

DOCKET

08-AFC-2

DATE AUG 19 2010

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**BEFORE THE ENERGY RESOURCES CONSERVATION AND DEVELOPMENT COMMISSION
OF THE STATE OF CALIFORNIA**

**APPLICATION FOR CERTIFICATION FOR
THE BEACON SOLAR ENERGY PROJECT**

DOCKET NO. 08-AFC-2

**BEACON SOLAR, LLC'S SUPPLEMENTAL COMMENTS ON THE PRESIDING
MEMBER'S PROPOSED DECISION REGARDING CONDITION OF
CERTIFICATION BIO-22**

DOWNEY BRAND, LLP
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Beacon Solar, LLC

Dated: August 19, 2010

**BEACON SOLAR, LLC'S SUPPLEMENTAL COMMENTS ON THE PRESIDING
MEMBER'S PROPOSED DECISION REGARDING CONDITION OF
CERTIFICATION BIO-22**

Pursuant to the discussion during the Committee Conference on Thursday, August 17, 2010 and direction from the Committee, the parties to Application for Certification for the Beacon Solar Energy Project proceeding met and agreed to the following language for proposed Condition of Certification BIO-22. We are providing both a clean and redline version of BIO-22 below. The redline is against the version of BIO-22 presented in Beacon Solar, LLC's comments filed and served in this proceeding on August 12, 2010.

BIO-22 The Project owner may choose to satisfy its mitigation obligations identified in this Decision by paying an in lieu fee instead of acquiring compensation lands, pursuant to Fish and Game code sections 2069 and 2099 or any other applicable in-lieu fee provision, to the extent the Project's in-lieu fee proposal is found by the Commission to be in compliance with CEQA and CESA requirements.

Verification: If electing to use this provision, the Project Owner shall notify the Commission and all parties to the proceeding that it would like a determination that the Project's in-lieu fee proposal meets CEQA and CESA requirements. Prior to construction related ground disturbance the Project Owner shall provide proof of the in lieu fee payment to the CPM.

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Verification: If electing to use this provision, the Project Owner shall notify the Commission and all parties to the proceeding that it would like a determination

that the Project's in-lieu fee proposal meets CEQA and CESA requirements. Prior to construction related ground disturbance the Project Owner shall provide proof of the in lieu fee payment to the CPM.

Respectfully Submitted,

DOWNEY BRAND, LLP

By: _____/s/_____

Jane E. Luckhardt

Attorneys for Beacon Solar Energy Project

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COMMISSION
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APPLICATION FOR CERTIFICATION FOR THE BEACON
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PROOF OF SERVICE
(Revised 2/8/10)

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Declaration of Service

I, Lois Navarrot, declare that on August 19, 2010, I served and filed copies of the attached **BEACON SOLAR, LLC'S SUPPLEMENTAL COMMENTS ON THE PRESIDING MEMBER'S PROPOSED DECISION REGARDING CONDITION OF CERTIFICATION BIO-22**. The original document, filed with the Docket Unit, is accompanied by a copy of the most recent Proof of Service list, located on the web page for this project at: www.energy.ca.gov/sitingcases/beacon. The document has been sent to both the other parties in this proceeding (as shown on the Proof of Service List) and to the Commission's Docket Unit, in the following manner:

(check all that apply)

For Service to All Other Parties

- sent electronically to all email addresses on the Proof of Service list;
- by personal delivery or by depositing in the United States mail at Sacramento, California with first-class postage thereon fully prepaid and addressed as provided on the Proof of Service List above to those addresses **NOT** marked "email preferred."

AND

For Filing with the Energy Commission

- sending an original paper copy and one electronic copy, mailed and e-mailed respectively, to the address below (**preferred method**);

OR

- depositing in the mail an original and 12 paper copies as follow:

California Energy Commission
Attn: Docket No. 08-AFC-2
1516 Ninth Street, MS-4
Sacramento, CA 95814-5512

docket@energy.state.ca.us

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

/s/

/s/

Lois Navarrot