

**RUSSELL CITY
ENERGY CENTER
01-AFC-7C**

**RESPONSE TO
PUBLIC COMMENT
LETTERS
MAILED
07/17/2008**

DOCKET 01-AFC-7C
DATE <u>JUL 17 2008</u>
RECD. <u>JUL 23 2008</u>

CALIFORNIA ENERGY COMMISSION

1516 NINTH STREET
SACRAMENTO, CA 95814-5512

July 17, 2008

Richard s. Cimino
Conservation Chair Ohlone Audobon
Alameda County
1281 Ridgewood Road
Pleasanton, CA 94566

**SUBJECT: RUSSELL CITY ENERGY CENTER - COMMENTS ON PETITION TO
EXTEND DEADLINE FOR START OF CONSTRUCTION**

Dear Mr. Cimino:

We have reviewed your comments on the Russell City Energy Center (RCEC) and understand you have concerns about the project. Indeed, your comments are among several we have received opposing the construction and operation of RCEC for a variety of reasons. The Commission's certification of RCEC on September 26, 2007, however, remains valid and is no longer subject to reconsideration. That certification was based on an exhaustive environmental review and extensive public hearings. The Commission's decision will not be reopened for this petition, as the deadline for reconsideration has passed.

Because the project's owner filed a petition under section 1720.3 of the Energy Commission's regulations, the issue now is whether the petitioner has shown "good cause" to extend the deadline for beginning construction. Under that section, "the applicant may request, and the commission may order, an extension of the deadline [currently September 10, 2008] for good cause." (Cal. Code Regs., tit. 20, § 1720.3; emphasis added.) None of the comments received refute the petitioner's statements regarding the appeals of various project-related decisions that have occurred. In particular, there is one still pending before the Environmental Appeals Board of the US Environmental Protection Agency. Nor have reasons been given to question the petitioner's claim that these appeals have impeded financing of the project and the start of construction.

Based on the reasons stated in the petition and the focus of comments on matters no longer subject to reconsideration, the Commission's staff will be recommending that the Commission approve the petition at the July 30, 2008 business meeting. The business meeting is open to the public and will begin at 10:00 a.m. at the Energy Commission.

Sincerely,

A handwritten signature in black ink that reads "Kevin W. Bell".

KEVIN W. BELL
Senior Staff Counsel

CALIFORNIA ENERGY COMMISSION

1516 NINTH STREET
SACRAMENTO, CA 95814-5512



July 17, 2008

Charlie Cameron
P.O. Box 55
Hayward, CA 94543

**SUBJECT: RUSSELL CITY ENERGY CENTER - COMMENTS ON PETITION TO
EXTEND DEADLINE FOR START OF CONSTRUCTION**

Dear Mr. Cameron:

We have reviewed your comments on the Russell City Energy Center (RCEC) and understand you have concerns about the project. Indeed, your comments are among several we have received opposing the construction and operation of RCEC for a variety of reasons. The Commission's certification of RCEC on September 26, 2007, however, remains valid and is no longer subject to reconsideration. That certification was based on an exhaustive environmental review and extensive public hearings. The Commission's decision will not be reopened for this petition, as the deadline for reconsideration has passed.

Because the project's owner filed a petition under section 1720.3 of the Energy Commission's regulations, the issue now is whether the petitioner has shown "good cause" to extend the deadline for beginning construction. Under that section, "the applicant may request, and the commission may order, an extension of the deadline [currently September 10, 2008] for good cause." (Cal. Code Regs., tit. 20, § 1720.3; emphasis added.) None of the comments received refute the petitioner's statements regarding the appeals of various project-related decisions that have occurred. In particular, there is one still pending before the Environmental Appeals Board of the US Environmental Protection Agency. Nor have reasons been given to question the petitioner's claim that these appeals have impeded financing of the project and the start of construction.

Based on the reasons stated in the petition and the focus of comments on matters no longer subject to reconsideration, the Commission's staff will be recommending that the Commission approve the petition at the July 30, 2008 business meeting. The business meeting is open to the public and will begin at 10:00 a.m. at the Energy Commission.

Sincerely,

A handwritten signature in black ink, appearing to read "Kevin W. Bell".

