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February 12, 2010

<b>DOCKET</b>	
<b>08-AFC-13</b>	
DATE	<u>FEB 12 2010</u>
RECD.	<u>FEB 12 2010</u>

California Energy Commission  
Attn: Docket No. 09AFC13  
1516 Ninth Street, MS-4  
Sacramento, CA 95814-5512

Re: 08-AFC-13 SES Solar One

Dear Docket Clerk:

Enclosed are an original and one copy of California Unions for Reliable Energy Status Report No. 5. Please process the document and provided us with a conformed copy in the envelope enclosed.

Thank you.

Sincerely,

/s/

Bonnie Heeley

:bh  
Enclosures

**STATE OF CALIFORNIA**

**Energy Resources Conservation  
and Development Commission**

In the Matter of:

The Application for Certification for the  
Calico Solar Project  
(Formerly SES Solar One)

Docket No. 08-AFC-13

**CALIFORNIA UNIONS FOR RELIABLE ENERGY  
STATUS REPORT NO. 5**

February 12, 2010

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UNIONS FOR RELIABLE ENERGY

## **INTRODUCTION**

California Unions for Reliable Energy (“CURE”) submits this fifth status report pursuant to the Revised Committee Scheduling Order issued on February 2, 2010 regarding the Calico Solar Power Plant Project (“Project”). CURE has been an active Intervenor in this proceeding since June 16, 2009. CURE has attended all Project workshops and participated in the Committee conference on January 27, 2010.

## **DISCUSSION**

Commission Staff has been working cooperatively with Stirling Energy Systems, Inc. / Tessera Solar to perform the review of the AFC expeditiously for this Project that seeks to qualify for ARRA funding. Commission Staff has worked closely with the BLM, finding additional resources and working overtime to perform its review. Commission Staff has also worked closely with all other regulatory agencies to gather data and analysis in an effort to make the permitting and review process as seamless as possible. However, permitting the Project in time to qualify for ARRA funding must not be accomplished at the expense of transparency and thorough environmental evaluation, as is required by the California Environmental Quality Act (Pub. Res. Code §§ 21000 et seq.) (“CEQA”) and the Warren-Alquist Act (Pub. Res. Code §§25000 et seq.).

CURE is concerned that data and analyses that must be provided for project review under the siting regulations<sup>1</sup> have not been completed and/or are being unnecessarily withheld from public view. For example, at the January 27, 2010 Committee Status Conference, the applicant acknowledged that a desert tortoise translocation/relocation plan had been prepared but had not been filed with the Commission. The translocation/relocation plan is critical to the agencies' and public's review because the Project site is home to a significant population of federally listed-threatened tortoises. The applicant also had previously withheld a hydrological report, and other key project information regarding water supply and biological impacts has only recently been docketed.

Additional information about the Project is still outstanding. The applicant has not submitted the results from ongoing burrowing owl surveys, Swainson's hawk surveys, or golden eagle surveys, a draft incidental take permit, updated figures for site drainage, a draft rare plant relocation plan, the streambed alteration agreement application or information about the environmental impacts resulting from the construction and operation of transmission upgrades. This information should be docketed as soon as it is available.

Late filed information shortens the time and opportunity for Commission Staff, Intervenors and the public to review information regarding the Project's significant impacts and mitigation measures. This delay will inevitably prolong the siting proceeding and may also prolong the evidentiary hearings.

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<sup>1</sup> Appendix B of the Energy Commission's Rules of Practice and Procedure (20 Cal. Code Regs. § 1742).

The problem of late filed data is compounded by the elimination of the Preliminary Staff Assessment from the siting process. The elimination of the PSA significantly reduces the Intervenor and public opportunity to provide valuable comments on the Staff's analysis before it is finalized. The completion of surveys and significant late-filings outside of the discovery period further hampers the transparency of the siting process.

As it now stands, there is no opportunity for public comment on the Staff's analysis in the schedule. **At a minimum, Commission Staff should hold a workshop after the applicant provides the survey results, the desert tortoise translocation/relocation plan, a draft incidental take permit, the streambed alteration agreement and other pending biological resource documents.** An additional workshop would assist the parties in understanding the newly submitted evidence regarding biological resource impacts and mitigation and aid in developing the issues that must be addressed in evidentiary hearings.

CURE requests that the applicant file the desert tortoise relocation plan *post haste* and all results of surveys and other relevant documents as soon as they are available.

### Transmission Line

Interconnection of the Project to the grid will require the construction of a 67-mile transmission line, a substation expansion, an undefined new substation on 100 acres, and interim interconnection upgrades beyond the first point of

interconnection. 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. Many of the environmental impacts associated with the transmission upgrades have not been studied or docketed at the Energy Commission.

Because the permitting of the Project commits the Public Utilities Commission to provide transmission, and because the location and many of the environmental impacts associated with the transmission upgrades are knowable, the Commission is required to study the foreseeable impacts of the required transmission upgrades as part of the “whole of the action” under CEQA.

At the meeting on January 27, 2010, Commission Staff stated that consultants had been hired to undertake a review of the reasonably foreseeable environmental impacts of the transmission upgrades. As soon as this review is concluded, the analysis should be docketed for Intervenor and public review prior to a future workshop.

## **CONCLUSION**

CURE will review the data and information recently submitted and urges the applicant to docket other completed analyses, such as the desert tortoise translocation/relocation plan. Due to the large volume of critical information regarding the Project’s significant impacts that has been late filed or is still to come,

CURE requests that a workshop be held to assist all parties in clarifying factual discrepancies and reducing the scope of disagreement for evidentiary hearings.

Dated: February 12, 2010

Respectfully submitted,

/s/

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UNIONS FOR RELIABLE ENERGY

DECLARATION OF SERVICE

I, Bonnie Heeley, declare that on February 12, 2010, I served and filed copies of the attached **CALIFORNIA UNIONS FOR RELIABLE ENERGY STATUS REPORT NO. 5** dated February 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 [www.energy.ca.gov/sitingcases/calicosolar/CalicoSolar\\_POS.pdf](http://www.energy.ca.gov/sitingcases/calicosolar/CalicoSolar_POS.pdf). 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  
Sacramento, CA 95814-5512  
[docket@energy.state.us.ca](mailto:docket@energy.state.us.ca).

I declare under penalty of perjury that the foregoing is true and correct. Executed at South San Francisco, CA, on February 12, 2010.

\_\_\_\_\_/s/\_\_\_\_\_  
Bonnie Heeley

CALIFORNIA ENERGY COMMISSION  
Attn: Docket No. 08AFC13  
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