

## CALIFORNIA ENERGY COMMISSION

1516 NINTH STREET  
SACRAMENTO, CA 95814-5512



September 8, 2006

Mr. Keith Hardy, Jr.  
Vice President, Technical Services,  
Florida Power and Light Company  
700 Universe Blvd.  
Juno Beach, FL 33408

Dear Mr. Hardy,

DETERMINATION NOT TO FILE A COMPLAINT – BLYTHE ENERGY PROJECT  
(93-AFC-8C)

I am writing regarding your letter of July 5, 2006, to Blythe Assistant City Manager Charles Hull informing him of your financial support, and providing checks to cover expenses for the installation of a Super AWOS system at the Blythe airport. This system will advise pilots by radio to avoid overflight of the Blythe Energy Power Plant on the approach to Runway 26, and thus avoid possible interference from cooling tower plumes. We understand that Mr. Hull is currently awaiting Federal Aviation Administration approval in order to proceed with installation of the system.

We understand that the City of Blythe will file a request with the FAA proposing modification of the airport landing pattern and designation of a calm wind runway. If an environmental review is required by the City of Blythe, we understand Blythe Energy will fulfill its obligation to provide funding for the review.

We would like to thank you for your cooperation and inform you that Blythe Energy's obligations regarding the Super AWOS system have been satisfied by the measures identified in your letter. Since Blythe Energy has also agreed to the funding of the city's environmental review of the designation of a calm wind runway and/or a change in the traffic landing pattern at the airport, staff believes Blythe Energy has taken action and agreed to take future action, if necessary, that fulfill its reasonable obligation to address the potential impacts of the Blythe Energy Power Plant on aircraft using the Blythe Airport. Blythe Energy has also, through its purchase of the Super AWOS for the City of Blythe, taken actions to help notify pilots using the Blythe Airport to avoid direct overflights of the Blythe Energy Power Plant.

The staff believes these actions on the part of Blythe Energy, coupled with the written notices, which have been inserted in the Blythe Airport Facility Diagram and the Los Angeles and Phoenix Sectional Charts, warning pilots to avoid overflight of the Blythe Energy Power Plant, comprise a comprehensive set of steps that were necessary to

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appropriately address the potential impacts of the power plant on aircraft using the Blythe Airport. Therefore, it will not be necessary to refer this matter to the Siting Committee for resolution, and staff will not file a complaint as we believe the Blythe Energy Power Plant is in compliance with the conditions of the Energy Commission's decision. In addition, this letter will be posted on the Commission's website in the compliance section to notify interested individuals and agencies that the staff is not pursuing a complaint against Blythe Energy.

Please contact me at (916) 654-3936 if you have any questions.

Sincerely,

/Signed/  
STEPHEN D. MUNRO  
Compliance Project Manager  
Energy Facilities Siting Division

cc: Charles Hull, City of Blythe  
Kurt Hook, Blythe Energy Plant Manager