

**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 Comments on Miscellaneous Conditions of Certification

DOCKET	
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Dated: November 12, 2009

BEACON SOLAR COMMENTS ON FINAL STAFF ASSESSMENT CONDITIONS

Beacon Solar, LLC (“Beacon”) requests that changes to some of the conditions of certification as presented in the FSA be considered as discussed below. This document does not include requested changes in the areas of Biological Resources, Cultural Resources or Soil & Water Resources, as Beacon’s requested changes to those three sections are more extensive. If possible, we would like to resolve the conditions identified herein to avoid further need for staff time at the hearings on these topics. The requested changes to these sections of the FSA are divided into two parts:

1. Part 1 includes proposed conditions of certification in the areas of Hazardous Materials, Traffic & Transportation, Visual Resources and Facility Design. These topics are ones where Beacon provided comments on the PSA, and although some changes were made, we request consideration of the following additional comments.
2. Part 2 includes proposed conditions of certification in the areas of Worker Safety, Paleontology, and General Definitions. These topics are ones where Beacon Solar provided comments on the PSA, but the comments were not acknowledged and no changes were made in the FSA. Beacon is concerned that Staff may have overlooked these comments and therefore submits these comments again as comments on the FSA.

Part 1: Proposed Conditions where some changes were made from the PSA, but additional changes are requested.

HAZARDOUS MATERIALS MANAGEMENT

Requested Changes to the Conditions of Certification for Hazardous Materials Management

Beacon’s proposed changes to two conditions, HAZ-1 and HAZ-5, as well as addition of a material to Appendix A, are presented below.

HAZ-1 The project owner shall use only those hazardous materials listed in Appendix A unless the hazardous material is in quantities less than 55 gallons for liquids, 500 pounds for solids, 200 cubic feet for gases, and any amount of extremely hazardous materials. For materials in excess of the aforementioned thresholds, the hazardous material shall be approved in advance by the Compliance Project Manager (CPM).

For materials less than the aforementioned thresholds, the hazardous material shall be reviewed and approved by the Construction Safety Supervisor (CSS) prior to bringing the material on-site. The CSS shall submit in the Monthly Compliance Report a list of all new hazardous materials approved for use by the CSS for the applicable month.

~~The project owner shall not use any hazardous materials not listed in Appendix A, below, or in greater quantities than those identified by chemical name in Appendix A, unless approved in advance by the Compliance Project Manager (CPM).~~

Verification: The project owner shall provide to the CPM, in the Annual Compliance Report, a list of hazardous materials contained at the facility.

RATIONALE

This same comment was made on this condition in the PSA, but it was not addressed in the FSA. Appendix A lists all chemicals planned for use in “large quantities,” which was defined as 55 gallons/500

pounds/200 scf. There is already a requirement in California to advise the Kern County Environmental Health Services Department (KCEHSD) of any new chemical brought on site above the threshold, or a 100% increase in any existing chemical storage. These trigger levels are appropriate for the advance notice and approval requirements contained in HAZ-1. As written, the proposed condition does not allow for the use of small quantity materials (e.g., janitorial and office supplies, spray paints, calibration gases, etc.). The Condition appears to apply to both construction and operation phase hazardous materials. It is unreasonable to propose an “any” standard.

In addition to the change above to condition HAZ-1, please add Hydraulic Fluid to Appendix A. Hydraulic Fluid was included in BSEP AFC Table 5.6-3, but seems to have been inadvertently deleted from the Table in both the PSA and FSA.

Hazardous Material	Relative Toxicity, and Hazard Class	Permissible Exposure Limit	Storage Description; Capacity	Storage Practices and Special Handling Precautions
Hydraulic Fluid	Low to moderate toxicity; Hazard class – Class IIIB combustible fluid	TWA (oil mist); 5 mg/m ³ STEL: 10 mg/m ³	Carbon steel tanks and sumps; 500 gallons in equipment, maintenance inventory of 110 gallons in 55-gallon steel drums	Found only in equipment with a small maintenance inventory. Maintenance inventory stored within secondary containment

HAZ-5 The project owner shall prepare a site-specific Security Plan for the operational phase and shall be made available to the CPM for review and approval. The project owner shall implement site security measures addressing physical site security and hazardous materials storage. The level of security to be implemented shall not be less than that described below (as per NERC 2002).

