

DLJ

**KERN COUNTY AIR POLLUTION CONTROL DISTRICT
DAVID L. JONES, APCO**



May 7, 2008

DOCKET	
08-AFC-2	
DATE	MAY 07 2008
RECD.	MAY 13 2008

Ms. Rachel Koss
Attorney at Law
Adams Broadwell Joseph & Cardozo
601 Gateway Boulevard, Suite 1000
South San Francisco, California 94080-7037

SUBJECT: Application No.: 0369001-012 - Project No.: 080414

Dear Ms. Koss:

The Kern County Air Pollution Control District is in receipt of your letter, dated April 23, 2008, in regards to request of notices of any decisions or actions pertaining to the Beacon Solar, LLC project. In your letter you state the request is made pursuant to District Rule 210.1(V)(A)(3)(d).

Please be aware the proposed power plant is greater than 50-megawatts. District Rule 210.1.V.A states: New and Modified Emissions units: Administrative requirements of this section shall apply to all applications for new or modified emissions units *except power plants over 50-megawatts*. For such power plants the administrative requirements of Subsection V.B shall apply. Additionally, District Rule 210.1.V.B states: All power plants over 50-megawatts proposed to be constructed in the District, and for which a Notice of Intention of Application for Certification has been accepted by the California Energy Commission (CEC), shall comply with applicable state law, this Rule, and CEC regulations. Therefore, please be aware, the CEC is the lead agency for this project, and requests for decisions regarding the Project should be directed the CEC. The District is not required to publish any notices regarding this Project, and has no intention of doing so.

For your information, the District deemed the Project application complete April, 16, 2008. If you desire, we can notify you if the District submits a Determination of Compliance to the CEC. Should you have any further questions, please telephone Glen Stephens of our office at (661) 862-5250.

Sincerely,

A handwritten signature in black ink, appearing to read "DLJ".

David L. Jones
Air Pollution Control Officer

DLJ:GES:tf

cc: Mr. Gary Palo, Beacon Solar, LLC
/ Mr. Bill Pfanner, California Energy Commission
Ms. Sara Head, ENSR