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<td><strong>Submitter Role:</strong></td>
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<td><strong>Organization:</strong></td>
<td>Galati</td>
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<td><strong>Filer:</strong></td>
<td>Marie Fleming</td>
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<td><strong>Description:</strong></td>
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<td><strong>Document Title:</strong></td>
<td>Palen Solar Holdings, LLC's Status Report 3</td>
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<td><strong>Project Title:</strong></td>
<td>Palen Solar Power Project - Compliance</td>
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July 30, 2013

California Energy Commission
Dockets Unit
1516 Ninth Street
Sacramento, CA 95814-5512

Subject: PALEN SOLAR HOLDINGS, LLC’S STATUS REPORT 3
PALEN SOLAR ELECTRIC GENERATING SYSTEM
DOCKET NO. (09-AFC-7C)

Enclosed for filing with the California Energy Commission is the electronic version of PALEN SOLAR HOLDINGS, LLC’S STATUS REPORT 3, for the Palen Solar Electric Generating System (09-AFC-7C).

Sincerely,

Marie Fleming
STATE OF CALIFORNIA

Energy Resources
Conservation and Development Commission

In the Matter of:                  DOCKET NO. 09-AFC-7C
Petition For Amendment for the PALEN  PALEN SOLAR HOLDINGS, LLC’s
SOLAR ELECTRIC GENERATING STATUS REPORT 3
SYSTEM

In accordance with the Committee Scheduling Order dated March 6, 2013, and Hearing Officer Celli’s extension of the time for filing, Palen Solar Holdings, LLC (PSH) has prepared this Status Report 3 to inform the Committee and to provide recommendations concerning the processing of the Petition For Amendment for the Palen Solar Electric Generating System (PSEGS).

The following summarizes the status of the Commission process and the federal permitting process since Status Report 2, as well as upcoming permitting events.

COMMISSION PROCESS

Data Requests and Responses

Staff issued Data Request Set 4 on July 10, 2013. PSH has docketed early responses to nearly half of the data requests and will be docketing full responses to the entire data request set by July 31, 2013, ten days before they are due.

Issue Resolution Workshops

On July 17, 22, 25 and 26, 2013 the parties had successful Preliminary Staff Assessment (PSA) Workshops. To facilitate those workshops, PSH filed initial comments on the PSA which included suggested modified or deleted language for 35 separate Conditions of Certification. On July 29, 2013, PSH filed its Final Comments on the PSA. These Final Comments incorporated the agreements reached during the Workshops related to language for the Conditions of Certification as well as resolution of issues. As a result of the Workshops, PSH believes that the issues have been narrowed to 13 Conditions of
Certification, most of which the parties agree on the objective of the condition but have not yet agreed on specific language. PSH considers these disagreements to be minor and fully expects resolution prior to evidentiary hearing for the vast majority. At this time, PSH believes the subject areas that may need to proceed to evidentiary hearing include:

- Fire Mitigation – PSH recently docketed a Fire Needs Assessment which provides a justification for modifying Staff’s original estimate of funding for Riverside County Fire Department.
- Cultural Mitigation – Staff is currently evaluating the potential impacts outside the footprint of the facility due to visibility of the towers. Staff was unable to include mitigation recommendations in the PSA, which will be included in the Final Staff Assessment (FSA). The parties discussed a mitigation framework at the Workshops that seems acceptable to PSH at this time.
- Traffic and Transportation - Staff did not include a glint and glare analysis in the PSA, but will do so in the FSA. Staff and PSH discussed a mitigation framework specifically aimed at a developing heliostat positioning plan that addresses commissioning and operation activities. PSH believes that such a framework would mitigate potential impacts.
- Biological Resources – Minor modifications to Conditions of Certification related to timing.

South Coast Air Quality Management District (SCAQMD)

Staff from the SCAQMD participated in the PSA Workshops and the status of the Preliminary Determination of Compliance (PDOC) was discussed. SCAQMD was unable to provide a firm date by which the DOC would be published. PSH understands that Staff will require the DOC prior to publishing the Air Quality section of the FSA. PSH is working diligently with SCAQMD to expedite preparation and receipt of the DOC. PSH will provide an update to the Committee at the Status Conference on August 5, 2013.

BLM PERMITTING PROCESS

NEPA Process

The BLM published its Supplemental Draft Environmental Impacts Statement (DSEIS) on July 26, 2013. PSH is currently reviewing the DSEIS and developing comments.

Supplemental Biological Opinion

BLM is in the last stages of finalizing the Biological Assessment (BA) in direct consultation with USFWS and PSH. The Supplemental Biological Opinion (BO) will follow shortly after BLM submits the BA to the USFWS as it need only address the potential take of desert tortoise for the project features that were not addressed in the original BO namely, the 2,960 foot natural gas pipeline and the 1,125 foot westerly shift of a portion of the PSEGS transmission line near the existing Red Bluff Substation. These new areas were recently re-surveyed for desert tortoise and the survey information will be included in the BA.
National Historic Preservation Act Section 106 Consultation

The BLM has completed the review and has executed the Amendment to the Programmatic Agreement (PA). Compliance with the PA will satisfy the ongoing consultation requirements of Section 106.

