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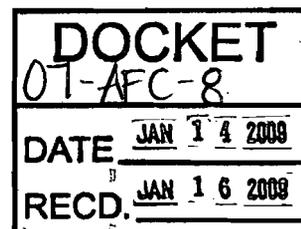
OF COUNSEL  
THOMAS R. ADAMS  
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\*Licensed in New York only

January 14, 2009

Via E-Mail

Jeffrey D. Byron  
Commissioner and Associate Member  
California Energy Commission  
1516 Ninth Street  
Sacramento, CA 95814  
jbyron@energy.state.ca.us



Jane E. Luckhardt  
Downey Brand  
621 Capital Mall, 18<sup>th</sup> Floor  
Sacramento, CA 95814  
jluckhardt@downeybrand.com

Re: December 19, 2008 Data Requests from CURE (Docket No. 07-AFC-8)

Dear Commissioner Byron and Ms. Luckhardt:

California Unions for Reliable Energy ("CURE") received Carrizo Energy, LLC's ("Ausra") letter regarding our December 19, 2008 requests for information. These requests seek information about hazardous and other air pollutant emissions from Ausra's solar reflector *manufacturing* facility in the Carrizo Plains which has been added to the project.

As we mentioned in our letter submitted with the data requests, CURE requested this information to assess air quality issues raised by the addition of the manufacturing facility but not addressed in the recent Preliminary Staff Assessment. CURE attempted to obtain information regarding these issues at the December 15, 2008 PSA workshop, but neither the Energy Commission Staff nor Ausra was able to provide the information. Therefore, CURE submitted the data requests to obtain information that was neither in the PSA nor provided at the workshop.

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The Commission's regulations provide for data requests within 180 days from the date that an application is deemed complete and at a later time for good cause shown. (20 C.C.R. § 1716(e).) In this case, Ausra first proposed the solar reflector manufacturing facility in its Supplement to the Application for Certification filed with the Energy Commission on July 1, 2008. The revised project adds on-site manufacturing of solar panels in a 40,000-square foot manufacturing building. Although the manufacturing process will produce zinc particulates, volatile organic compounds and hazardous air pollutants, Ausra provided no data regarding emissions from the manufacturing plant in its Supplement to the AFC.

CURE's experts have been working diligently to find information about the manufacturing building and process. CURE recently obtained the air permit for Ausra's similar manufacturing facility in Clark County, Nevada, from the Nevada Department of Air Quality and Environmental Management. CURE sought similar data from the San Luis Obispo County Air Pollution Control District, but, to CURE's knowledge, Ausra has not provided the air district with the data. Finally, as mentioned above, the PSA does not address these issues, and information was not provided at the PSA workshop in response to CURE's requests.

Under these circumstances, these additional information requests are entirely justified. The requests will not interfere with any party's review of the PSA, will not impose any undue burden on the Applicant or any other party, and will not impede or delay this proceeding in any way. According to Energy Commission staff, the Final Staff Assessment is not anticipated until February or March 2009, which is more than 6 weeks after we submitted our data requests. Furthermore, responses to these requests are necessary to assess meaningfully whether the proposed facility will be constructed and operated in compliance with all applicable regulations, and to assess whether and to what extent significant environmental impacts of the project can be avoided or mitigated.

Finally, as Ausra mentions in its letter, the process of evaluating Ausra's proposed project is ongoing. Specifically, the parties are actively involved in work on a wildlife corridor study evaluating cumulative impacts of three proposed solar projects in the Carrizo Plains. Furthermore, as will be set forth in CURE's comments on the PSA, the PSA acknowledges that Staff lacks a substantial amount of information from the Applicant. Therefore, CURE strongly opposes Ausra's request that the Commission should preemptively prohibit further data requests in this proceeding without ever having the chance to evaluate their merits.

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Thank you for your consideration.

Sincerely,



Tanya A. Gulesserian  
Attorney for CURE

TAG:bh

cc: Gary Fay, CEC, Hearing Officer  
John Kessler, CEC, Project Manager  
Proof of Service List (Docket 07-AFC-8)

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**STATE OF CALIFORNIA  
Energy Resources Conservation  
and Development Commission**

In the Matter of:

The Application for Certification for the  
Carrizo Energy Solar Farm by Carrizo  
Energy, LLC

Docket No. 07-AFC-8

**PROOF OF SERVICE**

I, Bonnie Heeley, declare that on January 14, 2009, transmission via electronic mail of the attached **letter from Tanya A. Gulesserian addressed to Jeffrey D. Byron and Jane E. Luckhardt re: December 19, 2008 Data Requests from CURE (Docket No. 07-AFC-8)** was consistent with the requirements of California Code of Regulations, title 20, sections 1209, 1209.6, and 1210. All electronic copies sent to all those identified on the Proof of Service listed below.

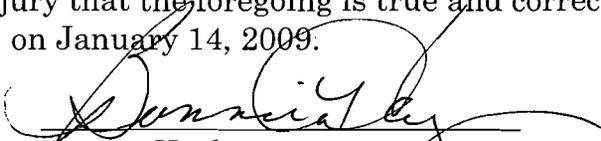
Via U.S. Mail to:  
CALIFORNIA ENERGY  
COMMISSION  
DOCKET UNIT  
ATTN: Docket Unit 07-AFC-8  
1516 Ninth Street, MS-4  
Sacramento, CA 95814-5512

Environmental Center of  
San Luis Obispo (ECOSLO)  
c/o Babak Naficy  
P.O. Box 13728  
San Luis Obispo, CA 93406

Via email to:  
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[jkessler@energy.state.ca.us](mailto:jkessler@energy.state.ca.us)  
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I declare under penalty of perjury that the foregoing is true and correct.  
Executed at Sacramento, California, on January 14, 2009.

  
Bonnie Heeley

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\*Licensed in New York only

January 14, 2009

Docket Office  
California Energy Commission  
Attn: Docket No. 07-AFC-8  
1516 Ninth Street  
Sacramento, CA 95814

Re: Docket No. 07-AFC-8

Dear Docket Office Clerk:

Enclosed are an original and two copies of Gulesserian letter dated January 14, 2009, addressed to Jeffrey E. Byron and Jane E. Luckhardt re: December 19, 2008 Data Requests from CURE (Docket No. 07-AFC-8). Please docket, conform a copy and return the copy in the envelope provided.

Sincerely,



Tanya A. Gulesserian

TAG:bh  
Enclosures

2118-035a