

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

ADMINISTRATIVE PROCEEDINGS RULINGS
Release No. 1434/May 14, 2014

ADMINISTRATIVE PROCEEDING
File No. 3-15766

In the Matter of	:	
	:	
	:	ORDER ON MOTION
CLEAN ENERGY CAPITAL, LLC AND	:	
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 filed an Answer on March 26, 2014. The hearing is scheduled to begin on July 21, 2014.

The Division of Enforcement (Division) filed a Motion for Leave to Take Deposition and Introduce Transcript and Video at Hearing (Motion) on April 18, 2014, and a Reply in Support of Motion on May 5, 2014. According to the Motion, Joseph Gordon's (Gordon) testimony is material, he will be out of the country at the time of the hearing, and permitting his deposition will serve the interests of justice. The deposition of Gordon's sworn testimony will occur on or about June 4, 2014, in Durham, North Carolina, at a court reporting facility to be determined. Respondents did not file in opposition to the Motion, and the Division represents that counsel for Respondents advised that they do not oppose the Motion. I GRANT the unopposed Motion and allow the Division to take the deposition of Gordon and to introduce the transcript and video of Gordon's deposition in evidence, subject to objections to, and any rulings on, questions or evidence. 17 C.F.R. §§ 201.233, .235.

Brenda P. Murray
Chief Administrative Law Judge