

DOCKET	
07-AFC-5	
DATE	SEP 22 2010
RECD.	SEP 24 2010



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
 ORDER No. 10-0922-15**

COMMISSION ADOPTION ORDER

This Commission Order adopts the Commission Decision on the *Ivanpah Solar Electric Generating System: Powerplant 1*. It incorporates the Presiding Member’s Proposed Decision (PMPD) in the above-captioned matter, the Committee Errata and further Errata proposed by Commission staff. The Commission Decision is based upon the evidentiary record of these proceedings and considers the comments received at the September 22, 2010, Business Meeting. The text of the attached Commission Decision contains a summary of the proceedings, the evidence presented, and the rationale for the findings reached and Conditions imposed.

This **ORDER** adopts by reference the text, Conditions of Certification, Compliance Verifications, and Appendices contained in the Commission Decision. It also adopts specific requirements contained in the Commission Decision which ensure that the proposed facility will be designed, sited, and operated in a manner to protect environmental quality, to assure public health and safety, and to operate in a safe and reliable manner.

FINDINGS

The Commission hereby adopts the following findings in addition to those contained in the accompanying text:

1. The *Ivanpah Solar Electric Generating System Project* consists of three individual units sharing common facilities. *Ivanpah Solar Electric Generating System Project Powerplant 1* is a nominal 120 MW plant located on approximately 914 acres to the south of *Ivanpah Solar Electric Generating System Project: Powerplant 2* (125 MW plant located on approximately 1,097 acres) and *Ivanpah Solar Electric Generating System Project: Powerplant 3* (125 MW plant located on approximately 1,227 acres to the north of Powerplant 2) in San Bernardino County, California, as set forth in Project Description Figure 2, “Local Setting.”
2. The Conditions of Certification contained in the accompanying text, if implemented by the project owner, ensure that the project will, to the extent feasible, be designed, sited, and operated in conformity with applicable local, regional, state, and federal

laws, ordinances, regulations, and standards, including applicable public health and safety standards, and air and water quality standards.

3. Implementation of the Conditions of Certification contained in the accompanying text will ensure protection of environmental quality and assure reasonably safe and reliable operation of the facility. The Conditions of Certification also assure that the project's direct, indirect, and cumulative adverse environmental impacts will be mitigated to the extent feasible. Where full mitigation is not feasible, overriding considerations warrant acceptance of those impacts.
4. As is discussed in Section VIII (Override Findings) of the PMPD, the benefits of the ***Ivanpah Solar Electric Generating System Powerplants 1, 2, and 3*** outweigh any significant direct, indirect, or cumulative impacts which may result from its construction or operation.
5. Existing governmental land use restrictions are sufficient to adequately control population density in the area surrounding the facility and may be reasonably expected to ensure public health and safety.
6. The project is subject to Fish and Game Code section 711.4 and the project owner must therefore pay a nine hundred forty-nine dollar and fifty cents (\$949.50) fee to the California Department of Fish and Game.
7. The evidence establishes that no feasible site or generation technology alternatives to the project, as described during these proceedings, exist which would reduce or eliminate any significant environmental impacts of the mitigated project.
8. The evidence establishes that an environmental justice screening analysis was conducted and that the project, as mitigated, will not have a disproportionate impact on low-income or minority populations.
9. The Decision contains a discussion of the public benefits of the project as required by Public Resources Code section 25523(h).
10. The Decision contains measures to ensure that the planned, temporary, or unexpected closure of the project will occur in conformance with applicable laws, ordinances, regulations, and standards.
11. The proceedings leading to this Decision have been conducted in conformity with the applicable provisions of Commission regulations governing the consideration of an Application for Certification and thereby meet the requirements of Public Resources Code sections 21000 et seq. and 25500 et seq.

ORDER

Therefore, the Commission **ORDERS** the following:

1. The Application for Certification of the ***Ivanpah Solar Electric Generating System: Powerplant 1*** as described in this Decision is hereby approved and a certificate to construct and operate the project is hereby granted.
2. The approval of the Application for Certification is subject to the timely performance of the Conditions of Certification and Compliance Verifications enumerated in the accompanying text and Appendices. The Conditions and Compliance Verifications are integrated with this Decision and are not severable therefrom. While the project owner may delegate the performance of a Condition or Verification, the duty to ensure adequate performance of a Condition or Verification may not be delegated.
3. Ivanpah Solar Electric Generating System: Power Plant 1 shall be solely responsible and liable for the implementation of the Conditions of Certification and Compliance Verifications enumerated in the accompanying text and Appendices which apply to Power Plant 1. Non-compliance by Ivanpah Solar Electric Generating System: Power Plant 2 or Ivanpah Solar Electric Generating System: Power Plant 3 shall not be deemed to be non-compliance by Ivanpah Solar Electric Generating System: Power Plant 1.
4. Notwithstanding the foregoing, the responsibility and liability of Ivanpah Solar Electric Generating System: Power Plant 1, Ivanpah Solar Electric Generating System: Power Plant 2 and Ivanpah Solar Electric Generating System: Power Plant 3, with respect to the liabilities and obligations of the Project Owners set forth in this Decision regarding (1) compliance with all biological mitigation measures and (2) construction and operation of the Common Areas and Common Facilities, shall be joint and several.
5. This Decision is adopted, issued, effective, and final on September 22, 2010.
6. Reconsideration of this Decision is governed by Public Resources Code, section 25530. Judicial review of this Decision is governed by Public Resources Code, section 25531.
7. The Commission hereby adopts the Conditions of Certification, Compliance Verifications, and associated dispute resolution procedures as part of this Decision in order to implement the compliance monitoring program required by Public Resources Code section 25532. All conditions in this Decision take effect immediately upon adoption and apply to all construction and site preparation activities including, but not limited to, ground disturbance, site preparation, and permanent structure construction.