KEVIN W. BELL
Senior Staff Counsel

CALIFORNIA ENERGY COMMISSION

1516 NINTH STREET
SACRAMENTO, CA 95814-5512



July 17, 2008

Laura Baker
California Native Plant Society EBC
PO Box 5597, Elmwood Station
Berkeley, CA 94705

**SUBJECT: RUSSELL CITY ENERGY CENTER - COMMENTS ON PETITION TO
EXTEND DEADLINE FOR START OF CONSTRUCTION**

Dear Ms. Baker:

We have reviewed your comments on the Russell City Energy Center (RCEC) and understand you have concerns about the project. Indeed, your comments are among several we have received opposing the construction and operation of RCEC for a variety of reasons. The Commission's certification of RCEC on September 26, 2007, however, remains valid and is no longer subject to reconsideration. That certification was based on an exhaustive environmental review and extensive public hearings. The Commission's decision will not be reopened for this petition, as the deadline for reconsideration has passed.

Because the project's owner filed a petition under section 1720.3 of the Energy Commission's regulations, the issue now is whether the petitioner has shown "good cause" to extend the deadline for beginning construction. Under that section, "the applicant may request, and the commission may order, an extension of the deadline [currently September 10, 2008] for good cause." (Cal. Code Regs., tit. 20, § 1720.3; emphasis added.) None of the comments received refute the petitioner's statements regarding the appeals of various project-related decisions that have occurred. In particular, there is one still pending before the Environmental Appeals Board of the US Environmental Protection Agency. Nor have reasons been given to question the petitioner's claim that these appeals have impeded financing of the project and the start of construction.

Based on the reasons stated in the petition and the focus of comments on matters no longer subject to reconsideration, the Commission's staff will be recommending that the Commission approve the petition at the July 30, 2008 business meeting. The business meeting is open to the public and will begin at 10:00 a.m. at the Energy Commission.

Sincerely,

A handwritten signature in black ink that reads "Kevin W. Bell".

KEVIN W. BELL
Senior Staff Counsel

CALIFORNIA ENERGY COMMISSION

1516 NINTH STREET
SACRAMENTO, CA 95814-5512



July 17, 2008

Lech Naumovich
California Native Plant Society EBC
PO Box 5597, Elmwood Station
Berkeley, CA 94705

**SUBJECT: RUSSELL CITY ENERGY CENTER - COMMENTS ON PETITION TO
EXTEND DEADLINE FOR START OF CONSTRUCTION**

Dear Mr. Naumovich:

We have reviewed your comments on the Russell City Energy Center (RCEC) and understand you have concerns about the project. Indeed, your comments are among several we have received opposing the construction and operation of RCEC for a variety of reasons. The Commission's certification of RCEC on September 26, 2007, however, remains valid and is no longer subject to reconsideration. That certification was based on an exhaustive environmental review and extensive public hearings. The Commission's decision will not be reopened for this petition, as the deadline for reconsideration has passed.

Because the project's owner filed a petition under section 1720.3 of the Energy Commission's regulations, the issue now is whether the petitioner has shown "good cause" to extend the deadline for beginning construction. Under that section, "the applicant may request, and the commission may order, an extension of the deadline [currently September 10, 2008] for good cause." (Cal. Code Regs., tit. 20, § 1720.3; emphasis added.) None of the comments received refute the petitioner's statements regarding the appeals of various project-related decisions that have occurred. In particular, there is one still pending before the Environmental Appeals Board of the US Environmental Protection Agency. Nor have reasons been given to question the petitioner's claim that these appeals have impeded financing of the project and the start of construction.

Based on the reasons stated in the petition and the focus of comments on matters no longer subject to reconsideration, the Commission's staff will be recommending that the Commission approve the petition at the July 30, 2008 business meeting. The business meeting is open to the public and will begin at 10:00 a.m. at the Energy Commission.

Sincerely,

A handwritten signature in black ink, appearing to read "Kevin W. Bell".

KEVIN W. BELL
Senior Staff Counsel

CALIFORNIA ENERGY COMMISSION

1516 NINTH STREET
SACRAMENTO, CA 95814-5512



July 17, 2008

Rory Cox
California Program Director
Pacific Environment
311 California Street, Suite 650
Oakland, CA 94610

**SUBJECT: RUSSELL CITY ENERGY CENTER - COMMENTS ON PETITION TO
EXTEND DEADLINE FOR START OF CONSTRUCTION**

Dear Mr. Cox:

We have reviewed your comments on the Russell City Energy Center (RCEC) and understand you have concerns about the project. Indeed, your comments are among several we have received opposing the construction and operation of RCEC for a variety of reasons. The Commission's certification of RCEC on September 26, 2007, however, remains valid and is no longer subject to reconsideration. That certification was based on an exhaustive environmental review and extensive public hearings. The Commission's decision will not be reopened for this petition, as the deadline for reconsideration has passed.

