

BEFORE THE PUBLIC UTILITIES COMMISSION OF NEVADA

Application of COPPER MOUNTAIN)
SOLAR III, LLC for a permit under the)
Utility Environmental Protection Act to)
construct the Copper Mountain Solar III)
Project, consisting of a 120 MW solar)
energy generating facility and associated)
230 kV generation-tie power lines, to be)
located in Clark County, Nevada.)
_____)

Docket No. 10-

**INITIAL APPLICATION FOR PERMIT TO CONSTRUCT
ELECTRIC UTILITY FACILITIES**

Applicant COPPER MOUNTAIN SOLAR III, LLC (“CMS III”) files its application with the Public Utilities Commission of Nevada (“Commission”) for a permit to construct utility facilities to be known as the Copper Mountain Solar III project (“CMS III Project”) pursuant to the requirements of the Utility Environmental Protection Act, NRS 704.820 *et seq.* (“UEPA”) and NAC 703.421. The CMS III Project will require a federal permit and review under the National Environmental Policy Act (“NEPA”) and CMS III will therefore follow the two-step application process as provided for under NRS 704.870 and NAC 703.421 and 703.423. CMS III submits the following information in support of its application:

1. Name and Address of Applicant and Applicant’s Attorney

Communications concerning this application should be directed to:

Robert G. Johnston, Esq.
Kilpatrick, Johnston and Adler
412 North Division Street
Carson City, NV 89703
Phone: 775-882-6112
Fax: 775-882-6114
rjohnston.kja@pyramid.net

Taylor O. Miller, Esq.
Senior Environmental Counsel
Sempra Energy
925 L Street, Suite 650
Sacramento, CA 95814
Phone: 916-492-4248
Fax: 916-448-1213
TMiller@Sempra.com

with a copy to:

Copper Mountain Solar III, LLC
Attention: Alberto Abreu
101 Ash Street
San Diego, CA 92101
Phone: 619-696-2121
Fax: 619-696-2911

2. Initial Application Pursuant to NRS 704.870(2)(a)

The CMS III project utility facilities will consist of three components: (1) a nominal 120-MW¹ solar photovoltaic (“PV”) electricity generating facility; (2) a nominal 230-kV generation-tie power line (“gen-tie line”) to deliver electricity from the generating facility to the existing Copper Mountain Solar I (“CMS I”) and McCullough electrical substations, and (3) a nominal 230-kV generation-tie power line connecting the CMS I Substation to the Eldorado Substation to expand the deliverability options for the electricity generated by the CMS III project. The solar PV generating facility will be located entirely on private land. The gen-ties will be located on private land with a portion of their routes within designated utility corridors administered by the Department of Interior, Bureau of Land Management (“BLM”).

Coincident with the filing of this application, CMS III is filing an application with the BLM for a rights-of-way (“ROW”) grant to site the 230 kV gen-tie line components of the CMS III project. An analysis of the environmental impacts associated with the CMS III project will be undertaken pursuant to NEPA by the BLM in the course of its consideration of CMS III’s application for the ROW grant.

UEPA establishes a two-step application procedure for projects subject to federal permitting and environmental review. This initial application is being filed pursuant to NRS

¹ The actual generating capacity could vary from this value due to construction issues at the site which may limit the amount of developable land, as well as changes to solar panel technology which could significantly increase the efficiency and generating capacity of panels.

704.870(2)(a), which requires filing with the Commission of a permit application not later than the date on which a permit application is filed with the appropriate federal agency. The CMS III project is still under study and development. Therefore, as contemplated by UEPA, a subsequent, more detailed amended application will be filed with the Commission pursuant to NRS 704.870(2)(b) after completion by the BLM of its environmental analysis. The amended application will provide the information necessary for the Commission to hear the application and make the findings and determinations required for issuance of a permit for the CMS III Project under NRS 704.890.

3. Information Required by NAC 703.421

Pursuant to NAC 703.421, CMS III submits the following information:

**(a) General Description of the Location of the Proposed Facilities
-NAC 703.421(1)**

(1) 120-MW Solar PV Electricity Generating Facility

The CMS III solar PV generating facility site is located in the City of Boulder City, in the Eldorado Valley, approximately 7.5 miles southwest of downtown Boulder City, and approximately 4.7 miles southwest of the intersection of Highway 93 and Highway 95, just north of the Eldorado Valley dry lake bed. A regional map identifying the location of the generating facility is attached to this application as Exhibit A. The proposed site was the only suitable property available for lease, through a competitive bid process, in the Boulder City Energy Zone. No suitable alternative locations for the solar generating facility were offered in the Boulder City request for proposal for land leases in the El Dorado Valley.

