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DOCKET

08-AFC-5

DATE MAY 12 2010

RECD. MAY 12 2010

Wednesday, May 12, 2010

By email and USPS mail.

Jeffery D Byron
Commissioner and Presiding Member
California Energy Commission
1515 Ninth Street, MS-15
Sacramento, CA 95814

Anthony Eggert, Commissioner,
California Energy Commission
1515 Ninth Street, MS-15
Sacramento, CA 95814

Dear Mr. Eggert and Mr. Byron,

Re: Applicant's Supplement, dated May, 2010, to the Imperial Valley Solar AFC (08-AFC-5)
Opening Testimony, May 24 Evidentiary Hearing:

Hearing Officer Renaud has requested response to CURE's May 10, 2010 letter concerning the recent submittal of the Applicant's revised AFC, and potential opening testimony. I concur with the letter's issues.

It would appear the applicant was delayed in sending this previously scheduled revision. Several problems flow from this delay:

- The time allotted to comment on the letter is several days – far too short for careful comment.
- The revision is voluminous - over 1000 pages of figures, moderately dense text and very dense tables.
- Making it less efficient to examine, understand, and work with is lack of effective bookmarks in the PDF document.
- Commonly, staff provides an analysis of applicant submissions. The staff assessment often results in requests for more information from the applicant. It is also a major basis for comment by others. In this instance, staff would presumably be working to the same accelerated schedule resulting from the submission date. No staff assessment has been prepared, and had one been prepared its quality would be suspect given the short time.

Considering this, I concur with CURE's offer to provide testimony following staff analysis, not before. As with CURE, I find it practically impossible to provide testimony in the short time, and so will not provide it before the Evidentiary Hearing (and certainly not by the now passed submission deadline).

I request a new schedule date for submission.

- I suggest 45-60 days after the Evidentiary Hearing, since the hearing could possibly provide new information. More time than the suggested 45-60 days may be warranted.
- The major subjects of the revision – water source, the hydrogen system, the water and transmission lines – are important, as evidenced by previous revisions and now by this latest revision.
- Additional data requests could arise from the revised designs.

Obviously the revision involves difficult design issues. They must not be rushed.

Regards,

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Cc: Docket Office, Proof of Service List, Public Advisor, Edie Harmon