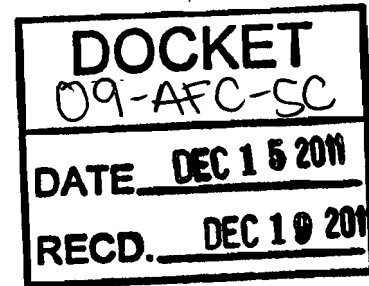


CALIFORNIA ENERGY COMMISSION

1516 NINTH STREET
SACRAMENTO, CA 95814-5512
www.energy.ca.gov



December 15, 2011



Matt Stucky, PE
Abengoa Solar Inc.
235 Pine Street, Suite 1800
San Francisco, CA 94104

**SUBJECT: ABENGOA MOJAVE SOLAR PROJECT (09-AFC-5C)
CONFIRMATION OF COMPLIANCE**

Dear Mr. Stucky:

In response to your request for confirmation that the Abengoa Mojave Solar (AMS) power project is in compliance with all California Energy Commission (Energy Commission) conditions of certification, the staff has reviewed the status of the project and finds that AMS is currently in compliance with all Conditions of Certification contained in the Energy Commission Decision (Decision). Furthermore, the original Habitat Mitigation Letter of Credit No. IS0002405 dated August 19, 2011 for AMS was promulgated in accord with the Decision and is in the Energy Commission cashier's office. There has been no communication from the issuing bank, and the letter remains in full force and effect as far as the Energy Commission can determine.

The Energy Commission issued Notices of Violation to AMS for non-compliance with two Conditions of Certification:

- On October 6, 2011 a notice was sent to AMS indicating the project was out of compliance with Condition of Certification **BIO-6**. The project was allowing the puddling of water on the site.
- On November 1, 2011 a notice was sent to AMS indicating the project was out of compliance with Condition of Certification **GEN-4** in the Facility Design section. The resident engineer (RE) was not at the project site and could not be available at the project site within a reasonable period of time.

AMS has corrected these deficiencies and currently is in compliance with the above referred conditions.

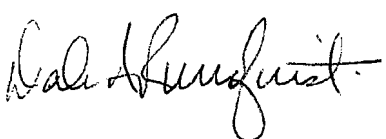
Energy Commission staff is currently working with AMS to resolve issues concerning the use of construction water from existing wells that are required to be abandoned, the proper disposal of asbestos containing pipe, and a fire protection/emergency response services agreement between AMS and the San Bernardino County Fire Department.

Energy Commission staff continues to work with AMS to insure that **BIO-11** (Desert Tortoise Fencing), **BIO-13** (Burrowing Owl Plan), **BIO-14** (Kit Fox Surveys), and **BIO-18** (Raven Plan) Conditions of Certification remain in compliance.

If you have any questions, do not hesitate to call me at (916) 651-2072 or e-mail me at drundquist@energy.state.ca.us.

REC'D
DEC 14 2008

Sincerely,



Dale Rundquist
Compliance Project Manager
Siting, Transmission & Environmental
Protection Division

cc: Dockets