



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

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

**DOCKET No. 08-AFC-2**

**EVIDENTIARY HEARING ORDER**

Parties wishing to present evidence or cross-examine witnesses at the Evidentiary Hearing scheduled as follows shall be prepared to proceed in accordance with this Order.

*The Evidentiary Hearing will be conducted on:*

**MONDAY, MARCH 22, 2010**  
 Beginning at 10:00 a.m.

*and, if needed, on:*  
**TUESDAY, MARCH 23, 2010**  
 Beginning at 9:00 a.m.

**California City  
 Council Chambers – City Hall  
 21000 Hacienda Blvd.  
 California City, CA 93505**

<b>DOCKET</b>	
<b>08-AFC-2</b>	
DATE	MAR 17 2010
RECD.	MAR 17 2010

**Background**

At the Prehearing Conference on March 15, 2010, Applicant, Staff, and Intervenor CURE, indicated they were ready to proceed with the Evidentiary Hearing on all issues. Applicant BEACON’S Motion for Prehearing Order Regarding Cooling Water Alternatives, which requested exclusion of evidence of dry-cooling and photovoltaic technology, was denied as moot.

**Undisputed Topics**

At the Prehearing Conference, the following topics set forth in the Application for Certification (AFC) and the Final Staff Analysis (FSA) were deemed undisputed so that evidence and testimony on these topics shall be entered into the record solely by

declaration (numbering corresponds to the **Topic and Witness List attached to this Hearing Order as “Attachment A”**):

1. Executive Summary;
5. Traffic and Transportation;
6. Transmission Line Safety and Nuisance;
8. Facility Design;
9. Geology and Paleontology;
10. Power Plant Efficiency;
11. Air Quality;
12. Public Health;
13. Socioeconomic Resources;
15. Noise and Vibration;
17. Power Plant Reliability;
19. Worker Safety and Fire Protection; and
20. Land Use.

**The Tentative Exhibit List will be sent separately to all parties electronically and will also be made available on the web page for this project.**

### **Disputed Topics**

The following topics may be disputed and the Committee will receive evidence in the form of written and live testimony, cross-examination and documentary evidence at the Evidentiary Hearing (numbering corresponds to the **Topic and Witness List on Attachment A**):

1. Project Description;
2. Cultural Resources;
3. Hazardous Materials Management;
4. Soil and Water Resources;
7. Waste Management;
14. Biological Resources;
16. Transmission System Engineering;
18. Visual Resources; and
21. Alternatives

(**NOTE:** pursuant to the ruling on the Applicant’s motion of March 15, 2010, the Committee will not hear live testimony on the topic of Alternatives, including, but not limited to, the economic feasibility of dry cooling or photovoltaic technology).

### **Required Filings**

Prior to the start of the Evidentiary Hearings on Monday, March 22, 2010, Applicant, Staff, and Intervenors shall present a CD or DVD of their evidence to the Hearing Officer. Applicant, Staff and Intervenors shall be prepared to present evidence and

testimony on the disputed topics, except Alternatives as noted above. **Testimony shall be limited to those witnesses listed in the Prehearing Conference Statements. Applicant, Staff and Intervenors shall exchange copies of any documentary evidence not already provided, including, but not limited to, witness qualifications.**

**Parties' Opening Briefs on all topic areas must be filed no later than 3:00 p.m. on Monday, April 19, 2010 and Reply Briefs must be filed no later than 3:00 p.m. on Monday, May 3, 2010.** Copies must be provided to the Committee, the Hearing Adviser, and those on the Proof of Service and mailing lists. The briefs shall be received by the other parties and the Commission's Docket Unit, 1516 9th Street, MS 14, Sacramento, California 95814-5512, no later than 3:00 p.m. on the dates indicated above. Briefs must contain "Docket No. 08-AFC-2" in the caption or heading. In addition to providing printed copies, the parties shall e-mail their status reports to the Hearing Officer and to those with e-mail addresses as indicated on the Proof-of-Service list.

The parties shall also provide electronic copies of the above-referenced briefs to the Hearing Officer via e-mail, in Microsoft Word format.

### **Evidentiary Hearing Procedures**

The purpose of the Evidentiary Hearing is to establish the factual record necessary for a decision on the Project proposal. The record is developed by the presentation of sworn testimony and documentary evidence. Testimony on undisputed topics and Alternatives shall be submitted by sworn declarations filed under penalty of perjury and offered into evidence by stipulation of the parties.

The Applicant has the burden of presenting sufficient substantial evidence to support the findings and conclusions required for certification of the site and related facilities. [20 Cal. Code Regs., § 1748(e).]

