



DOCKET 06-AFC-6	
DATE	OCT 16 2007
RECD.	OCT 16 2007

Monday, October 15th, 2007

VIA FEDEX delivery receipt

Jeffrey Byron
John Geesman
California Energy Commission
1516 Ninth Street
Sacramento, CA 95814

RE: Eastshore Energy Center (Docket No. 06-AFC-6), Continued Schedule Delays.

Dear Commissioners,

Eastshore is very concerned about the hearing schedule provided by Ms. Gefter. We had received a tentative schedule by e-mail on October 11, and before we had a chance to check witness or team schedules, we received an e-mail notice setting the prehearing conference and evidentiary hearings at a later date. Some of our potential witnesses are in Europe and communication is limited.

We are extremely concerned about the consistent schedule delays for processing this application. We have been subject to late data requests since the beginning of this proceeding, followed by new issues such as the aviation concern first expressed by staff some 120 days into the proceeding. The Preliminary Staff Assessment (PSA) was delayed by months at no fault of the applicant who had long since answered all outstanding data requests. The public comment period for the PSA was unilaterally extended by Staff for two additional weeks with no opportunity for consultation by Eastshore and without Committee consent. Now, we learn the Final Staff Assessment (FSA) is even further delayed. We understand that staff is busy but to compound those delays with a pre-hearing conference scheduled for Monday, November 26 is extreme. The issues emerging in this case have been under discussion for several months and no party should be surprised by the contested issues in this case. California Code of Regulations Section 1747 requires the FSA be published at least 14 days before the hearings. Assuming the FSA is published no later than the end of October (based upon Staff's own informal estimate to applicant), the hearings are not scheduled to occur for a full six weeks later. Furthermore, Public Resources Code Section 25521 requires evidentiary hearings to occur between 90 and 240 days after the date of the filing of an application. We also remind the Committee that his case was determined to be data

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adequate on November 8, 2006 after a one week extension requested of and granted by the applicant. The 240 day deadline for evidentiary hearings of August 5, 2007 has long since passed. At the current rate, this project will not receive a decision until sometime in March of next year, a full five months later than the statutory time of 12 months.

These ongoing and unnecessary delays are of great concern to Eastshore, but should also be a concern to the committee. This project is contracted and scheduled to be online and supporting the anticipated shortfall in supply to the Bay Area in May of 2009. By delaying a decision on this project, the committee is delaying the addition of power to Pacific Gas and Electric (PG&E) for the Bay Area constrained area. PG&E may very well be forced to purchase short term power to cover the gap until Eastshore receives a decision on this project at potentially considerable additional cost to both its ratepayers and shareholders.

This result is neither efficient nor cost effective. We strongly urge the Committee to select earlier dates for the remainder of this proceeding.

Sincerely,



Eastshore Energy, LLC
Greg Trewitt
President

cc: Susan Gefter
Docket Office
Service List 06-AFC-6