



CITY OF  
**HAYWARD**  
HEART OF THE BAY

October 19, 2006

<b>DOCKET</b> 06-AFC-6
DATE <b>OCT 19 2006</b>
RECD <b>OCT 23 2006</b>

Mr. Lorne C. Prescott, Project Manager  
California Energy Commission  
1516 Ninth Street, MS-15  
Sacramento, CA 95814

**Subject: Proposed Eastshore Energy Center at 25101 Clawiter Road, Hayward**

Dear Mr. Prescott:

On October 11, 2006, the City received a letter from the California Energy Commission notifying us that Tierra Energy had filed an Application for Certification with the CEC to construct and operate a "nominal 115.5 megawatt simple-cycle power plant" in Hayward. Accompanying this letter was an electronic copy of the AFC, in the form of a compact disc. In addition to advising us that an application had been filed, the notice requested that we review the application to aid in determining the adequacy of the information contained in the application. A deadline of October 20 for identification of issues related to the application was indicated in the notice.

I am deeply troubled about the lack of time provided to the City to identify and bring to your attention issues of concern to this community. Allowing about a week to digest and intelligently comment on a document containing over 2,800 pages is simply inadequate.

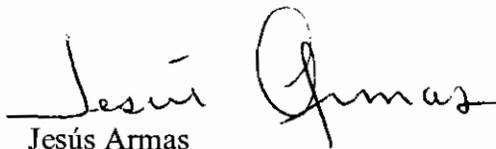
The City has experience working with the CEC on applications for power plants as a result of our involvement and active participation in the process which led to the CEC licensing the Russell City Energy Center a few years ago. While I recognize that the proposed Eastshore project is different and smaller than the RCEC, nonetheless a careful review of the information is essential to assure that all pertinent issues are properly addressed. It is not realistic to expect this to be accomplished in the brief time provided to the City.

When the RCEC application was under consideration, the City and CEC staff worked collaboratively to assure that all necessary information was obtained and properly evaluated. Each agency was sensitive to and cognizant of the value of working together to perform our respective duties. Key to this was providing ample time to properly and carefully review the application. Similar care and consideration should be exhibited with this application.

It is therefore requested that the deadline for identification of issues be extended by four weeks, from October 11 to November 8. This will enable City staff from various disciplines to review the application and for the City to prepare a single document which thoughtfully comments on the information and advises you if additional information is necessary.

Full and complete analysis of this project is important to the City and proper due diligence must be accommodated. The application is extensive and we have not been involved in the process, except in a tangential way, until now. The process should proceed in consultation with the City and be inclusive of a public process. Please contact me at 510.583.4305 to discuss the City's involvement in the review of this application.

Very truly yours,

A handwritten signature in black ink that reads "Jesús Armas". The signature is written in a cursive style with a horizontal line under the first name.

Jesús Armas  
City Manager

Copy: Margaret J. Kim  
Public Adviser  
California Energy Commission  
1516 Ninth Street, MS-15  
Sacramento, CA 95814