

DOCKET

08-AFC-5

DATE MAR 30 2010

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State of California
Energy Resources Conservation and
Development Commission

In the matter of:

Application for Certification
For the Imperial Valley Solar Project
(Formerly SES Solar Two)

CEC Docket 08-AFC-5

Pre Evidentiary Hearing Statement of Intervenor Tom Budlong

March 30, 2010

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State of California

Energy Resources Conservation and Development Commission

In the matter of:

Application for Certification
For the Imperial Valley Solar Project
(Formerly SES Solar Two)

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Pre Evidentiary Hearing Conference Statement of Tom Budlong

Due to the short time (one day) between being certified as an intervener and the Pre-Hearing conference on March 25, I was unable to prepare a pre-hearing conference statement. This statement is intended to meet the April 1 schedule for submission.

This statement identifies issues I intend to raise at the Evidentiary Hearing in El Centro, April 19, 2010.

This statement is subject to change. Given the size of the project and amount of associated documentation, additional topics may be discovered before and after the Evidentiary Hearing.

Basic questions with respect to this project have not been answered by the SA/DEIS, despite its size. It appears to be adequate in some areas, but is unquestionably deficient in others.

1) Topics areas complete and ready to proceed to Evidentiary Hearing.

I have reviewed only the areas that appeared to me to have the highest potential for incompleteness, inadequate analysis and disclosure. These are introduced below. Other topics may or may not be complete.

2, 3) Topic areas incomplete and not ready to proceed, and topics that may be disputed. I estimate these topics will take several hours, but I have no confidence in that estimate.

Executive Summary (Topic)

- The project appears to be out of compliance with basic principles of NEPA.
- The Applicant Objectives described in the SA/DEIS is incomplete.
- The stated BLM purpose and need is misleading and incorrect.
- There is no economic analysis as required to implement NEPA regulations and for comparison with alternatives. Such an analysis would compare construction, financing, operation and other costs with expected revenues. Without such an analysis, it is not even possible to estimate if project operation will eventually pay for building it.

Power Plant Efficiency (Topic 10)

- There is no net energy analysis. Such an analysis would compare energy used by construction and operation with energy generated during operation. Without such an analysis, it is not even possible to estimate if the project will be a net energy generator.

Power Plant Reliability (Topic 17)

- There is a serious and real question of SunCatcher reliability. Even were reliability not in question, the plan to jump from essentially developmental status to large field installation is imprudent.

Power Plant Efficiency (Topic 10)

- The project is characterized as a 750 MW facility. With capacity factor of 25%, it's actual output is on the order of 185 MW.
 - 750 MW is a gross misrepresentation, and should be corrected in the SA/DEIS and all other documentation.
 - The 750 MW characterization is in violation of NEPA.

Soil & Water (Topic 4)

- Dust generated by the adjacent OHV open area has not been analyzed. It could increase wash water requirements.

Cultural Resources (Topic 2)

- The area is extremely rich in prehistoric and historic features. The project would essentially destroy this. Mitigation is proposed to be a Programmatic Agreement which is not now available, and is scheduled to be available only with the Final EIS. This precludes public participation.

Alternatives (Topic 21)

- The alternatives section is insufficient and incomplete.
 - Much of the alternative analysis is qualitative only.
 - Many of the Rationales for Elimination are illogical and not supported by evidence presented.
 - The Mesquite Lake alternative has too many advantages over the Plaster City site to be ignored.
 - The geothermal alternative analysis is deficient, and apparently makes the basic error of equating energy produced by a high capacity factor 750 MW geothermal plant with the proposed Plaster City project, a low capacity factor 750 MW (capacity, not actual) CSP plant. Like Mesquite Lake, it has too many advantages to be ignored.

Power Plant Efficiency (Topic 10)

- I have found no engineering or test data to verify the claim of 25KW at 24.8% capacity factor (54 MWh per SunCatcher per year), under the conditions at Plaster City. We have only the applicant's characterization of SunCatchers as 25KW.

4) Witnesses.

I intend to speak with regard to my analysis of the technical merits of this project.

Education and Experience:

Born and raised in mid-state Illinois, I received a BS degree in mechanical engineering from MIT in 1959. Professional experience includes development engineering of guidance systems and gyroscopes for unmanned guided missiles, oxygen flow measuring and biological monitoring for astronauts on lunar missions, design and implementation of business and scientific calculators, design and implementation of word processing computers and other application software.

Eddie Harmon 30-60 minutes

Eddie will witness on water issues, if able. She was admitted to a hospital on March 29, and so was unable to provide a resume or summary of experience. Eddie has extensive experience with regulatory water issues in Imperial and San Diego counties over the last 30 years. If she is able to perform as a witness she will provide a summary of experience and qualifications.

I have no other witnesses at this time, but would like to preserve the option to add to the witness list before the hearing.

6) Exhibits

- Exhibit 500 The National Environmental Policy Act of 1969, As Amended
- Exhibit 501 Executive Order 13212
- Exhibit 502 Secretarial Order 3285
- Exhibit 503 2010_01_22, 60 Press Release, 60 units in AZ
- Exhibit 504 Dr. Butler's 2007-05 Stirling Technology Evaluation

March 30, 2010

Respectfully,

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

**Docket No. 08-AFC-5
PROOF OF SERVICE
(Revised 3/9/10)**

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DECLARATION OF SERVICE

I, _____, declare that on _____, 2010, I served and filed copies of the attached, _____, and _____, dated, _____, 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:

- _____ 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

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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.

Imperial Valley Solar LLC

Proof of Service email list, 2010-03-30

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