

Memorandum

Date: January 12, 2010
Telephone: (916) 654-4781
File: 09-AFC-5

To: Commissioner James Boyd
 Paul Kramer, Hearing Officer

From: California Energy Commission - Craig Hoffman
 1516 Ninth Street Siting Project Manager
 Sacramento, CA 95814-5512

DOCKET	
09-AFC-5	
DATE	<u>JAN 12 2010</u>
REC'D	<u>JAN 12 2010</u>

Subject: Abengoa Mojave Solar (09-AFC-5)
 Project Status Report 2

Pursuant to the Committee Scheduling Order dated December 17, 2009, the following is staff's Status Report #2 for the proposed Abengoa Mojave Solar (AMS) project. This is an update for activities that have occurred since the previous Status Report on December 1, 2009.

Staff are working to complete their technical sections and are working with the applicant and other agencies to obtain necessary information as quickly as possible. The applicant originally anticipated providing supplemental data responses the week of December 21, 2009. Unfortunately, data responses from the applicant have been provided later than anticipated in several technical areas. Among other items, technical water modeling data responses were provided on December 23, 2009 and January 5, 2010. Staff will be discussing this new information with the applicant at the Data Response workshop scheduled for January 15, 2010.

As data responses continue to be delayed, staff will be unable to guarantee adhering to the Committee's scheduling order. The other option is that a Staff Assessment will be published with issues that will need to be resolved in a Supplemental Staff Assessment (now called Supplemental Staff Assessment rather than Staff Assessment Addendum) The Supplemental Staff Assessment will be a limited document representing revisions and additions rather than a document including each technical section.

Staff and the applicant continue to work together to make sure that data requests and data responses are thorough and complete. Staff will continue to work towards a Staff Assessment publication date in early March. Complete data and information is critical for the preparation of the Staff Assessment.

December 8, 2009 Data Response and Issues Resolution Workshop

Staff held a Data Response and Issues Resolution Workshop on Tuesday, December 8, 2009 at the Energy Commission. During this workshop, clarifications to data were provided and supplemental information items still needed were identified for air quality, biological resources, cultural resources, land use, water resources and waste management.

Outstanding Supplemental Data Responses and Issues

Air Quality / GHG – Staff is expecting a resubmittal of data responses and air quality modeling information on January 12, 2010. The Mojave Desert Air Quality Management District has indicated their goal is to get the Preliminary Determination of Compliance (PDOC) for Abengoa Mojave Solar out by the end of January. This has the potential to delay the Air Quality section of the Staff Assessment and the Public Health section that will also be using this information.

Biological – Staff is expecting US Army Corps of Engineer (USACE) review of the Jurisdictional Delineation Letter Report and the Streambed Alteration Agreement application package in mid January. Staff is also working with the applicant to verify that consultation with the U.S. Fish and Wildlife Service (USFWS) occurs in mid January.

The applicant has recently indicated that the the US Department of Energy (DOE) will initiate the federal nexus and subsequently get the USFWS engaged under a Section 7 process in early February. This timing could also impact coordination with the USACE. This could create a significant delay with preparation of the Staff Assessment. The staff is reviewing options to keep moving the project forward.

Cultural – Staff expects data responses towards the end of January. The applicant has provided staff with an archeological testing plan and preliminary testing report. The applicant is currently preparing a final testing report and completing historical resources forms.

Geology / Paleontology – The applicant provided a confidential Geoarchaeological Testing Report to staff on December 28, 2009. This document is being used by cultural staff as well.

Land Use – Staff is waiting on responses from San Bernardino County in regard to project consistency with county regulations, potential conditions, and county suggested requirements. This information should be provided to staff on January 22, 2010 and is a vital part of the staff analysis.

Public Health – Staff expects to use the air quality information that should be provided on January 12, 2010 for the public health analysis.

Soils and Water –Staff does not currently have all the information that is needed in order to complete its analysis. Staff is working with the applicant on data responses and modeling information. Technical water modeling data responses were provided on December 23, 2009 and January 5, 2010. Staff anticipates having all the soils and water resources information by Friday, January 15, 2010 and will discuss this information at the Data Response Workshop scheduled for that day.

The proposed use of groundwater for cooling for this project is complicated given the overdraft and adjudication in this region and the need for consideration of groundwater quality. While this issue will be resolved, staff believes that the time required to address all parties' concerns may delay the project schedule.

Transmission System Engineering – A Facility Study was provided to staff and potential impacts to the transmission system downstream of the first interconnection are being reviewed. Analysis of downstream impacts and possible transmission line upgrades will need to be discussed in the Supplemental Staff Assessment. Staff is concerned that spring surveying for sensitive biological resources, such as desert tortoise, may be needed along a transmission line upgrade route. Preparations for spring surveying will need to begin immediately and any resulting information will need to be folded into a Staff Assessment Addendum.

Visual Resources – The applicant will be providing additional visual simulations and cross sections from off-site vantage points on January 12, 2010.

Waste Management – Staff is waiting on a contaminant screening work plan by the applicant that should be submitted on January 13, 2010. Before staff can provide a definitive analysis of the project, sampling of potential contaminants needs to be completed.

January 15, 2010 Data Response and Issues Resolution Workshop

A Data Response and Issues Resolution Workshop is scheduled for Friday, January 15, 2010. This may be the final workshop before the Staff Assessment is published in early March 2010.

