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April 25, 2014
By email and U.S. Mail

Robert Oglesby, Executive Director
California Energy Commission
Office of the Executive Director
1516 9th Street, MS-39
Sacramento, CA 95814-5512

California Energy Commission

DOCKETED

11-RPS-01

TN 72983

MAY 01 2014

Re: Nevada Irrigation District's Request for Extension of RPS Certification Deadlines
for Dutch Flat #2 Powerhouse (CEC-RPS-ID No. 60264A) and Rollins
Powerhouse (CEC-RPS-ID No. 60265A)

Dear Executive Director Oglesby:

Nevada Irrigation District (NID) hereby respectfully requests extension of the RPS certification application deadlines that applied to the recertification of two of NID's small hydroelectric facilities, Dutch Flat #2 Powerhouse and Rollins Powerhouse, CEC-RPS-ID Nos. 60264A and 60265A, respectively. The application deadlines for recertification were originally set for September 29, 2013 (90 days after NID's original power purchase agreement expired). Due to circumstances more fully explained in NID's February 7, 2014, Petition for Reconsideration (previously submitted to the Executive Director and incorporated herein by reference), the final applications for recertification that were eventually approved were submitted on October 30, 2013. NID therefore requests a 31-day extension of the deadlines, to October 30, 2013, so that the recertification applications for the Dutch Flat #2 and Rollins Powerhouses will have been timely submitted, allowing the facilities' original RPS eligibility dates to be reinstated so that renewable energy credits generated during the period of ineligibility will qualify for the RPS program. This request is submitted pursuant to Resolution No. 14-0422-12, which the Commission unanimously adopted on April 22, 2014.

The information required by the Resolution is as follows:

- a) Applicant: Nevada Irrigation District, 1036 West Main Street, Grass Valley, CA, 95945
Facilities:
 - Dutch Flat # 2 Powerhouse, 33199 Diggins Road, Nevada City, CA, 95959
CEC-RPS-ID No. 60264A (formerly 60264E)
WREGIS Registration No. W488
 - Rollins Powerhouse, 15531 Arrowhead Lane, Grass Valley, CA, 95945
CEC-RPS-ID No. 60265A (formerly 60265E)
WREGIS Registration No. W699
- b) Amount of Time Requested: NID requests extensions of 31 days, from September 29, 2013 until October 30, 2013, such that the applications submitted for the Dutch Flat #2 and Rollins Powerhouses on October 30, 2013, will be deemed timely received.
- c) The circumstances resulting in NID's failure to meet the deadlines are more fully explained in NID's February 7, 2014, Petition for Reconsideration and in the administrative record attached thereto (specifically, pp. 1-7 of the Petition). In short, NID did not have actual notice of the certification deadlines until after the deadlines had passed. This confusion was compounded by concurrent turnover of NID staff responsible for obtaining and maintaining such certifications. Finally, although NID diligently pursued the recertification as soon as it learned of the deadlines, confusion over which forms were required delayed submission of the applications. Some of the circumstances (e.g., staff turnover) were beyond NID's control.
- d) The financial and other consequences to NID that would occur should this request be denied are more fully explained in NID's February 7, 2014, Petition for Reconsideration and in the administrative record appended thereto (specifically, p. 7 of the Petition and the Declaration of Keane Sommers, Administrative Record Tab 5). Should this request be denied, NID could be subject to contractual penalties of \$671,517.
- e) Other good cause for granting this request for extension of time is more fully explained in NID's February 7, 2014, Petition for Reconsideration and in the administrative record appended thereto (specifically, pp. 1-7 of the Petition and Tabs 1 through 5 of the Administrative Record). Aside from the circumstances leading up to the submission of applications and the financial consequences that would result should this request not be granted, NID would like to highlight the diligence with which it pursued submitting the applications upon learning that the deadlines had passed. NID would also note that the facilities in question—both are small hydroelectric facilities—are incapable of producing non-renewable energy and were RPS-certified both before and after the period of ineligibility.

f) The documentation that supports items a) through e), above, has already been submitted to the Commission and is incorporated herein by reference. This includes, but is not limited to, NID's February 7, 2013, Petition for Reconsideration and all of the documents included in the Administrative Record; NID's rejected RPS recertification applications for Dutch Flat #2 and Rollins Powerhouses, which were submitted on October 7 & 25, 2013; and NID's approved RPS recertification applications, which were submitted on October 30, 2013.

Approval of this request for extension of time would not cause any of the prohibited results listed in Resolution No. 14-0422-12 (Criteria 7 through 10).

Should the Executive Director require additional information regarding this request for extension, please contact the undersigned.

Respectfully submitted,

MINASIAN, MEITH, SOARES,
SEXTON & COOPER, LLP
Attorney for Nevada Irrigation District

By: 
Peter C. Harman