(2) 230-kV Gen-Tie Line

CMS III has developed a proposed and an alternative gen-tie route to deliver electricity from the generating facility to existing electrical substations. A regional map showing each of the gen-tie routes is attached to this application as Exhibit B. The proposed

gen-tie route, approximately 8.5 miles in length, would be a double-circuit line, with one circuit connecting directly with the McCullough Substation and the other circuit connecting directly to the CMS I Substation. The alternative gen-tie, approximately 8.4 miles in length, would also be a double-circuit line, with one circuit connecting directly with the McCullough Substation and the other circuit connecting directly to the CMS I Substation. The proposed route is preferred as it is similar in length and provides additional clearances at those locations where existing lines will have to be crossed.

(3) 230-kV Copper Mountain Solar Link (“CMS Link”) Gen-Tie Line

The CMS III Project will include a nominal 230-kV gen-tie linking the CMS I Substation directly to the nearby Eldorado Substation to expand the market for the electricity generated by the CMS III solar PV facility. This double circuit gen-tie, the CMS Link, will be approximately 0.6 miles in length.

(b) General Description of the Proposed Utility Facilities – NAC 703.421(2)

(1) 120-MW Solar PV Electricity Generating Facility

The generating facility will be an approximately 120-MW solar photovoltaic (PV) electricity generating facility, located entirely on private land leased by CMS III. The CMS III project will utilize ground-mounted PV panel technology to collect solar radiation, which will be sent to an electrical collection system that will convert generated power from direct current (DC) to alternating current (AC). A substation will elevate the voltage of the power and electrically connect it to existing substations. The electricity will be sold to utilities on the wholesale market. Associated site infrastructure will include access road improvements, driveways, storm water drainage systems and fencing.

Natural resources anticipated for construction and operation include materials used for construction such as steel for supports and fencing, silicon, cadmium, tellurium,

copper, and other metals used in the manufacturing of the PV modules, cement and aggregate for concrete for foundations and gravel or aggregate for on-site roadways. Small amounts of water will be required for dust suppression and concrete fabrication during construction. Very little water will be required during operations. Water will be supplied by an existing water line that serves the Eldorado Valley.

A detailed description of the affected natural resources, including biological resources, air quality, soils and cultural resources will be presented in an environmental review as required by the BLM, to be filed with the amended application.

(2) 230-kV Gen-Tie Line - Proposed and Alternative Routes

The 230-kV gen-tie power line will consist of a double circuit on common structures in a 120-foot wide ROW. The common structures will be lattice towers no more than 150 feet high on drilled pier foundations. The span between supporting structures will be between 750 and 1,200 feet.

Natural resources anticipated for construction and operation include materials used for construction such as steel for transmission poles and foundations, cement and aggregate for concrete for foundations and gravel or aggregate for on-site roadways. Minimal amounts of water will be required for dust suppression and concrete fabrication during construction. Water will be supplied by an existing water line that serves the Eldorado Valley.

A detailed description of the affected natural resources, including biological resources, air quality, soils and cultural resources will be presented in an environmental review as required by the BLM, to be filed with the amended application.

(3) 230-kV CMS Link

The 230-kV CMS Link connecting the CMS I Substation to the Eldorado Substation will consist of a double circuit on common structures in a 120-foot wide ROW. The

common structures will be lattice towers no more than 150 feet high on drilled pier foundations. The span between supporting structures will be between 750 and 1,200 feet. Natural resources used in construction and operation will be the same as those described for the 230 KV gen-tie line.

A detailed description of the affected natural resources, including biological resources, air quality, soils and cultural resources will be presented in an environmental review as required by the BLM, to be filed with the amended UEPA application.

**(c) Summary of Anticipated Studies of the Environmental Impact
–NAC 703.421(3)**

Environmental studies completed or to be conducted at the CMS III Project site include the following:

- Environmental Assessment, to be prepared by a third party consultant as determined necessary by the BLM.
- Environmental Permitting Plan detailing necessary federal, state and local permits requirements. A summary of expected permits and approvals is attached as Exhibit C.
- Biological Survey. Draft report completed by Ironwood Consulting Inc. on August 23, 2010. Final report to be submitted upon completion of additional sensitive status surveys in the appropriate season as determined necessary.
- Phase I Environmental Site Assessment for the CMS III Project lease area to be prepared by Western Technologies Inc.
- Cultural resources overview and archaeological investigations to be conducted as may be determined appropriate.

