved in Kings County with 48 MW nearing completion of their construction. These and twelve other applications are all located within prime agricultural designated land within Kings County. The State has exempted these facilities from property tax, yet there remain impacts and other service implications to Kings County. This simple fact necessitates that Kings County as the local agency tasked with protecting the public health, safety and welfare of its residents must ensure complete and thorough evaluation of all potential impacts and feasible mitigation be integrated in protecting the public's trust. In addition, these projects are reviewed in close coordination with our Building Inspection Division as well as Kings County Public Works Department to ensure that all construction and utility improvements are performed in a safe and coordinated manner. In working cooperatively with the State, Kings County has established provisions for commercial solar projects in the Kings County General Plan and Zoning Ordinance to assist in meeting the needs for renewable energy and allow streamlined permit processing.

Should the Solar Trust's motion be favorably considered, this determination would potentially set a new precedent for commercial solar companies to bypass local land use regulation thereby resulting in the State usurping local land use regulatory authority. As the Agency tasked with implementing and enforcing this County's land use regulations, we have serious concerns over the potential unintended consequences that may result from a State waiver to circumvent local land use regulations. The recently published example of the PG&E Kerman Solar project is a perfect example of the risks that are at stake to the public if commercial solar projects are allowed to sidestep local regulatory accountability. The Kerman Solar project site was developed and abandoned approximately 15 years ago and left un-reclaimed with discarded infrastructure. Given the fact that agriculture is a prime resource and economic foundation in Kings County and our local project conditions protect

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that long term viability, a State waiver of these requirements may necessitate that Kings County revisit whether solar photovoltaic systems remain a compatible use in the County's prime agricultural region. Without local agency regulatory controls through permitting approval and conditions, the County may be left with no remedy to abate nuisances from a failed or abandoned solar site.

For these reasons, we respectfully oppose Solar Trust's motion for a jurisdictional waiver. Thank you for your consideration of our position in relation to this matter.

KINGS COUNTY
COMMUNITY DEVELOPMENT AGENCY

A handwritten signature in black ink, appearing to read "Gregory R. Gatzka", with a long horizontal flourish extending to the right.

Gregory R. Gatzka, Director

Cc: County Administration
County Counsel

DECLARATION OF SERVICE

I, Maricela De La Rosa declare that on September 16, 2011, I served and filed copies of the letter to California Energy Commission, dated September 15, 2011. The original document, filed with the docket Unit, is accompanied by a copy of the most recent Proof of Service list, located on the web page for this project at: [http://www.energy.ca.gov/sitingcases/solar_millennium_ridgecrest/index.html].

The document has been sent to both 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:

For service to all other parties:

- Served electronically to all email addresses on the Proof of Service list;
- Served by delivering on this date, either personally, 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 "email preferred."

AND

For filing with the Docket Unit at the Energy Commission:

- 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:

California Energy Commission
Michael J. Levy, Chief Counsel
1516 Ninth Street MS-14
Sacramento, CA 95814
mlevy@energy.state.ca.us

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.


MARICELA DE LA ROSA



BEFORE THE ENERGY RESOURCES CONSERVATION AND DEVELOPMENT
COMMISSION OF THE STATE OF CALIFORNIA
1516 NINTH STREET, SACRAMENTO, CA 95814
1-800-822-6228 – WWW.ENERGY.CA.GOV

**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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