

DOCKET

07-AFC-5

DATE MAY 04 2010

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STATE OF CALIFORNIA

Energy Resources Conservation and Development Commission

In the Matter of:

APPLICATION FOR CERTIFICATION
FOR THE IVANPAH SOLAR ELECTRIC
GENERATING SYSTEM

DOCKET NO. 07-AFC-5

**REQUEST FOR OFFICIAL NOTICE
INTERVENOR CENTER FOR BIOLOGICAL DIVERSITY**

May 4, 2010

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APPLICATION FOR CERTIFICATION
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REQUEST FOR OFFICIAL NOTICE

Intervenor Center for Biological Diversity requests that the Commission take official notice of a recently issued document relevant to this proceeding: **California's Renewable Energy Transmission Initiative (RETI) Phase 2B Draft Report (April 2010)** (attached hereto as Exhibit A and available at <http://www.energy.ca.gov/reti/documents/index.html>).

This new draft report of 4 pages is a portion of an update to the earlier report phase 2A report available on the same RETI website. The report provides the following relevant comparative information in table 4-5 and table 4-8:

- dry-cooled solar thermal (without thermal storage): capacity factor, 20-28%; total project costs, \$5,350 – 5,550/kW; Consolidated O&M, \$30/MWh (Phase 2B draft report at p. 4-6).
- thin-film fixed tilt solar PV (20 MW and up): capacity factor, 20-27%; total project cost, \$3,600 – 4,000/kW; Consolidated O&M cost, \$17-25/MWh (Phase 2B draft report at p. 4-7).

In sum, the RETI Phase 2B draft report found that the capacity factor for the solar PV thin-film of 20 MW and up is comparable to dry-cooled solar thermal without storage and that costs of the thin-film would be lower. The document is relevant to issues raised by Intervenor Center for Biological Diversity and others regarding the feasibility of alternatives to the proposed project.

STANDARD FOR OFFICIAL NOTICE

The Siting Regulations 20 C.C.R. § 1213. Official Notice state:

During a proceeding the commission may take official notice of any generally accepted matter within the commission's field of competence, and of any fact which may be judicially noticed by the courts of this state. Parties to a proceeding shall be informed of the matters to be noticed, and those matters shall be noted in the record, or attached thereto. Any party shall be given a reasonable opportunity on request to refute the officially noticed matters by evidence or by written or oral presentation of authority.

Under California law judicial notice may be taken of documents that are relevant (Evid. Code § 351) and:

(c) Official acts of the legislative, executive, and judicial departments of the United States and of any state of the United States.

...

(h) Facts and propositions that are not reasonably subject to dispute and are capable of immediate and accurate determination by resort to sources of reasonably indisputable accuracy.

Evid. Code §452 (Matters which may be judicially noticed).

The report at issue here was issued by the Renewable Energy Transmission Initiative (RETI) which “is a statewide initiative to help identify the transmission projects needed to accommodate these renewable energy goals, support future energy policy, and facilitate transmission corridor designation and transmission and generation siting and permitting. RETI will be an open and transparent collaborative process in which all interested parties are encouraged to participate.” <http://www.energy.ca.gov/reti/> The Commission is a participant and part of the coordinating committee for the RETI.

The draft report could be officially noticed as a fact—the existence of the draft report and its stated findings—which is not reasonably subject to dispute and is capable of immediate and accurate determination. (See *Carleton v. Tortosa* (1993) 14 Cal App 4th 745, 739 n.1.) In addition or alternatively, although the RETI is not itself a state agency, the draft report could be officially noticed as an official act. (Cal. Ev. Code § 452(c).) “Official acts include records,

reports and orders of administrative agencies.” (*Rodas v. Spiegel* (2001) 87 Cal.App.4th 513, 518 [citing *Hogen v. Valley Hospital* (1983) 147 Cal. App. 3d 119, 125; *McGlothlen v. Department of Motor Vehicles* (1977) 71 Cal. App. 3d 1005, 1015; *Agostini v. Strycula* (1965) 231 Cal. App. 2d 804, 806.]

