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March 3, 2010

DOCKET
09-AFC-5

DATE MAR 03 2010

RECD. MAR 03 2010

California Energy Commission
Attn: Docket No. 09-AFC-5
1516 Ninth Street
Sacramento, CA 95814-5512

Re: Abengoa Mojave Solar Project; Docket No. 09-AFC-5

Dear Docket Clerk:

Enclosed are an original and one copy of California Unions for Reliable Energy's Status Report Number Three. Please process the document, conform a copy and return the copy in the envelope provided. This document was previously provided via email.

Sincerely,

/s/

Carol Horton
Administrative Assistant

:cnh
Enclosures

2219-028d

STATE OF CALIFORNIA

**Energy Resources Conservation
and Development Commission**

In the Matter of:

The Application for Certification for the
Abengoa Mojave Solar Project

Docket No. 09-AFC-5

**CALIFORNIA UNIONS FOR RELIABLE ENERGY
STATUS REPORT NUMBER THREE**

March 3, 2010

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Attorneys for the CALIFORNIA
UNIONS FOR RELIABLE ENERGY

California Unions for Reliable Energy (“CURE”) submits this status report pursuant to the Committee’s December 17, 2009 Scheduling Order.

CURE is reviewing the application for certification, applicant’s data responses and revised submittals regarding potential impacts to water resources, air quality and public health, submitted on February 16, 17 and 25, 2010. CURE is also reviewing the draft interconnection study prepared by the California Independent System Operator and submitted by applicant on February 25, 2010.

Of particular concern is the Project’s compliance with the federal Endangered Species Act (“ESA”). The Applicant anticipates compliance with the ESA either through an incidental take permit, issued by US Fish and Wildlife Service (“USFWS”) under Section 10 of ESA, or through an incidental take permit resulting from formal consultation under Section 7 of ESA. The Applicant expects Section 7 consultation would take place between the Department of Energy (“DOE”) and USFWS with regard to the DOE’s issuance of loan guarantees for the Project under the American Reinvestment and Recovery Act of 2009 (“ARRA”). The Applicant submitted the second phase ARRA loan guarantee application on December 3, 2009 and anticipated that the DOE would initiate Section 7 consultation in either December or mid-February 2010. Assuming the Applicant is selected for federal funding under ARRA, the Applicant presumes that Section 7 consultation will commence in advance of DOE’s environmental review of the ITP under

NEPA. CURE is currently evaluating these issues and compliance with the
ESA and NEPA.

CURE is also working to identify whether further data requests are
needed to determine compliance with LORS and to clarify the proposed
Project, potentially significant impacts, and mitigation measures.

Dated: March 3, 2010

Respectfully submitted,

/s/

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