



*via electronic mail*

November 5, 2009

JEFFREY D. BYRON  
Commissioner and Presiding Member  
Solar Two AFC Committee  
1516 Ninth Street  
Sacramento, CA 95814

<b>DOCKET</b>	
<b>08-AFC-5</b>	
DATE	NOV 05 2009
RECD.	NOV 06 2009

RE: Flat-tailed horned lizard is proposed threatened as of 11/3/09.

Dear Commissioner Byron,

The Center for Biological Diversity is a national, nonprofit organization whose mission is to protect and restore endangered species and wild places through science, policy, education, advocacy, and environmental law. Many of the Center's members and on-line activists reside in the California deserts, and are familiar with the area where the SES Solar Two Project Docket Number: 08-AFC-5 is located.

Because the project site is documented habitat for the flat-tailed horned lizard, we wanted to bring to your attention the most recent court ruling on this species. On November 3, 2009, Judge Neil V. Wake of the U.S. District Court in Arizona filed an order to re-instate the flat-tailed horned lizard as a proposed threatened species, pursuant to the mandate of the U.S. Court of Appeals for the Ninth Circuit, filed July 28, 2009. I have attached that order for your review.

Please feel free to contact me with any questions.

Best regards,

Ilene Anderson  
Center for Biological Diversity

Attachment – AZ court ruling 11-3-09

cc: Proof of Service List