

UNITED STATES OF AMERICA
Before the
SECURITIES AND EXCHANGE COMMISSION
Washington, D.C. 20549

ADMINISTRATIVE PROCEEDINGS RULINGS
Release No. 1356/April 2, 2014

ADMINISTRATIVE PROCEEDING
File No. 3-15766

In the Matter of	:	
	:	
	:	ORDER FOLLOWING
CLEAN ENERGY CAPITAL, LLC AND	:	PREHEARING CONFERENCE
SCOTT A. BRITTENHAM	:	

The Securities and Exchange Commission issued an Order Instituting Administrative and Cease-and-Desist Proceedings (OIP) on February 25, 2014. The OIP alleges that: (1) Clean Energy Capital, LLC (Clean Energy), and its founder, president, and main portfolio manager, Scott A. Brittenham (collectively, Respondents), willfully violated Section 17(a) of the Securities Act of 1933, Section 10(b) of the Securities Exchange Act of 1934 (Exchange Act), Exchange Act Rule 10b-5, Sections 206(1) to (4) and 207 of the Investment Advisers Act of 1940 (Advisers Act), and Advisers Act Rule 206(4)-8(a); and (2) Clean Energy willfully violated Section 206(4) of the Advisers Act and Advisers Act Rules 206(4)-2 and -7.

Respondents were served with the OIP on March 3, 2014, and filed an Answer on March 26, 2014. The parties filed a Status Report, Request for Postponement of Hearing, and Request for Prehearing Conference on March 6, 2014, and a Supplemental Status Report on March 27, 2014. Respondents e-mailed this Office a letter on March 27, 2014, explaining why it would not be possible to conclude a hearing by June 30, 2014, and suggesting that the hearing begin following the July 4 weekend. At a telephonic prehearing conference on March 31, 2014, the parties agreed that the hearing will begin on July 21, 2014. Based on the hearing date and the parties' proposed procedural schedule in their Supplemental Status Report, the schedule is as follows:

- May 27, 2014: The Division of Enforcement (Division) provides Respondents with its witness and exhibit lists, and copies of its exhibits;

- June 2, 2014: Respondents provide the Division with their witness and exhibit lists, and copies of their exhibits;

- June 9, 2014: The Division provides Respondents with copies of its expert report(s);
- June 16, 2014: Respondents provide the Division with copies of their expert report(s);
- June 23, 2014: Parties take expert depositions;
- June 30, 2014: Stipulations as to facts and exhibits;
- July 7, 2014: Prehearing Briefs in lieu of opening statements; and
- July 21, 2014: Hearing to begin at 9:30 a.m. local time in Los Angeles, California, at a courtroom to be designated.

Only the Prehearing Briefs are filed with the Office of the Secretary. The exchange of the other material between the parties is informal. The record of the proceeding will be made by witness testimony and exhibits admitted into evidence at the hearing.

Brenda P. Murray
Chief Administrative Law Judge