8. This Decision licenses the project owner to commence construction on the project within five years of this Decision date. Subject to the provisions of California Code of Regulations, title 20, section 1720.3, this license expires by operation of law when the project's start-of-construction deadline passes with no construction.
9. The project owner shall provide the Executive Director a check in the amount of nine hundred forty-nine dollar and fifty cents (\$949.50), payable to the California Department of Fish and Game.
10. The Executive Director of the Commission shall transmit a copy of this Decision and appropriate accompanying documents, including the Department of Fish and Game fee, as provided by Public Resources Code, section 25537, California Code of Regulations, title 20, section 1768, and Fish and Game Code section 711.4.
11. We order that the Application for Certification docket file for this proceeding be closed effective the date of this Decision, with the exception that the docket file shall remain open for 30 additional days solely to receive material related to a petition for reconsideration of the Decision.

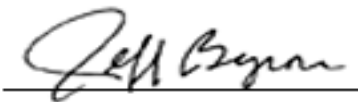
Dated: September 22, 2010, at Sacramento, California.



KAREN DOUGLAS
Chair



JAMES D. BOYD
Vice Chair



JEFFREY D. BYRON
Commissioner



ANTHONY EGGERT
Commissioner



ROBERT B. WEISENMILLER
Commissioner



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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)

APPLICANT

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

Todd A. Stewart, Project Manager
Ivanpah SEGS
e-mail service preferred
tstewart@brightsourceenergy.com

Steve De Young, Project Manager
Ivanpah SEGS.
1999 Harrison Street, Ste. 2150
Oakland, CA 94612
sdeyoung@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
jd@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 U.S. Highway 95
Needles, CA 92363
Raymond_Lee@ca.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")
c/o: 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, Devorah Ancel
Sierra Club
85 Second Street, 2nd Fl.
San Francisco, CA 94105
e-mail service preferred
gloria.smith@sierraclub.org
joanne.spalding@sierraclub.org
gssilliman@csupomona.edu
devorah.ancel@sierraclub.org

*indicates change

INTERVENORS CONT.

Joshua Basofin, CA Rep.
Defenders of Wildlife
1303 J Street, Ste. 270
Sacramento, CA 95814
e-mail service preferred
ibasofin@defenders.org

Basin and Range Watch
Laura Cunningham
Kevin Emmerich
P.O. Box 70
Beatty, NV 89003
atomatictoadranch@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 service preferred
lbelenky@biologicaldiversity.org
ianderson@biologicaldiversity.org

California Native Plant Society
Greg Suba, Tara Hansen & Jim Andre
2707 K Street, Suite 1
Sacramento, California, 95816-5113
e-mail service preferred
gsuba@cnps.org
thansen@cnps.org
granites@telis.org

County of San Bernardino
Bart W. Brizzee, Deputy Co. Counsel
385 N. Arrowhead Avenue, 4th Fl.
San Bernardino, California, 92415
bbrizzee@cc.sbcounty.gov

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

Kristy Chew
Adviser to Commissioner Byron
e-mail service preferred
kchew@energy.state.ca.us

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

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

Jennifer Jennings
Public Adviser
e-mail service preferred
publicadviser@energy.state.ca.us

DECLARATION OF SERVICE

I, Katherine Nicholls declare that on September 24, 2010, I served and filed copies of the attached **COMMISSION ADOPTION ORDERS FOR IVANPAH SOLAR ELECTRIC GENERATING SYSTEM *Powerplant 1; Powerplant 2; and Powerplant 3***. The original documents, filed with the Docket Unit, are 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***);

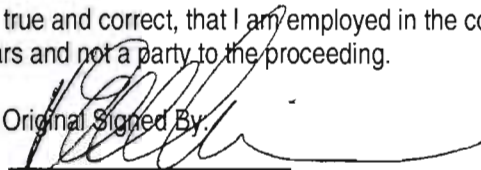
OR

- 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.

Original Signed By: 

KATHERINE NICHOLLS
Hearing Adviser's Office