



BEFORE THE ENERGY RESOURCES CONSERVATION AND DEVELOPMENT
COMMISSION OF THE STATE OF CALIFORNIA
1516 NINTH STREET, SACRAMENTO, CA 95814
1-800-822-6228 – WWW.ENERGY.CA.GOV

DOCKET

08-AFC-2

DATE FEB 24 2010

RECD. FEB 24 2010

APPLICATION FOR CERTIFICATION FOR THE
BEACON SOLAR ENERGY PROJECT
BY *BEACON SOLAR, LLC*

DOCKET No. 08-AFC-2

NOTICE OF PREHEARING CONFERENCE AND EVIDENTIARY HEARING

PLEASE TAKE NOTICE that the Committee designated by the Energy Commission to conduct proceedings on the Application for Certification (AFC) for the **BEACON SOLAR ENERGY PROJECT** has scheduled the Prehearing Conference and Evidentiary Hearings as follows:

The Prehearing Conference will be conducted on:

MONDAY, MARCH 15, 2010
Beginning at 10:00 a.m.

California Energy Commission
Hearing Room A
1516 Ninth Street
Sacramento, CA 95814

TELECONFERENCE OPTION: You may participate in the Prehearing Conference by telephone and/or by computer via our “**WebEx**” web conferencing system. For details on how to participate, please see the "Participation through WebEx" section of this notice.

The Evidentiary Hearing will begin on:

TUESDAY, MARCH 23, 2010
Beginning at 9:00 a.m.

California Energy Commission
Hearing Room A
1516 Ninth Street
Sacramento, CA 95814

and, if needed, on:

THURSDAY, MARCH 25, 2010 and Friday, MARCH 26, 2010

**Beginning at 9 a.m.
California Energy Commission
Hearing Room A
1516 Ninth Street
Sacramento, CA 95814**

PLEASE TAKE NOTICE that the Committee has established the following schedule which supersedes all prior schedules:

ITEM	DATE	TIME
Last date to file Petitions to Intervene	Monday, March 8, 2010	3:00 p.m.
All Parties' Rebuttal Testimony due	Tuesday, March 9, 2010	3:00 p.m.
All Parties' Prehearing Conference Statements due	Thursday, March 11, 2010	3:00 p.m.
Prehearing Conference	Monday, March 15, 2010	10:00 a.m.
Evidentiary Hearing Begins	Tuesday, March 23, 2010	9:00 a.m.
Evidentiary Hearings (if needed)	Thursday, March 25, 2010	9:00 a.m.
Evidentiary Hearings (if needed)	Friday, March 26, 2010	9:00 a.m.

Purpose of Prehearing Conference

The Prehearing Conference is a public forum where the Committee will assess the parties' readiness for an Evidentiary Hearing, identify areas of agreement or dispute, and discuss the remaining schedule and procedures necessary to conclude the review of the AFC. (Cal. Code Regs., tit. 20 § 1718.5.)

At the Prehearing Conference, all parties (Staff, Applicant, and Intervenors) shall be prepared to present their respective positions regarding the substantive topic areas that are ready for Evidentiary Hearing; those that require further analysis, including the nature of and timeframe for, any such analysis; those that have been resolved; and those that are disputed and require adjudication as well as any topic areas that Applicant intends to submit evidence of public convenience and necessity pursuant to Public Resources Code section 25525. The parties shall also be prepared to identify proposed witnesses, as well as the time required for direct testimony and/or cross-examination.

Local, state, and federal governmental agencies may participate at the Prehearing Conference and Evidentiary Hearing, as necessary. (Cal. Code Regs., tit. 20 § 1714.5.)

Elected officials and members of the public may present public comments at these events and/or submit written comments to the Energy Commission's Docket Unit. Please include "Docket No. 08-AFC-2" on any written comments.

Prehearing Conference Statements

To facilitate the process, each party shall serve and file a **PREHEARING CONFERENCE STATEMENT**. Each party's Prehearing Conference Statement shall be provided to and received by the other parties and the Commission's Docket Unit, 1516 9th Street, MS-4, Sacramento, California 95814-5512, **NO LATER than 3:00 p.m., Thursday, March 11, 2010.** The parties shall e-mail their statements to the Hearing Officer as well as to the Docket Unit and the parties as indicated on the Proof-of-Service list.

FAILURE TO FILE A TIMELY PREHEARING CONFERENCE STATEMENT MAY PRECLUDE A PARTY FROM PARTICIPATING AT THIS HEARING.