Because the project's owner filed a petition under section 1720.3 of the Energy Commission's regulations, the issue now is whether the petitioner has shown "good cause" to extend the deadline for beginning construction. Under that section, "the applicant may request, and the commission may order, an extension of the deadline [currently September 10, 2008] for good cause." (Cal. Code Regs., tit. 20, § 1720.3; emphasis added.) None of the comments received refute the petitioner's statements regarding the appeals of various project-related decisions that have occurred. In particular, there is one still pending before the Environmental Appeals Board of the US Environmental Protection Agency. Nor have reasons been given to question the petitioner's claim that these appeals have impeded financing of the project and the start of construction.

Based on the reasons stated in the petition and the focus of comments on matters no longer subject to reconsideration, the Commission's staff will be recommending that the Commission approve the petition at the July 30, 2008 business meeting. The business meeting is open to the public and will begin at 10:00 a.m. at the Energy Commission.

Sincerely,

A handwritten signature in black ink, appearing to read "Kevin W. Bell".

KEVIN W. BELL
Senior Staff Counsel

CALIFORNIA ENERGY COMMISSION

1516 NINTH STREET
SACRAMENTO, CA 95814-5512



July 17, 2008

Florence M. LaRiviere
Citizens Committee to Complete the Refuge
153 Tennessee Lane
Palo Alto CA 94306

**SUBJECT: RUSSELL CITY ENERGY CENTER - COMMENTS ON PETITION TO
EXTEND DEADLINE FOR START OF CONSTRUCTION**

Dear Ms. LaRiviere:

We have reviewed your comments on the Russell City Energy Center (RCEC) and understand you have concerns about the project. Indeed, your comments are among several we have received opposing the construction and operation of RCEC for a variety of reasons. The Commission's certification of RCEC on September 26, 2007, however, remains valid and is no longer subject to reconsideration. That certification was based on an exhaustive environmental review and extensive public hearings. The Commission's decision will not be reopened for this petition, as the deadline for reconsideration has passed.

Because the project's owner filed a petition under section 1720.3 of the Energy Commission's regulations, the issue now is whether the petitioner has shown "good cause" to extend the deadline for beginning construction. Under that section, "the applicant may request, and the commission may order, an extension of the deadline [currently September 10, 2008] for good cause." (Cal. Code Regs., tit. 20, § 1720.3; emphasis added.) None of the comments received refute the petitioner's statements regarding the appeals of various project-related decisions that have occurred. In particular, there is one still pending before the Environmental Appeals Board of the US Environmental Protection Agency. Nor have reasons been given to question the petitioner's claim that these appeals have impeded financing of the project and the start of construction.

Based on the reasons stated in the petition and the focus of comments on matters no longer subject to reconsideration, the Commission's staff will be recommending that the Commission approve the petition at the July 30, 2008 business meeting. The business meeting is open to the public and will begin at 10:00 a.m. at the Energy Commission.

Sincerely,


KEVIN W. BELL
Senior Staff Counsel

CALIFORNIA ENERGY COMMISSION

1516 NINTH STREET
SACRAMENTO, CA 95814-5512



July 17, 2008

Mike Perlmutter
Bay Area Conservation Coordinator, Audubon California
4225 Hollis Street
Emeryville, CA 94608

**SUBJECT: RUSSELL CITY ENERGY CENTER - COMMENTS ON PETITION TO
EXTEND DEADLINE FOR START OF CONSTRUCTION**

Dear Mr. Perlmutter:

We have reviewed your comments on the Russell City Energy Center (RCEC) and understand you have concerns about the project. Indeed, your comments are among several we have received opposing the construction and operation of RCEC for a variety of reasons. The Commission's certification of RCEC on September 26, 2007, however, remains valid and is no longer subject to reconsideration. That certification was based on an exhaustive environmental review and extensive public hearings. The Commission's decision will not be reopened for this petition, as the deadline for reconsideration has passed.

Because the project's owner filed a petition under section 1720.3 of the Energy Commission's regulations, the issue now is whether the petitioner has shown "good cause" to extend the deadline for beginning construction. Under that section, "the applicant may request, and the commission may order, an extension of the deadline [currently September 10, 2008] for good cause." (Cal. Code Regs., tit. 20, § 1720.3; emphasis added.) None of the comments received refute the petitioner's statements regarding the appeals of various project-related decisions that have occurred. In particular, there is one still pending before the Environmental Appeals Board of the US Environmental Protection Agency. Nor have reasons been given to question the petitioner's claim that these appeals have impeded financing of the project and the start of construction.