PSH looks forward to updating the Committee at its Status Conference on August 5, 2013.

Dated: July 30, 2013

Respectfully Submitted,

_____________________
Scott A. Galati
Counsel to Palen Solar Holdings, LLC
PALEN SOLAR ELECTRIC
GENERATING SYSTEM AMENDMENT

Docket No. 09-AFC-07C
PROOF OF SERVICE
(Revised 07/09/2013)

SERVICE LIST:

APPLICANT
Palen Solar Holdings, LLC
Clay Jensen
Charlie Turlinski
Amanda McCoy
1999 Harrison Street, Suite 2150
Oakland, CA 94612
cjensen@brightsourceenergy.com
ccturlinski@brightsourceenergy.com
amccoy@brightsourceenergy.com

APPLICATION'S CONSULTANT
Centerline
Andrea Grenier
1420 E. Roseville Parkway
Suite 140-377
Roseville, CA 95661
andrea@agrenier.com

APPLICATION'S COUNSEL
Scott Galati, Esq.
Marie Fleming
Galati/Blek, LLP
455 Capitol Mall, Suite 350
Sacramento, CA 95814
sgalati@gb-llp.com
mfleming@gb-llp.com

INTERVENORS
Center for Biological Diversity
Lisa T. Belenky, Senior Attorney
351 California St., Suite 600
San Francisco, CA 94104
lbelenky@biologicaldiversity.org

Center for Biological Diversity
Ileene Anderson
Public Lands Desert Director
PMB 447, 8033 Sunset Boulevard
Los Angeles, CA 90046
ianderson@biologicaldiversity.org

Basin and Range Watch
Kevin Emmerich
Laura Cunningham
P.O. Box 153
Baker, CA 92309
atomicoadranch@netzero.net
bluerockiguana@hughes.net

Californians for Renewable Energy
Alfredo Acosta Figueroa
424 North Carlton Avenue
Blythe, CA 92225
lacunadeaztlan@aol.com

California Unions for Reliable Energy
Tanya A. Gulesserian
Elizabeth Klebaner
Adams Broadwell Joseph & Cardoza
601 Gateway Boulevard, Suite 1000
South San Francisco, CA 94080
tgulesserian@adamsbroadwell.com
eklebaner@adamsbroadwell.com

Hildeberto Sanchez, Eddie Simmons,
and Laborers' International Union of
North America, Local Union No. 1184
c/o Richard T. Drury
Christina M. Caro
Lozeau|Drury LLP
410 12th Street, Suite 250
Oakland, CA 94607
richard@lozeaudrury.com
christina@lozeaudrury.com

ENERGY COMMISSION STAFF
Christine Stora
Project Manager
Siting, Transmission and
Environmental Protection Division
1516 Ninth Street, MS-2000
Sacramento, CA 95814-5512
christine.stora@energy.ca.gov

Jennifer Martin-Gallardo
Staff Counsel
Office of the Chief Counsel
1516 Ninth Street, MS-14
Sacramento, CA 95814-5512
jennifer.martin-gallardo@energy.ca.gov

*Indicates change
ENERGY COMMISSION – 
PUBLIC ADVISER 
*Alana Mathews 
Public Adviser 
1516 Ninth Street, MS-12 
Sacramento, CA 95814-5512 
publicadviser@energy.ca.gov 

COMMISSION DOCKET UNIT 
California Energy Commission 
Docket Unit 
Attn: Docket No. 09-AFC-07C 
1516 Ninth Street, MS-4 
Sacramento, CA 95814-5512 
docket@energy.ca.gov 

OTHER ENERGY COMMISSION 
PARTICIPANTS (LISTED FOR 
CONVENIENCE ONLY): 
After docketing, the Docket Unit will provide a copy to 
the persons listed below. Do not send copies of 
documents to these persons unless specifically 
directed to do so. 

KAREN DOUGLAS 
Commissioner and Presiding Member 

DAVID HOCHSCHILD 
Commissioner and Associate Member 

Kenneth Celli 
Hearing Adviser 

Galen Lemei 
Adviser to Presiding Member 

Jennifer Nelson 
Adviser to Presiding Member 

Gabriel D. Taylor 
Adviser to Associate Member 

Eileen Allen 
Commissioners’ Technical 
Adviser for Facility Siting
DECLARATION OF SERVICE

I, Marie Fleming, declare that on July 30, 2013, I served and filed copies of PALEN SOLAR HOLDINGS, LLC’S STATUS REPORT 3 dated July 30, 2013. The most recent Proof of Service List, which I copied from the web page for this project at: http://www.energy.ca.gov, is attached to this Declaration.

(Check one)

For service to all other parties and filing with the Docket Unit at the Energy Commission:

X I successfully uploaded the document to the Energy Commission’s e-filing system and I personally delivered the document or deposited it in the US mail with first class postage to those persons for whom a physical mailing address but no e-mail address is shown on the attached Proof of Service List. [The e-filing system will serve the other parties and Committee via e-mail when the document is approved for filing.]

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I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and that I am over the age of 18 years.

Dated: July 30, 2013

Marie Fleming