



California Wind Energy Association

December 13, 2011

Energy Resources Conservation and Development Commission
State of California
1516 Ninth Street, MS-4
Sacramento, CA 95814

**Re: In the Matter of the Application for Certification of Ridgecrest Solar Power Project,
Docket No. 09-AFC-9**

To the Members of the California Energy Commission:

The California Wind Energy Association (CalWEA) opposes Solar Trust of America's (STA) motion asking the Energy Commission to find that Section 25502.3 of the Warren-Alquist Act allows a photovoltaic generating facility to voluntarily submit to the Commission's exclusive jurisdiction.

CalWEA is a non-profit trade association supported by over 30 members of the wind energy industry, including turbine manufacturers, project developers and owners, component suppliers, support contractors and others. CalWEA represents its members in California's policy forums, seeking to encourage and support the production of electricity through the use of wind generators.

CalWEA opposes STA's motion for the following reasons:

- Granting the motion would result in a far-reaching change in how non-thermal electric generation facilities, including wind, can be permitted in California. Such a change should not be undertaken in the context of an advisory opinion requested by a single applicant.
- STA's interpretation of Section 25502.3 would allow any facility of any size (even potentially non-energy generating facilities) to "forum shop." While particular applicants may find such an option attractive on a project-by-project basis, it is likely to result in a patchwork of different and potentially inconsistent regulatory requirements and permitting milestones for otherwise similar projects, even projects directly adjacent to each other.
- STA's interpretation of Section 25502.3 would render SB 226 (allowing certain solar facilities already certified by the Commission to remain under Commission jurisdiction, even if they switch to PV technology) meaningless and unnecessary.
- STA's argument requires an interpretation of the term "facility" that is inconsistent with the definition of "facility" provided in the Warren-Alquist Act.

- Local permitting of wind projects in California has been successful and has allowed counties to tailor permitting requirements to local conditions, such as support for public safety services (in particular fire and police). Allowing an applicant to by-pass local permitting agencies in favor of the Commission will hamper the ability of applicants and local agencies to craft these local solutions.

CalWEA appreciates the opportunity to provide comments on this important issue and urges the Commission to reject STA's position for all of the above reasons.

Respectfully submitted,



Nancy Rader
Executive Director

Also on behalf of:

Anne E. Mudge
Siting Advisor

cc: Docket Office