

**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)

REVISED SCHEDULING ORDER

On February 2, 2007, this Committee issued a Scheduling Order, which identified a timeline consistent with the twelve-month review process established by Public Resources Code section 25540.6.

The timeline requires the Applicant to meet data response deadlines in order to complete certification in twelve months. If data responses are delayed, the timeline is converted to a performance approach resulting in a commensurate slip of the twelve-month schedule.

On March 27, 2007, the Commission staff filed Status Report #2, following a public data response workshop in Hayward on March 19, 2007. The Status Report identifies several unresolved issues that have delayed the Applicant's data responses. Unresolved issues include Land Use, Air Quality, Traffic and Transportation, Fire Protection, Transmission System Engineering, and Visual Impacts. The Status Report also describes the energetic community opposition to the Project, including submission of over 600 written public comments. Further, the Report indicates that the City Council of Hayward voted unanimously to oppose the Project and found it inconsistent with the Hayward General Plan, thus creating additional complexity in reviewing the Project.

Community opposition appears particularly focused on the rationale for siting two power plants in the City of Hayward since the proposed Russell City power plant is

also located within city limits. The Status Report states that Staff will perform a Local System Effects assessment as part of the Transmission System Engineering analysis to address public concerns about this issue. In addition, Staff will include analyses of viable site alternatives in its Alternatives analysis, including input from PG&E. We believe Staff's analysis will enhance the record but we also believe the inquiry should be expanded to include all feasible scenarios. Thus, we direct the parties to also include input from the Russell City proponent regarding the feasibility of one site for both projects, potential cumulative impacts of two sites, alternative interconnection locations for this Project, and any other relevant information.

As a result of the Applicant's existing and anticipated delays in meeting schedule deadlines, we have revised the Committee Schedule based on Staff's proposed revisions shown in Status Report #2 and on a performance model. The REVISED Schedule is attached and incorporated herein. We also admonish Applicant to comply with the Status Report deadlines listed in the Schedule; to date, Applicant has not filed any Status Reports.

Dated: April 5, 2007, at Sacramento, California.

Original Signed by
JEFFREY BYRON
Commissioner and Presiding Member
Eastshore AFC Committee

Original Signed by
JOHN GEESMAN
Commissioner and Associate Member
Eastshore AFC Committee

Mailed to Proof of Service List

REVISED COMMITTEE SCHEDULE¹
FOR THE
EASTSHORE ENERGY CENTER

NOTE: This Schedule is based on a performance model by which any delays in the Applicant's submittal of necessary information shall result in a commensurate slip of the schedule timeline.

DATE	EVENT
2-Apr-07	Data Responses Set 3 due/ delayed
Late Apr-07	Local, state, & federal agency draft determinations due (including Preliminary Determination of Compliance from BAAQMD)
25-Apr-07	Status Reports (#3) due to Committee
Early May-07	Data Response Workshop #3
23-May-07	Status Reports (#4) due to Committee
Mid-Jun-07	Preliminary Staff Assessment filed
20-Jun-07	Status Reports (#5) due to Committee
Late June-07	Preliminary Staff Assessment workshop(s)
25-Jul-07	Status Reports (#6) due to Committee
Early Aug-07	Local, state, & federal agency final determinations due (including Final Determination of Compliance from BAAQMD)
15-Aug-07	Status Reports (#7) due to Committee
Late-Aug-07	Final Staff Assessment filed
Pending ²	Prehearing Conference
Pending ²	Evidentiary hearings
Pending ²	Presiding Member's Proposed Decision (PMPD)
Pending ²	Committee Conference on PMPD
Pending ²	Energy Commission Hearing--Final Decision

¹ Where it would be speculative to establish specific dates, deadlines are targeted within 10-day increments: early in the month (days 1-10), middle (days 11-20), and late (days 21-31).

² To be scheduled by the Committee.