

CALIFORNIA ENERGY COMMISSION

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www.energy.ca.gov



September 26, 2012

VIA ELECTRONIC MAIL

California Public Utilities Commission
Energy Division
Attention: Tariff Unit
505 Van Ness Avenue
San Francisco, CA 94102

RE: Resolution E-4522, Advice Letter 2339-E-D, Southern California Edison's request for approval of five amended and restated power purchase agreements

Dear Tariff Unit Staff:

In reviewing proposed Resolution E-4522 regarding Southern California Edison's request for approval of five amended and restated power purchase agreements, an issue is raised of whether environmental concerns posed by certain parties should be heard by the California Public Utilities Commission. As you are aware, if the Solar Partners' projects are thermal 50 megawatts or greater, applications for certifications would have to be filed with the California Energy Commission (Energy Commission). The Energy Commission would carry out an extensive review process pursuant to the California Environmental Quality Act (CEQA), culminating in a Final Decision. The following paragraphs summarize our process, which we hope will be useful to you in addressing the comments of the parties.

The Energy Commission has the statutory responsibility for licensing thermal power plants 50 megawatts and larger and related facilities such as transmission lines, fuel supply lines, and water pipelines. The Energy Commission's 12-month, one-stop permitting process is a certified regulatory program under the CEQA and includes many opportunities for public participation assisted by the Public Adviser, who is appointed by the Governor. The Energy Commission's license/certification process subsumes all requirements of state, local, or regional agencies otherwise required before a new plant is constructed. The Energy Commission coordinates its review of the facility with the federal agencies that will be issuing permits to ensure that the Energy Commission certification incorporates conditions of certification that would be required by those federal agencies.

The Energy Commission ensures that energy facilities are licensed in an expeditious and environmentally acceptable manner. The Energy Commission is the CEQA lead agency for all projects it reviews, doing the following: it ensures that there is no impact to public health and safety and the environment; ensures project conformance with applicable laws, ordinances, resolutions and standards; coordinates the participation of other agencies; receives public input; and defines the conditions for constructing, operating and eventually closing the project. The Energy Commission is the Chief Building Official that oversees the construction of the project.

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The energy facilities certification process is designed to be rigorous, fair and consistent, while eliminating duplication and regulatory uncertainty. The Energy Commission's one-stop siting process provides one regulatory permit, a decision within a specific time frame, and full opportunity for participation by public and interest groups. The Energy Commission's staff, which includes a full range of environmental and engineering experts, is a party in a power plant siting proceeding and is charged with providing the Energy Commission with an independent assessment of the project. The staff's function is to review information provided by the applicant; coordinate with other federal, state and local agencies; do necessary field studies; and prepare and present sworn testimony in evidentiary hearings. The staff also implements a compliance monitoring program to ensure that power plants are constructed and operated according to the conditions of certification. All projects approved by the Energy Commission are monitored for compliance with the Commission Decision for the life of the project.

During the energy facilities certification process, two commissioners are assigned to oversee all hearings, workshops and related proceedings on a specific project. This two-member "committee" will make recommendations to the other Commissioners before final action for certification is determined at a public hearing(s) of the full Energy Commission. Energy Commission decisions can be appealed to the Energy Commission for reconsideration and are subject to review by the State Supreme Court.

We believe that because of the rigorous environmental review and comprehensive public process, litigation challenging the Energy Commission's decisions over the last thirty years has largely been unsuccessful.

If you have questions about our process, please contact Jeffery Ogata, Assistant Chief Counsel, at 916-653-1151, or by email at jeffery.ogata@energy.ca.gov. Thank you for your consideration.

Sincerely,



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Executive Director

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