

## DOCKETED

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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 the **PALEN  
SOLAR ELECTRIC GENERATING  
SYSTEM**

**PALEN SOLAR HOLDINGS, LLC's  
STATUS REPORT 4**

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In accordance with the Committee Order dated January 23, 2014, Palen Solar Holdings, LLC (PSH) has prepared this Status Report 4 to inform the Committee of its efforts to develop additional information requested in the Presiding Member's Proposed Decision (PMPD) and as discussed by the Committee at the Committee Conference held on January 7, 2014.

First, PSH wishes to thank the Committee for providing specific direction at the Committee Conference for the continued consideration of the PSEGS Amendment. For reasons that will be outlined in more detail in subsequent filings, the PSEGS is a critical renewable energy project and technology that is important to the long term goals of the State of California in implementing climate change policies. Consistent with the direction provided at the Committee Conference, PSH has been working diligently to compile and prepare for submission the following information:

- A comparison of avian mortality data reported by projects utilizing various solar technologies;
- A more detailed description of the benefits of the PSEGS, including the potential to incorporate thermal energy storage at the project in the future;
- A more detailed description of why the No Project Alternative and the PV Alternative are infeasible alternatives to the PSEGS; and
- A proposed modification to Condition of Certification **CUL-1** that more appropriately provides mitigation directed towards tribal spiritual and cultural values while also providing mitigation for the State's interest in recording historical important sites.

Each of these is addressed in more detail below:

### **AVIAN DATA AND ANALYSIS**

PSH has been gathering and compiling publicly available data on reported avian mortality at the Ivanpah, Genesis, and Desert Sunlight projects. Recently the USFWS also released a table of information of avian mortality that will be incorporated into the PSH work product. PSH anticipates filing this compilation on or before February 10, 2014.

### **PSEGS BENEFITS**

PSH is currently preparing a more detailed description of the benefits of the PSEGS in a single document so that the Committee can locate the description of the benefits in one place. Specifically, PSH is developing drawings and a process description outlining how storage could be incorporated into the PSEGS in the future. PSH is also developing descriptions of other benefits including support of transmission infrastructure. PSH anticipates filing this information on or before February 10, 2014.

### **INFEASIBILITY OF ALTERNATIVES**

Staff's recommendation against a finding of override for potential avian impacts stated that it was unclear to Staff whether the No Project or PV Alternatives were infeasible. This question was echoed by the Committee in the PMPD and at the Committee Conference. In response, PSH is preparing a more detailed description of why both alternatives are infeasible and will file this information on or before February 10, 2014.

### **CONDITION OF CERTIFICATION CUL-1**

In accordance with the Committee direction at the Committee Conference, PSH will file on or before February 10, 2014 proposed revisions to Condition of Certification **CUL-1** that meet the objectives of providing an approach that directs more mitigation funds towards the tribal spiritual and cultural interests. Shortly after the Committee Conference, PSH requested Staff set a workshop to discuss how **CUL-1** could be modified to achieve the objectives outlined by the Committee. We also requested a meeting with the CRIT to discuss its views on potential modifications to the condition. We understand that CRIT will be considering the issue at its Tribal Council meeting in early February. PSH believes the parties will be ready to discuss potential modifications to **CUL-1** in February.

### **COMMISSION PROCESS**

As discussed above, PSH will be filing additional information on or before February 10, 2014. PSH will file the information in the form of additional testimony along with a formal motion to re-open the evidentiary record. This will allow ample time for the parties to the proceeding to review the additional information and to understand the type and scope of any additional evidentiary hearings. In order to provide the parties the opportunity to

discuss the issues, at this time PSH requests that the Committee direct Staff to schedule a workshop in late February to discuss the forthcoming information described in this status report.

Dated: February 3, 2014

Respectfully Submitted,

A handwritten signature in blue ink, appearing to read "Scott A. Galati", with a stylized flourish at the end.

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Scott A. Galati  
Counsel to Palen Solar Holdings, LLC