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**Comments of First Solar on the
Overview of DRECP Alternatives Briefing Materials provided
in connection with the July 25, 2012 DRECP Stakeholders Committee Meeting**

1. Introduction

First Solar appreciates the opportunity to provide the following comments on the Briefing Materials and other documents provided in connection with the Desert Renewable Energy Conservation Plan (DRECP) Stakeholders Committee Meeting on July 25, 2012 in Ontario, California.

First Solar is headquartered in the United States, and is a world leader in the manufacture of photovoltaic (PV) solar modules, and a premier provider of comprehensive PV solar systems. By enabling clean, renewable electricity at competitive prices, First Solar provides an economically and environmentally viable alternative to peaking fossil-fuel electricity generation, and is focused on creating value-driven renewable energy solutions that protect and enhance the environment. We have a strong interest in land use planning efforts for solar energy projects in California, including within the area of the DRECP, and throughout the U.S. Southwest. First Solar has the largest portfolio of utility-scale solar PV projects in California, with more than 2,500 megawatts of solar PV projects in various stages of development and construction.

2. Summary of Recommendations on the DRECP

First Solar is an active member of the Center for Energy Efficiency and Renewable Technologies (CEERT) and the Large-scale Solar Association (LSA) and offers its support here for the comments submitted today by these organizations to the Briefing Materials. In addition, First Solar offers the following recommendations on how to improve the DRECP:

- a. Provide clear distinction within the biological reserve design between those areas that are already defined as off-limits for renewable energy development and those that are proposed for further study.
- b. For those lands that are proposed as potential biological reserve, provide clear, actionable process by which a potentially impacted project proponent can propose that certain lands in the reserve should be considered for development.
- c. Adopt, and publish, a definition of “pending projects” that mirrors the definition adopted in the Programmatic Environmental Impact Statement for Solar Energy Development in Six Southwestern States (PEIS) for projects on federal lands and that provides a reasonable amount of protection for projects with active applications on private lands, consistent with the recommendations of LSA.
- d. Revisit, and further discuss, assumptions for transmission within the DRECP context including those listed in Section 5 of these comments.

3. Biological Reserve Design – Use of Data and Ability to Develop

First Solar’s concerns with the biological reserve areas presented to date fall into two primary categories: a) a lack of clear, consistent scientific basis for designating lands as biological reserve lands, and b) the ability, and associated rules, for developing renewable energy within biological reserve areas.

a. Data Transparency: First Solar recognizes that there are areas that are clearly not open for new renewable energy development, such as national parks and other protected areas. First Solar avoids these areas in selecting and developing project sites. We are, however, concerned with areas that appear to have been newly proposed as biological reserve areas without an accompanying basis for inclusion (analysis or data used). According to the presentation by agency representatives at the July 25th workshop, the biological reserve design map uses existing data, to the extent that there is any for a particular area, and a detailed analysis of the proposed biological reserve design will come during the EIS/EIR period. First Solar recommends a clear discussion and presentation of the underlying data to stakeholders, including whether determinations are based on actual monitoring data or whether they are based on models, and the underlying monitoring or modeling data assumptions.

b. Process Transparency: If the DRECP proposes biological reserve areas and/or Areas of Critical Environmental Concern (ACECs) based on high level biological studies or models, there should be a process for making a case for development in these areas based on more site-specific, detailed studies. The DRECP should clearly describe a process to study and either validate, invalidate, or refine the broader conservation recommendations for a specific site.

4. Definition, and Treatment of, Existing and Pending Projects within DRECP

The DRECP Planning Agreement, in Section 1.14, clearly defines projects that are “existing”, and thus exempt from the requirements of the DRECP, as those that meet the definition of Section 2069 of the Fish and Game Code. The definition of “pending” projects, and a “bright line” by which the DRECP will or will not apply to those projects currently remains undefined. This issue was discussed with some specificity at the public meeting on July 25th. The description that was offered would tie the timing of the Record of Decision (ROD) for the pending project, as relative to the ROD for the DRECP. Specifically, if the ROD for the project is published before the ROD for the DRECP, then the project will be analyzed in accordance with existing land use plans and evaluated for consistency with the preliminary conservation objectives. If the reverse is true, then the DRECP will apply.

While First Solar appreciates the public discussion of this issue, we have several remaining concerns: 1) the description offered at the workshop is inconsistent with the descriptions given by other agency officials at private and public meetings, 2) we are concerned that the description would not insulate a project from delay or possible litigation, 3) the description is not clearly noted anywhere in any official document, 4) the definition is inconsistent with the definition adopted in the PEIS for projects on public lands, and 5) no clear explanation has been offered for projects on private lands. These concerns would be alleviated if, for projects on public lands, the DRECP adopted the definition of pending applications under the PEIS, which includes those applications filed in solar energy zone areas before June 30, 2009, and in all other areas covered by the PEIS before October 28, 2011. Thus, First Solar recommends that the DRECP define “pending projects” in the same way as in the PEIS and provide the same protections for pending applicants on public land. For projects on private land, First Solar supports the recommendations of LSA. These definitions should be published expeditiously to avoid confusion and potential wasting of resources.

5. Comments on Transmission Assumptions

First Solar participated in the Transmission Technical Group meeting on August 6th, via remote connection, and offers the following observations here:

- a. The transmission planning process was not originally intended to address gen-tie lines. At the meeting, it appeared to be the decision of the group to consider the impacts of gen-tie lines, and for modeling purposes that projects would be grouped such that one private gen-tie would be shared among several projects. It is infeasible for projects to share circuits due to project timing considerations and the fact that such shared gen-ties would have to become eligible for OATT

under FERC law. Realistically, projects can share a single pole line, which generally limits sharing to two projects per pole line.

- b. The group displayed some assumptions that 8% of solar projects will average 100 megawatts (MWs) in capacity and connect at 69kV, and 92% of solar projects would average 400 MWs in capacity and connect at 230kV. Current market realities would suggest a greater percentage of smaller solar projects than is currently assumed.
- c. The group appeared to be moving toward a request that Alternative 4 be dropped from consideration in the DRECP, given current transmission limitations in Imperial County. First Solar recognizes the current challenges, and also that Imperial County contains some of the best solar energy resource areas in California, and thus recommends that the quality of the resource be fully considered.

Thank you for considering these comments, and those submitted by other parties on behalf of the solar industry.

Sincerely,



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