

STATE OF CALIFORNIA

Energy Resources Conservation
and Development Commission

DOCKET

08-AFC-13

DATE JAN19 2010

RECD. JAN 20 2010

In the Matter of:

The Application for Certification for the
SES Solar One Project

Docket No. 08-AFC-13

**CALIFORNIA UNIONS FOR RELIABLE ENERGY
STATUS REPORT NO. 4**

January 19, 2010

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INTRODUCTION

California Unions for Reliable Energy (“CURE”) submits this status report pursuant to the Revised Committee Scheduling Order issued on November 24, 2009 regarding the SES Solar One Project (“Project”). CURE has been an active intervenor in this proceeding since June 16, 2009. CURE has attended all Project workshops and anticipates participating in the Committee conference on January 27, 2009.

Sterling Energy Solutions Solar One, LLC (“Applicant”) has only recently filed substantial information critical to the impact analysis and possible mitigation in this proceeding. As explained below, data gaps still remain concerning basic information about the project description and potential impacts. With substantial information missing regarding major aspects of the project, the Staff Assessment (“SA”) should not be released before the Staff has concluded its analysis on all issues. Otherwise, the SA would have to be recirculated for public review, resulting in delay and a duplication of efforts by all parties.

DISCUSSION

Soil and Water Impacts

The Project site is nearly ten square miles and is entirely located on an active alluvial fan. At the workshop on December 22, 2009, significant data gaps were identified related to soil, water and biological resources.

Specifically, the Applicant had not provided basic information about current conditions of the site drainage, erosion, sediment transport and runoff.

Following the workshop, the Applicant filed a hydrologic study that had been finalized *more than nine months prior* on April 23, 2009. This report, *Existing Conditions Hydrologic and Hydraulic Study for SES Solar One*, disclosed that the SunCatcher units would be at a significant risk of “catastrophic damage” resulting from debris flow and stormwater runoff without appropriate mitigation.

The hydrologic conditions on the site, and particularly the mitigation to protect the Project structures, will impact biological processes downstream and onsite. The untimely filing of this data has hampered the ability of Staff, intervenors and interested parties to understand the project’s impacts and identify required mitigation.

Transmission Line

Interconnection of the Project to the grid will require the construction of a 67-mile transmission line, a substation expansion, and interim interconnection upgrades beyond the first point of interconnection. At the meeting on December 22, 2009, it was disclosed that a new substation in an unidentified location may also be required. Although the transmission line will follow an existing right of way, new tower locations, work areas and paved roads will be needed, resulting in substantial new disturbance.

The existing transmission line was built prior to the passage of CEQA and thus did not undergo environmental review. The transmission line impact area is large, covering nearly the same amount of land as the entire plant footprint. Most of the transmission route is federally threatened desert tortoise habitat, some of which is designated critical habitat by the U.S. Fish and Wildlife Service.

California ISO notified the applicant one year ago that the Pisgah substation expansion and interim interconnection facilities for the 275 MW interconnect (Project Phase 1) would require CEQA review, as would the transmission upgrade for the full 850 MW interconnect, and that “pursuant to [CEQA], the substation expansion and telecommunication upgrades would be viewed as part and parcel of the overall project...and cannot be divided into separate environmental assessments.”¹ At that point, the Applicant was on notice that it would violate CEQA to piecemeal environmental review of related components of a larger Project.

As was indicated by Energy Commission Staff, the interconnection facilities must be studied as part of the ‘whole of the action’ pursuant to the Energy Commission’s CEQA-equivalent review of the project. The Applicant provided data on the transmission upgrades required for the project on January 6th and January 8th, 2010, *over two months* after the Commission Staff requested information on October 21, 2009. This delay in providing basic information about the description of the transmission upgrades and

¹ LGIP Optional Interconnection Study Report, January 9, 2008.

related impacts has made it difficult to review the project in accordance with the existing Committee schedule.

At the workshop on December 22, 2009, Commission Staff and CURE identified a number of informational items that are needed for an adequate analysis of the transmission line upgrades under CEQA, including basic information about the substation's footprint and the acreage of sensitive habitat potentially impacted by the transmission upgrades needed for the Project. The information submitted at this time does not provide all of the needed information.

Additional baseline information is needed in the areas of visual resources, cultural resources, biological resources, land use, noise, traffic, transmission line safety and nuisance, soil and water resources, hazardous materials management, contamination and worker safety.

Biology

The Project site is occupied by federally-listed threatened desert tortoise. The Applicant has not submitted a desert tortoise relocation or translocation plan for review by resource agencies, Energy Commission staff and intervenors. This plan is needed to identify impacts associated with the Project and to provide a proposal for mitigation.

CONCLUSION

CURE will review the data and information recently submitted concerning the transmission line upgrade, the soil and water impacts and the biological impacts of the Project. Additional time will be required for a thorough review of the Project under CEQA.

Dated: January 19, 2010

Respectfully submitted,

/s/

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DECLARATION OF SERVICE

I, Bonnie Heeley, declare that on January 19, 2010, I served and filed copies of the attached **CALIFORNIA UNIONS FOR RELIABLE ENERGY STATUS REPORT NO. 4** dated January 19, 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 www.energy.ca.gov/sitingcases/solarone. 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 electronically to all email addresses on the Proof of Service list; and by depositing in the U.S. mail at South San Francisco, CA, with first-class postage thereon fully prepaid and addressed as provided on the Proof of Service list to those addresses NOT marked "email preferred."

AND

By sending an original paper copy and one electronic copy, mailed and emailed respectively to:

CALIFORNIA ENERGY COMMISSION

Attn: Docket No. 08-AFC-13
1516 Ninth Street, MS 4
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I declare under penalty of perjury that the foregoing is true and correct. Executed at South San Francisco, CA, on January 19, 2010.

_____/s/_____
Bonnie Heeley

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