

March 23, 2003

California Energy Commission  
Dockets Office  
Attn: Docket No. 03-RPS-1078  
1516 Ninth Street, MS-4  
Sacramento, CA 95814

Re: Docket No. 03-RPS-1078

Dear California Energy Commission:

On behalf of Covanta Energy, we are writing in response to an inaccuracy contained in the Notice of Staff Workshop for the above-referenced proceeding. Our comment is specific to Municipal Solid Waste.

Subdivision C in the Notice of Staff Workshop states the following:

”Municipal solid waste technologies only qualify if they use a solid waste conversion process rather than a combustion process.”

The comment in Subdivision C is inaccurate however, because Section 3 - Article 16 - Subdivision 4, of SB 1078 states the following:

”A facility engaged in the combustion of municipal solid waste shall not be considered an eligible renewable resource unless it is located in Stanislaus County and was operational prior to September 26, 1996. Output from such facilities shall be eligible only for the purpose of adjusting a retail seller's baseline quantity of eligible renewable energy resources.”

As you may be aware, the waste-to-energy facility in Stanislaus County uses the combustion process. Therefore, we would respectfully request that all future rules and regulations pertaining to the implementation of SB 1078 reflect the fact that Section 399.12 of the California Public Utilities Code provides that municipal solid waste is an eligible renewable resource if it is located in Stanislaus County and was operational prior to September 26, 1996.

Thank you for your time and consideration.

Sincerely,

Ron Tom

Scott Govenar