On 11-24-08 I received the following email response from Kenneth Stein who represents the applicant:

Regarding your question about alternative layouts, while we would have loved to avoid re-routing the wash, it became clear in the early design stages of the project that it would not be possible (or practical) for the following reasons:

1. There is not sufficient space to locate the project entirely on one side of the wash or the other.

2. The project could be split into two uneven portions and straddle the wash, however such a layout would require multiple road, and pipe (therminol and gas) crossings that would require major disruption of the wash area during construction and significantly change the nature of the wash. Additionally, without the ability to further modify the wash, the layout would result in large portions of the field subject to flooding creating operations and insurance issues.

3. The split layout would also result in displacement of the power block significantly off-center of the field; this would have the impact of operational problems, longer plant startups, lower annual energy production and overall a much higher cost of electricity.

4. To the extent that the purpose of a split layout (i.e., keeping the existing wash running up the middle of the facility) would be to maintain the current (albeit extremely degraded) biological/habitat functions of the wash, this goal would be compromised due to:

   * the numerous road and pipe crossing that would be needed along the wash, and

   * difficulty in erecting tortoise fencing that would keep any wildlife from entering the plant boundary but still allow use of the wash.

Implementing a split layout to maintain the wash in the current location would result in habitat that is even more fragmented than currently exists. The re-routed wash would have the benefit of being completely outside the fenced-in power plant facilities and away from operational activities such that restoration efforts (both biological and hydrological) not only have a high potential of succeeding, but also have the potential of resulting in a wash with better biological and hydrological functions than the current highly degraded wash.

cc: Susan Sanders, Annette Tenneboe, Julie Vance, Rick York, Rod Jones
Prepared by: Eric K. Solorio
APPLICATION FOR CERTIFICATION
For the *Beacon Solar Energy Project*

Docket No. 08-AFC-2

PROOF OF SERVICE
*(Revised 11/10/08)*

INSTRUCTIONS: All parties shall either (1) send an original signed document plus 12 copies or (2) mail one original signed copy AND e-mail the document to the address for the Docket as shown below, AND (3) all parties shall also send a printed or electronic copy of the document, which includes a proof of service declaration to each of the individuals on the proof of service list shown below:

CALIFORNIA ENERGY COMMISSION
Attn: Docket No. 07-AFC-9
1516 Ninth Street, MS-15
Sacramento, CA 95814-5512
docket@energy.state.ca.us

APPLICANT
Kenneth Stein, J.D.,
Duane McCloud
Bill Narvaez, P.E.
Meg Russell
FPL Energy, LLC
700 Universe Blvd.
Juno Beach, FL 33408
Kenneth_Stein@fpl.com
Guillermo_Narvaez@fpl.com
Duane_McCloud@fpl.com
Meg.Russell@fpl.com

Mike Argentine
FPL Energy, LLC
1465 Oak Hill Way
Roseville, CA 95661
michael.argentine@fpl.com

APPLICANT'S CONSULTANTS
Sara Head, Vice President
ENSR Corporation
1220 Avenida Acaso
Camarillo, CA 93012
SHead@ensr.aecom.com

Geoffrey R. Baxter, P.E.
Project Manager
Worley Parsons
2330 E. Bidwell Street, Suite 150
Folsom, CA 95630
Geoffrey.Baxter@worleyparsons.com

COUNSEL FOR APPLICANT
Jane Luckhardt, Attorney at Law
Downey Brand Attorneys LLP
621 Capital Mall, 18th Floor
Sacramento, CA 95814
jluckhardt@downeybrand.com
INTERESTED AGENCIES

California ISO  
P.O. Box 639014  
Folsom, CA  95763-9014  
e-recipient@caiso.com

INTERVENORS

Tanya A. Gulesserian  
Marc D. Joseph  
Adams Broadwell Joseph & Cardozo  
601 Gateway Boulevard, Suite 1000  
South San Francisco, CA 94080  
tgulesserian@adamsbroadwell.com

ENERGY COMMISSION

KAREN DOUGLAS  
Commissioner and Presiding Member  
KLdougla@energy.state.ca.us

JEFFREY D. BYRON  
Commissioner and Associate Member  
Jbyron@energy.state.ca.us

Kenneth Celli  
Hearing Officer  
Kcelli@energy.state.ca.us

*Eric K. Solorio  
Project Manager  
esolorio@energy.state.ca.us

Jared Babula  
Staff Counsel  
jbabula@energy.state.ca.us

Public Adviser's Office  
publicadviser@energy.state.ca.us

DECLARATION OF SERVICE

I, April Albright, declare that on December 03, 2008, I deposited copies of the attached ROC for CEC Data Request Re Alternative Site Layouts in the United States mail at Sacramento, CA with first-class postage thereon fully prepaid and addressed to those identified on the Proof of Service list above.

Transmission via electronic mail was consistent with the requirements of California Code of Regulations, title 20, sections 1209, 1209.5, and 1210. All electronic copies were sent to all those identified on the Proof of Service list above.

I declare under penalty of perjury that the foregoing is true and correct.

Original signature in docket  
April Albright

Attachments