CONCLUSION

In light of the above, the Center for Biological Diversity requests that the Commission take official notice of the California’s Renewable Energy Transmission Initiative (RETI) Phase 2B draft report (April 2010).

Dated: May 4, 2010

Respectfully submitted,



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Exhibit A

RENEWABLE ENERGY TRANSMISSION INITIATIVE

PHASE 2B

DRAFT REPORT
April 2010

Prepared for

RETI Coordinating Committee
RETI Stakeholder Steering Committee

RETI
Coordinating
Committee



Table 4-5. Solar Thermal Assumptions – No Storage.			
	RETI 1B	WREZ	RETI 2B
Performance			
Capacity Factor (percent)	22 to 32*	20 to 28	20 to 28
Economics (2010 \$)			
Total Project Cost (\$/kW)	4,700 to 5,300*	5,350 to 5,550	5,350 to 5,550
Consolidated O&M (\$/MWh)	30	30	30
Notes: Dry-cooled Parabolic Trough, no storage			
*Ranges include wet cooled projects, which typical have higher CF and lower capital cost			

Table 4-6. Solar Thermal Assumptions – 6 hours of storage.			
	RETI 1B	WREZ	RETI 2B
Performance			
Capacity Factor (percent)	NA	29 to 39	29 to 39
Economics (2010 \$)			
Total Project Cost (\$/kW)	NA	7,650 to 7,850	7,650 to 7,850
Consolidated O&M (\$/MWh)	NA	22	22
Notes: Dry-cooled Parabolic Trough, with 6 hours of storage. Storage based on oversized field with 200 MW steam turbine output			

4.6.2 Solar Photovoltaic

The solar PV lifecycle costs have been adjusted based on new data which suggests that PV costs have dropped substantially since the assumptions used in RETI 1B were formed. Thin film solar PV was previously treated as a sensitivity study, but due to falling costs and the increased prevalence of thin film, it is now being considered as one of the available commercial technologies in addition to tracking crystalline PV. Previously, it was treated as a sensitivity study only. Table 4-7 and Table 4-8 show the updated cost and performance characteristics for tracking crystalline and thin film PV, respectively.

Table 4-7. Solar Photovoltaic, Single-Axis Tracking Crystalline Assumptions.			
	RETI 1B	WREZ	RETI 2B
Performance			
Capacity Factor (percent)	23 to 28	26 to 31	23 to 30
Degradation			0.75%/year
Economics (2010 \$)			
Total Project Cost (\$/kW)	7,040 to 7,150	5,750 to 5,950	4,000 to 5,000
Consolidated O&M (\$/MWh)	19 to 23	26	20 to 27
Notes: Large Systems, 20 MW or larger			

Table 4-8. Solar Photovoltaic, Fixed-tilt Thin Film Assumptions.			
	RETI 1B	WREZ	RETI 2B
Performance			
Capacity Factor (percent)	18 to 27	22 to 27	20 to 27
Degradation			1%/year
Economics (2010 \$)			
Total Project Cost (\$/kW)	3,700 to 4,000	4,550 to 4,750	3,600 to 4,000
Consolidated O&M (\$/MWh)	13	24	17 to 25
Notes: Large Systems, 20 MW or larger. Thin film was only considered as a sensitivity study in Phase 1B of RETI.			

4.7 Cost of Generation Summary

Figure 4-1 shows the updated ranges of levelized cost of generation for the primary technologies included in RETI. The general estimates for RETI Phase 1B (“RETI 1”) and the RETI Phase 2B (“RETI 2”) are compared. It is important to note that the levelized cost of generation is only one component of the resource valuation process. The others include transmission cost, energy value, and capacity value (as presented in the Results section of this report). Except for solar thermal, the costs for technologies have generally dropped. The main drivers for the costs changes for each technology are summarized in Table 4-9.

