CALIFORNIA ENERGY COMMISSION
OFFICE OF THE COMMISSIONERS
1516 NINTH STREET
SACRAMENTO, CA 95814-5512

STATE OF CALIFORNIA
ENERGY RESOURCES CONSERVATION AND DEVELOPMENT COMMISSION

February 13, 2007

DOCKET
04-SIT-2
DATE FEB 13 2007
RECD. FEB 13 2007

NOTICE OF MODIFICATIONS TO TEXT OF PROPOSED REGULATIONS

Pursuant to the requirements of Government Code section 11346.8 (c), and section 44 of Title 1 of the California Code of Regulations, the California Energy Commission is providing notice of changes made to proposed regulation sections 1216, 1720, and Appendix B(g)(16)(D) which were the subject of a regulatory hearing on January 17, 2007. These changes are in response to comments received regarding the proposed regulations. The full text of the proposed regulations may be viewed on the Commission's website at http://www.energy.ca.gov/siting/rulemaking/documents.

If you have any comments regarding the proposed changes, the Energy Commission will accept written comments between February 13, 2007 and February 27, 2007. All written comments must be submitted to the Commission no later than 5:00 p.m. on February 27, 2007, and addressed to:

Docket Unit, Attention (04-SIT-2)
California Energy Commission
1516 – 9th Street, M/S 4
Sacramento, CA 95814

Comments may be sent by email to: Docket@energy.state.ca.us Attention: (04-SIT-2)

All written comments received by February 27, 2007, which pertain to the indicated changes will be reviewed and responded to by the Commission's staff as part of the compilation of the rulemaking file. Please limit your comments to the modifications to the text attached.

JOHN L. GEESMAN
Commissioner and Presiding Member
Siting Committee

JEFFREY BYRON
Commissioner and Associate Member
Siting Committee

FEB 13 2007
Date

MODIFICATIONS TO THE PROPOSED RULES OF PRACTICE AND PROCEDURE

§ 1216. Ex Parte Contacts

(a) The ex parte provisions of Article 7 of Chapter 4.5 of Part 1 of Division 3 of Title 2 of the Government Code (sections 11430.10 et seq.) apply to all adjudicative proceedings conducted by the commission. For purposes of this section "presiding officer" means all commissioners and all hearing advisors.

NOTE: An additional clarification is shown in double underline.

§ 1720. Reconsideration of Decision or Order.

(a) Within 30 days after a decision or order is final, the Commission may on its own motion order, or any party may petition for, reconsideration thereof. A petition for reconsideration must specifically set forth either: 1) new evidence that, despite the diligence of the moving party, could not have been produced during evidentiary hearings on the case; or 2) an error in fact or change or error of law. The petition must fully explain why the matters set forth could not have been considered during the evidentiary hearings, and their effects upon a substantive element of the decision. ~~For purposes of calculating deadlines pursuant to Section 25530 of the Public Resources Code, the date of adoption by the commission of a decision or order shall be the date that a written decision or order is docketed.~~ In addition to being served on all parties as required by section 1210, the petition for reconsideration shall be filed with the chief counsel of the commission.

NOTE: Two commas have been inserted for clarification, one immediately before and one immediately after the clause, "despite the diligence of the moving party".

An additional clarification regarding service is shown in double underline.

APPENDIX B: INFORMATION REQUIREMENTS FOR AN APPLICATION

(16) Paleontological Resources

(D) Information on the specific location of known paleontologic resources, survey reports, locality records, and maps at a scale of 1:24,000, showing occurrences of fossil finds, if known, within a one-mile radius of the project and related facilities shall be included in a separate appendix to the Application and submitted to the Commission under a request for confidentiality, pursuant to Title 20, California Code of Regulations, s 2501 et seq.

NOTE: An additional clarification is shown in double underline.