The Operation Security Plan shall include the following:

1. Permanent full perimeter fence or wall, at least eight feet high around the Power Block and Solar Field;
2. Main entrance security gate, either hand operable or motorized;
3. Evacuation procedures;
4. Protocol for contacting law enforcement and the CPM in the event of suspicious activity or emergency;
5. Written standard procedures for employees, contractors and vendors when encountering suspicious objects or packages on-site or off-site;
6.
 - a. A statement (refer to sample, attachment “A”) signed by the project owner certifying that background investigations have been conducted on all project personnel. Background investigations shall be restricted to ascertain the accuracy of employee identity and employment history, and shall be conducted in accordance with state and federal law regarding security and privacy;
 - b. A statement(s) (refer to sample, attachment “B”) signed by the contractor or authorized representative(s) for any permanent contractors or other technical contractors (as determined by the CPM after consultation with the project owner) that are present at any time on the site to repair, maintain, investigate, or conduct any other technical duties involving

critical components (as determined by the CPM after consultation with the project owner) certifying that background investigations have been conducted on contractor personnel that visit the project site.

7. Site access controls for employees, contractors, vendors, and visitors;
8. ~~a statement(s) (refer to sample, **Attachment C**), signed by the owners or authorized representative of hazardous materials transport vendors, certifying that they have prepared and implemented security plans in compliance with 49 CFR 172.880, and that they have conducted employee background investigations in accordance with 49 CFR Part 1572, subparts A and B;~~
9. Closed Circuit TV (CCTV) monitoring system, recordable, and viewable in the power plant control room and security station (if separate from the control room) capable of viewing, at a minimum, the main entrance gate; and
10. Additional measures to ensure adequate perimeter security around the power block consisting of either:
 - a. Security guard present 24 hours per day, seven days per week, **OR**
 - b. Power plant personnel on-site 24 hours per day. Seven days per week and one of the following:
 - 1) The CCTV monitoring system required in number 9 above shall include cameras that are able to pan, tilt, and zoom (PTZ), have low-light capability, are recordable, and are able to view 100% of the perimeter fence of the Power Block, the outside entrance to the control room, and the front gate from a monitor in the power plant control room; **OR AND**
 - 2) Perimeter breach detectors or on-site motion detectors.

The project owner shall fully implement the security plans and obtain CPM approval of any substantive modifications to the security plans. The CPM may authorize modifications to these measures, or may require additional measures, such as protective barriers for critical power plant components (e.g., transformers, gas lines, compressors, etc.) depending on circumstances unique to the facility or in response to industry-related standards, security concerns, or additional guidance provided by the U.S. Department of Homeland Security, the U.S. Department of Energy, or the North American Electrical Reliability Council, after consultation with appropriate law enforcement agencies and the applicant.

Verification: At least 30 days prior to the initial receipt of hazardous materials on-site, the project owner shall notify the CPM that a site-specific Operations Site Security Plan is available for review and approval. In the Annual Compliance Report, the project owner shall include a statement that all current project employee and appropriate contractor background investigations have been performed, and updated certification statements are appended to the Operations Security Plan. In the Annual Compliance Report, the project owner shall include a statement that the Operations Security Plan includes all current hazardous materials transport vendor certifications for security plans and employee background investigations.

RATIONALE

Item 8 of this condition was added to the FSA and was not in the PSA. While it would be a relatively simple matter to have the waste haulage vendors sign an affidavit, we question the need for this requirement. The purpose of HAZ-5 is to ensure implementation of measures related to "site security and hazardous waste storage". The cited DOT regulations apply to waste transporters (note, the citation for

49 CFR 172.880 is incorrect and should be 49 CFR 172.802). As detailed in the AFC, the primary hazardous waste expected during operation of BSEP is HTF-contaminated soils. The proposed WASTE conditions of certification are more than adequate to ensure that this type of waste is disposed of properly.

Beacon had previously commented on the perimeter security measures in Item 10 of this condition in its PSA comments, but no changes were incorporated. Item 10 of this Condition requires either 24-hour, seven day security guard or 24-hour manned facility operation plus closed circuit TV (CCTV) and perimeter breach detectors or on-site motion detectors of the entire perimeter of the facility, including the solar field. To require CCTV and breach detectors or motion sensors around the power block appears reasonable, but imposing this same requirement around the entire perimeter of the facility including the solar field is excessive. In terms of the potential for security issues that could pose risks for the public outside the facility itself, the potential risks are very small for the solar field in comparison to the power block.

