

May 14, 2013

California Energy Commission
Dockets Unit
1516 Ninth Street
Sacramento, CA 95814-5512



**Subject: PALEN SOLAR HOLDINGS, LLC'S REQUEST FOR STATUS CONFERENCE
PALEN SOLAR ELECTRIC GENERATING SYSTEM
DOCKET NO. (09-AFC-7C)**

Enclosed for filing with the California Energy Commission is the electronic version of **PALEN SOLAR HOLDINGS, LLC'S REQUEST FOR STATUS CONFERENCE**, for the Palen Solar Electric Generating System (09-AFC-7C).

Sincerely,



Marie Fleming

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STATE OF CALIFORNIA

Energy Resources
Conservation and Development Commission

In the Matter of:

DOCKET NO. 09-AFC-7C

Petition For Amendment for Certification
for the **PALEN SOLAR ELECTRIC
GENERATING SYSTEM**

**PALEN SOLAR HOLDINGS, LLC'S
REQUEST FOR STATUS CONFERENCE**

Palen Solar Holdings, LLC (PSH), the owner of the Palen Solar Electric Generating System (PSEGS), hereby files this Request For Status Conference to compel Staff to comply with the Committee Scheduling Order to produce a Preliminary Staff Assessment (PSA) and to issue its Third Set of Data Requests or withdraw them.

According to the Committee Scheduling Order, the parties were to file Status Report 2 by May 1, 2013. The undersigned and Staff jointly requested that the filing date for Status Report 2 be moved to May 8, 2013 in order to allow the parties to report on the progress at the Data Request and Issue Resolution Workshops on April 30, May 1 and May 6, 2013. All the parties filed Status Report 2 on May 8, 2013 except Staff. On Friday May 10, 2013 Staff informed PSH that it would be delaying the publication date of the PSA, but would be publishing Part I of a bifurcated PSA by the end of May 2013 and publishing Part II of the PSA sometime in June 2013. PSH agreed to the bifurcation and the timing proposed by Staff. Today, PSH learned that Staff will not be bifurcating the PSA and instead will be targeting a June 28, 2013 publication date for the entire PSA.

Staff's current PSA proposal conflicts with the Scheduling Order and is unacceptable to PSH. PSH requests that the PSA be bifurcated in order to allow the parties to resolve non-controversial issues.

In addition, Staff has not published its Data Request Set 3, although drafts were discussed at the earlier workshops. Without the final data requests, it is difficult for PSH to know exactly what data Staff needs. Nevertheless, based on the drafts that were discussed with Staff PSH has already begun preparing responses.

PSH has worked very cooperatively with Staff and regrets the need to involve the Committee at this early stage. However, as the Committee noted in its Scheduling Order, the schedule for the Commission to render a Decision on the PSEGS is critical to the life of the project for the following reasons:

1. It is absolutely critical for PSH to close financing before major equipment is purchased.
2. PSH must order and purchase major equipment prior to end of 2013.
3. The ordering and purchasing of major equipment prior to the end of 2013 is necessary to meet commercial operation date of June 2016.
4. One of the major conditions that commercial lenders will require is commercial operation by June 2016 to ensure the project qualifies for the ITC.
5. The success of the project relies on strict adherence to the schedule issued in the Committee's Scheduling Order.

Staff's failure to keep the Petition For Amendment process moving forward will at the least require the Committee to prepare a Presiding Member's Proposed Decision (PMPD) in record time or will jeopardize the life of the project.

Therefore, we request that the Committee hold a Status Conference and to order Staff to comply with its Scheduling Order as amended by this Request For Status Conference.

Dated: May 14, 2013

Respectfully Submitted,



Scott A. Galati
Counsel to Palen Solar Holdings, LLC



**BEFORE THE ENERGY RESOURCES CONSERVATION AND DEVELOPMENT
COMMISSION OF THE STATE OF CALIFORNIA
1516 NINTH STREET, SACRAMENTO, CA 95814
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AMENDMENT

**FOR THE PALEN SOLAR ELECTRIC
GENERATING SYSTEM**

**Docket No. 09-AFC-7C
PROOF OF SERVICE
(Revised 05/09/2013)**

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*Indicates change

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PARTICIPANTS (LISTED FOR
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***After docketing, the Docket Unit
will provide a copy to the persons
listed below. Do not send copies of
documents to these persons
unless specifically directed to do
so.***

KAREN DOUGLAS
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*Kelly Foley
Adviser to Associate Member

Eileen Allen
Commissioners' Technical
Adviser for Facility Siting

I, Marie Fleming, declare that on May 14, 2013, I served and filed copies of the attached, **PALEN SOLAR HOLDINGS, LLC'S REQUEST FOR STATUS CONFERENCE** dated May 14, 2013. This document is accompanied by the most recent Proof of Service, which I copied from the web page for this project at:
<http://www.energy.ca.gov/sitingcases/palen/compliance/>.

The document has been sent to the other parties in this proceeding (as shown on the Proof of Service) and to the Commission's Docket Unit, as appropriate, in the following manner:

(Check one)

For service to all other parties and filing with the Docket Unit at the Energy Commission:

I e-mailed the document to all e-mail addresses on the Service List above and personally delivered it or deposited it in the US mail with first class postage to those parties noted above as "hard copy required"; **OR**

Instead of e-mailing the document, I personally delivered it or deposited it in the US mail with first class postage to all of the persons on the Service List for whom a mailing address is given.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and that I am over the age of 18 years.

Dated: May 14, 2013



Marie Fleming