

STATE OF CALIFORNIA
Energy Resources Conservation
and Development Commission

DOCKET	
08-AFC-2	
DATE	<u>JAN 30 2009</u>
RECD.	<u>JAN 30 2009</u>

In the Matter of:

The Application for Certification for the
BEACON SOLAR ENERGY PROJECT

Docket No. 08-AFC-2

**CALIFORNIA UNIONS FOR RELIABLE ENERGY
STATUS REPORT NUMBER 5**

January 30, 2009

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California Unions for Reliable Energy (“CURE”) submits this status report, pursuant to the Committee’s June 18, 2008 Scheduling Order.

CURE submitted data requests to the Applicant on January 26, 2009 seeking information concerning a number of issues, including impacts on air quality, water supply, and biological resources, and from hazardous materials and waste. The Applicant’s responses to these data requests are due on February 25, 2009. CURE may need to issue additional data requests if the Applicant’s responses to our initial data requests are incomplete, or if additional issues arise that have not yet been identified. We will review the Applicant’s responses to our data requests and follow-up on issues as quickly as possible.

CURE is also evaluating the Applicant’s Application for Incidental Take of Threatened and Endangered Species (posted on January 20, 2009) and the Applicant’s Dry Cooling Evaluation (posted on January 7, 2009), as well as the Applicant’s recent responses to the California Energy Commission Staff’s data requests. Further, CURE anticipates reviewing the Applicant’s forthcoming geo-archeology field study, and any changes made by the Applicant regarding the engineering for the proposed rerouted desert wash.

After reviewing this information, CURE may need to issue additional data requests if necessary to more fully understand the project or to assess environmental impacts, potential mitigation measures, and compliance with all laws, ordinances, regulations and standards. CURE will identify any data requests as soon as possible after reviewing these and forthcoming documents submitted by the Applicant.

Finally, according to Staff's December 30, 2008 Status Report #4, a Preliminary Staff Assessment ("PSA") may be released in early February and a PSA workshop will be held within two weeks thereafter. While CURE intends to participate fully in all future aspects of this proceeding, it may not be an efficient use of Staff's limited resources to publish an incomplete PSA in early February. Many of the issues the PSA is supposed to analyze remain unresolved. For example, neither the geo-archeology field study nor the engineering changes to the rerouted desert wash will be complete prior to early February. These, among other, deficiencies would prevent meaningful public review and comment, rendering the PSA unacceptable as a draft CEQA document. Waiting until the Applicant provides further required information may clarify and perhaps resolve some of the issues and avoid the

need to recirculate a revised PSA for public review and comment at a later time.

Dated: January 30, 2009

Respectfully submitted,

_____/s/_____
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PROOF OF SERVICE

I, Bonnie Heeley, declare that on January 30, 2009, transmission via electronic mail of California Unions for Reliable Energy's Status Report Number 5 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 below.

I declare under penalty of perjury that the foregoing is true and correct.
Executed at South San Francisco, CA on January 30, 2009.

_____/s/_____
Bonnie Heeley

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