CALIFORNIA ENERGY COMMISSION

1516 NINTH STREET

STATE OF CALIFORNIA
ENERGY RESOURCES CONSERVATION
AND DEVELOPMENT COMMISSION

DOCKET
01-AFC-7C
DATE JUL 30 2008
RECD. JUL 31 2008

In the Matter of:	)	
Russell City Energy Center Project	)	**Docket No. 01-AFC-7C**
	)	
Russell City Energy Company, LLC	)	**Order No.** 08-730-3
	)	**ORDER APPROVING** a Petition to Extend
	)	the Deadline for Commencement of
	)	Construction

On May 30, 2008, Russell City Energy Company, LLC, filed a petition to extend the deadline for the commencement of construction of the Russell City Energy Center (RCEC), located in Hayward, California. Petitioner requests an extension of two years, from September 10, 2008, to September 10, 2010. The deadline, set by regulation, is otherwise five years from the effective date of the Energy Commission's final decision on the application for certification. An applicant, before the deadline, may request and the Commission may order an extension for good cause. (Cal. Code Regs., tit. 20, § 1720.3.)

This matter was heard at the regularly scheduled Business Meeting held on July 30, 2008, at which time staff and petitioner addressed the Commission. Staff had no objections to extending the deadline as requested, and recommended approval of petitioner's request to extend the deadline to commence construction based on the reasons stated in the petition.

Through its petition and these proceedings, petitioner Russell City Energy Company, LLC asserts that this extension is necessary because the project owner will not be able to complete project financing and commence construction by September 10, 2008. The project owner's inability to commence construction is due to multiple past appeals related to the Commission's decision and a pending appeal of the project's PSD permit, a federal air permit, at the Environmental Appeals Board of the U.S. Environmental Protection Agency.

The Commission received several public comments protesting the extension, but there was no evidence refuting the petitioner's statements and reasons supporting its request for the extension.

CONCLUSION AND ORDER

Good cause having been shown by the petitioner, the California Energy Commission hereby grants the petition to extend the start of construction of the Russell City Energy Center from September 10, 2008, to September 10, 2010.

IT IS SO ORDERED.

Date: July 30, 2008

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JAMES D. BOYD, Vice Chair