



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  
*SES SOLAR TWO PROJECT*

DOCKET No. 08-AFC-5

**COMMITTEE ORDER DENYING REQUEST OF INTERVENOR CURE TO DELAY DATA  
RESPONSE WORKSHOP**

On October 8, 2008, the Application for Certification (AFC) was deemed data-adequate for the twelve-month review process consistent with Public Resources Code section 25540.6. At that time, a 180-day period within which the parties could exchange data requests began pursuant to California Code of Regulations, Title 20, section 1716(e).

The following chronology is germane to this matter:

- December 1, 2008: CURE is granted intervenor status.
- March 4, 2009: Committee issues *Revised Scheduling Order* calling for second and last workshop to take place on March 23, 2009.
- March 23, 2009: Date in *Revised Scheduling Order* for second and last workshop (did not take place on that date; noticed instead for May 7, 2009).
- April 6, 2009: Final day to serve data requests.
- April 6, 2009: CURE serves its data requests on Applicant.
- April 21, 2009: Energy Commission staff serves notice of workshop to take place on May 7, 2009, for the purpose of discussing Applicant's responses to the BLM and Energy Commission staff's data requests received since the December 18, 2008 data response workshop.
- April 27, 2009: CURE files letter objecting to the May 7, 2009 date for the workshop.
- May 7, 2009: Applicant's responses to CURE data requests are due.
- May 7, 2009: Scheduled date for workshop.

<b>DOCKET</b>	
<b>08-AFC-5</b>	
DATE	<u>APR 30 2009</u>
RECD.	<u>APR 30 2009</u>

As may be seen from the above chronology, CURE could never have had a reasonable expectation that there would be a workshop at which responses to its data requests could be discussed. CURE served its data requests on April 6, after the date for the second and final workshop set forth in the *Scheduling Order*, but before April 21 when Staff served notice of the May 7 workshop.

Nonetheless, CURE now objects to the May 7, 2009 workshop, because Applicant's responses to CURE's data requests are due on May 7<sup>th</sup> and thus could not be discussed at the May 7<sup>th</sup> workshop.

CURE could never have had an expectation of a workshop to discuss Applicant's responses to its data requests because no workshops after March 23, 2009 are shown on the *Revised Scheduling Order* issued March 4, 2009. Nor did CURE ever request that the Committee schedule such a workshop, although CURE easily could have made such a request. The *Revised Scheduling Order* clearly showed that as of the date the *Order* was issued there were no workshops scheduled after March 23, 2009, and that therefore responses to any data requests served thereafter by CURE would not be due in time to be discussed at that workshop.

SES Solar Two is a renewable energy project and is thus entitled to priority pursuant to Governor Schwarzenegger's Executive Order S-14-08, which establishes a 33 percent Renewables Portfolio Standard by 2020, and directs the Energy Commission to work collaboratively with agencies to *expedite* renewable energy permitting. The Committee is therefore reluctant to accommodate any request by a party that would cause delay to the proceeding, particularly where there appears to be no good cause for the request.

The Committee requests that Applicant make a good faith effort to produce its responses to CURE's data requests, to the extent possible, in advance of the May 7, 2009 workshop. The Committee also suggests that Staff consider, in the exercise of its discretion under California Code of Regulations, Title 20, section 1718(a), whether scheduling a future workshop to discuss those responses would be appropriate, balancing the policy expressed in the Executive Order and the benefits of having a full airing of the issues.

CURE's request to postpone the May 7, 2009 workshop is **DENIED**.

Dated: April 30, 2009, at Sacramento, California.

Original Signed By:  
JEFFREY D. BYRON  
Commissioner and Presiding Member  
SES Solar Two AFC Committee

Original Signed By:  
JULIA LEVIN  
Commissioner and Associate Member  
SES Solar Two AFC Committee



**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 SES SOLAR TWO PROJECT**

**Docket No. 08-AFC-5**

**PROOF OF SERVICE**

**(Revised 4/14/09)**

**APPLICANT**

Robert B. Liden,  
Executive Vice President  
SES Solar Two, LLC  
2920 E. Camelback Road,  
Ste. 150  
Phoenix, AZ 85016  
[rliden@stirlingenergy.com](mailto:rliden@stirlingenergy.com)

Kevin Harper,  
Project Manager  
SES Solar Two, LLC  
2920 E. Camelback Rd.,  
Ste. 150  
Phoenix, AZ 85016  
[kharper@stirlingenergy.com](mailto:kharper@stirlingenergy.com)

**CONSULTANT**

Angela Leiba, Sr. Project  
Manager URS Corporation  
1615 Murray Canyon Rd.,  
Ste. 1000  
San Diego, CA 92108  
[Angela\\_Leiba@urscorp.com](mailto:Angela_Leiba@urscorp.com)

**APPLICANT'S COUNSEL**

Allan J. Thompson  
Attorney at Law  
21 C Orinda Way #314  
Orinda, CA 94563  
[allanori@comcast.net](mailto:allanori@comcast.net)

**INTERESTED AGENCIES**

California ISO  
[e-recipient@caiso.com](mailto:e-recipient@caiso.com)

Daniel Steward, Project Lead  
BLM – El Centro Office  
1661 S. 4<sup>th</sup> Street  
El Centro, CA 92243  
[daniel\\_steward@ca.blm.gov](mailto:daniel_steward@ca.blm.gov)

Jim Stobaugh,  
Project Manager &  
National Project Manager  
Bureau of Land Management  
BLM Nevada State Office  
P.O. Box 12000  
Reno, NV 89520-0006  
[jim\\_stobaugh@blm.gov](mailto:jim_stobaugh@blm.gov)

**INTERVENORS**

CURE  
c/o Tanya A. Gulesserian  
Loulena Miles  
Marc D. Joseph  
Adams Broadwell Joseph  
& Cardozo  
601 Gateway Blvd., Ste. 1000  
South San Francisco,  
CA 94080  
[tgulesserian@adamsbroadwell.com](mailto:tgulesserian@adamsbroadwell.com)  
[lmiles@adamsbroadwell.com](mailto:lmiles@adamsbroadwell.com)

**ENERGY COMMISSION**

JEFFREY D. BYRON  
Commissioner and Presiding  
Member  
[jbyron@energy.state.ca.us](mailto:jbyron@energy.state.ca.us)

JULIA LEVIN  
Commissioner and Associate  
Member  
[jlevin@energy.state.ca.us](mailto:jlevin@energy.state.ca.us)

Raoul Renaud  
Hearing Officer  
[rrenaud@energy.state.ca.us](mailto:rrenaud@energy.state.ca.us)

Caryn Holmes  
Staff Counsel  
[cholmes@energy.state.ca.us](mailto:cholmes@energy.state.ca.us)

Christopher Meyer  
Project Manager  
[cmeyer@energy.state.ca.us](mailto:cmeyer@energy.state.ca.us)

Public Adviser  
[publicadviser@energy.state.ca.us](mailto:publicadviser@energy.state.ca.us)

**DECLARATION OF SERVICE**

I, RoseMary Avalos, declare that on April 30, 2009, I served and filed copies of the attached Committee Order Denying Request of Intervenor Cure To Delay Data Response Workshop, dated April 30, 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/solartwo](http://www.energy.ca.gov/sitingcases/solartwo)]**. The document has 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 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. 08-AFC-5  
1516 Ninth Street, MS-4  
Sacramento, CA 95814-5512

[docket@energy.state.ca.us](mailto:docket@energy.state.ca.us)

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

*Original Signed By:* \_\_\_\_\_  
RoseMary Avalos