Copies of all studies filed with the Bureau of Land Management or other agencies will be included with the amended UEPA application.

**(d) Copy of Public Notice of the Application and Proof of Publication
– NAC 703.421(4)**

A copy of the public notice of this initial application is attached as Exhibit D. Proof of publication of the public notice of this application in Clark County, Nevada is attached as Exhibit E.

(e) Proof of Submission of the Application to the Nevada State Clearinghouse and Proof of Service – NAC 703.421(5)

Proof of submission of this application to the Nevada State Clearinghouse to enable agency review and comment, and proof of service on the Nevada Division of Environmental Protection and local governments in the area in which the facilities are to be located, is attached as Exhibit F.

WHEREFORE, CMS III respectfully requests the Commission notice this filing as the initial application as required by NRS 704.870(2)(a) and NRS 704.870(5). At such time as CMS III files its amended application as provided for under NRS 704.870(2)(b), CMS III will request that the Commission further process CMS III's application and issue a UEPA permit for the proposed facilities.

DATED this 2nd day of December, 2010.

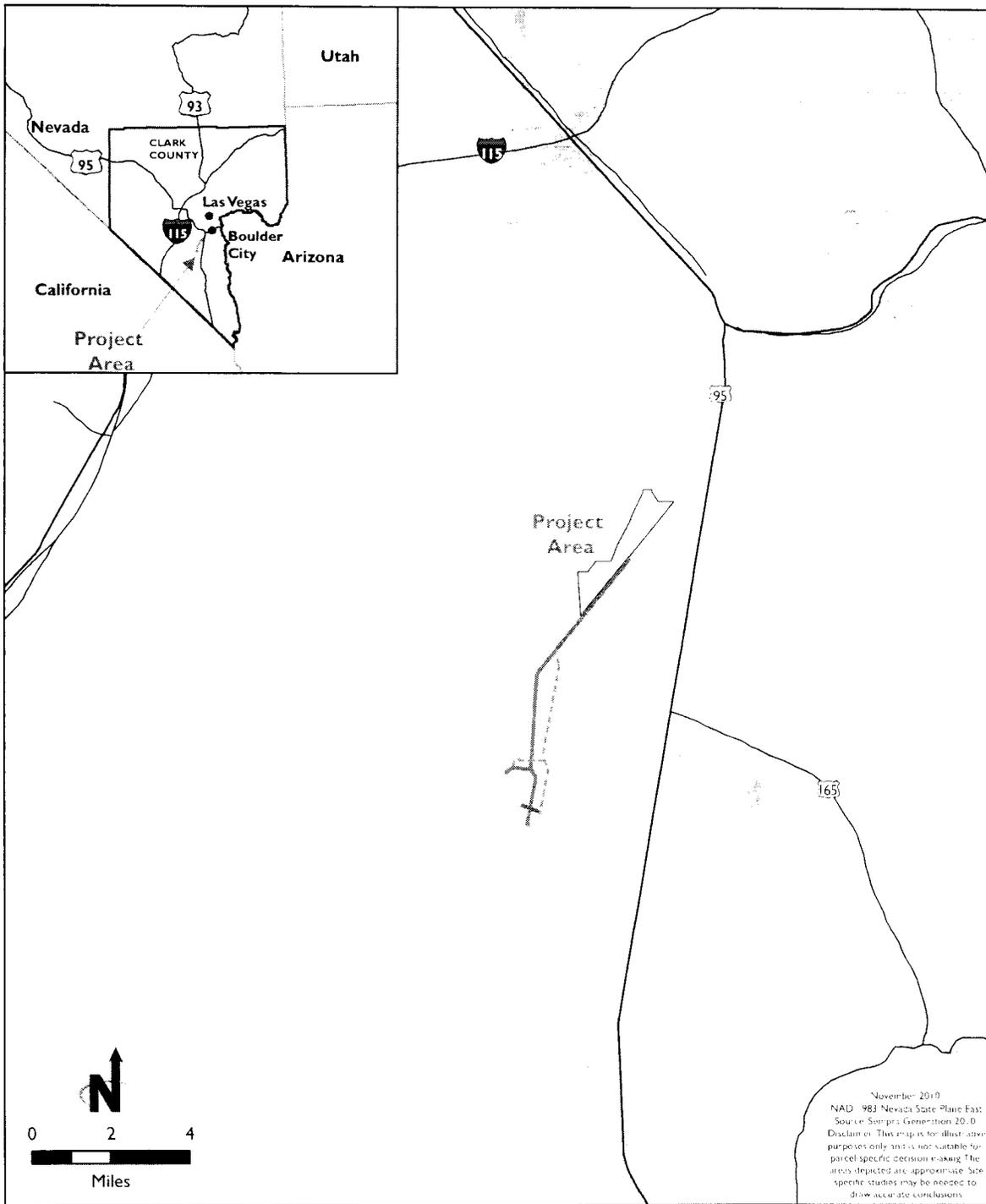
KILPATRICK, JOHNSTON & ALDER
412 North Division Street
Carson City, NV 89703
(775) 882-6112

