

DOCKETED

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July 30, 2013

California Energy Commission
Dockets Unit
1516 Ninth Street
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**Subject: PALEN SOLAR HOLDINGS, LLC'S STATUS REPORT 3
PALEN SOLAR ELECTRIC GENERATING SYSTEM
DOCKET NO. (09-AFC-7C)**

Enclosed for filing with the California Energy Commission is the electronic version of **PALEN SOLAR HOLDINGS, LLC'S STATUS REPORT 3**, for the Palen Solar Electric Generating System (09-AFC-7C).

Sincerely,

A handwritten signature in blue ink, appearing to read "Marie Fleming", with a stylized, flowing script.

Marie Fleming

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STATE OF CALIFORNIA

Energy Resources
Conservation and Development Commission

In the Matter of:

DOCKET NO. 09-AFC-7C

Petition For Amendment for the **PALEN
SOLAR ELECTRIC GENERATING
SYSTEM**

**PALEN SOLAR HOLDINGS, LLC's
STATUS REPORT 3**

In accordance with the Committee Scheduling Order dated March 6, 2013, and Hearing Officer Celli's extension of the time for filing, Palen Solar Holdings, LLC (PSH) has prepared this Status Report 3 to inform the Committee and to provide recommendations concerning the processing of the Petition For Amendment for the Palen Solar Electric Generating System (PSEGS).

The following summarizes the status of the Commission process and the federal permitting process since Status Report 2, as well as upcoming permitting events.

COMMISSION PROCESS

Data Requests and Responses

Staff issued Data Request Set 4 on July 10, 2013. PSH has docketed early responses to nearly half of the data requests and will be docketing full responses to the entire data request set by July 31, 2013, ten days before they are due.

Issue Resolution Workshops

On July 17, 22, 25 and 26, 2013 the parties had successful Preliminary Staff Assessment (PSA) Workshops. To facilitate those workshops, PSH filed initial comments on the PSA which included suggested modified or deleted language for 35 separate Conditions of Certification. On July 29, 2013, PSH filed its Final Comments on the PSA. These Final Comments incorporated the agreements reached during the Workshops related to language for the Conditions of Certification as well as resolution of issues. As a result of the Workshops, PSH believes that the issues have been narrowed to 13 Conditions of

Certification, most of which the parties agree on the objective of the condition but have not yet agreed on specific language. PSH considers these disagreements to be minor and fully expects resolution prior to evidentiary hearing for the vast majority. At this time, PSH believes the subject areas that may need to proceed to evidentiary hearing include:

- Fire Mitigation – PSH recently docketed a Fire Needs Assessment which provides a justification for modifying Staff’s original estimate of funding for Riverside County Fire Department.
- Cultural Mitigation – Staff is currently evaluating the potential impacts outside the footprint of the facility due to visibility of the towers. Staff was unable to include mitigation recommendations in the PSA, which will be included in the Final Staff Assessment (FSA). The parties discussed a mitigation framework at the Workshops that seems acceptable to PSH at this time.
- Traffic and Transportation - Staff did not include a glint and glare analysis in the PSA, but will do so in the FSA. Staff and PSH discussed a mitigation framework specifically aimed at a developing heliostat positioning plan that addresses commissioning and operation activities. PSH believes that such a framework would mitigate potential impacts.
- Biological Resources – Minor modifications to Conditions of Certification related to timing.

South Coast Air Quality Management District (SCAQMD)

Staff from the SCAQMD participated in the PSA Workshops and the status of the Preliminary Determination of Compliance (PDOC) was discussed. SCAQMD was unable to provide a firm date by which the DOC would be published. PSH understands that Staff will require the DOC prior to publishing the Air Quality section of the FSA. PSH is working diligently with SCAQMD to expedite preparation and receipt of the DOC. PSH will provide an update to the Committee at the Status Conference on August 5, 2013.

BLM PERMITTING PROCESS

NEPA Process

The BLM published its Supplemental Draft Environmental Impacts Statement (DSEIS) on July 26, 2013. PSH is currently reviewing the DSEIS and developing comments.

Supplemental Biological Opinion

BLM is in the last stages of finalizing the Biological Assessment (BA) in direct consultation with USFWS and PSH. The Supplemental Biological Opinion (BO) will follow shortly after BLM submits the BA to the USFWS as it need only address the potential take of desert tortoise for the project features that were not addressed in the original BO namely, the 2,960 foot natural gas pipeline and the 1,125 foot westerly shift of a portion of the PSEGS transmission line near the existing Red Bluff Substation. These new areas were recently re-surveyed for desert tortoise and the survey information will be included in the BA.

National Historic Preservation Act Section 106 Consultation

The BLM has completed the review and has executed the Amendment to the Programmatic Agreement (PA). Compliance with the PA will satisfy the ongoing consultation requirements of Section 106.

PSH looks forward to updating the Committee at its Status Conference on August 5, 2013.

Dated: July 30, 2013

Respectfully Submitted,

A handwritten signature in blue ink, appearing to read "Scott A. Galati", with a stylized flourish at the end.

Scott A. Galati
Counsel to Palen Solar Holdings, LLC



**BEFORE THE ENERGY RESOURCES CONSERVATION AND DEVELOPMENT
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**PALEN SOLAR ELECTRIC
GENERATING SYSTEM AMENDMENT**

**Docket No. 09-AFC-07C
PROOF OF SERVICE
(Revised 07/09/2013)**

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Gabriel D. Taylor
Adviser to Associate Member

Eileen Allen
Commissioners' Technical
Adviser for Facility Siting

DECLARATION OF SERVICE

I, Marie Fleming, declare that on July 30, 2013, I served and filed copies of **PALEN SOLAR HOLDINGS, LLC'S STATUS REPORT 3** dated July 30, 2013. The most recent Proof of Service List, which I copied from the web page for this project at: <http://www.energy.ca.gov>, is attached to this Declaration.

(Check one)

For service to all other parties and filing with the Docket Unit at the Energy Commission:

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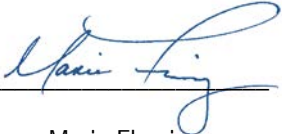
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I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and that I am over the age of 18 years.

Dated: July 30, 2013



Marie Fleming