Based on the reasons stated in the petition and the focus of comments on matters no longer subject to reconsideration, the Commission's staff will be recommending that the Commission approve the petition at the July 30, 2008 business meeting. The business meeting is open to the public and will begin at 10:00 a.m. at the Energy Commission.

Sincerely,

A handwritten signature in black ink that reads "Kevin W. Bell".

KEVIN W. BELL
Senior Staff Counsel

CALIFORNIA ENERGY COMMISSION

1516 NINTH STREET
SACRAMENTO, CA 95814-5512



July 17, 2008

Larry Tong
Interagency Planning Manager
East Bay Regional Park District
PO Box 5381
Oakland CA 94605-0381

**SUBJECT: RUSSELL CITY ENERGY CENTER - COMMENTS ON PETITION TO
EXTEND DEADLINE FOR START OF CONSTRUCTION**

Dear Mr. Tong:

We have reviewed your comments on the Russell City Energy Center (RCEC) and understand you have concerns about the project. Indeed, your comments are among several we have received opposing the construction and operation of RCEC for a variety of reasons. The Commission's certification of RCEC on September 26, 2007, however, remains valid and is no longer subject to reconsideration. That certification was based on an exhaustive environmental review and extensive public hearings. The Commission's decision will not be reopened for this petition, as the deadline for reconsideration has passed.

Because the project's owner filed a petition under section 1720.3 of the Energy Commission's regulations, the issue now is whether the petitioner has shown "good cause" to extend the deadline for beginning construction. Under that section, "the applicant may request, and the commission may order, an extension of the deadline [currently September 10, 2008] for good cause." (Cal. Code Regs., tit. 20, § 1720.3; emphasis added.) None of the comments received refute the petitioner's statements regarding the appeals of various project-related decisions that have occurred. In particular, there is one still pending before the Environmental Appeals Board of the US Environmental Protection Agency. Nor have reasons been given to question the petitioner's claim that these appeals have impeded financing of the project and the start of construction.

Based on the reasons stated in the petition and the focus of comments on matters no longer subject to reconsideration, the Commission's staff will be recommending that the Commission approve the petition at the July 30, 2008 business meeting. The business meeting is open to the public and will begin at 10:00 a.m. at the Energy Commission.

Sincerely,

A handwritten signature in black ink, appearing to read "Kevin W. Bell".

KEVIN W. BELL
Senior Staff Counsel

CALIFORNIA ENERGY COMMISSION

1516 NINTH STREET
SACRAMENTO, CA 95814-5512



July 17, 2008

Carol Severin
East Bay Regional Park District
2950 Peralta Oaks Court
Oakland, CA 94605-0381

**SUBJECT: RUSSELL CITY ENERGY CENTER - COMMENTS ON PETITION TO
EXTEND DEADLINE FOR START OF CONSTRUCTION**

Dear Ms. Severin:

We have reviewed your comments on the Russell City Energy Center (RCEC) and understand you have concerns about the project. Indeed, your comments are among several we have received opposing the construction and operation of RCEC for a variety of reasons. The Commission's certification of RCEC on September 26, 2007, however, remains valid and is no longer subject to reconsideration. That certification was based on an exhaustive environmental review and extensive public hearings. The Commission's decision will not be reopened for this petition, as the deadline for reconsideration has passed.

Because the project's owner filed a petition under section 1720.3 of the Energy Commission's regulations, the issue now is whether the petitioner has shown "good cause" to extend the deadline for beginning construction. Under that section, "the applicant may request, and the commission may order, an extension of the deadline [currently September 10, 2008] for good cause." (Cal. Code Regs., tit. 20, § 1720.3; emphasis added.) None of the comments received refute the petitioner's statements regarding the appeals of various project-related decisions that have occurred. In particular, there is one still pending before the Environmental Appeals Board of the US Environmental Protection Agency. Nor have reasons been given to question the petitioner's claim that these appeals have impeded financing of the project and the start of construction.

Based on the reasons stated in the petition and the focus of comments on matters no longer subject to reconsideration, the Commission's staff will be recommending that the Commission approve the petition at the July 30, 2008 business meeting. The business meeting is open to the public and will begin at 10:00 a.m. at the Energy Commission.

