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DOCKET
08-AFC-5

DATE MAY 10 2010

RECD. MAY 10 2010

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May 10, 2010

CALIFORNIA ENERGY COMMISSION

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

Re: Imperial Valley Solar, LLC; Docket 08-AFC-5

Dear Docket Clerk:

Enclosed are an original and one copy of CURE's Notice Regarding CURE's Opening Testimony. Please process the document and return a conformed copy in the envelope enclosed.

Thank you for your assistance.

Yours truly,

/s/

Carol N. Horton

LAM:cnh
Enclosures

2218-104d

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VIA EMAIL AND US MAIL

Jeffrey D. Byron
Commissioner and Presiding Member
1516 Ninth Street, MS-15
Sacramento, CA 95814

Anthony Eggert
Commissioner
1516 Ninth Street, MS-15
Sacramento, CA 95814

Re: Notice Regarding CURE's Opening Testimony

Dear Commissioner Byron and Commissioner Eggert:

California Unions for Reliable Energy ("CURE") provides this notice to the Committee for the Imperial Valley Solar Project, formerly SES Solar Two ("Project") regarding the content of CURE's Opening Testimony. CURE participated in the pre-hearing conference on March 25, 2010. At the pre-hearing conference, the Applicant explained that it would submit information on a completely new water supply for the Project "on or before April 5, 2010."¹ At that time, the Applicant had provided only the name of the water purveyor. The Applicant had provided no environmental information about this new water supply.

The Applicant did not file any information regarding this water supply on or before April 5, 2010. In fact, the Applicant did not file any information regarding the new water supply until May 6, 2010, three working days before the date when

¹ Angela Leiba, URS Corporation, speaking at the Prehearing Conference on behalf of the Applicant, see transcript page 51 at http://www.energy.ca.gov/sitingcases/solartwo/documents/2010-03-25_Transcript.pdf.
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Anthony Eggert
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opening testimony was due.² As of today, May 10, 2010, the information in the May 6, 2010 AFC Supplement still has not been docketed by the Commission docket office for public review.

The Applicant is over one month late in providing information about this new water supply. If the Applicant had filed this AFC Supplement April 5, all parties would have had a little over a month to review the information prior to the date when testimony was due. Instead, the Applicant only provided all parties with three days to review the AFC Supplement. Moreover, the May 6, 2010 filing is so voluminous it had to be divided into five separate emails to be transmitted electronically. CURE has not had a chance to review this material and therefore cannot provide testimony on information included in the May 6, 2010 AFC Supplement at this time.

Further, Staff hasn't had a chance to provide its analysis on the AFC Supplement as is required pursuant to 20 CCR § 1742.5. The Commission's Rules of Practice and Procedure, as codified in the California Code of Regulations direct the Staff to review the information provided by the Applicant, conduct an environmental assessment and issue a report:

- (a) The staff shall review the information provided by the applicant and other sources and assess the environmental effects of the applicant's proposal, the completeness of the applicant's proposed mitigation measures, and the need for, and feasibility of, additional or alternative mitigation measures.
- (b) The staff shall present the results of its environmental assessments in a report (or exhibit) to be offered as evidence at the hearings held under Section 1748.

Staff has had only three days to review this information and, of course, has not issued a report regarding the environmental effects of the new information, the completeness of the mitigation measures and the need for, and feasibility of, additional or alternative mitigation measures. Therefore, CURE will not be submitting Opening Testimony on any information in this filing on May 10, 2010.

² See hearing order issued by the Committee on April 8, 2010 and supplemented by the Committee Order on May 3, 2010.

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Anthony Eggert
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Further, since there has been no Staff analysis of any kind on this water source, CURE will file Opening testimony on the information provided in this AFC Supplemental filing after the Staff has prepared and circulated its report pursuant to 20 CCR § 1742.5.

Sincerely,

/s/

Loulena A. Miles

cc: Docket Office
Service List

LAM:cnh

DECLARATION OF SERVICE

I, Carol N. Horton, declare that on May 10, 2010, I served and filed copies of the attached Notice Regarding CURE's Opening Testimony, dated May 10, 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: www.energy.ca.gov/sitingcases/solartwo. The document has been sent: (1) electronically, and (2) via US Mail by depositing in the US mail at Sacramento, California, with first-class postage thereon fully prepaid and addressed as provided on the attached Proof of Service list to those addresses NOT marked "email preferred." It was sent for filing to the Energy Commission by sending an original paper copy and one electronic copy, mailed and emailed respectively, to the address shown on the attached Proof of Service list.

I declare under penalty of perjury that the foregoing is true and correct.
Executed at Sacramento, CA, this 10th day of May, 2010.

/s/
Carol N. Horton

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