



DOCKET	
08-AFC-5	
DATE	<u>MAY 12 2010</u>
RECD.	<u>MAY 12 2010</u>

May 12, 2010

Mr. Christopher Meyer
Project Manager
Attn: Docket No. 08-AFC-5
California Energy Commission
1516 Ninth Street
Sacramento, CA 95814-5512

Subject: Imperial Valley Solar (formerly Solar Two) (08-AFC-5)
Applicant's Response to CURE Letter of May 10, 2010

Dear Mr. Meyer:

On behalf of Imperial Valley Solar (formerly Solar Two), LLC, URS Corporation Americas (URS) hereby submits the Applicant's Response to CURE Letter of May 10, 2010.

I certify under penalty of perjury that the foregoing is true, correct, and complete to the best of my knowledge. I also certify that I am authorized to submit on behalf of Imperial Valley Solar, LLC.

Sincerely,

Angela Leiba
Project Manager

AL: ml

STATE OF CALIFORNIA

Energy Resources Conservation and Development Commission

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

Applicant's Response to CURE Letter of May 10, 2010

May 12, 2010, 2009

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STATE OF CALIFORNIA
Energy Resources Conservation and Development Commission

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Imperial Valley Solar Project (formerly)
Known as SES Solar Two Project) Docket No. 08-AFC-5
Imperial Valley Solar, LLC)
_____)

On May 10, 2010 CURE filed a letter with this Committee regarding the filing of their testimony in the area of water resources. CURE asserts that it has insufficient time to evaluate Applicant's Dan Boyer Water Company option and will not file testimony until after "Staff has prepared and circulated its report pursuant to 20 CCR 1742.5". Applicant makes the following observations and recommendations:

1. Information Available to CURE.

CURE complains that Applicant failed to file information on the Dan Boyer Water Company source until May 6, 2010, approximately one month after the target date. While Applicant regrets this delay, CURE has not been harmed by this delay. Please consider the following:

(a) There is abundant information in the record prior to the April 5, 2010 Prehearing Conference. The AFC (sections 5.5.1.2 and 5.5.2.2) discusses the Coyote Wells Groundwater Basin and the Coyote Wells Groundwater Aquifer. Information in the AFC includes aquifer geographic boundaries, water bearing zones, recharge, storage capacity and water quality information. The AFC concludes "... this option is only considered a short-time supply option (page 5.5-9). Additionally, Applicant's response to CEC/BLM data Request 38 contains information gleaned from nearby operations. Applicant's opening testimony, submitted March 15, 2010 contained testimony from two witnesses on this source of supply.

(b) Applicant's Supplemental filing of May 6, 2010 contains a large amount of information on the well, the aquifer and the delivery plan. CURE now has more information on this water source than is required in other CEC proceedings on a primary water supply.

2. Information Required for a Decision.

(a) The Imperial Valley Solar Project proposes to purchase water from the Dan Boyer Water Company on an interim basis, pending completion of the Seeley Wastewater Facility upgrade and installation of a delivery pipeline. As a permitted purveyor of water, this water company has, in the past, and now proposes to sell its water for industrial uses in the Imperial Valley. CURE asserts that it needs information to assess "the environmental effects of the applicant's proposal". Applicant is very reluctant to obtain and provide information that could compromise a vendor's relationship with the permit authority. Heretofore, a valid contract with a permitted agency appears to have been sufficient for a Commission decision (See Colusa Generating Station, 06-AFC-09)

(b) The Dan Boyer water will be a temporary water supply -- to be completely replaced when the Seeley wastewater upgrade and pipeline are complete. The Commission has dealt with this situation before. In the East Altamont proceeding (01-AFC-4c) the applicant proposed to use fresh water for power plant cooling pending the completion of the Mountain House wastewater treatment facility supply. A review of the record in that proceeding, including over 30 data requests, reveals that the Commission required a contract with the fresh water seller and some assurance that the seller could supply the water. We expect this amount of information will suffice in this Imperial Valley proceeding as well.

3. Applicant Recommendation.

In its May 3, 2010 Supplemental Evidentiary Hearing Order, this Committee directed the parties to file and serve Supplemental and/or rebuttal written and documentary testimony on May 17, 2010. Applicant recommends that CURE file whatever water testimony it desires to file on this date. Applicant will not oppose the admission of such testimony due to lateness. This gives CURE sufficient time between the receipt of the last Applicant filing on the Dan Boyer supply and the submission of testimony.

Date:

May 12, 2010

Joseph R. Dege
for Allan J. Thompson



**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 5/10/10)**

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DECLARATION OF SERVICE

I, Jennifer Draper , declare that on May 12, 2010, I served and filed copies of the attached, Applicant's Response to CURE Letter of May 10, 2010. The original documents, filed with the Docket Unit, are 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

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, 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.

Original signed by

Jennifer Draper