By: Robert G. Johnston
Robert G. Johnston, Esq.

Attorneys for Copper Mountain Solar III, LLC

Exhibit A

Project Area



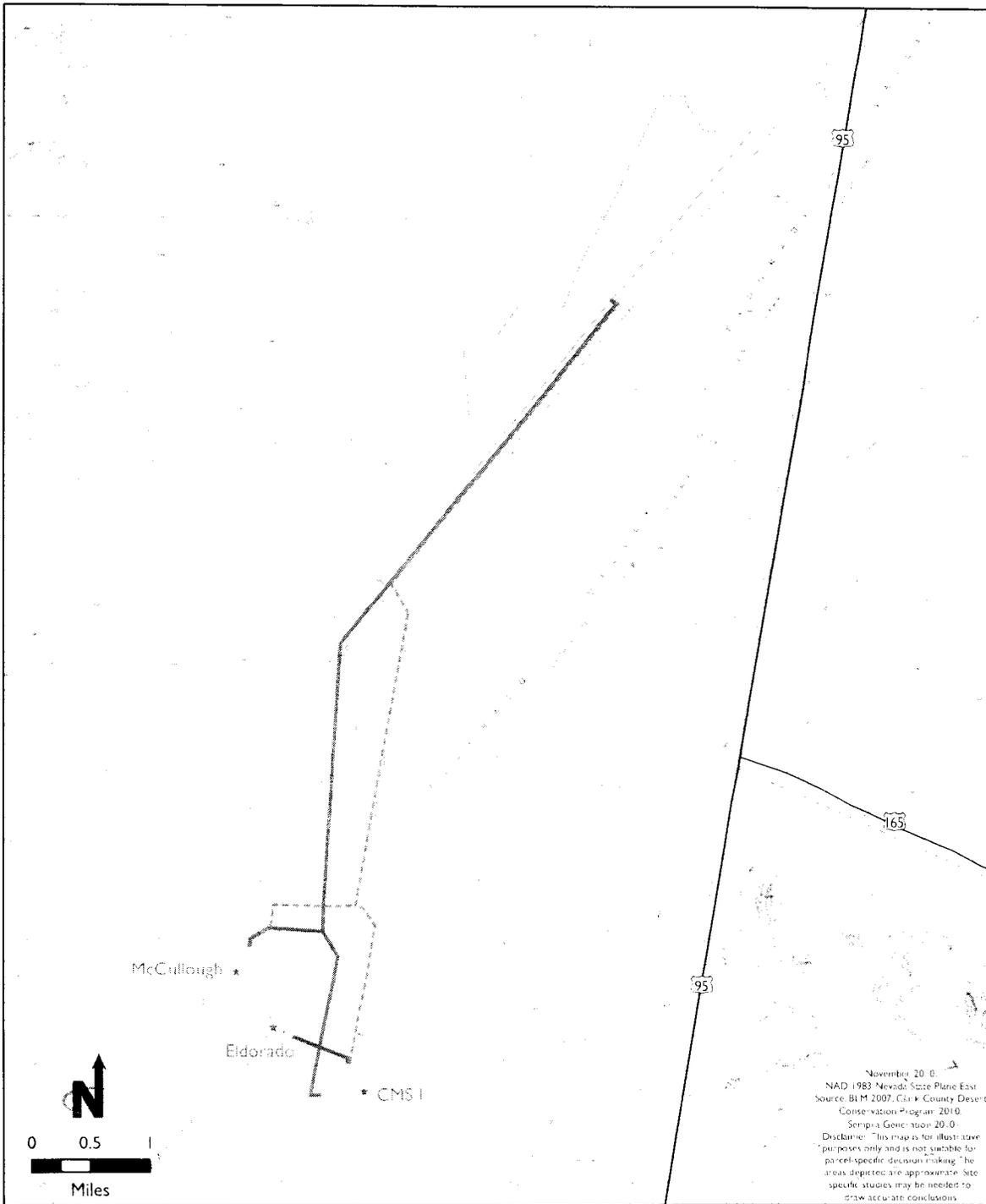
- Gen-Tie Proposed Action
- Gen-Tie Alternative 2
- CMS link
- Copper Mountain Solar III Generating Facility