The parties' witnesses who appear in person shall be available for cross-examination. Each party sponsoring a witness shall submit the qualifications of the witness into the record by declaration and summarize the witness' prepared testimony before moving the testimony and relevant documents into evidence. At the conclusion of direct testimony, the witness may be cross-examined by the parties, followed by redirect and re-cross examination as appropriate, subject to limitation by the Committee.

Time limits on testimony or cross-examination were established at the Pre-Hearing Conference. However, the Committee may, at its discretion, curtail testimony or examination of a witness if it becomes cumulative or in any other way unproductive, in the interest of completing all topics areas at the Evidentiary Hearing efficiently.

## Public Participation

The Energy Commission invites members of the public and other interested parties to participate on an informal basis in the proceeding by submitting written and oral comments. Public comments are considered by the Commissioners and are part of the record, but are not part of the formal evidentiary record.

Pursuant to the Power Plant Site Certification Regulations, California Code of Regulations, title 20, Chapter 5, Section 1711, any person wishing to provide public comment in written form in this proceeding, shall submit such materials to the Commission's Docket Unit, 1516 9th Street, MS 14, Sacramento, California 95814-5512. Comments must contain "Docket No. 08-AFC-2" in the caption or heading. In lieu of providing printed copies, members of the public may e-mail their comments to Jennifer Jennings, the Public Adviser, at the e-mail address provided below. **Public comments are due no later than Thursday, March 25, 2010.**

The Energy Commission's Public Adviser's Office is available to provide the public with an understanding of a proceeding and to make recommendations for meaningful participation. For assistance, contact Jennifer Jennings, the Public Adviser, at (916) 654-4489 or 800-822-6228 or e-mail: **[[publicadviser@energy.state.ca.us](mailto:publicadviser@energy.state.ca.us)]**.

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

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Dated: March 17, 2010, at Sacramento, California

*Original signed by:* \_\_\_\_\_  
KAREN DOUGLAS  
Chairman and Presiding Member  
Beacon Solar AFC Committee

*Original signed by* \_\_\_\_\_  
JEFFREY D. BYRON  
Commissioner and Associate Member  
Beacon Solar AFC Committee

**ATTACHMENT A**  
**BEACON SOLAR ENERGY**  
**TOPIC AND WITNESS LIST – MARCH 22, 2010 EVIDENTIARY HEARING**

<b>TOPIC</b>	<b>WITNESSES (Direct Testimony)</b>	<b>CROSS-EXAMINATION Or Declaration</b>
<b>1. Executive Summary and Project Description</b>	<ul style="list-style-type: none"> <li>• <b>Applicant:</b> Scott Busa; (Meg Russell by declaration); Kenneth Stein</li> <li>• <b>Staff:</b> Eric Solorio</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Applicant:</b> Declaration/5 minutes</li> <li>• <b>Staff:</b> Declaration/5 minutes</li> </ul>
<b>2. Cultural Resources</b>	<ul style="list-style-type: none"> <li>• <b>Applicant:</b> Rebecca Apple; Kenneth Stein; Duane McCloud, (Craig Young by declaration)</li> <li>• <b>Staff:</b> Michael D. McGuirt, Amanda Blosser, Beverly E. Bastian</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Applicant:</b> Declaration/15 minutes</li> <li>• <b>Staff:</b> Declaration/15 minutes</li> </ul>
<b>3. Hazardous Materials Management</b>	<ul style="list-style-type: none"> <li>• <b>Applicant:</b> Russ Kingsley et. all by declaration</li> <li>• <b>CURE:</b> Matthew Hagemann, PG</li> <li>• <b>Staff:</b> Geoff Lesh, PE; Rick Tyler</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Applicant:</b> Declaration/5 minutes</li> <li>• <b>CURE:</b> Declaration/ 15 minutes</li> <li>• <b>Staff:</b> Declaration</li> </ul>
<b>4. Soil and Water Resources</b>	<ul style="list-style-type: none"> <li>• <b>Applicant:</b> Michael Flack; Duane McCloud; Scott Busa; Scott Stern (by declaration); Jennifer Guigliano</li> <li>• <b>CURE:</b> David I. Marcus; Matt Hagemann</li> <li>• <b>Staff:</b> Casey Weaver, P.G., Vince Geronimo, P.E., John L. Fio, and Michael N. DiFilippo</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Applicant:</b> Declaration/20 minutes</li> <li>• <b>CURE:</b> Declaration/30 mins.</li> <li>• <b>Staff:</b> Declaration/40 mins</li> </ul>
<b>TOPIC</b>	<b>WITNESSES</b>	<b>CROSS-EXAMINATION</b>

