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DOCKET
06-AFC-6
DATE APR 25 2007
RECD. APR 25 2007

April 25, 2007

VIA E-MAIL DOCKET@STATE.CA.US AND U.S. MAIL

California Energy Commission
Docket Unit, MS-4
Attn: Docket No. 06-AFC-6
1516 Ninth Street
Sacramento, CA 95814

Re: Eastshore Energy Project, 06-AFC-6

Dear Docket Clerk:

Enclosed please find the original of Eastshore Energy Center's Status Report April 25, 2007 for filing in the above-entitled matter. This document was e-filed with your office and served on all parties on April 25, 2007. If you have any questions, please don't hesitate to contact me at 916/444-1000.

Very truly yours,

DOWNEY BRAND LLP

Jane E Luckhardt

Jane E. Luckhardt

:ln

Enclosure

847668.1

BEFORE THE ENERGY RESOURCES CONSERVATION AND DEVELOPMENT COMMISSION OF THE STATE OF CALIFORNIA

APPLICATION FOR CERTIFICATION FOR THE EASTSHORE ENERGY CENTER IN HAYWARD BY TIERRA ENERGY.	DOCKET NO. 06-AFC-6 (AFC Accepted 11/8/06)

EASTSHORE ENERGY CENTER'S STATUS REPORT

April 25, 2007

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April 25, 2007

BEFORE THE ENERGY RESOURCES CONSERVATION AND DEVELOPMENT COMMISSION OF THE STATE OF CALIFORNIA

APPLICATION FOR CERTIFICATION FOR THE EASTSHORE ENERGY CENTER IN HAYWARD BY TIERRA ENERGY.	DOCKET NO. 06-AFC-6 (AFC Accepted 11/8/06)

EASTSHORE ENERGY CENTER'S STATUS REPORT

April 25, 2007

Eastshore Energy Center ("Eastshore") is pleased to provide this update to the Committee. This Status Report covers four issues:

1. Eastshore's open house;
2. Eastshore's data responses;
3. Eastshore's response to the Committee's request for additional discussion of alternatives; and
4. Eastshore's proceeding schedule.

Community Open House

Eastshore held an open house at Life Chiropractic College on April 16, 2007, to hear community concerns and respond to as many questions as possible. Eastshore had technical experts available to respond to questions regarding air quality, hazardous materials, public health, noise, facility design, transmission system engineering, visual resources and traffic. Approximately 30 people attended the open house. Eastshore appreciated the opportunity to hear community concerns, comments and questions.

Eastshore created additional visual simulations as well as a landscaping plan for presentation at the open house. The additional simulations and conceptual landscaping plan will be filed with the Commission by May 4, 2007.

Data Responses

Based on the March 19, 2007 data request workshop and Data Response Set 3 filed on April 3, 2007, Eastshore believes that the majority of topic areas are now informationally complete and can proceed to full analysis. These topic areas include:

- Facility Design
- Efficiency
- Reliability
- Electric Transmission
- Biological Resources
- Paleontologic Resources
- Geologic Resources
- Water Resources
- Noise
- Land Use
- Public Health
- Socioeconomics
- Soils and Agriculture
- Worker Safety
- Waste Management

The following lists the outstanding data responses and their anticipated filing date:

AIR QUALITY	
Cumulative Impacts Analysis	Information received from BAAQMD; file by May 4, 2007
PM_{10} Mitigation Package	File by May 4, 2007
Preliminary Determination of Compliance	Expected by April 27, 2007. (All issues resolved)
HAZARDOUS MATERIALS	
Conference with Fire Department	Meetings held on March 19 and April 25, 2007.
Workshop Question 15	File by May 4, 2007.
TRAFFIC AND TRANSPORTATION	
Workshop Questions 6-14	File by May 4, 2007.
CULTURAL RESOURCES	
Workshop Question 16	File by May 4, 2007
VISUAL RESOURCES	
Additional KOPs, Simulations and Conceptual Landscape Plan	File by May 4, 2007.

ALTERNATIVES

Workshop Questions 1-3 File by May 4, 2007.

For ease of reference the workshop questions are included herein as Attachment A.