Each statement shall set forth under a separate heading:

1. The topic areas that are complete and ready to proceed to Evidentiary Hearing;
2. The topic areas that are not complete and not yet ready to proceed to Evidentiary Hearing, and the reasons therefor;
3. The topic areas that remain disputed and require adjudication, and the precise nature of the dispute for each topic;
4. The identity of each witness sponsored by each party (***note***: witnesses must have professional expertise in the discipline of their testimony); the topic area(s) which each witness will present; a brief summary of the testimony to be offered by each witness; qualifications of each witness; the time required to present direct testimony by each witness; and whether the party seeks to have the witness testify in person or telephonically;
5. Topic areas upon which a party desires to cross-examine witnesses, a summary of the scope of each such cross-examination (including voir dire of any witness' qualifications), and the time desired for each such cross-examination;
6. A list identifying exhibits and declarations that each party intends to offer into evidence and the technical topics to which they apply (as explained in the following section on Formats for Presenting Evidence);
7. Topic areas for which the Applicant will seek a commission override due to public necessity and convenience pursuant to Pub. Res. Code § 25525.

8. Proposals for briefing deadlines, impact of vacation schedules, and other scheduling matters; and
9. For all topics, any proposed modifications to the proposed Conditions of Certification listed in the Final Staff Analysis (FSA) based upon enforceability, ease of comprehension, and consistency with the evidence.

Formats for Presenting Evidence

At the Evidentiary Hearing each party shall be prepared to present evidence on each of the topic areas addressed in the FSA, in the sequence established in the FSA. The Committee has already received Applicant's exhibits marked for identification as Exhibits 1 through 320, Staff's exhibit marked for identification as Exhibit 500, and CURE's exhibits marked for identification as Exhibits 600 through 624.

At the Prehearing Conference, the parties shall provide copies of all new documentary and written testimonial evidence in the following two formats to all parties, the Committee, and the Hearing Officer.

1. Each document shall be numbered and identified on an **Exhibit List**:
 - Applicant's documents shall be numbered consecutively as Exhibits 1- 499, beginning with Exhibit 321.
 - Staff's documents shall be numbered consecutively as Exhibits 500 – 599, beginning with Exhibit 501.
 - Intervenor CURE's documents shall be numbered consecutively as 600 – 699, beginning with Exhibit 625.
2. Copies of the Exhibits for each topic area shall **also** be compiled in separate file folders identified by topic area with the appropriate **Exhibit Number** marked on each document, and the file folders placed in sequence corresponding to the sequence of topics in the FSA.

Official Notice

Pursuant to section 1213 of the Commission's regulations, the Committee intends to take Official Notice of the report issued by the Commission's Siting Committee entitled:

Committee Guidance on Fulfilling California Environmental Quality Act Responsibilities for Greenhouse Gas Impacts in Power Plant Siting Applications.

The report was issued in March 2009 and is found on the Commission website at:
<http://www.energy.ca.gov/2009publications/CEC-700-2009-004/CEC-700-2009-004.PDF>

Petitions to Intervene to Become a Formal Party

Only formal parties (Applicant, Staff, or Intervenors) may present evidence and cross-examine witnesses at the Evidentiary Hearing. The Energy Commission's Presiding Member's Proposed Decision (PMPD) on the **BEACON SOLAR ENERGY PROJECT** will be based solely upon the official evidentiary record developed at the Evidentiary Hearing.

Anyone with an appropriate interest in the **BEACON SOLAR ENERGY PROJECT** may file a Petition to Intervene and become a formal party. At the Evidentiary Hearing, the formal parties may offer testimony and documentary evidence, receive documents filed by other parties, and cross-examine witnesses. However, a formal party must also comply with all Committee orders, procedures, and filing requirements, and is subject to discovery and having its own witnesses cross-examined by other parties.

To facilitate the participation of all parties at the Prehearing Conference, and allow for an orderly and efficient Evidentiary Hearing, **the DEADLINE TO FILE a Petition to Intervene in this case is 3:00 p.m., Monday, March 8, 2010.** (Cal. Code Regs., tit. 20 § 1203(f).) Time extensions will not be granted for new Intervenors to review case materials since this proceeding has been ongoing since May 7, 2008.

Public Adviser, Public Participation and How to Intervene

The Energy Commission's Public Adviser, is available to assist the public in participating in the application review process or preparing a Petition to Intervene. For those individuals who require general information on how to participate or intervene, please contact the Public Adviser's Office at 916-654-4489 or 800-822-6228 or e-mail: **[publicadviser@energy.state.ca.us]**.

