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April 24, 2009

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Adams Broadwell Joseph & Cardozo  
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Subject: Data Requests

On April 6, 2009 CURE filed 143 data requests on the SES Solar Two Project ("SES Two"). 20 CCR 1716 (b) dictates that data requests are proper if the material requested is reasonably available to the applicant and if the information is relevant to the application or reasonably necessary to make a decision in the application. 20 CCR 1716 (f) provides that the recipient of the data requests must inform the requesting party within 20 days if the applicant is unable or objects to providing the information. Data request responses are to be filed within 30 days of their issuance.

Additional Time. Pursuant to 20 CCR 1716 (f) Applicant is to inform the issuing party if it is unable to respond to the requests within 30 days of data request issuance. There are no requests, other than those that are the subject of the Applicant's objections that will require additional time.

Objections. Pursuant to 20 CCR 1716(b) information requests can be made for information "reasonably available to the Applicant which is relevant to the...application proceeding or reasonably necessary to make any decision on the...application." Applicant objects to the following data requests (pursuant to 20 CCR 1716(f)) for the reasons given.

Sunrise DEIR/DEIS – Data Requests 123, 124 and 125. These three requests seek information contained in the Sunrise proceeding. This proceeding is closed and a decision has been issued by a sister California regulatory agency, the California Public Utilities Commission. SES Two objects to responding to these requests as the information sought is not relevant to this proceeding and not necessary to a decision by the CEC. The Applicant stands on the record as developed in this CEC proceeding.

Phase I Recommendation – Data Requests 140, 141, 142 and 143. These requests seek information on a private industrial entity, not a party to this proceeding. To the extent CURE requests information in the public record it is readily available, but it is also readily available to CURE, who is in a better position to know what information suits their needs.

Request 140. This request seeks information contained in regulatory agencies. Although this information is available to Applicant, it is also available to CURE. CURE is better able to determine which information contained at the regulatory agencies is relevant to their interests. The information sought is not relevant or necessary to a decision in this proceeding.

Requests 141 and 142. These requests seek information on the US Gypsum waste disposal ponds. Applicant has been informed that these ponds no longer exist – that is, there is no liquid at the pond locations. Additionally, no SES Two workers would come in contact with the soil in the area of these “ponds” as the ponds are not on land controlled by the SES Two, and the waste is buried beneath the surface of the earth. Phase I reports are intended to identify the existing condition of the construction area. Additional investigation would be appropriate if the waste ponds were located on SES Two property. The information sought is not reasonably available to the Applicant and is not relevant or necessary to a decision in this matter.

Request 143. This request seeks information on the emissions that may emanate from the US Gypsum facility and the impact such emissions could have upon the Suncatchers. This information is not readily available to Applicant. Applicant has assumed a schedule for mirror washing that will be adequate, given the location of the project. Information specific to the US Gypsum facility is not relevant to this application and is not necessary to make a decision in this application.

Dated: April 24, 2009

cc: Service List



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One of Counsel  
SES Solar Two Project

STATE OF CALIFORNIA  
CALIFORNIA ENERGY COMMISSION

Application for Certification for )  
the SES Solar Two Project )  
\_\_\_\_\_ )

Docket No. 08-AFC-5

PROOF OF SERVICE

I, Allan J. Thompson, declare that on April 24, 2009 I deposited a copy of the attached Letter filed pursuant to 20 CCR 1716 (f) in the United States mail at Orinda, California with first class postage thereon fully prepaid and addressed to the California Energy Commission, and a transmission via electronic mail, consistent with the requirements of California Code of Regulations, title 20, sections 1209, 1209.5 and 1210 and "Proof of Service" to all those identified on the Proof of Service list.

Proof of Service List

California Energy Commission  
Attn: Docket No. 08-AFC-5  
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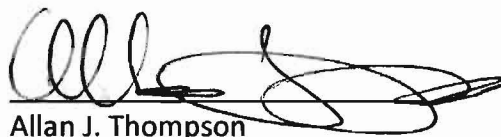
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