

Jane E. Luckhardt
jluckhardt@downeybrand.com
916/520-5348 Direct
916/520-5748 Fax

621 Capitol Mall, 18th Floor
Sacramento, CA 95814
916/444-1000 Main
916/444-2100 Fax
downeybrand.com

DOCKET

08-AFC-2

DATE NOV 17 2009

RECD. NOV 17 2009

November 17, 2009

VIA E-MAIL CGRABER@ENERGY.STATE.CA.US; TSOLORIO@ENERGY.STATE.CA.US

Karen Douglas
Presiding Member
California Energy Commission
1516 Ninth Street, MS-33
Sacramento, CA 95814

Jeffrey Byron
Associate Member
California Energy Commission
1516 Ninth Street, MS-32
Sacramento, CA 95814

Re: Beacon Solar energy Project (08-AFC-2): Motion for New Schedule

Dear Commissioners:

Beacon Solar, LLC (“Beacon”) has reviewed the Final Staff Assessment (FSA) and taken into consideration the comments made by both of you at the Status Conference on October 5, 2009. Even though Beacon believes it can legally use the groundwater at the site for cooling purposes and disagrees with the alternatives analysis in the Final Staff Assessment, Beacon is willing to adopt an alternative cooling water supply for the Beacon Solar Energy Project (“Project”). The California Energy Commission Staff (“Staff”) evaluated various alternative cooling water supply options for the Project in the FSA. Unfortunately, the alternatives recommended in the FSA cannot be implemented by Beacon as presented and still result in a Project that can be financed and built. Beacon would like to obtain a certificate from the California Energy Commission that truly allows the Project to proceed.

Beacon believes it is necessary to better define the timing and implementation of the cooling water supply alternatives and also address the use of construction water, process and potable water, and a backup water supply. It is also important that Staff, other parties and the public have an opportunity to review the refined water supply alternatives. Beacon does not believe there is sufficient time between now and the evidentiary hearings scheduled for December 7th, 8th and 9th to finalize refined water supply alternatives, allow other parties to confirm that Staff has already conducted the required impact analysis on such an alternatives and be prepared to go to hearing.

Defining a workable solution for water supply for the Project will reduce the number of issues that need to be resolved by the Committee based upon contested evidentiary hearings. Thus, Beacon believes that revising the schedule to allow for a well-defined, potentially feasible water

supply solution including an alternative cooling water supply will result in a decision from this Commission on its Application for Certification in less time than if the proceeding continued on its current schedule with a contested hearing on water supply and alternatives.

Therefore, Beacon requests the Committee vacate the schedule for the prehearing conference and hearings scheduled for December 1st and 7th, 8th and 9th, respectively, and the rebuttal testimony filing and prehearing conference statement dates set for November 19th and 23rd, respectively. Instead, Beacon requests that the Committee hold a settlement/status conference in place of the prehearing conference scheduled for December 1st. Beacon would like to discuss a refined water plan with the Committee, Staff, California Unions for Reliable Energy and the public at this time. Beacon also disagrees with the alternatives analysis in the Final Staff Assessment and would like to get direction from the Committee on how much of the analysis therein needs to be carried forward and thereby, rebutted by Beacon.

Beacon appreciates the Committee's consideration of this motion.

Very truly yours,

DOWNEY BRAND LLP

/S/

Jane E. Luckhardt

JEL

cc: Ken Celli
Jared Babula
Eric Solario
Scott Busa
Kenny Stein
Docket (08-AFC-02)
Service List (08-AFC-02)

**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

PROOF OF SERVICE
(Revised 4/28/09)

<u>APPLICANT</u>	<u>COUNSEL FOR APPLICANT</u>	<u>ENERGY COMMISSION</u>
<p>Scott Busa Kenneth Stein, J.D. Meg Russell Duane McCloud Guillermo Narvaez, P.E. NextEra Energy Resources 700 Universe Blvd. Juno Beach, FL 33408 Scott.busa@nexteraenergy.com Kenneth.stein@nexteraenergy.com Meg.Russell@nexteraenergy.com Duane.mccloud@nexteraenergy.com Guillermo.narvaez@nexteraenergy.com</p> <p>Diane Fellman, Director West Region NextEra Energy Resources 234 Van Ness Avenue San Francisco, CA 94102 Diane.fellman@nexteraenergy.com</p>	<p>Jane Luckhardt, Esq. Downey Brand, LLP 621 Capitol Mall, 18th Floor Sacramento, CA 95814 jluckhardt@downeybrand.com</p>	<p>Karen Douglas Commissioner and Presiding Member kldougl@energy.state.ca.us</p> <p>Jeffrey D. Byron Commissioner & Associate Member jbyron@energy.state.ca.us</p> <p>Kenneth Celli Hearing Officer kcelli@energy.state.ca.us</p>
<p><u>APPLICANT CONSULTANT</u></p> <p>Sara Head, Vice President AECOM Environment 1220 Avenida Acaso Camarillo, CA 93012 Sara.head@aecom.com</p>	<p><u>INTERESTED AGENCIES</u></p> <p>California ISO e-recipient@caiso.com</p>	<p>Eric K. Solorio Project Manager esolorio@energy.state.ca.us</p> <p>Jared Babula Staff Counsel jbabula@energy.state.ca.us</p>
<p>Bill Pietrucha, Project Manager Jared Foster, P.E. Worley Parsons 2330 E. Bidwell, Suite 150 Folsom, CA 95630 Bill.Pietrucha@worleyparsons.com Jared.Foster@worleyparsons.com</p>	<p><u>INTERVENORS</u></p> <p>Tanya A. Gulesserian Marc D. Jacobs Adams Broadwell Joseph & Cardozo 601 Gateway Boulevard, Suite 1000 South San Francisco, CA 94080 E-MAIL PREFERRED tgulesserian@adamsbroadwell.com</p>	<p>Public Adviser's Office publicadviser@energy.state.ca.us</p>

Declaration of Service

I, Lois Navarrot, declare that on November 17, 2009, I served and filed copies of the Beacon Solar, LLC's Letter to Energy Commission: Motion for New Schedule. 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.

/s/
Lois Navarrot