

DOCKET

07-AFC-5

DATE	Jul 10 2009
RECD.	Jul 13 2009

From: John Woolard
To: 'jbyron@energy.state.ca.us' <jbyron@energy.state.ca.us>
Sent: Fri Jul 10 17:02:55 2009
Subject: Ivanpah Schedule

Commissioner Byron,

I am writing this as the President and CEO of BrightSource Energy, Inc. I am writing to you on a matter of utmost urgency regarding the licensing of the Ivanpah Solar Electric Generating Systems. There are important issues that merit your immediate action.

The ISEGS application for certification has been pending before the Commission for 21 months. With each passing day there is added urgency in the Commission completing the remainder of the licensing process in a timely manner. If the ISEGS is to commence construction on time to meet its operational commitments to PG&E and SCE, a final Commission decision is required no later than January 2010.

To ensure the timely review and approval of ISEGS, there are three steps that the Committee should take immediately.

First, the Committee should "start the clock" for issuance of the FSA/DEIS. The Committee's order of June 2, 2009, was very clear that the 45 day clock for issuance of the FSA/DEIS should start when information from the Applicant that Staff requested was provided. On June 3rd, the Staff informed the Applicant that the Staff had everything they needed from the Applicant; however, despite this assurance the clock has not started. The Committee should order that the 45 day clock started on June 3rd when, pursuant to the Committee order, the Staff informed the Applicant that it had received all requested information from the Applicant. (On June 9, 2009, the CEC Staff filed a letter requesting that the Committee start the 45 day clock on Monday, July 13, 2009. This date is inconsistent with the Committee Order, and this request should be denied.)

SIC - SHOULD READ "July"

Second, the Committee should issue a Scheduling order that provides for a final Commission Decision on the ISEGS application no later than January of 2010. The project requires a Decision in January 2010, in order to allow sufficient time for the project to begin construction and receive the DOE loan guarantee that it has qualified for.

Third, the Committee Scheduling Order should follow this sequence: (1) FSA, (2) Parties other than Staff file Testimony, (3) Prehearing Conference, and (4) Evidentiary Hearings. The last Committee Scheduling order included 7 weeks for these activities when they can be accomplished in four weeks. Following this usual course saves three weeks off the current order and requiring briefs within two weeks on the close of evidentiary hearings could save one more week, for a total savings of 4 weeks. Saving four weeks, one month, is imperative since we are now at a time when days, not weeks matter to fulfilling lenders conditions and starting construction.

The Applicant is not asking for special treatment. Instead, we are simply requesting that the Commission provide the same scheduling periods and procedures that apply to all other Commission proceedings.

I cannot overemphasize the importance of the issuance of a Commission Decision by January 2010. It is imperative that your revised Scheduling Order follow the normal timelines established by the Commission which can result in a Decision by January 2010.

Thank you for your time and attention to this important matter.

Regards, John Woolard



**BEFORE THE ENERGY RESOURCES CONSERVATION AND DEVELOPMENT
COMMISSION OF THE STATE OF CALIFORNIA
1516 NINTH STREET, SACRAMENTO, CA 95814
1-800-822-6228 – WWW.ENERGY.CA.GOV**

APPLICATION FOR CERTIFICATION
FOR THE *IVANPAH SOLAR ELECTRIC
GENERATING SYSTEM*

DOCKET No. 07-AFC-5
PROOF OF SERVICE
(Revised 7/2/09)

APPLICANT

Solar Partners, LLC
John Woolard,
Chief Executive Officer
1999 Harrison Street, Suite #500
Oakland, CA 94612

Todd A. Stewart, Project Manager
Ivanpah SEGS
sdeyoung@brightsourceenergy.com

E-mail Preferred

Steve De Young, Project Manager
Ivanpah SEGS.
1999 Harrison Street, Ste. 2150
Oakland, CA 94612
tstewart@brightsourceenergy.com

APPLICANT'S CONSULTANTS

John L. Carrier, J. D.
2485 Natomas Park Dr. #600
Sacramento, CA 95833-2937
jcarrier@ch2m.com