TRAFFIC AND TRANSPORTATION

Requested Changes to the Conditions of Certification for Traffic and Transportation

- TRANS-2:** Prior to start of construction of the pipeline~~site mobilization activities~~, the project owner shall prepare a mitigation plan for Neuralia Road and Mendiburu Road due to open cutting of the roadways for the installation of the tertiary water pipeline. The intent of this plan is to ensure that if these roadways are disturbed by project construction, they will be repaired and reconstructed to original or as near original condition as possible. This plan shall include:
- Documentation of the pre-construction condition of the following roadways:
 1. Neuralia Road from the project site south to Mendiburu Road and then east on Mendiburu Road where it reaches the California City waste water treatment plant.
 - Prior to the start of construction of the pipeline~~site mobilization~~, the project owner shall provide to the CPM photographs or videotape of water line routes discussed above.
 - Documentation of any portions of Neuralia Road and Mendiburu Road that may be inadequate to accommodate oversize or large construction vehicles and identification of necessary remediation measures;
 - Provision for appropriate bonding or other assurances to ensure that any damage to Neuralia Road, and Mendiburu Road due to construction activity will be remedied by the project owner; and
 - Reconstruction of portions of Neuralia Road, and Mendiburu Road that are damaged by project construction due to oversize or overweight construction vehicles.

Verification: At least 90 days prior to the start of ~~pipeline construction site mobilization~~, the project owner shall submit a mitigation plan focused on restoring Neuralia Road and Mendiburu Road to its pre-project condition to Kern County and California City Public Works and Planning Department for review and comment and to the CPM for review and approval. Within 90 days following the completion of construction, the project owner shall provide photo/videotape documentation to the Kern County and California City Public Works and Planning Department and the CPM that the damaged sections of Neuralia Road, and Mendiburu Road have been restored to their pre-project condition.

TRANS-3 Prior to ~~start of construction of the pipeline site mobilization activities~~, the project owner shall prepare a mitigation plan for Rosamond Boulevard, Sierra Highway, Sopp Road, Lone Butte Road, California ~~City Boulevard Avenue~~, and Neuralia Road, due to open cutting of the roadways for the installation of the tertiary water pipeline. The intent of this plan is to ensure that if these roadways are disturbed by project construction, they will be repaired and reconstructed to original or as near original condition as possible. This plan shall include:

- Documentation of the pre-construction condition of the following roadways:
 1. Rosamond Boulevard, Sierra Highway, Sopp Road, Lone Butte Road, California Boulevard , and Neuralia Road.
- Prior to the start of ~~construction of the pipeline site mobilization~~, the project owner shall provide to the CPM photographs or videotape of water line routes discussed above.
- Documentation of any portions of Rosamond Boulevard, Sierra Highway, Sopp Road, Lone Butte Road, California ~~City~~ Boulevard and Neuralia Road that may be inadequate to accommodate oversize or large construction vehicles and identification of necessary remediation measures;
- Provision for appropriate bonding or other assurances to ensure that any damage to Rosamond Boulevard, Sierra Highway, Sopp Road, Lone Butte Road, California ~~City~~ Boulevard and Neuralia Road due to construction activity will be remedied by the project owner; and
- Reconstruction of portions of Rosamond Boulevard, Sierra Highway, Sopp Road, Lone Butte Road, California ~~City~~ Boulevard , and Neuralia Road that are damaged by project construction due to oversize or overweight construction vehicles.

Verification: At least 90 days prior to the start of ~~pipeline construction site mobilization~~, the project owner shall submit a mitigation plan focused on Rosamond Boulevard, Sierra Highway, Sopp Road, Lone Butte Road, California ~~City~~ Boulevard, and Neuralia Road to its pre-project condition to Kern County and California City Public Works and Planning Department for review and comment and to the CPM for review and approval. Within 90 days following the completion of construction, the project owner shall provide photo/videotape documentation to the Kern County and California City Public Works and Planning Department and the CPM that the damaged sections of Rosamond Boulevard, Sierra Highway, Sopp Road, Lone Butte Road, California ~~City~~ Boulevard, and Neuralia Road have been restored to their pre-project condition.

RATIONALE

These two conditions, TRANS-2 and TRANS-3, will only apply if/when a reclaimed water pipeline(s) is constructed for the project. Therefore, these conditions should be tied to the timing of the construction of the pipeline, not site mobilization for the power plant site.