COMMITTEE REQUEST

Eastshore is preparing a response to the Committee's request to explore the feasibility of putting both Eastshore and the Russell City Energy Center (RCEC) on the RCEC site. In addition, Eastshore will also explain the feasibility of moving both projects to an alternative site, the potential cumulative impacts of placing both projects on the same site, and the interconnection limitations placed upon Eastshore. Eastshore will file its response by May 4, 2007.

PROJECT SCHEDULE

Regarding the schedule for this project, Eastshore wishes to note all of the following:

- Eastshore acknowledges the importance of filing timely responses to data requests. Eastshore respectfully notes that responses to Data Requests 1 and 2 were timely filed within the specified 30-day response timeline with the exception of two data requests for which additional preparation time was timely requested. Responses to Data Request 3 were filed exactly one day late, on April 3, 2007.

- Eastshore respectfully also notes the importance of receiving timely data requests. The AFC was accepted by the California Energy Commission ("Commission") as data adequate on November 8, 2006. The first round of Data Requests received by Eastshore on December 15, 2006 included no requests in the topic areas of Alternatives, Traffic and Transportation, Waste Management and Land Use. Eastshore was initially informed that since there were no first round data requests for these topic areas, there would be no data requests in these topic areas. Eastshore first received data requests in the topic areas of Alternatives, Traffic and Transportation, and Waste Management on February 2, 2007 (86 days after the AFC was deemed data adequate). Eastshore did not receive data requests in the area of Land Use until March 1, 2007 (114 days after the AFC was deemed

data adequate). Therefore, Eastshore was unable to provide responses to these requests earlier in the proceeding.

- Eastshore expects the Bay Area Air Quality Management District to provide the Preliminary Determination of Compliance by April 27, 2007. This represents an approximate one month delay in the Committee's original schedule and only two weeks later than Staff's March 27, 2007 proposed schedule. Accordingly, Eastshore believes that the mid-June date specified for issuance of the Preliminary Staff Assessment is reasonable, achievable and should not be further delayed.

Eastshore is very concerned about additional delays in the schedule. As you know Commissioner Geesman's term expires this year. Eastshore believes it is a benefit to all parties to have the same Committee throughout the entire proceeding. Therefore, Eastshore requests the Committee create a schedule that allows this case to be completed within this year. PG&E selected Eastshore out of numerous alternatives to supply power to PG&E and its ratepayers. All parties need to obtain a decision on this project in a timely manner. Eastshore is working diligently to respond to data requests from Commission Staff and informational requests from the Committee. Based upon Eastshore's responses to Commission Staff data requests, Eastshore believes this proceeding can be completed in 2007. In furtherance of this goal, Eastshore believes that the Preliminary Staff Assessment should be available for all parties to review in June.