Project Schedule

Staff is currently working to meet the attached Committee scheduling order and will continue to keep the Committee apprised of work progress and critical timeline challenges.

Attachment

cc: Proof of Service List
Docket 09-AFC-5

ATTACHMENT

COMMITTEE SCHEDULE
FOR THE
ABENGOA MOJAVE SOLAR PROJECT
(09-AFC-5)

<i>DATE</i>	<i>EVENT</i>
October 21, 2009	AFC Data Adequate
November 25, 2009	Applicant provides Data Responses
December 8, 2009	Data Response and Issue Resolution Workshop
December 9, 2009	Site Visit and Informational Hearing
December 24, 2009	Applicant provides additional data responses
January 21, 2010	Local, State, and Federal Agency Draft Determinations, including Air District's Preliminary Determination of Compliance (PDOC) filed
January 6, 2010 and every four (4) weeks thereafter until the SA is filed	Parties file Status Reports
March 4, 2010	Staff publishes Staff Assessment (SA)
March 22, 2010	Local, State, and Federal Agency Final Comments and Determinations, including Air District's Final DOC filed
March 23, 2010	Staff conducts SA workshop
SA workshop + 1 week	Applicant's opening testimony filed and served
SA workshop + 1 week	Parties file Prehearing Conference Statements identifying expected contested issues and discussing readiness for hearings
SA workshop + 2 weeks	Prehearing Conference (PHC)
To be determined	Staff publishes Staff Assessment Addendum(SAA)
SA workshop + 4 weeks	Staff and other parties file and serve opening testimony (other than SA/SSA) and Prehearing Statements identifying witnesses and expected cross-examination; Applicant files Prehearing Statement
SA workshop + 5 weeks	All parties file rebuttal testimony and any Prehearing Statement modifications made necessary by testimony filed the previous week
SA workshop + 5 weeks	Second Prehearing Conference (if necessary—it may instead be held on the same day, just before, the Evidentiary Hearings, below, or eliminated entirely)
SA workshop + 6 weeks	Evidentiary Hearings
3 weeks after Evidentiary Hearings close	Post Hearing Briefs filed*
6 - 8 weeks after Evidentiary Hearings close	Presiding Member's Proposed Decision (PMPD) issued for 30-day comment period
Approx. 25 days after PMPD issued	PMPD comment hearing
35 days after PMPD issued	Revised PMPD issued* for 15-day (30 days if significant environmental information added) review period*
To be determined	Energy Commission Final Decision Adoption Hearing

* if necessary

Issued: December 17, 2009



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 ABENGOA MOJAVE
SOLAR POWER PLANT**

Docket No. 09-AFC-5

**PROOF OF SERVICE
(Revised 1/11/2010)**

APPLICANT

Emiliano Garcia Sanz
General Manager
Abengoa Solar Inc.
11500 West 13th Avenue
Lakewood, CO 80215
emiliano.garcia@solar.abengoa.com

Scott D. Frier
Chief Operating Officer
Abengoa Solar Inc.
13911 Park Ave., Ste. 206
Victorville, CA 92392
scott.frier@solar.abengoa.com

Tandy McMannes
2030 Addison Street, Suite 420
Berkeley, CA 94704
tandy.mcmannes@solar.abengoa.com

APPLICANT'S CONSULTANTS

* Frederick H. Redell, PE
Engineering Manager
Abengoa Solar, Inc.
11500 West 13th Avenue
Lakewood, CO 80215
fredredell@solar.abengoa.com

COUNSEL FOR APPLICANT

Christopher T. Ellison
Ellison, Schneider & Harris
2600 Capitol Ave.
Sacramento, CA 95816
cte@eslawfirm.com

INTERESTED AGENCIES

California ISO
e-recipient@caiso.com

INTERVENORS

California Unions for Reliable Energy ("CURE")
Tanya A. Gulesserian
Marc D. Joseph
Elizabeth Klebaner
Adams Broadwell Joseph & Cardozo
601 Gateway Boulevard, Suite 1000
South San Francisco, CA 94080
E-mail Preferred
tgulesserian@adamsbroadwell.com
eklebaner@adamsbroadwell.com

*Luz Solar Partners Ltd., VII
Luz Solar Partners Ltd., IX
Jennifer Schwartz
700 Universe Blvd
Juno Beach, FL 33408
jennifer.schwartz@nexteraenergy.com

ENERGY COMMISSION

JAMES D. BOYD
Vice Chairman and Associate Member
jboyd@energy.state.ca.us

Paul Kramer
Hearing Officer
pkramer@energy.state.ca.us

Craig Hoffman
Project Manager
choffman@energy.state.ca.us

Christine Hammond
Staff Counsel
chammond@energy.state.ca.us

Public Adviser's Office
publicadviser@energy.state.ca.us

DECLARATION OF SERVICE

I, April Albright, declare that on January 12, 2010, I served and filed copies of the attached Energy Commission Staff's Status Report 2, dated January 12, 2010. The original document, filed with the Docket Unit, is accompanied by a copy of the most recent Proof of Service list, located on the web page for this project at: [\[http://www.energy.ca.gov/sitingcases/abengoa/index.html\]](http://www.energy.ca.gov/sitingcases/abengoa/index.html).

The document has 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 or by depositing in the United States mail at Sacramento, California, with first-class postage thereon fully prepaid and addressed as provided on the Proof of Service list above 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. 09-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.

Original signed by: _____
April Albright