VISUAL RESOURCES

Requested Changes to the Conditions of Certification for Visual Resources

VIS-6 The project owner shall provide a comprehensive landscaping and irrigation plan for the project site in accordance with the requirements of Chapter 19.86 of the Kern County Zoning Ordinance. Landscaping shall be installed or bonded prior to the start of commercial operation.

An alternative, in whole or in part¹, to providing a comprehensive landscaping and irrigation plan for the project site, the project owner may provide to the CPM a copy of the receipt demonstrating payment of equivalent cost of the landscaping of the developed area of the project site excluding the solar field and power block² to the Kern County Parks and Recreation District, a Kern County public school or other non-profit organization in the County of Kern prior to the start of commercial operation.

The project owner shall submit to the Director of the Kern County Planning Department for comment a comprehensive landscaping and irrigation plan, or shall discuss with the Director the alternative described above to a landscaping and irrigation plan.

The applicant shall allow the Director of the Kern County Planning Department up to 6045³ calendar days to review the comprehensive landscaping and irrigation plan and provide written comments to the project owner. The project owner shall provide a copy of the Director of the Kern County Planning Department's written comments on the landscaping and irrigation plan or the alternative to the CPM for review and approval.

The project owner shall not implement the landscaping and irrigation plan until the project owner receives approval of the plan from the CPM. The planting ~~must be completed by the start of commercial operation~~⁴, ~~and the planting must~~ should occur during the optimal planting season, but if not, the owner will be responsible to replace landscaping that does not survive the first year⁵.

Verification: Prior to commercial operation and at least 45 days prior to installing the landscaping, the project owner shall provide a copy of the landscaping and irrigation plan to the Director of the Kern County Planning Department for review.

The project owner shall provide to the CPM a copy of the transmittal letter submitted to the Director of the Kern County Planning Department requesting their review of the submitted landscaping and irrigation plan, or alternative.

The project owner shall notify the CPM within seven days after completing installation of the landscaping and irrigation that the landscaping and irrigation is ready for inspection.

In-lieu of the filing of a landscaping and irrigation plan, prior to the start of commercial operation, the property owner shall provide to the CPM a copy of the receipt demonstrating payment to the Kern County Parks and Recreation District, a Kern County public school or other non-profit organization in the County of Kern.

RATIONALES

The rationales for each of the changes to this condition are provided as numbered above:

1. *The condition should allow for a mix of on-site landscaping and funding, since some landscaping will be done on-site in either case;*
2. *It is infeasible and unreasonable to landscape even a small portion of an entire solar field and the costs would be exorbitant. Therefore, the funding level needs to be based on a realistic amount of landscaping.*
3. *The Verification lists 45 days, the condition lists 60 days. The two timelines should be consistent. Beacon believes that 45 days is sufficient to review a landscaping plan.*
4. *The timing for completion of the landscaping is already identified at the beginning of the condition and does not need to be repeated here. This deletion also removes an inconsistency, since the first time allows "...or bonded" while the later statement does not.*
5. *If the project is not approved until next summer, this timing requirement for only planting at the optimum time might preclude construction from beginning until after next Spring (or other optimum time for planting). Such a delay would be unreasonable, especially if it would prevent the project from obtaining stimulus funding. Therefore, an allowance is needed such that the planting can occur at less than the optimum time, as long as the owner is willing to replace landscaping that does not survive the first year.*

FACILITY DESIGN

GEN-2 Before submitting the initial engineering designs for CBO review, the project owner shall furnish the CPM and the CBO with a schedule of facility design submittals, master drawing, and master specifications lists. The schedule shall contain a list of proposed submittal packages of designs, calculations, and specifications for major structures and equipment. To facilitate audits by Energy Commission staff, the project owner shall provide specific packages to the CPM upon request.

Verification: At least 60 days (or within a project owner- and CBO-approved alternative time frame) prior to the start of rough grading, the project owner shall submit to the CBO and to the CPM the schedule, the master drawing, and master specifications lists of documents to be submitted to the CBO for review and approval. These documents shall be the pertinent design documents for the major structures and equipment listed in **FACILITY DESIGN Table 2**, below. Major structures and equipment shall be added to or deleted from the table only with CPM approval. The project owner shall provide schedule updates in the monthly compliance report.

RATIONALE

While no changes are requested to GEN-2, the FACILITY DESIGN Table 2 was not updated between the PSA and the FSA to include the changes in the number of HTF expansion tanks or the inclusion of propane-related tanks and equipment. A revised table is provided below.

