



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	MAR 01 2010
RECD.	MAR 01 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

REVISED COMMITTEE SCHEDULING ORDER

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. The Committee conducted a public informational hearing on November 24, 2008, to discuss the schedule and other issues of concern, and shortly thereafter issued a Scheduling Order containing a schedule based upon both Staff and Applicant’s proposed schedules. A Revised Scheduling Order was issued on December 3, 2009.

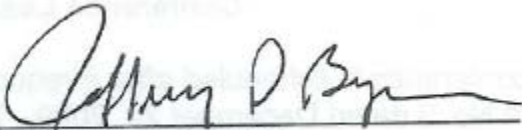
Staff has worked diligently with the Bureau of Land Management (BLM), in addition to the cooperating federal agencies – the National Parks Service and the United States Army Corps of Engineers – to complete the analysis. Staff published its Staff Assessment on February 12, 2010. The Environmental Protection Agency intended to publish the Notice of Availability of the Draft Environmental Impact Statement (DEIS) in the Federal Register on the same day, but due to extreme weather conditions in the Washington D.C. area, the Notice of Availability is anticipated to be published until February 26, 2010 which begins the 90-day Comment Period of the DEIS.

Despite the time necessary to review additional information submitted by the applicant in December and working with the federal agencies, the Committee has developed the following schedule which could result in issuance of a Final Decision by August 25, 2010 as set forth in the December 3, 2009 Scheduling Order. This would be accomplished through the shortening of certain review and briefing periods, while leaving intact legally required review periods. This revised schedule proposes to begin Evidentiary Hearings on April 22, 2010. However, it is evident to us, from correspondence contained in the Docket, that Cultural Resources testimony may not be ready in time for Evidentiary Hearings in April, primarily because a Programmatic Agreement between the Energy Commission and the Bureau of Land Management, which will describe mitigation for anticipated cultural resources impacts, will likely not be finalized until May. Accordingly, we emphasize here that while the parties are expected to prepare and file completed testimony in accord with this revised schedule so as to be ready for Evidentiary Hearings on April 22, 2010, Cultural

Resources testimony, and any supplementary testimony on other topics which will not be ready by that date, shall be filed as soon as possible thereafter. The Committee has held May 24, 2010 for additional Evidentiary Hearings to hear and potentially admit such testimony, if necessary.

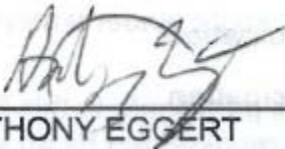
We may modify the schedule at any time upon either our own motion or that of a party. [Cal. Code Regs., tit. 20, § 1709.7(c).] The schedule requires the parties to file status reports every four weeks to advise us of whether or not case development is progressing satisfactorily, and to bring potential schedule delays or other relevant matters to our attention.

Dated: March 1, 2010 at Sacramento, California.



JEFFREY D. BYRON

Commissioner and Presiding Member
SES Solar Two AFC Committee



ANTHONY EGGERT

Commissioner and Associate Member
SES Solar Two AFC Committee

**Third Committee Schedule (Revised)
SES Solar Two Project
(08-AFC-5)**

ACTIVITY	DATE
Publish Staff Assessment (SA)	2/12/2010
USFWS Accepts Biological Assessment	2/15/2010
Publish Draft Environmental Impact Statement (EIS) in Federal Register (anticipated)	2/26/2010
Staff Assessment Workshops	3/1/2010
Applicant Files Opening Testimony	3/15/2010
Prehearing Conference Statements Filed	3/15/2010
Prehearing Conference and Last Day to File a Petition to Intervene	3/22/2010
Other Testimony Filed	4/1/2010
Rebuttal Testimony Filed	4/8/2010
Final Prehearing Conference (if needed)	4/8/2010
Begin Evidentiary Hearings*	4/19/2010
Post Hearing Briefs Filed	5/3/2010
U.S. Fish and Wildlife Service Issues Biological Opinion	5/17/2010
Cultural Resources Programmatic Agreement Finalized*	5/17/2010
Supplemental Evidentiary Hearings (if needed)	5/24/2010
Draft EIS Comment Period Ends	5/27/2010
Publish Supplemental SA/Final EIS	6/15/2010
Publish Presiding Member's Proposed Decision (PMPD)	7/1/2010
PMPD Hearing	7/21/2010
PMPD Comment Ends	8/2/2010
Revised PMPD (if needed)	TBD
Final Decision Hearing	8/25/2010
Bureau of Land Management Record of Decision	8/25/2010

Dated 3/1/10

*Evidentiary Hearings will start with topics that are complete. Additional hearing dates will be scheduled as needed to hear evidence as additional topics become complete. At this time it appears that only Cultural Resources will be incomplete by April 22 due to ongoing preparation of the Programmatic Agreement between the Energy Commission and the Bureau of Land Management.



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IMPERIAL VALLEY SOLAR PROJECT**
(formerly known as SES Solar Two Project)
IMPERIAL VALLEY SOLAR, LLC

**Docket No. 08-AFC-5
PROOF OF SERVICE**
(Revised 3/1/10)

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DECLARATION OF SERVICE

I, RoseMary Avalos, declare that on March 1, 2010, I served and filed copies of the attached, REVISED COMMITTEE SCHEDULING ORDER, dated, March 1, 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: [\[http://www.energy.ca.gov/sitingcases/solartwo/index.html\]](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:

 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

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

Original Signed By: _____
ROSEMARY AVALOS