

DOCKET**08-AFC-5**DATE MAR 31 2010RECD. APR 05 2010

Tom Budlong, Intervenor
3216 Mandeville
Los Angeles, CA 90049
310-476-1731
TomBudlong@RoadRunner.com

STATE OF CALIFORNIA
California Energy Commission

In the Matter of:

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

Docket No. 08-AFC-5

Petition to Submit Data Set One,
Data Requests 1-3

Tom Budlong petitions for an order directing Tessera Solar / SES Solar Two LLC to respond to Data Request Set One, containing Data Requests 1-3. Data Request Set One is served concurrent with this petition.

Timing

I understand these data requests are late in the process. I am a recent Intervenor. I applied for Intervenor status on March 3, and was approved on March 24.

The CEC Siting Process Guidebook, page 92, (Data Requests, Time Limits) states: "No information request may be submitted after release of the hearing order, except upon approval of the presiding member". As of the date of this request, the Hearing Order does not appear on the CEC web page for the project.

Basic Purpose

These data requests are fundamental to the viability of the project. The issues of reliability, cost and electrical output are not adequately analyzed in the SA/DEIS. CEC staff has similar reservations:

"Staff cannot determine whether the applicant's availability goal is achievable..." (DEIS, page ES-35).

"Staff conducted online research to gather more information on the demonstration status of this Stirling engine...no useful information found...staff cannot determine whether the project would yield this availability factor." (SA/DEIS, page D.4-4)

The applicant has applied to use public land, and indicates it will apply for government loan guarantees. Viability is therefore of vital concern to the public.

Search of Previous Data Requests

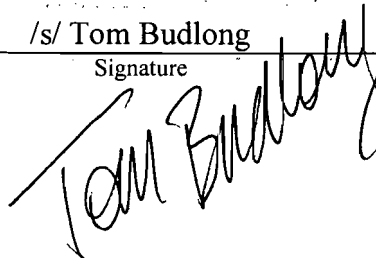
I have not found answers to these data requests in the project's previous data requests. I downloaded all data requests and responses to data requests, (some 125 MB and 15 documents) listed on the Documents and Reports page for the Imperial project, then used Windows 7's folder search feature. I searched for several terms: '25 KW', '25KW', 'MTBF', 'reliability', 'mean time' and 'failure'. To verify the search was working I searched for '25', and got lots of hits (none related to SunCatcher output). That I failed to find is not proof that answers are not there. Please respond with reference to the appropriate documents if indeed these questions have been answered in previous data requests, or in other documents related to the project.

March 31, 2010

Date

/s/ Tom Budlong

Signature



STATE OF CALIFORNIA
State Energy Resources
Conservation and Development Commission

In the Matter of:) 08-AFC-5
)
Imperial Valley Solar, LLC) **DECLARATION OF SERVICE**
)
_____)

I, Tom Budlong, declare that on March 31, 2010 I served and filed copies of the attached **Petition to Submit Data Set One, Data Requests 1-3**, accompanied by a copy of the most recent *Proof of Service* list (most recent version is located on the proceeding's web page) with the Docket Unit OR with the presiding committee member of the proceeding. The document has been sent to the Commission AND the applicant, as well as the other parties in this proceeding (as shown on the *Proof of Service* list), in the following manner:

(Check all that Apply)

FOR SERVICE TO THE APPLICANT AND ALL OTHER PARTIES:

sent electronically to all email addresses on the Proof of Service list;

_____ by personal delivery or by depositing in the United States mail at [location: city and state] _____ 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:

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:

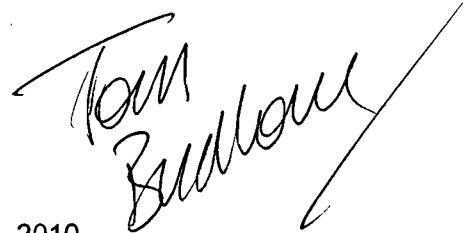
CALIFORNIA ENERGY COMMISSION
Attn: Docket No. 08-AFC-5
1516 Ninth Street, MS-4
Sacramento, CA 95814-5512

-or-

CALIFORNIA ENERGY COMMISSION
Presiding Member _____
1516 Ninth Street
Sacramento, CA 95814-5512
Re: Docket No. [____ 08-AFC-5 ____]

docket@energy.state.ca.us

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



/s/ Tom Budlong. Mailed copy has original signature.
Name

March 31, 2010
Date



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

FROM WEBSITE
MAR 31, 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
PROOF OF SERVICE**
(Revised 3/9/10)

APPLICANT

Richard Knox
Project Manager
SES Solar Two, LLC
4800 N Scottsdale Road.,
Suite 5500
Scottsdale, AZ 85251
richard.knox@tesseractosolar.com

CONSULTANT

Angela Leiba, Sr. Project
Manager URS Corporation
1615 Murray Canyon Rd.,
Suite. 1000
San Diego, CA 92108
Angela_Leiba@urscorp.com

APPLICANT'S COUNSEL

Allan J. Thompson
Attorney at Law
21 C Orinda Way #314
Orinda, CA 94563
allanori@comcast.net

Ella Foley Gannon, Partner
Bingham McCutchen, LLP
Three Embarcadero Center
San Francisco, CA 94111
ella.gannon@bingham.com

INTERESTED AGENCIES

California ISO
e-recipient@caiso.com

Daniel Steward, Project Lead
BLM – El Centro Office
1661 S. 4th Street
El Centro, CA 92243
daniel_steward@ca.blm.gov

Jim Stobaugh,
Project Manager &
National Project Manager
Bureau of Land Management
BLM Nevada State Office
P.O. Box 12000
Reno, NV 89520-0006
jim_stobaugh@blm.gov

INTERVENORS

California Unions for Reliable
Energy (CURE)
c/o Tanya A. Gulesserian
Loulena Miles, Marc D. Joseph
Adams Broadwell Joseph &
Cardozo
601 Gateway Blvd., Ste. 1000
South San Francisco, CA 94080
tgulesserian@adamsbroadwell.com
lmiles@adamsbroadwell.com

ENERGY COMMISSION

JEFFREY D. BYRON
Commissioner and Presiding
Member
jbyron@energy.state.ca.us

ANTHONY EGGERT
Commissioner and Associate
Member
aeggert@energy.state.ca.us

Raoul Renaud
Hearing Officer
rrenaud@energy.state.ca.us

Kristy Chew, Adviser to
Commissioner Byron
kchew@energy.state.ca.us

Caryn Holmes, Staff Counsel
Christine Hammond,
Co-Staff Counsel
cholmes@energy.state.ca.us
chammond@energy.state.ca.us

Christopher Meyer
Project Manager
cmeyer@energy.state.ca.us

Jennifer Jennings
Public Adviser
publicadviser@energy.state.ca.us