



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

**DOCKET**

**08-AFC-5**

DATE JUL 19 2010

RECD. JUL 19 2010

**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**

### **COMMITTEE ORDER DENYING MOTION TO SUSPEND PROCEEDING**

Upon consideration of the Motion to Suspend the Proceeding filed by Intervenor, California Unions for Reliable Energy (CURE), the Committee designated to conduct proceedings in this matter makes the following findings:

1. On July 13, 2010, a Motion to Suspend Proceeding in the above-captioned proceeding was filed by:

**California Unions for Reliable Energy  
Loulena Miles  
Marc D. Joseph  
Adams Broadwell Joseph & Cardozo  
601 Gateway Blvd., Suite 1000  
South San Francisco, CA 94080**

2. The Motion asks the Committee to suspend the proceeding in this matter because in CURE's opinion the proposed project water supply is neither adequate nor reliable.
3. In its Motion, CURE summarizes the state of the testimony and evidence to date. In short, the summary demonstrates that there is a dispute among the parties about the water supply. Applicant contends that the water supply from the Boyer well will be adequate and reliable for the project's construction and, if necessary, operations needs. Staff contends that the most the Boyer well could supply is 34 AFY. The evidence is not clear at this point whether that amount is sufficient for project needs. Applicant has stated that it will store water on-site to be used at times when extra water is needed during construction, for example at the time of concrete pours.
4. CURE also points out that the proposed permanent water supply, effluent from the Seeley Waste Water Treatment Facility, is not currently available due to ongoing preparation of an EIR for the upgrade to that facility. CURE suggests that the Seeley water may never become available to the project.

5. CURE then asks the Committee either to suspend the proceeding on the basis that the project does not have an adequate and reliable water supply or, alternatively, to impose a Condition of Certification requiring that project construction not commence unless and until the Seeley water is available.
6. CURE's motion is premature and unwarranted. The evidence is in conflict, and it is by no means clear that the project cannot and will not have an adequate and reliable water supply. There are differences of opinion among the expert witnesses, and it is the Committee's role to hear the testimony, review the evidence, and make a determination based upon the evidence. Furthermore, the topic of water supply is one of the topics scheduled for Evidentiary Hearings to begin on July 26, 2010, and additional testimony and evidence received at that time may help clarify or resolve this disputed topic.

**ORDER**

**THEREFORE**, the Committee **Orders** that the Motion of CURE to Suspend the Proceeding in this matter be **DENIED**.

Dated: July 19, 2010, at Sacramento, California.



JEFFREY D. BYRON  
Commissioner and Presiding Member  
Imperial Valley Solar AFC Committee



ANTHONY EGGERT

Commissioner and Associate Member  
Imperial Valley Solar AFC Committee



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**Docket No. 08-AFC-5  
PROOF OF SERVICE**  
(Revised 6/8/10)

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\*indicates change

DECLARATION OF SERVICE

I, RoseMary Avalos, declare that on July 19, 2010, I served and filed copies of the attached COMMITTEE ORDER DENYING MOTION TO SUSPEND PROCEEDINGS, dated July 19, 2010. 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:

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

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;

by delivering on this date, for mailing with the United States Postal Service with first-class postage thereon fully prepaid, to the name and address of the person served, for mailing that same day in the ordinary course of business; that the envelope was sealed and placed for collection and mailing on that date 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-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, 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:* \_\_\_\_\_  
**ROSEMARY AVALOS**  
Hearing Adviser's Office