

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

IN THE MATTER OF:

PETITION TO AMEND THE COMMISSION DECISION  
APPROVING THE APPLICATION FOR CERTIFICATION  
FOR THE *RUSSELL CITY ENERGY CENTER*

DOCKET No. 01-AFC-7C

Order No. 07-0926-04

<b>DOCKET</b> <b>01-AFC-7C</b>
DATE _____
RECD. SEP 28 2007

**COMMISSION ADOPTION ORDER**

This Commission Order adopts the Commission Decision on the *RUSSELL CITY ENERGY CENTER Amendment No. 1*. The Commission Decision is based upon the evidentiary record of these proceedings (Docket No. 01-AFC-7C) and considers the comments received at the September 12, 2007, business meeting. The text of the attached Commission Decision contains a summary of the proceedings, the evidence presented, and the rationale for the findings reached and Conditions imposed.

This **ORDER** adopts by reference the text, Conditions of Certification, Compliance Verifications, and Appendices contained in the Commission Decision, which is compiled from the Presiding Member's Proposed Decision, modified by the Errata and Revisions to the Presiding Member's Proposed Decision dated and including the further modifications to Condition of Certification **TRANS-10** proposed by the September 25, 2007 letter from William C. Withycombe, FAA Regional Administrator, to James Adams (Exhibit 110). It also adopts specific requirements contained in the Commission Decision which ensure that the proposed facility will be designed, sited, and operated in a manner to protect environmental quality, to assure public health and safety, and to operate in a safe and reliable manner.

**FINDINGS**

The Commission hereby adopts the following findings in addition to those contained in the accompanying text:

1. The petition meets all the filing criteria of Title 20, California Code of Regulations, section 1769(a), concerning post-certification project modifications;

2. The project will remain in compliance with all applicable laws, ordinances, regulations, and standards; and
3. There will be no unmitigated significant environmental impacts associated with the proposed modification. Pursuant to the Global Warming Solutions Act of 2006 (AB32), the adoption of measures to mitigate greenhouse gas emissions from the project is within the responsibility and jurisdiction of the California Air Resources Board; the ARB can and should adopt appropriate standards and requirements for greenhouse gas emissions.

## ORDER

Therefore, the Commission **ORDERS** the following:

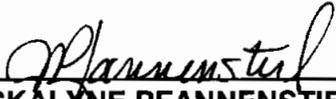
1. The Petition to Amend the **RUSSELL CITY ENERGY CENTER** project as described in this Decision, including the two alternative transmission lines connecting the project site to the PG&E Eastshore Substation, is hereby approved and an amended certificate to construct and operate the project is hereby granted.
2. The amended certificate is subject to the timely performance of the Conditions of Certification and Compliance Verifications enumerated in the accompanying text and Appendices. The Conditions and Compliance Verifications are integrated with this Decision and are not severable therefrom. While the project owner may delegate the performance of a Condition or Verification, the duty to ensure adequate performance of a Condition or Verification may not be delegated.
3. The Commission hereby adopts the Conditions of Certification, Compliance Verifications, and associated dispute resolution procedures as part of this Decision in order to implement the compliance monitoring program required by Public Resources Code section 25532. All conditions in this Decision take effect immediately upon adoption and apply to all construction and site preparation activities including, but not limited to, ground disturbance, site preparation, and permanent structure construction.
4. This Decision is adopted, issued, effective, and final on September 26, 2007.
5. Reconsideration of this Decision is governed by Public Resources Code, section 25530.

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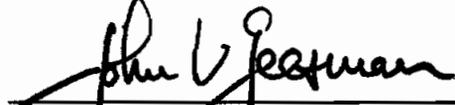
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6. Judicial review of this Decision is governed by Public Resources Code, section 25531.

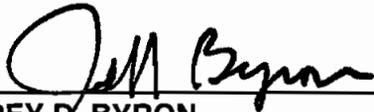
Dated September 26, 2007, at Sacramento, California.

  
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**JACKALYNE PFANNENSTIEL**  
Chairman

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-absent-  
**JAMES D. BOYD**  
Vice Chair

  
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**JOHN L. GEESMAN**  
Commissioner

  
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**ARTHUR H. ROSENFELD**  
Commissioner

  
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**JEFFREY D. BYRON**  
Commissioner