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DOCKET

08-AFC-2

DATE DEC 17 2009

RECD. DEC 17 2009

December 17, 2009

CALIFORNIA ENERGY COMMISSION

Attn: Docket No. 08-AFC-2

1516 Ninth Street, MS-4

Sacramento, CA 95814-5512

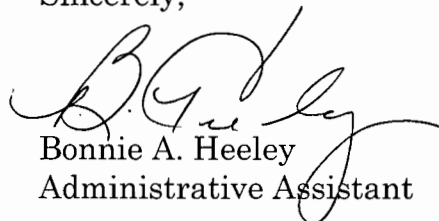
Re: Application for Certification, Beacon Solar Energy Project, 08-AFC-2

Dear Docket Clerk:

Enclosed are an original and copy of California Unions for Reliable Energy Comments on Stipulation Regarding Cooling Water and Alternatives. Please process the document, conform a copy and return the copy in the envelope provided. The document was previously sent via email.

Thank you for your assistance with this matter.

Sincerely,


Bonnie A. Heeley
Administrative Assistant

:bh
Enclosures

2162-060a

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December 17, 2009

Via E-Mail and U.S. Mail

Jane Luckhardt
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621 Capitol Mall, 18th Floor
Sacramento, CA 95814
jluckhardt@downeybrand.com

Re: CURE Comments on Stipulation Regarding Cooling Water and Alternatives (08-AFC-02)

Dear Jane:

California Unions for Reliable Energy provides the following comments on Beacon Solar, LLC's proposed Stipulation Regarding Cooling Water and Alternatives ("Stipulation"). CURE is currently evaluating Beacon's revised Project proposal as set forth in the Stipulation and in Beacon's Comments to Soil and Water Conditions of Certification and related appendices. CURE provides these comments on the Stipulation as agreed to in Beacon's December 8, 2009 Proposed Revised Project Timeline. As you can see, most of our responses are indefinite at this time, since we have not yet evaluated Beacon's proposal or discussed the proposal with Beacon. However, we offer the following preliminary comments on the Stipulation.

RECITALS

Para. 4: Remove "Beacon believes it has the legal right to use onsite groundwater for all power plant water needs including cooling water," or add "CURE believes Beacon does not have a legal right to use onsite groundwater for all power plant water needs including cooling water."

Para. 8: Remove "Beacon disagrees with these conclusions," or add "CURE agrees that Beacon's use of groundwater for cooling water violates Commission policy as adopted by the Commission's 2003 Integrated Energy Policy Report ("Commission's Water Policy") and State Water Resources Control Board Policy Number 75-58."

2162-059a

December 17, 2009

Page 2

Para. 10: CURE does not yet agree that using recycled water from either California City or Rosamond, or degraded ground water as a cooling source is consistent with the Commission's Water Policy. CURE is currently evaluating Beacon's proposal.

Para. 11: Remove "Beacon disagrees with the calculations, assumptions and conclusions reached by Staff on both the dry cooling and photovoltaic alternatives," or add "CURE generally agrees with the calculations, assumptions and conclusions reached by Staff on both the dry cooling and photovoltaic alternatives."

Para. 13: CURE does not yet agree that the FSA analyzed the environmental impacts of using onsite groundwater for all project water needs and using recycled water from either California City or Rosamond. CURE is currently evaluating the FSA's analysis in this regard.

Para. 14: CURE does not yet agree that the analysis in the FSA presents the maximum environmental impacts from using onsite groundwater or either of the recycled water options such that the environmental analysis in the FSA envelopes the recycled cooling water options presented by Beacon. CURE is currently evaluating the FSA's analysis in this regard.

STIPULATION

Para. 1: CURE is currently evaluating Beacon's revised proposal for the cooling water source for the Project. CURE is evaluating Beacon's estimated amount of water (1,282 acre feet per year) for cooling water and Beacon's three options for alternative cooling water. For example, CURE is evaluating Beacon's 5 year phased approach for using recycled water from California City, Beacon's assumed rate of 1.3 million gallons per day from the Rosamond Community Services District, and Beacon's degraded groundwater option.

Para. 2: CURE is currently evaluating Beacon's proposal to use 153 acre feet per year of onsite groundwater for potable, mirror washing and process uses.

CURE is also currently evaluating Beacon's proposal to use onsite potable groundwater for construction. Like Beacon's proposal to use 153 acre

December 17, 2009

Page 3

feet per year of onsite groundwater for potable, mirror washing and process uses, Beacon should specify the amount of water Beacon proposes to use for construction.

CURE does not currently have sufficient information to agree that construction of the Project will proceed simultaneously with the construction of the selected alternative water supply pipeline and necessary infrastructure.

Para. 2.1: CURE is currently evaluating Beacon's proposal to use up to 47 acre feet per year of onsite potable groundwater as a cooling water supply for emergency water needs and Beacon's proposal to use more than 47 acre feet per year of onsite potable groundwater as a cooling water supply for emergency water needs with approval of the Compliance Project Manager.

Para. 2.2: CURE is currently evaluating Beacon's proposed option to select California City as the cooling water supply for the Project.

Para. 2.3: CURE understands that Beacon is proposing to use 179 acre feet per year of onsite potable groundwater from April through August, even if Beacon selects the Rosamond option. CURE is currently evaluating Beacon's proposed option to select Rosamond, Beacon's assumptions and potential alternatives.

Para. 2.4: CURE is currently evaluating Beacon's proposed option to use degraded groundwater near Koehn Lake as the cooling water supply for the Project, including the alternative of using degraded groundwater for all power plant needs.

Para. 3: CURE does not currently agree that Beacon has decided to use one of the three water use alternatives presented by Staff in the FSA. CURE understands Beacon's proposal to be a hybrid proposal that continues to use onsite potable groundwater for cooling water and other power plant needs. CURE does not currently agree that the evaluation of dry cooling and photovoltaic technology does not need to be presented at the evidentiary hearings in the Proceeding.

Para. 4: At this time, CURE does not agree to disagree on the assumptions, calculations and conclusions reached by each other in this Proceeding on the feasibility of using dry cooling for the Project or changing technology and employing a photovoltaic array. CURE does not currently have information explaining Beacon's disagreement with the assumptions or calculations on the feasibility of using dry cooling or alternative technology and employing a photovoltaic array, as presented in the FSA.

December 17, 2009

Page 4

Para. 5: CURE does not currently agree to present no evidence on the technical or financial infeasibility of using dry cooling for this Project or employing photovoltaic technology.

We look forward to discussing these matters with the parties.

Sincerely,

/s/

Tanya A. Gulesserian

TAG:bh

cc: Docket 08-AFC-02
Proof of Service List 08-AFC-02

December 17, 2009

Page 5

PROOF OF SERVICE

I, Bonnie Heeley, declare that on December 17, 2009 I served and filed copies of the attached CURE Comments on Stipulation Regarding Cooling Water and Alternatives (08-AFC-02). 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 electronically to all email addresses on the Proof of Service list and by depositing in the U.S. Mail at South San Francisco, CA with first-class postage thereon fully prepaid and addressed as provided on the Proof of Service list to those addresses NOT marked "email preferred." I also sent a copy via email and an original and one copy via U.S. mail to the California Energy Commission Docket Office.

I declare under penalty of perjury that the foregoing is true and correct. Executed at South San Francisco, CA on December 17, 2009.

_____/s/_____
Bonnie Heeley

December 17, 2009
Page 6

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