COUNSEL FOR APPLICANT

Jeffery D. Harris
Ellison, Schneider
& Harris L.L.P.
2600 Capitol Avenue, Ste. 400
Sacramento, CA 95816-5905
jdh@eslawfirm.com

INTERESTED AGENCIES

California ISO
e-recipient@caiso.com

Tom Hurshman,
Project Manager
Bureau of Land Management
2465 South Townsend Ave.
Montrose, CO 81401
tom_hurshman@blm.gov

Raymond C. Lee, Field Manager
Bureau of Land Management
1303 South Highway 95
Needles, CA 92363
Raymond_Lee@blm.gov

Becky Jones
California Department of
Fish & Game
36431 41st Street East
Palmdale, CA 93552
dfgpalm@adelphia.net

INTERVENORS

California Unions for Reliable Energy ("CURE")
Tanya A. Gulesserian
Marc D. Joseph
Adams Broadwell Joseph & Cardozo
601 Gateway Boulevard, Ste 1000
South San Francisco, CA 94080
tgulesserian@adamsbroadwell.com

Western Watersheds Project
Michael J. Connor, Ph.D.
P.O. Box 2364
Reseda, CA 91337-2364
mjconnor@westernwatersheds.org

Gloria Smith, Joanne Spalding
Sidney Silliman, Sierra Club
85 Second Street, 2nd Fl.
San Francisco, CA 94105
gloria.smith@sierraclub.org
joanne.spalding@sierraclub.org
gssilliman@csupomona.edu
E-mail Preferred

INTERVENORS CONT.

Joshua Basofin, CA Rep.
Defenders of Wildlife
1303 J Street, Ste. 270
Sacramento, CA 95814
jbasofin@defenders.org
E-mail Preferred

*Basin and Range Watch
Laura Cunningham
Kevin Emmerich
P.O. Box 70
Beatty, NV 89003
atomicoadranch@netzero.net

*Center for Biological Diversity
Lisa T. Belenky, Sr. Attorney
Ileene Anderson, Public Lands Desert Director
351 California Street, Ste. 600
San Francisco, CA 94104
E-mail Preferred
lbelenky@biologicaldiversity.org
ianderson@biologicaldiversity.org

ENERGY COMMISSION

JEFFREY D. BYRON
Commissioner and Presiding Member
jbyron@energy.state.ca.us

JAMES D. BOYD
Vice Chairman and
Associate Member
jboyd@energy.state.ca.us

Paul Kramer
Hearing Officer
pkramer@energy.state.ca.us

John Kessler
Project Manager
jkessler@energy.state.ca.us

Dick Ratliff
Staff Counsel dratliff@energy.state.ca.us

Elena Miller
Public Adviser
publicadviser@energy.state.ca.us

DECLARATION OF SERVICE

I, John L. Carrier, declare that on July 12, 2009, I served and filed copies of the attached, emailed letter from John Woolard, CEO of BrightSource Energy to Mr. Jeffrey Byron, Presiding Member dated July 10, 2009. The original document, filed with the Docket Unit, is accompanied by a copy of the most recent Proof of Service list, located on the web page for this project at: [www.energy.ca.gov/sitingcases/ivanpah].

The documents have been sent to both the other parties in this proceeding (as shown on the Proof of Service list) and to the Commission's Docket Unit, in the following manner:

(Check all that Apply)

FOR SERVICE TO ALL OTHER PARTIES:

 X sent electronically to all email addresses on the Proof of Service list;

 X by personal delivery or by depositing in the United States mail* at Sacramento, California on July 13, 2009 with first-class postage thereon fully prepaid and addressed as provided on the Proof of Service list above to those addresses **NOT** marked "email preferred."

AND

FOR FILING WITH THE ENERGY COMMISSION:

 X sending an original paper copy and one electronic copy, mailed and emailed respectively, to the address below (*preferred method*);

OR

 depositing in the mail an original and 12 paper copies, as follows:

CALIFORNIA ENERGY COMMISSION

Attn: Docket No. 07-AFC-5
1516 Ninth Street, MS-4
Sacramento, CA 95814-5512
docket@energy.state.ca.us

I declare under penalty of perjury that the foregoing is true and correct.



*or by other delivery service, e.g., Fed Ex, UPS, courier, etc.