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January 10, 2008

DOCKET
06-AFC-6
DATE JAN 10 2008
RECD. JAN 10 2008

Ms. Susan Gefter
Hearing Office
California Energy Commission
1516 Ninth Street
Sacramento, CA 95814

RE: Eastshore Energy Center (06-AFC-6) Evidentiary Hearing

Dear Ms. Gefter:

At the close of the Air Quality segment of the December 17, 2007 evidentiary hearing, you directed the applicant and Staff to work with the Bay Area Air Quality Management District ("BAAQMD") to identify reports and other materials that would allay the County of Alameda's ("the County") concerns with the proposed fireplace retrofit air quality mitigation. The next day, the applicant provided several documents from BAAQMD, the California Air Resources Board, and U.S. Environmental Protection Agency that have been marked as Applicant's Exhibit 55.

Having now had the opportunity to review Exhibit 55, the County still has significant concerns that this material did not address. While the materials describe the implementation of the Santa Clara County program and surveys of public interest in the Spare the Air program, they do not evaluate the effectiveness of woodstove replacement as a form of air quality mitigation. The materials also fail to address the County's questions whether the BAAQMD can measure the actual, rather than predictive, impact woodstove replacement has on $PM_{10}/PM_{2.5}$ emissions. These issues are relevant to the County's contention that the woodstove/fireplace retrofitting may not be an appropriate choice of air quality mitigation if its impact cannot be quantifiably ascertained.

The County would appreciate a brief update from the Staff at the January 14, 2008 hearing whether it intends to provide any additional information on this issue in response to the County's concerns. A brief update would provide the public with further information on an issue of significant community concern, and would clarify the parties' positions for purposes of briefing. In the interest of time, the County does not propose another round of cross-examination.

I appreciate your consideration of this request. Please contact me if you have any questions.

Very truly yours,

RICHARD E. WINNIE
County Counsel

By
Andrew J. Massey
Associate County Counsel

cc: Eastshore AFC POS

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

APPLICATION FOR CERTIFICATION FOR THE EASTSHORE ENERGY CENTER IN CITY OF HAYWARD BY TIERRA ENERGY	**Docket No. 06-AFC-6** **PROOF OF SERVICE** **(Revised 12/4/2007)**

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:

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DECLARATION OF SERVICE

I, Dalia Liang, declare that on January 10, 2007, I deposited copies of the attached Letter from Andrew J. Massey to Susan Gefter re: Eastshore Energy Center (06-AFC-6) Evidentiary Hearing in the United States mail at Sacramento, CA, 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.

Dalia Liang

Dalia Liang