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June 23, 2009

Commissioner Julia Levin, Presiding Member
Commissioner James Boyd, Associate Member
Hearing Officer Raoul A. Renaud
San Joaquin Solar 1 & 2 (08-AFC-12)
California Energy Commission
1516 Ninth Street
Sacramento, CA 95814

Re: Applicant's Objections to Staff's First Round of Data Requests

Dear Commissioners Levin and Boyd and Hearing Officer Renaud:

On June 12, 2009 the Applicant and Staff (the "parties") met and conferred regarding the Applicant's objection to certain Round 1 Data Requests from the Staff. As a result of our meeting, the parties have reached agreement regarding the acceptable level of response to each of these data requests.

Data Requests 8 to 13 request information on the transportation and disposal of biomass fuel in the vicinity of the proposed project, various estimates in the baseline conditions and relevant studies to support these estimates. The parties are not aware of any current studies of the transportation or disposal of biomass in the project vicinity and the applicant raised the concern that it would be difficult and time consuming to prepare detailed estimates. Therefore the parties agreed that the Applicant would respond to Data Requests 8 to 13 based upon as much general information or general estimates that are reasonably available to the Applicant. The response may be qualitative, rather than quantitative. The parties agreed that the Applicant would not be required to undertake new quantitative studies or surveys of baseline conditions regarding the transportation or disposal of biomass in the project vicinity.

Data Request 24 requested that the Applicant prepare a mitigation proposal for the Project's total operational criteria pollutant emissions, including offsite mobile emissions, based upon the maximum emission estimates presented in the AFC. The parties discussed Applicant's belief that the qualitative information being developed pursuant to Data Requests 8-13 will show that the net change in mobile source emissions from biomass transportation resulting from the Project compared to reasonable "no project" assumptions is neutral or positive (i.e. these

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emissions will be either the same or even lower than without the Project). Therefore, the parties agreed that the Applicant could respond to Data Request 24 by explaining why mitigation of offsite mobile emissions was not required, why the project emissions do not result in a significant impact and why the maximum emission estimates presented in the AFC are not the appropriate measure of the project's impacts.

Data Requests 143 and 144 ask the Applicant to prepare a Phase 1 ESA for the 6-mile 230 kV transmission interconnection in accordance with ASTM standard E-1527-05 guidelines. In lieu of the information requested in these two data requests, the parties agreed that the Applicant would provide: (1) an environmental agency database report from Environmental Data Resources (an "EDR Report"); (2) a review of the most currently available aerial reconnaissance photographs of the route, and (3) a report of potential hazardous waste conditions based on the biological field reconnaissance that was conducted for this route.

The parties agreed that in responding to Data Requests 143 and 144, the Applicant would not be required to contact any of the property owners along the transmission line route nor to make a physical inspection of their property beyond that already conducted for the biological field assessment.

This letter has been reviewed by the Commission Staff, who concurs that it is an accurate summary of our agreement.

Very truly yours,



Greggory L. Wheatland
Attorneys for San Joaquin Solar 1 & 2

STATE OF CALIFORNIA

Energy Resources Conservation
and Development Commission

In the Matter of:

Application for Certification for the San Joaquin
Solar 1 and 2 Hybrid Power Plant Project

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Docket No. 08-AFC-12

PROOF OF SERVICE

I, Karen A. Mitchell, declare that on June 23, 2009, I served copies of the attached *Letter to Committee dated June 23, 2009 Regarding Applicant's Objections to Staff's First Round of Data Requests* by email and U.S. Mail to each party on the attached service list.

I declare under the penalty of perjury that the foregoing is true and correct.



Karen A. Mitchell



**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 *SAN JOAQUIN SOLAR UNITS 1 AND 2*
*LICENSING PROJECT***

Docket No. 08-AFC-12

PROOF OF SERVICE

(Revised 5/14/2009)

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