

Memorandum

Date: December 29, 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
Sacramento, CA 95814-5512

DOCKET	
08-AFC-13	
DATE	<u>DEC 29 2009</u>
RECD.	<u>DEC 29 2009</u>

Subject: **SES SOLAR ONE PROJECT (08-AFC-13) STATUS REPORT #3**

Pursuant to the Revised Committee Scheduling Order dated November 24, 2009, the following is Energy Commission staff's Status Report #3 for the proposed Stirling Energy Systems Solar One (SES Solar One) Project.

Current Issues and Activities for Resolution

- On November 18, and December 1-3, 2009, Energy Commission and Bureau of Land Management (BLM) staff met to discuss ongoing coordination between the two agencies for licensing renewable energy projects and to identify ways to maintain the schedules and to identify the appropriate scope and content of the joint documents. At these meetings, BLM and Department of the Interior Solicitor's Office staff discussed the National Environmental Policy Act (NEPA) requirements with regards to alternatives, cumulative impacts, and connected actions.
- The applicant is currently working with Southern California Edison (SCE) in reviewing the Lugo to Pisgah 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) has jurisdiction over any proposed changes to the Pisgah-Lugo line, but the Energy Commission must analyze all available information about the upgrades as they are part of the "whole of the project" which the Energy Commission, as lead agency, must review. On October 21, 2009, staff issued a memorandum specific to the transmission system upgrades beyond the first point of interconnection, identifying information needed from the applicant to supplement the information presented in the Application for Certification (AFC). The applicant will provide this information in mid-January of 2010.
- On November 16, 2009, the applicant stated that it would require additional time beyond November 21, 2009 to provide answers to staff's June 17, 2009 Soil and Water data requests. These data requests address fundamental information about the viability of and water quality associated with the development and use of on-site wells. The applicant provided responses to some of the requests on December 4, 2009; however these responses were not complete. The submittal of critical well testing information is expected starting the second week of January of 2010.

PROOF OF SERVICE (REVISED 12/2/09) FILED WITH
ORIGINAL MAILED FROM SACRAMENTO ON 12/29/09

- Energy Commission and BLM staff conducted the first part of a public workshop on December 22, 2009 that addressed the transmission line issue, as well as biological and water resources on the project site. The following issues were addressed at the workshop:
 - The BLM requires that an alternative be added to the SA/DEIS to address the April 28, 2009 BLM Interim Policy Memorandum (CA-2009-020CH1) on donated and acquired lands. This alternative will be the proposed project not including the donated and acquired lands.
 - The applicant filed an updated biological resources report on December 23, 2009. Staff and the intervener CURE will need time to review the new information and address questions to the applicant at the continuation of the workshop.
 - The Large Generator Interconnection Agreement (LGIA) should be signed between SCE and the applicant by mid-January 2010. Once the LGIA is signed, SCE will start the environmental and engineering work on the proposed alignment of the 500 kV transmission line upgrade and expanded substation.

The workshop will be continued to January 5, 2010 to complete the discussion of on-site biological resources.

- Concerns about access to private properties across the Burlington Northern Santa Fe (BNSF) railroad tracks that run through the project site remain unresolved. This issue is the subject of a contract between the applicant and BNSF to allow only the applicant to use the private crossing. A meeting between the applicant, BNSF, San Bernardino County, and some of the property owners, did not result in any agreement on this point.
- The Energy Commission and BLM cultural resources staff continue to work on resolving questions raised by the preliminary draft cultural resources report submitted by the applicant. The joint agency staffs are presently planning preparation of, under Section 106 of the National Historic Preservation Act, a Programmatic Agreement. Signatories to the agreement would include the BLM, the California State Historic Preservation Officer, the Advisory Council on Historic Preservation, and the Energy Commission. This agreement would identify, consistent with the requirements of NEPA, Section 106, and the California Environmental Quality Act (CEQA), a complete cultural resources compliance process and any required mitigation measures.

Schedule

Due to the applicant's delays in filing critical data responses, including information on the reasonably foreseeable impacts associated with the SCE transmission line upgrade and substation expansion to provide for the full 850 MW project, as well as concerns over the biological and cultural resources information provided, staff requests that a status conference be scheduled as soon as possible to discuss the project schedule and outstanding data needs.



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

Docket No. 08-AFC-13

PROOF OF SERVICE

(Revised 12/2/09)

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DECLARATION OF SERVICE

I Teraja` Golston, declare that on December 29, 2009, I served and filed copies of the attached (08-AFC-13) SES Solar One – Status Report #3, dated, December 23, 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:

 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, 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:

 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

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

Teraja` Golston