	<i>(Direct Testimony)</i>	<i>Or Declaration</i>
<b>5. Traffic and Transportation</b>	<ul style="list-style-type: none"> <li>• <b>Applicant:</b> John Wilson et al. by declaration</li> <li>• <b>Staff:</b> David Flores</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Applicant:</b> Declaration/5 minutes</li> <li>• <b>Staff:</b> Declaration</li> </ul>
<b>6. Transmission Line Safety and Nuisance</b>	<ul style="list-style-type: none"> <li>• <b>Applicant:</b> Steve Richards; Scott Busa</li> <li>• <b>Staff:</b> Obed Odoemelam, Ph.D.</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Applicant:</b> Declaration/5 minutes</li> <li>• <b>Staff:</b> Declaration</li> </ul>
<b>7. Waste Management</b>	<ul style="list-style-type: none"> <li>• <b>Applicant:</b> Duane McCloud; Michael Flack; (Russ Kingsley; Mike Arvidson; Jim Fickerson, Janine Forrest by declaration)</li> <li>• <b>CURE:</b> Matthew Hagemann, PG</li> <li>• <b>Staff:</b> Ellie Townsend Hough</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Applicant:</b> Declaration/15 minutes</li> <li>• <b>CURE:</b> Declaration/20 minutes</li> <li>• <b>Staff:</b> Declaration</li> </ul>
<b>8. Facility Design</b>	<ul style="list-style-type: none"> <li>• <b>Applicant:</b> Steve Richards; Scott Stern; Kenneth Stein, Duane McCloud, Sara Head, Glen King by declaration</li> <li>• <b>Staff:</b> Erin Bright and Steve Baker</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Applicant:</b> Declaration/5 minutes</li> <li>• <b>Staff:</b> Declaration</li> </ul>
<b>9. Geology and Paleontology</b>	<ul style="list-style-type: none"> <li>• <b>Applicant:</b> Mike Flack; Kenneth Stein, Bob Anders</li> <li>• <b>Staff:</b> Dal Hunter, Ph.D., C.E.G.</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Applicant:</b> Declaration/5 minutes</li> <li>• <b>Staff:</b> Declaration</li> </ul>
<b>TOPIC</b>	<b>WITNESSES</b>	<b>CROSS-EXAMINATION Or Declaration</b>

	<i>(Direct Testimony)</i>	
<b>10. Power Plant Efficiency</b>	<ul style="list-style-type: none"> <li>• <b>Applicant:</b> Duane McCloud</li> <li>• <b>Staff:</b> Shahab Khoshmashrab</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Applicant:</b> Declaration/5 minutes</li> <li>• <b>Staff:</b> Declaration</li> </ul>
<b>11. Air Quality</b>	<ul style="list-style-type: none"> <li>• <b>Applicant:</b> Sara Head; Russ Kingsley; Kenneth Stein</li> <li>• <b>Staff:</b> William Walters, P.E.</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Applicant:</b> 15 minutes</li> <li>• <b>Staff:</b> Declaration/20 minutes</li> </ul>
<b>12. Public Health</b>	<ul style="list-style-type: none"> <li>• <b>Applicant:</b> Sara Head</li> <li>• <b>Staff:</b> Obed Odoemelam, Ph.D.</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Applicant:</b> Declaration/5 minutes</li> <li>• <b>Staff:</b> Declaration/</li> </ul>
<b>13. Socioeconomic Resources (including Environmental Justice)</b>	<ul style="list-style-type: none"> <li>• <b>Applicant:</b> Addie Olazabal</li> <li>• <b>Staff:</b> Marie McLean</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Applicant:</b> Declaration/5 minutes</li> <li>• <b>Staff:</b> Declaration</li> </ul>
<b>14. Biological Resources</b>	<ul style="list-style-type: none"> <li>• <b>Applicant:</b> Jennifer Guigliano; Alice Karl; Philip Leitner; Kenneth Stein; (Lyndon Quon; Jim Prine by declaration);</li> <li>• <b>CURE:</b> Michael Bias, PhD; Scott Cashen</li> <li>• <b>Staff:</b> Susan D. Sanders, <b>CDFG</b> Julie Vance; <b>USFWS</b> Judy Hohman</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Applicant:</b> Declaration/ 40 minutes</li> <li>• <b>CURE:</b> Declaration/1 hour</li> <li>• <b>Staff:</b> Declaration/1 hour</li> </ul>
<b>TOPIC</b>	<b>WITNESSES</b>	<b>CROSS-EXAMINATION</b>