Project Area

Clark County, Nevada

Exhibit B

Proposed Action and Alternative



- Gen-Tie Proposed Action
- Gen-Tie Alternative 2
- CMS link
- * Existing Substation
- Copper Mountain Solar III Generating Facility

Proposed Action and Alternatives

Clark County, Nevada

Exhibit C

Permit Summary

Permits, Approvals, and Authorizations for the Copper Mountain Solar III Project

REQUIRED PERMIT/APPROVAL	ISSUING AGENCY	PURPOSE
FEDERAL		
Federal ROW Grant; Application Form 299	BLM (lead agency)	Application for grant of federal ROW
Environmental Assessment (EA)	BLM (lead agency)	Environmental report to support the National Environmental Policy Act (NEPA) review for grant of ROW
National Historic Preservation Act Compliance with Section 106	BLM, Nevada State Historic Preservation Office,	Required component for grant of ROW by BLM as Lead Agency
Endangered Species Act Section 7 Compliance	BLM, US Fish and Wildlife Service	Required component for grant of ROW by BLM as Lead Agency
STATE		
Utility Environmental Protection Act Permit	Public Utility Commission of Nevada	Permit required for renewable utility facilities greater than 70 MW
General Storm Water Permit for Construction Activities	Nevada Department of Environmental Protection	Required to demonstrate compliance with water discharge and control measures
Cultural Resources Survey	State Historical Preservation Office	Required to conform with Section 106 of the National Historic Preservation Act
Survey for Native Cacti and Yucca and Permit for Removal as Needed	Nevada State Department of Agriculture	Required to conform with the Arizona Native Plant law (Nevada Revised Statutes 527.060-.120)
COUNTY		
Dust Control Permit	Clark County Department of Air Quality and Environmental Management	Permit filed by construction contractor prior to construction
Habitat Mitigation	Clark County Department of Environmental Management	Required to comply with all provisions of the Multiple Species Habitat Conservation Plan, including Section 10 mitigation fee of \$550 per developed acre, and relocation of tortoises if necessary
CITY		
Building/Grading/Fencing Permits	Boulder City Planning and Zoning Department	All necessary permits filed by construction contractor prior to construction

Exhibit D

Public Notice

BEFORE THE PUBLIC UTILITIES COMMISSION OF NEVADA

**NOTICE OF INITIAL APPLICATION FOR A
PERMIT TO CONSTRUCT A UTILITY FACILITY**

COPPER MOUNTAIN SOLAR III, LLC will file with the Public Utilities Commission of Nevada (“Commission”) an initial application for a permit to construct the Copper Mountain Solar III project (“the Project”) under the provisions of the Utility Environmental Protection Act (“UEPA”).

The Project will consist of three components: (1) a nominal 120 megawatt solar photovoltaic electricity generating facility; (2) a generation-tie power line to deliver electricity from the generating facility to existing electrical substations; and (3) a generation-tie power line connecting the existing Copper Mountain Solar I Substation to the existing Eldorado Substation to expand the deliverability options for the electricity generated by the Project.

The solar photovoltaic electricity generating facility will be constructed in the Eldorado Valley in the City of Boulder City in portions of Sections 4, 5, 7, 8, and 18, Township 24 South, Range 63 East, and portions of Sections 33 and 34, Township 23 South, Range 63 East. The location is approximately 7.5 miles southwest of downtown Boulder City and approximately 4.7 miles southwest of the intersection of Highway 93 and Highway 95, just north of the Eldorado Valley dry lake bed.