DATED: April 25, 2007

DOWNEY BRAND LLP

By: Jane E. Luckhardt

Jane E. Luckhardt

Attachment A

DR	Topic	Question
WKS - 1	Alternatives	Please explain the use of the name Black Hills for the project and provide an explanation for why PG&E did not identify the project as a Tierra Energy project in its public documents.
WKS - 2	Alternatives	Please make another attempt with PG&E to obtain additional information or background to expand upon the position outlined in PG&E's letter provided in response to data response 50 and 51. Please document the results of your contact with PG&E, including the names and phone numbers of PG&E individuals contacted and any further explanation obtained
WKS - 3	Alternatives	Please provide copies of the PG&E RFO documents and explain whether the RFO mentions the Eastshore substation as a preferred point of interconnection.
WKS - 4	Air Quality	The CEC does not wish to review the applicant's partial cumulative analysis including only Eastshore and RCEC. Please provide the complete cumulative air quality impact analysis requested under data request 17 after a complete inventory of cumulative sources has been obtained from the BAAQMD to allow the full analysis.
WKS - 5	Air Quality	Please provide a written air quality mitigation plan including the specific details of the emissions to be mitigated, an identification of the specific ERCs to be surrendered by Eastshore, a complete description of any additional emission reduction programs to be implemented, and any supporting materials establishing the basis and efficacy of the program.
WKS - 6	Traffic & Transportation	Provide analysis of vehicle safety issues at Clawiter/I-92E exit and Industrial Blvd/I-92E exit, in conjunction with evaluation of traffic conditions and suitability of routes for hazardous materials transport for both Clawiter Road and Industrial Blvd, as requested in DR #56. Provide similar analysis for any other proposed alternative routes
WKS - 7	Traffic & Transportation	Provide turning radius/encroachment design diagram for plant entrance (encroachment onto Clawiter Road). This is a clarification of DR #57
WKS - 8	Traffic & Transportation	Provide data and method(s) of analysis for revised traffic impact analyses and consistency with City of Hayward methods of evaluation, per DRs #60 and #63
WKS - 9	Traffic & Transportation	Provide draft of Transportation Management Plan, Pedestrian Traffic Management Plan, and Heavy Haul Plan or, as an alternative, provide detailed project-specific measures that would be incorporated into the plans to mitigate potential impacts. Info is to be received before PSA is completed. This is a clarification of responses to DRs #55, #61, and #62
WKS - 10	Traffic & Transportation	Supply breakout of truck and passenger vehicle traffic from total peak traffic counts and projected construction traffic counts. Include construction truck traffic counts from Russell City project in cumulative analysis. This is a clarification of response to DR #59
WKS - 11	Traffic & Transportation	Specify actual window time for off-peak construction operations, including worker arrival/departure times. This is a clarification of response to DR #62 and public requests.
WKS - 12	Traffic & Transportation	Specify conditions that would support 24-hour operation. Identify frequency and portions of the construction timeline when these conditions would be reasonably expected to occur. Address compatibility with City of Hayward construction restrictions. Response to public request.

WKS - 13	Traffic & Transportation	Address impact of Caltrans I-880/SR-92 Interchange Reconstruction Project road closures and construction delays on off-peak worker arrivals and departures. This is a clarification of response to DR #64.
WKS - 14	Traffic & Transportation	Provide proposed mitigation measures to address project-related traffic impacts on already impacted roads. This is a revisitation of DR #65. No mitigation was proposed.
WKS -15	Haz Materials	Please provide a narrative description and preliminary design drawings of the piping system that will be used to transfer aqueous ammonia from the ammonia tank to the ammonia skid and then ammonia vapor from the skid to the individual engine exhaust stacks. The narrative and design drawings shall describe and show the following: a. locations of these three components to one-another, b. distances between them, c. length of pipe between these components, d. total length of piping at the power plant that will carry ammonia, e. locations of secondary containment structures, f. pipe materials, g. proposed use of double-walled pipes (if any), h. locations of ammonia sensors (if any), i. operating pressures and temperatures of each segment of the piping, and height clearances of pipes above passage ways (if any)
WKS-16	Cultural	Please provide clarification regarding the disturbance boundary for the construction laydown area to confirm that the northernmost portion of the laydown area will not be impacted (potential side of Mt. Eden railroad).

BEFORE THE ENERGY RESOURCES CONSERVATION AND DEVELOPMENT COMMISSION OF THE STATE OF CALIFORNIA

APPLICATION FOR CERTIFICATION FOR THE EASTSHORE ENERGY CENTER IN HAYWARD BY TIERRA ENERGY OF TEXAS.	DOCKET NO. 06-AFC-6 (AFC Accepted 11/8/06) **PROOF OF SERVICE**

INSTRUCTIONS: All parties shall either (1) send an original signed document plus 12 copies or (2) mail one original signed copy AND e-mail the document to the address for the docket as shown below, AND (3) all parties shall also send a printed or electronic copy of the document, which includes a proof of service declaration to each of the individuals on the proof of service list shown below:

CALIFORNIA ENERGY COMMISSION
Attn: Docket No. 06-AFC-6
1516 Ninth Street, MS-4
Sacramento, CA 95814-5512

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DECLARATION OF SERVICE

I, Lois Navarrot, declare that on April 25, 2007, I deposited copies of the attached Eastshore Energy Center's Status Report April 25, 2007 in the United States mail at Sacramento, California with first-class postage thereon fully prepaid and addressed to those identified on the Proof of Service list above.

OR

Transmission via electronic mail was consistent with the requirements of the California Code of Regulations, title 20, sections 1209, 1209.5 and 1210. All electronic copies were sent to all those identified on the Proof of Service list above.

I declare under penalty of perjury that the foregoing is true and correct.

Lois Navarrot

Lois Navarrot