

Memorandum

Date: August 27, 2009
Telephone: (916) 653-1639

To: Vice Chair James D. Boyd, Presiding Member
Commissioner Jeffrey D. Byron, Associate Member

From: **California Energy Commission** – Christopher Meyer
1516 Ninth Street Project Manager
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DOCKET	
08-AFC-13	
DATE	AUG 27 2009
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Subject: **SES SOLAR ONE PROJECT (08-AFC-13) STATUS REPORT #1**

Pursuant to the Committee Scheduling Order dated July 29, 2009, the following is Energy Commission staff's Status Report #1 for the proposed Stirling Energy Systems Solar One (SES Solar One) Project.

Current Issues and Activities for Resolution

- The applicant is currently working with Southern California Edison (SCE) on reviewing the Pisgah to Lugo transmission line upgrades necessary to transmit the energy from part of SES Solar One Phase 1 and all of Phase 2 to the load centers. The California Public Utilities Commission (CPUC) would have jurisdiction over any proposed changes to the Pisgah-Lugo line. If SCE does not file an application for a Certificate of Public Convenience and Necessity (CPCN) with the CPUC for this upgrade, the BLM and Energy Commission staff will issue data requests specific to the Pisgah to Lugo transmission line in order to analyze the reasonably foreseeable impacts of the proposed SES Solar One Project. If necessary, staff will draft the data requests as soon as the status of the CPCN filing is determined and base the requests on information needed from the applicant to supplement the information presented in Appendix EE of the Application for Certification (AFC).
- Staff filed Data Request Set 1, Part 1 on June 17, 2009. Part 1 of this set of data requests (#1-91) was made in the areas of Air Quality (#1- 48), Alternatives (#49), Biological Resources (#50-56), Efficiency (#57-60), Geology and Paleontology (#61), Land Use (#62-67), Noise and Vibration (#68), Soil and Water Resources (#69-85), and Waste Management (#86-91).
 - On July 6, 2009, the applicant requested additional time beyond the 30 days, as specified under Title 20, California Code of Regulations, Section 1716 (f), to develop responses to the staff's data requests for Air Quality (#1-48) and some of the data requests for Soil and Water Resources (#69-85).
 - On July 17, 2009, the applicant filed responses to staff's data requests #49-70, 74-75, 80, 82-84, and 86-91. Staff is reviewing the data responses received and coordinating with the applicant on the submittal of the remaining responses. The remaining responses were originally expected

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Status Report #1 HA

by August 31, 2009, however the applicant will be requesting additional time to address the data requests for Soil and Water Resources (#69-85).

- Staff filed Data Request Set 1, Part 2 on July 20, 2009. Part 2 of this set of data requests (#92-127) is being made in the areas of Cultural Resources (#92-108), Public Health (#109-112), Socioeconomics (#113-114), Traffic and Transportation (#115-119), and Visual Resources (#120-127).
 - On August 10, 2009, the applicant requested additional time beyond the 30 days to develop responses to the staff's data requests for Cultural Resources (#92-108) and Public Health (#109-112). The applicant expects to submit the responses to the Public Health data requests on August 31, 2009, along with the Air Quality data responses from Set 1, Part 1.
 - On August 24, 2009, the applicant filed responses to staff's data requests on Socioeconomics (#113-114), Traffic and Transportation (#115-119), and Visual Resources (#120-127). Staff is reviewing the data responses received and coordinating with the applicant on the submittal of the remaining responses.

Staff is currently planning to hold a data response and issues resolution workshop the week of September 14, 2009, and will review the applicant's responses to the data requests and determine if additional data requests are necessary.

- On June 26, 2009, California Unions for Reliable Energy (CURE) submitted its first set of data requests on Biological Issues (#1-228). The applicant filed responses to CURE data requests #1-228 on July 27, 2009.
- On July 13, 2009, CURE submitted its second set of data requests (#229-275) on transmission system engineering and environmental issues related to the Pisgah to Lugo transmission line upgrades necessary to transmit the energy from part of Phase 1 and all of Phase 2 to the load centers. The applicant filed responses to CURE data requests #229-275 on August 17, 2009. BLM and Energy Commission staff are reviewing the responses to both sets of data requests for the preparation of the Preliminary Staff Assessment/Draft Environmental Impact Statement (PSA/DEIS).
- The Energy Commission and BLM cultural resources staff continue to work on resolving challenges in the preliminary draft cultural resources report originally submitted by the applicant. The joint agency staffs are presently considering the resolution and the amount of data that would be required for the possible preparation of, under Section 106 of the National Historic Preservation Act, a Programmatic Agreement among the BLM, the California State Historic Preservation Officer, the Advisory Council on Historic Preservation, and the Energy Commission. This agreement would prescribe, for the purposes of NEPA, Section 106, and CEQA, a complete cultural resources compliance process and the mitigation measures required prior to groundbreaking, if the project is approved.
- The BLM scoping period on the Notice of Intent (NOI) to issue a DEIS ended on July 7, 2009. The Energy Commission and BLM staff are logging and reviewing the scoping comments received. Extensive comments were received from a number of organizations, including The Wilderness Society,

The Wildlands Conservancy, The Off-Road Business Association, the Natural Resources Defense Council, Defenders of Wildlife, and Western Watersheds Project. Comments were also received from local residents and the U.S. Environmental Protection Agency. The BLM will organize the individual scoping comments by author and category to ensure all the comments are addressed in the joint Energy Commission/BLM analysis.

