

DOCKET

08-AFC-5

DATE APR 13 2010

RECD. APR 14 2010

To: Commissioner Jeffrey D. Byron, Presiding Member

Commissioner Anthony Eggert, Associate Member

From: Richard Knox, Project Manager

Subject: Imperial Valley Solar, LLC (08-AFC-5) Applicant Status Report #9

Dear Commissioners Byron and Eggert:

Pursuant to the Committee Scheduling Order dated December 3, 2009, the Applicant hereby submits its Status Report #9 for the Proposed Imperial Valley Solar Project (the "Project").

Schedule:

As the hearing schedule has been modified since the Prehearing Conference, we request that the Committee reissue the schedule for the remainder of the permitting process.

April 1, 2010 was the date for intervenor's to file their opening testimony. We have not seen any filing from CURE and consequently were unable to file meaningful rebuttal testimony on April 8, 2010. In the event that the Commission decides to give Intervener's additional time to file opening testimony, we suggest that filing date for opening testimony from the intervenors and rebuttal testimony from all parties be delayed to a later date based on the new hearing schedule. As discussed below, additional information requested by the agencies will be submitted on or before May 3. We request a workshop be held on or about May 3 to discuss these submittals prior to the final preparation of testimony.

We understand that representatives of the CEC and BLM recently met to discuss the schedule and relationships between the various products such as the Supplemental Staff Assessment, Final Environmental Impact Statement, and Presiding Members Proposed Decision. We are anxious to understand the results of these discussion and the implications for the final decision date on the Imperial Valley Solar project.

Cultural Resources:

One of the most critical items for cultural resources is the submittal of the final Programmatic Agreement. On March 26, 2010, the BLM issued their draft Programmatic Agreement (PA) to consulting parties. Our understanding is that comments are due to the BLM by May 7. We recommend that the final PA be completed by the end of June.

The other time critical item is CEC and BLM staff review of the Class III information. This review is needed because Recommendations of Eligibility and testing of sites cannot begin without agency acceptance of the Class III Cultural Resources Technical Report. This information was submitted to the agencies on December 24, 2009 and is becoming an item that could significantly delay construction activities on the project. We request that CEC and BLM staff complete their review of this document and provide comments on or before May 5.

Army Corps of Engineers Alternatives

Efforts associated with the Army Corps of Engineers (ACOE) 404 (b) (1) Alternatives Analysis included 1) developing feasibility criteria and 2) completing the California Rapid Assessment Model (CRAM). The field work for the CRAM was completed in mid March. The feasibility criteria have been developed by the applicant and will be used by the Applicant to evaluate alternatives and assist the Corps in identifying the LEDPA. Tessera Solar will submit a draft 404 (b) (1) Alternatives Analysis to the ACOE in the late April or early May timeframe. It is expected that the ACOE will identify the LEDPA in the early June timeframe.

Water Supply:

Two efforts are currently underway with regard to project water supply: the Seeley Waste Water Treatment Facility (SWWTF) Environmental Impact Report (EIR) and further characterization of the Dan Boyer Water Company (DBWC) temporary back-up water supply. According to representatives for the Seeley County Water District, the EIR for the SWWTF is targeted to be completed by Fall 2010 and a Decision by early Spring 2011. We will be submitting additional information to the CEC on or before May 3, 2010. Further information characterizing the DBWC temporary back-up water supply will be submitted no later than May 3.

Biological Resources

The first round of the additional rare plant surveys has been completed and the results were submitted to the BLM on April 7. Once the report may be considered final, it will be docketed with the CEC. Fourteen (14) species were found within the survey area, two of which were on a California Native Plant Society "watch" list. No special status species were found during the first round of surveys. The second round of Spring surveys began this week and results will be provided to the BLM as soon as they are available, on or before April 26. The agencies would decide on when the survey results are final and may be released to the public.

Visual Resources

The Glint and Glare study is currently being prepared and is anticipated to be finalized on or before April 26. The Applicant would like to again invite agency staff visit the Maricopa Project site in Arizona, if possible.

Land Use and Noise

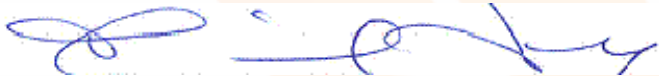
In light of the land use and noise discussions held during the workshop, the Applicant is currently working with Imperial County to prepare additional materials to supplement the Applicant's comments on the SA/DEIS. These will be docketed once available and agreed upon by the County, anticipated to be in April.

The Applicant has been impressed with the dedication and professionalism of CEC and BLM staff; however we have become extremely concerned about the staff's significant workload, their lack of resources, and the restrictions in their time. We stand ready to assist the Commission in any way we can to obtain additional resources to perform the work for the solar projects eligible for federal funds.

If you have any questions, please contact me at (602) 957-1818.

Respectively,

Sincerely



Richard Knox, Project Manager



BEFORE THE ENERGY RESOURCES CONSERVATION AND DEVELOPMENT
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**APPLICATION FOR CERTIFICATION FOR THE
IMPERIAL VALLEY SOLAR PROJECT**
(formerly known as SES Solar Two Project)
IMPERIAL VALLEY SOLAR, LLC

**Docket No. 08-AFC-5
PROOF OF SERVICE**
(Revised 4/12/10)

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DECLARATION OF SERVICE

I, Corinne Lytle, declare that on April 14, 2010, I served and filed copies of the attached, Applicant's Status Report #9. 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:

[\[http://www.energy.ca.gov/sitingcases/solartwo/index.html\]](http://www.energy.ca.gov/sitingcases/solartwo/index.html)

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;

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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-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

Corinne Lytle