FACILITY DESIGN Table 2
Major Structures and Equipment List

Equipment/System	Quantity (Plant)
Steam Turbine Generator Foundation and Connections	1
Start-up Boilers Foundations and Connections	2
<u>Propane Storage Tanks and Associated Equipment</u>	<u>2</u>
GSU Transformer Foundation and Connections	1
Unit Auxiliary Transformers Foundations and Connections	2
SUS Transformers Foundations and Connections	4
Gas Storage Area Foundation and Connections	1
Cooling Tower Foundation and Connections	1
Raw & Fire Water Storage Tank Foundation and Connections	1
Firewater Pump House Foundation and Connections	1
Process Water Storage Tank Foundation and Connections	1
Process Water Pump Skid Foundation and Connections	4
Demineralized Water Storage Tank Foundation and Connections	1
Demineralized Water Pump Skid Foundation and Connections	1
Demineralized Water Treatment Facility Foundation and Connections	1
Water Treatment Building Foundation and Connections	1
Control and Administration Building Foundation and Connections	1
Feed Water Pumps Foundations and Connections	3
Condensate Pumps Foundations and Connections	3
Economizers Foundations and Connections	4
Reheaters Foundations and Connections	9
Evaporators Foundations and Connections	9
Superheaters Foundations and Connections	5
Expansion Storage Tanks Foundations and Connections	<u>226</u>
HTF Freeze Protection Heat Exchangers Foundations and Connections	2
HTF Circulation Pumps Foundations and Connections	6
Steam Blowdown Tank Foundation and Connections	1
Circulating Water Pumps Foundation and Connections	1
Neutralization Storage Tank Foundation and Connections	1
Solar Field Reflectors and Receivers Foundations and Connections	1 Lot

Part 2: Proposed Conditions where no changes were made from the PSA

WORKER SAFETY & FIRE PROTECTION

Requested Changes to the Conditions of Certification for Worker Safety and Fire Protection

Beacon's proposed changes to WORKER SAFETY-2 and -4 are presented below.

WORKER SAFETY-2

The project owner shall submit to the CPM a copy of the Project Operations and Maintenance Safety and Health Program containing the following:

- An Operation Injury and Illness Prevention Plan;
- An Emergency Action Plan;
- Hazardous Materials Management Program;
- Fire Prevention Program (8 CCR § 3221); and;
- Personal Protective Equipment Program (8 CCR §§ 3401-3411).

The Operation Injury and Illness Prevention Plan, Emergency Action Plan, and Personal Protective Equipment Program shall be submitted to the CPM for review and approval concerning compliance of the program with all applicable Safety Orders. The Operation Fire Prevention Plan and the Emergency Action Plan shall also be submitted to the Kern County Fire Department for review and comment.

Verification: At least thirty (30) days prior to the start of first-fire or commissioning, the project owner shall submit to the CPM for approval a copy of the Project Operations and Maintenance Safety and Health Program. ~~The project owner shall provide to the CPM a copy of Kern County Fire Department's comments on the Operations Fire Prevention Plan and Emergency Action Plan.~~

RATIONALE

We recommend amending this requirement to provide a copy of a letter to the CPM from the Kern County Fire Department (KCFD) regarding the KCFD's comments on the Operations Fire Prevention Plan and Emergency Action Plan. The owner does not have control on whether or not a letter will be issued. We propose correspondence from the KCFD containing comments on the Construction Prevention Plan or Emergency Action Plan will be provided to the CPM.

~~WORKER SAFETY-4~~

~~The project owner shall make payments to the Chief Building Official (CBO) for the services of a Safety Monitor based upon a reasonable fee schedule to be negotiated between the project owner and the CBO. Those services shall be in addition to other work performed by the CBO. The Safety Monitor shall be selected by and report directly to the CBO, and will be responsible for verifying that the Construction Safety Supervisor, as required in Worker Safety 3, implements all appropriate Cal/OSHA and Commission safety requirements. The Safety Monitor shall conduct on-site (including linear facilities) safety inspections at intervals necessary to fulfill those responsibilities.~~

~~**Verification:** At least thirty (30) days prior to the start of construction, the project owner shall provide proof of its agreement to fund the Safety Monitor services to the CPM for review and approval.~~

RATIONALE

This requires the Owner to pay the Chief Building Official (CBO) for the services of a Safety Monitor to verify that Owner's Construction Safety Supervisor is complying with all OSHA and CEC requirements. It is excessive to require the Owner to both fund a Construction Safety Supervisor and also fund another position to monitor the Owner's Safety Supervisor. The requirement for the Owner to fund the Safety Monitor should be deleted.

