

November 12, 2009

<b>DOCKET</b>	
<b>08-AFC-2</b>	
DATE	NOV 12 2009
RECD	NOV 16 2009

VIA E-MAIL [JBABULA@ENERGY.STATE.CA.US](mailto:JBABULA@ENERGY.STATE.CA.US)

Jared Babula  
Staff Counsel  
California Energy Commission  
1516 Ninth Street, MS 14  
Sacramento, CA 95814-5504

Re: Beacon Solar Energy Project

Dear Mr. Babula:

As you are aware Beacon Solar, LLC (“Beacon”) requested a workshop to discuss Beacon’s remaining issues regarding proposed conditions of certification contained in the Final Staff Assessment with all parties. We understand from Eric Solario that California Energy Commission Staff (“Staff”) does not have time to attend a workshop. Beacon believes resolving some of these outstanding issues prior to the evidentiary hearings would reduce the overall amount of Staff time required to address these issues. Therefore, Beacon is filing and serving on all parties suggested revisions to the conditions of certification contained in the Final Staff Assessment (FSA). Beacon would appreciate comments from Staff on the attached revisions to the conditions of certification on November 19<sup>th</sup> to enable Beacon to prepare its prehearing conference statement.

The proposed changes to the conditions of certification are in two groups. The first group requests minor changes to conditions of certification in the areas of Hazardous Materials, Traffic & Transportation, Visual Resources, Facility Design, Worker Safety, Paleontology, and General Definitions. Beacon hopes these issues can be resolved with Staff such that in all of these areas but for Visual Resources, Staff experts will not be required to attend the evidentiary hearings.

The second group of requested changes to the conditions are in the area of Biological Resources. Although the changes in this area may seem extensive, many simply change the wording in the conditions to conform to the definitions contained in the General Conditions section of the FSA at pages 7-1 and 7-2. These changes are proposed to clarify the timing of submission of documents and completion of actions contained in the conditions.

Beacon would appreciate hearing from Staff on as many of these subject areas or conditions as possible. Beacon understands that despite any agreement on language in conditions between

Beacon and Staff, California Unions for Reliable Energy may want to bring some of these subject areas to hearing. Nonetheless, Beacon believes that additional resolution on any of these issues will decrease the commitment of time and resources of all parties at the evidentiary hearings.

Very truly yours,

DOWNEY BRAND LLP



Jane E. Luckhardt

JEL

1040925 2

cc: Eric Solario  
Ken Celli  
Service List (08-AFC02)