

CALIFORNIA ENERGY COMMISSION

1516 NINTH STREET
SACRAMENTO, CA 95814-5512

August 5, 2008

Mr. Richard L. Thomas
Vice President - Project Development
3875 Hopyard Road, Suite 345
Pleasanton CA 94588

DOCKET	
01-AFC-7C	
DATE	AUG 05 2008
RECD.	AUG 05 2008

Subject: Russell City Energy Center Project, 01-AFC-7C
Approval of Petition to Extend the Deadline for Commencement of
Construction

Dear Mr. Thomas:

Enclosed is a copy of the Energy Commission Order approving the Russell City Energy Center petition to extend the deadline for the commencement of construction, which was heard at the California Energy Commission Business Meeting on July 30, 2008. I have enclosed a copy of the Order approving your petition, which was docketed on July 31, 2008, and has been posted on the Energy Commission's website. Also enclosed is a copy of the Notice of Decision that was filed with the Secretary of Resources, and docketed at the Energy Commission on July 31, 2008.

With this approved petition, California Energy Commission has extended the deadline for the commencement of construction on the Russell City Energy Center project to September 10, 2010, as your petition requested.

It was a pleasure working with you and your staff on this petition. If you have any questions, please contact me at (916) 651-8891.

Sincerely,

Mary Dyas
Compliance Project Manager
Energy Facilities Siting Division

Enclosures: Commission Order, Notice of Decision

cc: Gregory Wheatland
Mr. Jeffery D. Harris
Ellison, Schneider & Harris L.L.P.
2015 H Street, Sacramento, CA 95814

Notice of Decision by the California Energy Commission

To: California Resources Agency
1416 9th Street, Room 1311
Sacramento, CA 95814

From: California Energy Commission
1516 9th Street MS-2000
Sacramento, CA 95814

Subject: Filing of Notice of Decision in compliance with Public Resources Code Section 21080.5 and Title 20, California Code of Regulations, Section 1768

Project Name: Russell City Energy Center

Energy Commission Docket Number: 01-AFC-7C

Energy Commission Contact Person: Mary Dyas **Phone #:** 916-651-8891

Project Location: Hayward, Alameda County, California

Project Description: Extension of the deadline for commencement of construction of the Russell City Energy Center from September 10, 2008 to September 10, 2010.

On July 30, 2008, the California Energy Commission approved the above-described project petition pursuant to a regulatory program certified by the California Secretary of Resources under Section 21080.5 of the California Public Resources Code.

1. The project will not have a significant effect on the environment.
2. Mitigation measures were made a condition of approval of the project.
3. A statement of Overriding Considerations was not adopted for the project.

The Commission's docket files containing the final Commission Decision and other information regarding the project are available to the public at: California Energy Commission, 1516 9th Street, Sacramento, California, 95814. The final Decision and other information regarding the project are also available on the Commission's web site--www.energy.ca.gov.

	<u>7/31/08</u>	<u>Compliance Project Manager</u>
Signature	Date	Title

Date received for filing:

Resources:

RECEIVED BY Office of the Secretary JUL 31 2008 RESOURCES AGENCY OF CALIFORNIA

CEC Dockets:

CALIF ENERGY COMMISSION 01-AFC-7C JUL 31 2008 RECEIVED IN DOCKETS
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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.