Sincerely,

A handwritten signature in black ink, appearing to read "Kevin W. Bell".

KEVIN W. BELL
Senior Staff Counsel

CALIFORNIA ENERGY COMMISSION

1516 NINTH STREET
SACRAMENTO, CA 95814-5512



July 17, 2008

John L. Collins
Senior Liaison, Airports
AOPA Regional Affairs Department
421 Aviation Way
Frederick, MD 21701

**SUBJECT: RUSSELL CITY ENERGY CENTER - COMMENTS ON PETITION TO
EXTEND DEADLINE FOR START OF CONSTRUCTION**

Dear Mr. Collins:

We have reviewed your comments on the Russell City Energy Center (RCEC) and understand you have concerns about the project. Indeed, your comments are among several we have received opposing the construction and operation of RCEC for a variety of reasons. The Commission's certification of RCEC on September 26, 2007, however, remains valid and is no longer subject to reconsideration. That certification was based on an exhaustive environmental review and extensive public hearings. The Commission's decision will not be reopened for this petition, as the deadline for reconsideration has passed.

Because the project's owner filed a petition under section 1720.3 of the Energy Commission's regulations, the issue now is whether the petitioner has shown "good cause" to extend the deadline for beginning construction. Under that section, "the applicant may request, and the commission may order, an extension of the deadline [currently September 10, 2008] for good cause." (Cal. Code Regs., tit. 20, § 1720.3; emphasis added.) None of the comments received refute the petitioner's statements regarding the appeals of various project-related decisions that have occurred. In particular, there is one still pending before the Environmental Appeals Board of the US Environmental Protection Agency. Nor have reasons been given to question the petitioner's claim that these appeals have impeded financing of the project and the start of construction.

Based on the reasons stated in the petition and the focus of comments on matters no longer subject to reconsideration, the Commission's staff will be recommending that the Commission approve the petition at the July 30, 2008 business meeting. The business meeting is open to the public and will begin at 10:00 a.m. at the Energy Commission.

Sincerely,

A handwritten signature in black ink, appearing to read "Kevin W. Bell".

KEVIN W. BELL
Senior Staff Counsel

CALIFORNIA ENERGY COMMISSION

1516 NINTH STREET
SACRAMENTO, CA 95814-5512



July 17, 2008

Andrew Massey
Associate Counsel
Office of County Counsel, Alameda
1221 Oak Street, Suite 450
Oakland, CA 94612

**SUBJECT: RUSSELL CITY ENERGY CENTER - COMMENTS ON PETITION TO
EXTEND DEADLINE FOR START OF CONSTRUCTION**

Dear Mr. Massey:

We have reviewed your comments on the Russell City Energy Center (RCEC) and understand you have concerns about the project. Indeed, your comments are among several we have received opposing the construction and operation of RCEC for a variety of reasons. The Commission's certification of RCEC on September 26, 2007, however, remains valid and is no longer subject to reconsideration. That certification was based on an exhaustive environmental review and extensive public hearings. The Commission's decision will not be reopened for this petition, as the deadline for reconsideration has passed.

Because the project's owner filed a petition under section 1720.3 of the Energy Commission's regulations, the issue now is whether the petitioner has shown "good cause" to extend the deadline for beginning construction. Under that section, "the applicant may request, and the commission may order, an extension of the deadline [currently September 10, 2008] for good cause." (Cal. Code Regs., tit. 20, § 1720.3; emphasis added.) None of the comments received refute the petitioner's statements regarding the appeals of various project-related decisions that have occurred. In particular, there is one still pending before the Environmental Appeals Board of the US Environmental Protection Agency. Nor have reasons been given to question the petitioner's claim that these appeals have impeded financing of the project and the start of construction.

Based on the reasons stated in the petition and the focus of comments on matters no longer subject to reconsideration, the Commission's staff will be recommending that the Commission approve the petition at the July 30, 2008 business meeting. The business meeting is open to the public and will begin at 10:00 a.m. at the Energy Commission.

Sincerely,

A handwritten signature in black ink, appearing to read "Kevin W. Bell".