If you have a disability and need assistance to participate in this event, contact Lourdes Quiroz at least five days in advance of the hearing at 916-654-5146 or e-mail: **[lquiroz@energy.state.ca.us]**.

Information

Questions of a legal or procedural nature should be directed to Kenneth Celli, the Hearing Officer, at (916) 651-8893 or e-mail: **[kcelli@energy.state.ca.us]**.

Technical questions concerning the project should be addressed to Eric Solorio, Staff Project Manager, at (916) 651-0966, or e-mail: **[esolorio@energy.state.ca.us]**.

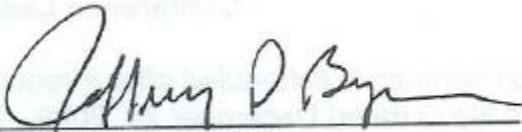
Media inquiries should be directed to the Office of Media and Public Communications at (916) 654-4989 or e-mail: **[mediaoffice@energy.state.ca.us]**.

Information concerning the status of the project, as well as notices and other relevant documents, may be viewed on the Energy Commission's Internet web page at: [\[www.energy.ca.gov/sitingcases/beacon\]](http://www.energy.ca.gov/sitingcases/beacon).

Dated: February 24, 2010, at Sacramento, California

A handwritten signature in black ink, appearing to read 'K. Douglas', written over a horizontal line.

KAREN DOUGLAS
Chairman and Presiding Member
Beacon Solar AFC Committee

A handwritten signature in black ink, appearing to read 'Jeffrey D. Byron', written over a horizontal line.

JEFFREY D. BYRON
Commissioner and Associate Member
Beacon Solar AFC Committee

PARTICIPATION IN THE PRE-HEARING CONFERENCE AND EVIDENTIARY HEARINGS THROUGH WEBEX THE ENERGY COMMISSION'S ON-LINE MEETING SERVICE

1. COMPUTER LOG-ON WITH A DIRECT PHONE NUMBER:

- Please go to <https://energy.webex.com> and enter the meeting number unique to the specific hearing date:
 - 3/15/10 - meeting number: 927 502 931
 - 3/23/10 - meeting number: 922 923 603
 - 3/25/10 - meeting number: 920 107 030
 - 3/26/10 - meeting number: 920 679 535

- When prompted, enter your information and the meeting password:
 - Password = beacon#1

After you login, a prompt will appear on-screen for you to provide **your** phone number. In the **Number box**, type your area code and phone number and click OK. **You will receive a call back on your phone for the audio of the meeting.** International callers can use the "Country/Region" button to help make their connection.

2. COMPUTER LOG-ON FOR CALLERS WITH AN EXTENSION PHONE NUMBER, ETC:

- Please go to <https://energy.webex.com> and enter the unique meeting number and the meeting password (above).
- After you login, a prompt will ask for your phone number. Click "CANCEL."
- Instead call 1-866-469-3239 (toll-free in the U.S. and Canada). When prompted, enter the meeting number above and your unique Attendee ID number which is listed in the top left area of your computer screen after you login.

3. TELEPHONE ONLY (NO COMPUTER ACCESS):

- *Call 1-866-469-3239 (toll-free in the U.S. and Canada) and when prompted enter the meeting number unique to the specific hearing date:*
 - 3/15/10 - meeting number: 927 502 931
 - 3/23/10 - meeting number: 922 923 603
 - 3/25/10 - meeting number: 920 107 030
 - 3/26/10 - meeting number: 920 679 535

If you have difficulty joining the meeting, please call the WebEx Technical Support number at 1-866-229-3239. To see if your computer is compatible, visit [<http://support.webex.com/support/system-requirements.html>].

Please be aware that the meeting's WebEx audio and on-screen activity may be recorded.



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APPLICATION FOR CERTIFICATION
For the *BEACON SOLAR ENERGY
PROJECT*

Docket No. 08-AFC-2

PROOF OF SERVICE

(Revised 2/8/10)

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INTERESTED AGENCIES

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INTERVENORS

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DECLARATION OF SERVICE

I, RoseMary Avalos, declare that on February 24, 2010, I served and filed copies of the attached, NOTICE OF PREHEARING CONFERENCE and EVIDENTIARY HEARING, dated __February 24, 2010. 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:

[\[http://www.energy.ca.gov/sitingcases/beacon/index.html\]](http://www.energy.ca.gov/sitingcases/beacon/index.html).

The documents have 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:

 X sent electronically to all email addresses on the Proof of Service list;

 X 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:

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

OR

 depositing in the mail an original and 12 paper copies, as follows:

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.

Original Signed By: _____
ROSEMARY AVALOS