The generation-tie power line to deliver electricity from the generating facility to existing electrical substations will be constructed on one of two alternative routes. The proposed route, approximately 8.5 miles in length, would be in a 120-foot-wide right of way corridor through portions of Sections 4, 5, 7, 8, 18, 19 and 30 in Township 24 South, Range 63 East, portions of Sections 25, 35 and 36 in Township 24 South, Range 62 East, and portions of Sections 1, 2 and 12 in Township 25 South, Range 62 East. The alternative route, approximately 8.4 miles in length, would be in a 120-foot-wide right of way corridor through portions of Sections 4, 5, 7, 8, 18, and 19 in Township 24 South, Range 63 East, portions of Sections 24, 25, 35 and 36 in Township 24 South, Range 62 East, and portions of Sections 1, 2 and 12 in Township 25 South, Range 62 East.

In addition, a generation-tie power line connecting the existing Copper Mountain Solar I Substation to the existing Eldorado Substation, approximately 0.6 miles in

length, will be constructed in a portion of Sections 1 and 12 in Township 25 South, Range 62 East.

The initial application to the Commission will be filed under and governed by the provisions of UEPA, Nevada Revised Statutes 704.820 through 704.900, and the Commission's rules and regulations thereunder. The application will contain a general description of the location of the proposed Project, a general description of the proposed Project facilities, and a summary of the studies that Copper Mountain Solar III, LLC anticipates will be made of the environmental impact of the Project. Because Copper Mountain Solar III, LLC is applying to the Department of Interior, Bureau of Land Management ("BLM") for a right of way grant to site the generation-tie power lines, the BLM will be conducting an environmental review of the Project under the National Environmental Policy Act, and therefore the application to the Commission will be an initial application, with an amended application to be filed after completion of the BLM's environmental review as provided in Nevada Revised Statutes 704.870(2)(b).

A copy of the initial application will be available on the Commission's website after filing. Additional information about the UEPA application process and a person's right to participate in that process can be found in Chapter 704 of Nevada Revised Statutes and Chapter 703 of the Nevada Administrative Code.

Exhibit E

Proof of Publication

AFFP DISTRICT COURT
Clark County, Nevada

AFFIDAVIT OF PUBLICATION

STATE OF NEVADA)
COUNTY OF CLARK) SS:

Stacey M. Lewis, being 1st duly sworn, deposes and says: That she is the Legal Clerk for the Las Vegas Review-Journal and the Las Vegas Sun, daily newspapers regularly issued, published and circulated in the City of Las Vegas, County of Clark, State of Nevada, and that the advertisement, a true copy attached for,

KILPATRICK JOHNSTON & ADLER 8835149KIL 6813091

was continuously published in said Las Vegas Review-Journal and / or Las Vegas Sun in 1 edition(s) of said newspaper issued from 11/24/2010 to 11/24/2010, on the following days:

11/24/2010

BEFORE THE PUBLIC UTILITIES
COMMISSION OF NEVADA

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FOR A PERMIT TO CONSTRUCT A
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PUB: November 24, 2010
LV Review-Journal

Signed: Stacey M. Lewis

SUBSCRIBED AND SWORN BEFORE ME THIS, THE

26th day of Nov. 2010.

Emily Gonzalez
Notary Public



Exhibit F

Proof of Submission

CERTIFICATE OF SERVICE

I certify that I am an employee of Kilpatrick, Johnston & Adler, and that on the 2nd day of December, 2010, I served the foregoing Initial Application for Permit to Construct Electric Utility Facilities by either by U.S. Mail or electronic mail as indicated below, to each of the persons identified on the following list:

U.S. Mail Transmittal:

Nevada Division of Environmental Protection
901 S. Stewart Street, Suite 4001
Carson City, NV 89701

Nevada Dept. of Conservation & Natural Resources
901 S. Stewart Street, Suite 5001
Las Vegas, NV 89701

Clark County Clerk
200 Lewis Ave., 5th Floor
Las Vegas, NV 89155

Lorene Krumm
City Clerk
Boulder City Clerk's Office
401 California Avenue
Boulder City, NV 89005

Las Vegas City Clerk
City Hall, First Floor
400 Stewart Avenue
Las Vegas, NV 89101

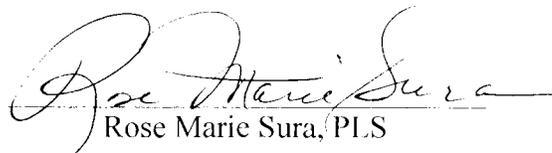
Electronic Mail:

Nevada State Clearinghouse
Department of Administration
209 E. Musser Street, Room 200
Carson City, NV 89701
clearinghouse@budget.state.nv.us.

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Eric Witkowski, Esq.
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Rose Marie Sura, PLS