GEOLOGY AND PALEONTOLOGY

Requested Changes to the Conditions of Certification for Geology and Paleontology

Beacon's proposed changes to PAL-4 are presented below.

PAL-4 Prior to ground disturbance and for the duration of construction activities involving ground disturbance, the project owner and the PRS shall prepare and conduct weekly CPM-approved training for the following workers: project managers, construction supervisors, foremen, and general workers involved with or who operate ground-disturbing equipment or tools. Workers shall not excavate in sensitive units prior to receiving CPM-approved worker training. Worker training shall consist of an initial in-person PRS training, or may utilize a CPM-approved video or other presentation format, during the project kick off for those mentioned above. Following initial training, a CPM-approved video or other approved training presentation/materials, or in-person training may be used for new employees. The training program may be combined with other training programs prepared for cultural and biological resources, hazardous materials, or other areas of interest or concern. No ground disturbance shall occur prior to CPM approval of the Worker Environmental Awareness Program (WEAP), unless specifically approved by the CPM.

The WEAP shall address the possibility of encountering paleontological resources in the field, the sensitivity and importance of these resources, and legal obligations to preserve and protect those resources.

The training shall include:

1. A discussion of applicable laws and penalties under the law;
2. Good quality photographs or physical examples of vertebrate fossils for project sites containing units of high paleontological sensitivity;
3. Information that the PRS or PRM has the authority to halt or redirect construction in the event of a discovery or unanticipated impact to a paleontological resource;
4. Instruction that employees are to halt or redirect work in the vicinity of a find and to contact their supervisor and the PRS or PRM;
5. An informational brochure that identifies reporting procedures in the event of a discovery;

6. A WEAP certification of completion form signed by each worker indicating that he/she has received the training; and
7. A sticker that shall be placed on hard hats indicating that environmental training has been completed.

Verification:

1. At least 30 days prior to ground disturbance, the project owner shall submit the proposed WEAP, including the brochure, with the set of reporting procedures for workers to follow.
2. At least 30 days prior to ground disturbance, the project owner shall submit the training program presentation/materials script and final video to the CPM for approval if the project owner is planning to use a presentation format other than an in-person trainer for a video for interim training.
3. If the owner requests an alternate paleontological trainer, the resume and qualifications of the trainer shall be submitted to the CPM for review and approval prior to installation of an alternate trainer. Alternate trainers shall not conduct training prior to CPM authorization.
4. In the monthly compliance report (MCR), the project owner shall provide copies of the WEAP certification of completion forms with the names of those trained and the trainer or type of training (in-person or other approved presentation format video) offered that month. The MCR shall also include a running total of all persons who have completed the training to date.

RATIONALE

Beacon requests the flexibility to use a power point presentation or other acceptable format for the WEAP training.

GENERAL CONDITIONS

Definitions

The following terms and definitions are used to establish when Conditions of Certification are implemented.

Pre-Construction Site Mobilization

Site mobilization is limited to preconstruction activities at the site to allow for the installation of fencing, construction trailers, associated site preparation to install construction trailers, construction trailer utilities, activities required to moisture condition soil needed to complete these pre-construction site mobilization activities, installation of construction access road, and construction trailer parking at the site. Limited ground disturbance, grading, and trenching associated with the above mentioned pre-construction activities is considered part of site mobilization. Walking, driving or parking a passenger vehicle, pickup truck and light vehicles is allowable during site mobilization.

RATIONALE

Minor site preparation will be required to install construction trailers and parking and should be considered as part of the pre-construction activities. Moisture conditioning will be required prior to earth moving activities; therefore, should be considered as a pre-construction activity.

**BEFORE THE ENERGY RESOURCES CONSERVATION AND DEVELOPMENT COMMISSION
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DOCKET NO. 08-AFC-2

PROOF OF SERVICE
(Revised 4/28/09)

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Declaration of Service

I, Lois Navarrot, declare that on November 12, 2009, I served and filed copies of the Beacon Solar, LLC's Miscellaneous Condition Comments. The original documents, filed with the Docket Unit, are 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.

For Filing with the Energy Commission

- sending an original paper copy mailed, to the address below;

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.

Lois Navarrot