

February 18, 2014

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Via FedEx

Cal/OSHA Appeals Board
2520 Venture Oaks Way, Suite 300
Sacramento, CA 95833

OSH Appeals Board

*Chw/AO
PH 3/24/14*

Re: Request to Amend Appeals Forms in re Citations Issued to First Solar Electric (California), Inc.
Docket Nos. 13-R4D7-3280 – 3282, Cal/OSHA Inspection No. 313388555

To Whom It May Concern:

Per my office's discussion with the Appeals Board earlier today, I am hereby submitting for Administrative Law Judge ("ALJ") Clara Hill-Williams' approval a request to amend the Appeals Forms and related narrative descriptions submitted on behalf of First Solar Electric (California), Inc. ("FSE") in Docket Numbers 13-R4D7-3280 – 3282, Cal/OSHA Inspection No. 313388555.

When FSE first submitted its Appeals Forms and related documentation on September 30, 2013, which were docketed by the Appeals Board as noted above, FSE had appealed the Division of Occupational Safety and Health's ("Division" or "Cal-OSHA") proposed abatement requirements. Because FSE was contesting the Division's abatement requirements in the citations, the Appeals Board placed FSE's appeal in the Expedited Proceeding. This matter was then assigned to Judge Hill-Williams.

Following good faith negotiations between FSE and the Division regarding the resolution of the abatement issue, which Judge Hill-Williams was made aware of and updated several times, FSE agreed to drop its appeal of the abatement requirements and institute interim abatement procedures satisfactory to the Division, while maintaining its positions with respect to the other issues it had earlier appealed. As a result, on January 17, 2014, Judge Hill-Williams issued an email to both FSE and the Division ordering that FSE's appeal be removed from the Expedited Proceeding and be adjudicated under the Appeals Board's standard timeframe and procedures (see Enclosure 1).

In order to clarify the record going forward consistent with the ALJ's removal of this matter from the Expedited Proceeding track, and per the request of the Division's counsel, Mr. William Cregar, Esq., I am submitting for approval one set of originals and one set of copies of

the three amended Appeals Forms and amended narrative descriptions associated with each Appeals Form (see Enclosure 2).

In accordance with the explanation above, FSE has “unchecked” the abatement box under the grounds for appeal in each of the three amended Appeals Forms. This amendment to the Appeals Forms is indicated by the yellow highlighting on each form. Please note that the date of signature on the amended Appeals Forms is solely with respect to resolving the abatement issue on an interim basis until the remaining issues on appeal are settled, adjudicated or otherwise resolved. As noted above, these appeals were previously docketed based on their timely submission on September 30, 2013.

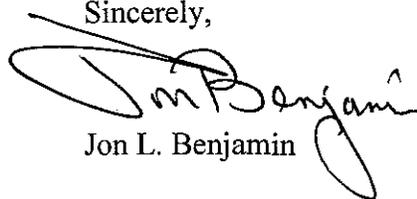
Similarly, in each of the narratives associated with each Appeal Form, FSE has deleted the sentence stating that it is appealing the abatement requirements. Note that FSE continues to incorporate by reference in these amended narratives the exhibits that FSE included with the original narratives submitted on September 30, 2013.

Because FSE is maintaining its original position with respect to all of the issues, other than the abatement requirements, that it appealed or reserved for appeal on September 30, 2013, the amended Appeals Forms and related narratives are identical in all other respects to the Appeals Forms and related narratives that FSE submitted on September 30, 2013.

Please note that the set of three originals is for the use of the Appeals Board. Please stamp the date of receipt and filing on the three copies and return them in the enclosed, self-addressed, pre-paid FedEx envelope.

If you have any questions, please feel free to contact me at the number above.

Sincerely,


Jon L. Benjamin

JLB
Enclosures

cc: Debra Lee, Division of Occupational Safety and Health
Efren Gomez, Division of Occupational Safety and Health
William Cregar, Esq., Division of Occupational Safety and Health