Comments on
California Independent System Operator
Tariff Bulletin – BLM Site Exclusivity

OptiSolar appreciates the opportunity to file these comments on the California Independent System Operator (CAISO) Tariff Bulletin issued on December 3, 2008. This Tariff Bulletin regards the issue of the definition of site exclusivity for projects located on publically owned Bureau of Land Management (BLM) land. OptiSolar agrees with the CAISO proposal to come up with an interpretation of “other right to use the property,” that will allow the Interconnection Customer to provide evidence to the ISO that it has satisfied various criteria which demonstrate significant effort in prosecuting the project permit application before the BLM and viability of the power generation project.

OptiSolar is a Board Member of the Large-scale Solar Association (LSA) and we endorse and adopt their comments on this topic. OptiSolar participated on the December 9th stakeholder conference call on this topic and stated several edits to the Tariff Bulletin proposed language. Attached is the redlined version of our proposed language. They mirror the LSA proposed language in that OptiSolar also agrees with the concept of having milestones that are under the control of the developer.

While OptiSolar agrees with all of the issues and proposed edits offered by LSA in their comments we would like to take this opportunity to address a topic from the stakeholder conference call. One party suggested that instead of using the proposed milestones identified in the Tariff Proposal (edited per stakeholder comment) that we just use the BLM issuance of Notice of Intent (NOI) as the only milestone because you need to have accomplished the items in order for an NOI to be issued and published. OptiSolar strongly disagrees with this concept. The issuance of a BLM Notice of Intent again is an act that is not under the control of the developer and is not an appropriate milestone for this proposal. We agree that all of the items listed in CAISO Tariff Bulletin Section 3 b. Undertaking of Significant Additional Activity to Prosecute the Permanent Permit must be accomplished before the NOI is published however there is no required timetable for BLM to issue the NOI once the items are completed. There is also the extensive time involved in BLM internal review. First, the BLM Field Office must review it, and then it goes to the BLM District Office for review, then off to the BLM State Office, then on the Washington, DC office for final publication in the National Registry. All of this review takes an unknown amount of time before an NOI is even published. In Arizona the BLM is grouping applications in a certain area into a regional NOI. If this get’s adopted in
California as a result of the BLM’s Solar Programmatic Environmental Impact Study (PEIS) proceeding there could be a project that has completed the steps necessary yet has to wait on other projects in that group before an NOI is issued. In order to maintain a sense of equality with the site exclusivity definitions for private land, where a demonstration can be made years before a permit is issued, the concept of using the NOI should not be adopted by the CAISO.

OptiSolar is glad to see that so far the GIPR process seems to be working. And as LSA stated in their comments:

“The effects of the study deposits and the site exclusivity deposits and the other requirements that were due on November 21\textsuperscript{st} have already had the desired effect. As has been reported in the California Energy Markets, December 12\textsuperscript{th} edition, CAISO CEO Yakout Mansour has stated that half of the projects in the interconnection queue have withdrawn, clearing the way for viable projects in the queue”

This Tariff Bulletin only affects projects that are still in the queue and have already paid their site exclusivity deposits plus all of the other requirements and have been deemed viable.

If the CAISO adopts OptiSolar’s and LSA’s recommended language then the CAISO can fulfill the definitions for “other right to use the property,” that will allow the Interconnection Customer to provide evidence to the ISO that it has satisfied various criteria which demonstrate significant effort in prosecuting the project permit application before the BLM and demonstrating, for the purposes of site exclusivity, the viability of the generation project

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