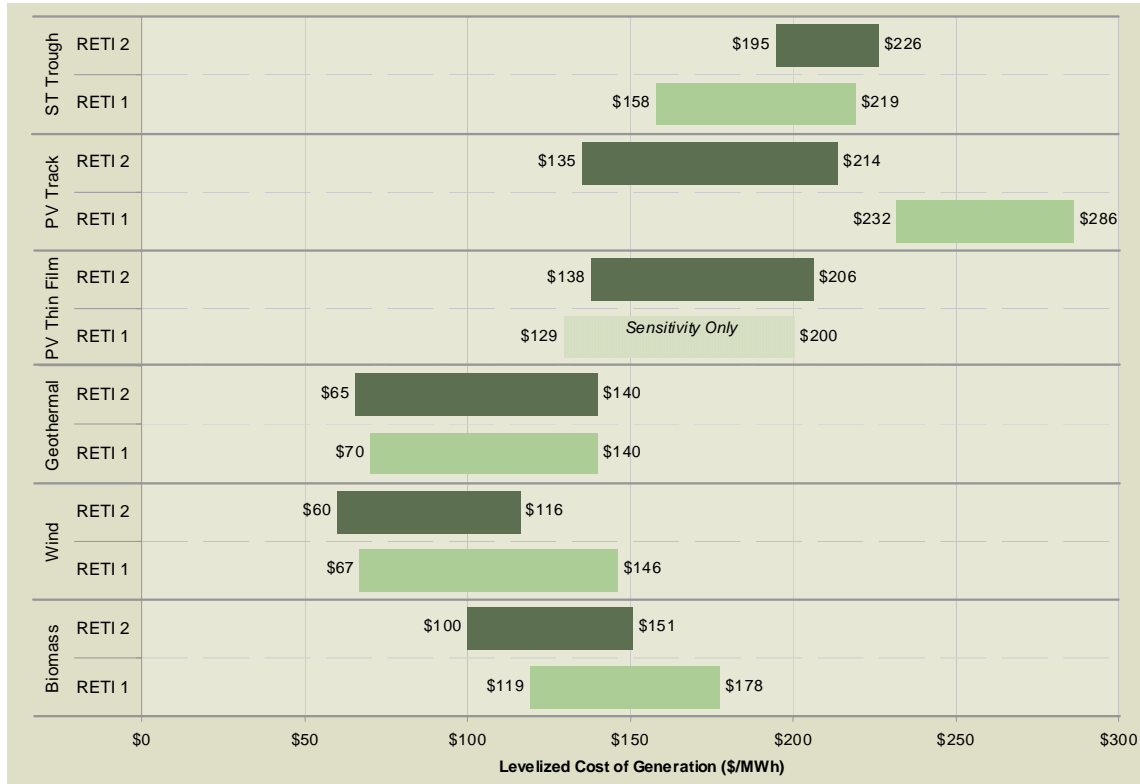


Figure 4-1. Typical Cost of Generation Ranges.



**BEFORE THE ENERGY RESOURCES CONSERVATION AND DEVELOPMENT
COMMISSION OF THE STATE OF CALIFORNIA
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APPLICATION FOR CERTIFICATION
FOR THE *IVANPAH SOLAR ELECTRIC
GENERATING SYSTEM*

DOCKET No. 07-AFC-5
PROOF OF SERVICE
(Revised 3/11/10)

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DECLARATION OF SERVICE

I, Lisa T. Belenky, declare that on May 4, 2010, I served and filed copies of the attached, Request for Official Notice dated, May 4, 2010. 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:

- sent electronically to all email addresses on the Proof of Service list;
- by personal delivery;
- by delivering on this date, for mailing with the United States Postal Service with first-class postage thereon fully prepaid, to the name and address of the person served, for mailing that same day in the ordinary course of business; that the envelope was sealed and placed for collection and mailing on that date to those addresses **NOT** marked "email preferred."

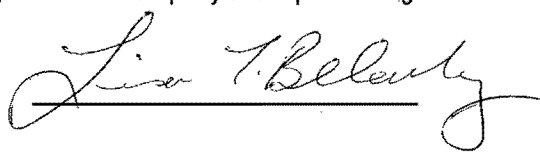
AND

FOR FILING WITH THE ENERGY COMMISSION:

- 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, that I am employed in the county where this mailing occurred, and that I am over the age of 18 years and not a party to the proceeding.



*indicates change