	<i>(Direct Testimony)</i>	<i>Or Declaration</i>
<b>15. Noise and Vibration</b>	<ul style="list-style-type: none"> <li>• <b>Applicant:</b> Duane McCloud</li> <li>• <b>Staff:</b> Erin Bright and Steve Baker</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Applicant.:</b> Declaration/5 minutes</li> <li>• <b>Staff:</b> Declaration</li> </ul>
<b>16. Transmission System Engineering</b>	<ul style="list-style-type: none"> <li>• <b>Applicant:</b> Duane McCloud; Jared Foster, Steve Richards</li> <li>• <b>CURE:</b> David Marcus</li> <li>• <b>Staff:</b> Sudath Arachchige and Mark Hesters</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Applicant:</b> Declaration/10 minutes</li> <li>• <b>CURE:</b> Declaration/5 minutes</li> <li>• <b>Staff:</b> Declaration/10 minutes</li> </ul>
<b>17. Power Plant Reliability</b>	<ul style="list-style-type: none"> <li>• <b>Applicant:</b> Duane McCloud</li> <li>• <b>Staff:</b> Shahab Khoshmashrab</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Applicant:</b> Declaration/5 minutes</li> <li>• <b>Staff:</b> Declaration</li> </ul>
<b>18. Visual Resources</b>	<ul style="list-style-type: none"> <li>• <b>Applicant:</b> Merlyn Paulson; Kenneth Stein; (Jody Salamacha-Hollier by declaration) (Overriding Considerations; Kenneth Stein)</li> <li>• <b>Staff:</b> Mark R. Hamblin</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Applicant:</b> Declaration/20 minutes (15 minutes)</li> <li>• <b>Staff:</b> Declaration/30 minutes</li> </ul>
<b>19. Worker Safety and Fire Protection</b>	<ul style="list-style-type: none"> <li>• <b>Applicant:</b> Mike Arvidson</li> <li>• <b>Staff:</b> Geoff Lesh, PE and Rick Tyler</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Applicant:</b> Declaration/5 minutes</li> <li>• <b>Staff:</b> Declaration</li> </ul>
<b>TOPIC</b>	<b>WITNESSES (Direct Testimony)</b>	<b>CROSS-EXAMINATION Or Declaration</b>

<p><b>20. Land Use</b></p>	<ul style="list-style-type: none"> <li>• <b>Applicant:</b> Scott Busa; Kenneth Stein; Jerry McLees</li> <li>• <b>Staff:</b> James Adams</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Applicant:</b> Declaration/5 minutes</li> <li>• <b>Staff:</b> Declaration</li> </ul>
<p><b>21. Alternatives</b></p>	<ul style="list-style-type: none"> <li>• <b>Applicant:</b> Scott Stern; Sara Head; Mike Flack; Kenneth Stein</li> <li>• <b>CURE:</b> David I. Marcus</li> <li>• <b>Staff:</b> Eric K. Solorio, Michael N. DiFilippo; John S. Maulbetsch</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Applicant :</b> Declaration/5 minutes</li> <li>• <b>CURE:</b> Declaration</li> <li>• <b>Staff:</b> Declaration</li> </ul>



**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**

APPLICATION FOR CERTIFICATION  
For the *BEACON SOLAR ENERGY  
PROJECT*

Docket No. 08-AFC-2

PROOF OF SERVICE  
(Revised 2/8/10)

**APPLICANT**

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Kenneth Stein, J.D.,  
Meg Russell  
Duane McCloud  
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**APPLICANT'S CONSULTANTS**

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\*indicates change

**COUNSEL FOR APPLICANT**

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Sacramento, CA 95814  
[jluckhardt@downeybrand.com](mailto:jluckhardt@downeybrand.com)

**INTERESTED AGENCIES**

California ISO  
[e-recipient@caiso.com](mailto:e-recipient@caiso.com)

**INTERVENORS**

Californian Unions for Reliable  
Energy (CURE)  
Tanya A. Gulesserian  
Marc D. Joseph  
Adams Broadwell  
Joseph & Cardozo  
601 Gateway Boulevard,  
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[e-mail service preferred](mailto:e-mail service preferred)  
[tgulesserian@adamsbroadwell.com](mailto:tgulesserian@adamsbroadwell.com)

**ENERGY COMMISSION**

KAREN DOUGLAS  
Chairman and Presiding Member  
[KLdougl@energy.state.ca.us](mailto:KLdougl@energy.state.ca.us)

JEFFREY D. BYRON  
Commissioner and Associate  
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\*Jennifer Jennings  
Public Adviser's Office  
[publicadviser@energy.state.ca.us](mailto:publicadviser@energy.state.ca.us)

DECLARATION OF SERVICE

I, Maggie Read, declare that on March 17, 2010, I served and filed copies of the attached, Evidentiary Hearing Order. 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:

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

by personal delivery;

by delivering on this date, for mailing with the United States Postal Service with first-class postage thereon fully prepaid, to the name and address of the person served, for mailing that same day in the ordinary course of business; that the envelope was sealed and placed for collection and mailing on that date 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 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](mailto:docket@energy.state.ca.us)

I declare under penalty of perjury that the foregoing is true and correct, that I am employed in the county where this mailing occurred, and that I am over the age of 18 years and not a party to the proceeding.

Original signed by: \_\_\_\_\_

Maggie Read  
Hearing Adviser's Office