Subject: Solar Millennium Comments on Proposed Site Exclusivity Requirements

Thank you for the opportunity to provide comments on the proposed site exclusivity criteria for renewable power projects that are proceeding with interconnection studies that are on Federal Lands managed by the Bureau of Land Management. Solar Millennium is actively involved in three projects that are subject to these criteria.

In general, the proposed structure for formal establishment of Site Exclusivity disadvantages companies on Federal Land compared to requirements on private land.

One of the proposed criteria is the filing and processing of a Temporary Use Permit. The temporary use permit is not necessarily an appropriate milestone for solar applications. For instance, one purpose of a Temporary Use Permit is to establish a solar monitoring station on the site. In the case of all three sites we are advancing on Federal Lands in California, we have gone ahead and set up solar monitoring stations on private land adjacent to the BLM site to allow us to begin collecting data in a timely manner. As such, we have not tendered a Temporary Use Permit for solar monitoring.

We are concerned with using a BLM POD Completeness determination as criteria. We have been working closely with BLM Field Offices on our ROW applications and Plans of Development over the past 18 months. Over that time, we have supplied an abundance of data and information on our projects and plans. The fine-tuning of POD information has been a work-in-progress for some time, and we appreciate the complex set of issues that BLM needs to sort through on the way to granting long-term power plant rights-of-way. However, BLM has neither timeframes for making a determination as to the completeness of a POD nor a process for reporting this. This will represent an administrative burden for BLM and is not something that the developer can control.

It has been suggested (by others) that initiating the NOI/NEPA process may be an appropriate criteria. We would be concerned with this as well. There are too many factors that can delay this issuance of an NOI which are out of a developer’s control. However, steps (totally in a developer’s control) toward identifying a contractor and lead agency for the EIS process would be acceptable. Launch of an AFC contractor would also represent a substantive step by a developer, and may be a good “site exclusivity” criterion.

The first in time requirement would also be acceptable criteria.

We understand why it is important that CAISO have a process for establishing site exclusivity as part of the LGIP. Obtaining and maintaining “first in line” status with BLM on an ROW application is in itself a substantial test. We believe that criteria beyond this should be kept to a minimum, and be exclusively made up of steps that are entirely in the control of the developer.

Sincerely,
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