Schedule

Due to delays in filing complicated data responses by the applicant, the high volume of projects currently under review by the Energy Commission and the BLM, a reduction in Energy Commission staff hours due to the Governor's Executive Order S-13-09 and related staff resource issues, and the general complexity of the coordinated CEQA/NEPA document, additional time will be needed to complete the technical sections required for the PSA/DEIS.

As a result of these circumstances, staff recognizes that it may not be possible to meet the schedule presented in the July 29, 2009 Committee Scheduling Order. Staff does not anticipate receipt of all the data responses from the first round by September 25, 2009 and believes that a second round of data requests may be required. Therefore, staff may need to adjust the publication of the PSA/DEIS and the date of the PSA/DEIS workshop in the future. The BLM and Energy Commission staff are working to accelerate the schedule where appropriate and feasible.

The following table summarizes the schedule per the Committee Scheduling Order dated July 29, 2009:

COMMITTEE SCHEDULE

DATE	EVENT
May 06, 2009	AFC Deemed Data Adequate
June 08, 2009	BLM publishes NOI in FR (60-day scoping)
November 24, 2008	Informational Hearing and Site Visit/ BLM Scoping Meeting
August 26, 2009	Parties file Status Report #1
Week of September 14, 2009	Data Response and Issue Resolution workshop based on responses received by approximately September 7, 2009
September 25, 2009	Applicant files remaining data responses required by Staff to complete its preliminary analysis
October 15, 2009	Local, state, and federal agency draft determinations, including Air District's Preliminary Determination of Compliance (PDOC)
October 21, 2009	Parties file Status Report #2
November 19, 2009	Staff files Preliminary Staff Assessment/Draft Environmental Impact Statement (PSA/DEIS) BLM Notice of Availability (NOA) published
November 19, 2009	Formal consultation on Biological Assessment initiated, beginning 135-day consultation period
December 16, 2009	Parties file Status Report #3
Mid January 2010	Staff conducts PSA Workshop/DEIS public meetings
February 16, 2010	Parties file Status Report #4
February 17, 2010	Local, state, and federal agency final comments and determinations, including Air District's Final Determination of Compliance (FDOC)
90 days after NOA published	BLM DEIS public comment period ends
April 10, 2010	Parties file Status Report #4
TBD	US Fish and Wildlife Service issues Biological Opinion (BO)
TBD	Staff files Final Staff Assessment/Final Environmental Impact Statement (FSA/FEIS) BLM NOA of FEIS published
FSA/FEIS + 2 weeks	Applicant's opening testimony and preliminary identification of contested issues filed and served
FSA/FEIS + 4 weeks	Staff and other parties file and serve opening testimony (other than FSA/FEIS) and Prehearing Conference Statement; Applicant files Prehearing Conference Statement
FSA/FEIS + 5 weeks	All parties file rebuttal testimony and identify which materials referred to in other parties opening testimony of they want copies
FSA/FEIS + 5 weeks	Prehearing Conference
FSA/FEIS + 6 weeks	All requested material is served on all other parties
FSA/FEIS + 7 weeks	Evidentiary Hearings
3 weeks after Evidentiary Hearings close	Post Hearing Briefs filed
6-7 weeks after Evidentiary Hearings close	Presiding Member's Proposed Decision issued for 30-day comment period
Approx. 25 days after PMPD issued	PMPD comment hearing
35 days after PMPD issued	Revised PMPD issued* for 15-day (30 days if significant environmental information added) review period*
TBD	Energy Commission Final Decision Adoption Hearing
30 days after Commission Adoption Hearing	Judicial review period for Energy Commission Decision ends
30 days after NOA of FEIS published	FEIS protest period ends
60 days after NOA of FEIS published	Governor's consistency review period ends (this schedule assumes the Governor finishes his review in 30 days)
TBD	BLM issue Record of Decision, Right-of-Way Grant and Plan Amendment

Shaded events have already taken place

* If necessary



**BEFORE THE ENERGY RESOURCES CONSERVATION AND DEVELOPMENT
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**APPLICATION FOR CERTIFICATION
For the SES SOLAR ONE PROJECT**

Docket No. 08-AFC-13

PROOF OF SERVICE

(Revised 7/20/09)

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DECLARATION OF SERVICE

I, Hilarie Anderson, declare that on August 27, 2009 I served and filed copies of the attached, Status Report # 1 dated August 27, 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/solarone].**

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 or by depositing in the United States mail at Sacramento, CA 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:

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. 08-AFC-13
1516 Ninth Street, MS-4
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I declare under penalty of perjury that the foregoing is true and correct.

Original Signature in Dockets
Hilarie Anderson