KEVIN W. BELL
Senior Staff Counsel

CALIFORNIA ENERGY COMMISSION

1516 NINTH STREET
SACRAMENTO, CA 95814-5512



July 17, 2008

Jewell J. Hargleroad
Law Office of Jewell J. Hargleroad
1090 B Street, No. 104
Hayward, CA 94541

**SUBJECT: RUSSELL CITY ENERGY CENTER - COMMENTS ON PETITION TO
EXTEND DEADLINE FOR START OF CONSTRUCTION**

Dear Ms. Hargleroad:

We have reviewed your comments on the Russell City Energy Center (RCEC) and understand you have concerns about the project. Indeed, your comments are among several we have received opposing the construction and operation of RCEC for a variety of reasons. The Commission's certification of RCEC on September 26, 2007, however, remains valid and is no longer subject to reconsideration. That certification was based on an exhaustive environmental review and extensive public hearings. The Commission's decision will not be reopened for this petition, as the deadline for reconsideration has passed.

Because the project's owner filed a petition under section 1720.3 of the Energy Commission's regulations, the issue now is whether the petitioner has shown "good cause" to extend the deadline for beginning construction. Under that section, "the applicant may request, and the commission may order, an extension of the deadline [currently September 10, 2008] for good cause." (Cal. Code Regs., tit. 20, § 1720.3; emphasis added.) None of the comments received refute the petitioner's statements regarding the appeals of various project-related decisions that have occurred. In particular, there is one still pending before the Environmental Appeals Board of the US Environmental Protection Agency. Nor have reasons been given to question the petitioner's claim that these appeals have impeded financing of the project and the start of construction.

Based on the reasons stated in the petition and the focus of comments on matters no longer subject to reconsideration, the Commission's staff will be recommending that the Commission approve the petition at the July 30, 2008 business meeting. The business meeting is open to the public and will begin at 10:00 a.m. at the Energy Commission.

Sincerely,

A handwritten signature in black ink, appearing to read "Kevin W. Bell".

KEVIN W. BELL
Senior Staff Counsel

CALIFORNIA ENERGY COMMISSION

1516 NINTH STREET
SACRAMENTO, CA 95814-5512



July 17, 2008

Rob Simpson
Hayward Area Planning Association
27126 Grandview Avenue
Hayward, CA 94542

**SUBJECT: RUSSELL CITY ENERGY CENTER - COMMENTS ON PETITION TO
EXTEND DEADLINE FOR START OF CONSTRUCTION**

Dear Mr. Simpson:

We have reviewed your comments on the Russell City Energy Center (RCEC) and understand you have concerns about the project. Indeed, your comments are among several we have received opposing the construction and operation of RCEC for a variety of reasons. The Commission's certification of RCEC on September 26, 2007, however, remains valid and is no longer subject to reconsideration. That certification was based on an exhaustive environmental review and extensive public hearings. The Commission's decision will not be reopened for this petition, as the deadline for reconsideration has passed.

Because the project's owner filed a petition under section 1720.3 of the Energy Commission's regulations, the issue now is whether the petitioner has shown "good cause" to extend the deadline for beginning construction. Under that section, "the applicant may request, and the commission may order, an extension of the deadline [currently September 10, 2008] for good cause." (Cal. Code Regs., tit. 20, § 1720.3; emphasis added.) None of the comments received refute the petitioner's statements regarding the appeals of various project-related decisions that have occurred. In particular, there is one still pending before the Environmental Appeals Board of the US Environmental Protection Agency. Nor have reasons been given to question the petitioner's claim that these appeals have impeded financing of the project and the start of construction.

Based on the reasons stated in the petition and the focus of comments on matters no longer subject to reconsideration, the Commission's staff will be recommending that the Commission approve the petition at the July 30, 2008 business meeting. The business meeting is open to the public and will begin at 10:00 a.m. at the Energy Commission.

Sincerely,

A handwritten signature in black ink, appearing to read "Kevin W. Bell".

KEVIN W. BELL
Senior Staff Counsel

CALIFORNIA ENERGY COMMISSION

1516 NINTH STREET
SACRAMENTO, CA 95814-5512



July 17, 2008

Bob Power
Executive Director
Santa Clara Audobon Society
22221 McClellan Road
Cupertino, CA 95014

**SUBJECT: RUSSELL CITY ENERGY CENTER - COMMENTS ON PETITION TO
EXTEND DEADLINE FOR START OF CONSTRUCTION**

Dear Mr. Power:

We have reviewed your comments on the Russell City Energy Center (RCEC) and understand you have concerns about the project. Indeed, your comments are among several we have received opposing the construction and operation of RCEC for a variety of reasons. The Commission's certification of RCEC on September 26, 2007, however, remains valid and is no longer subject to reconsideration. That certification was based on an exhaustive environmental review and extensive public hearings. The Commission's decision will not be reopened for this petition, as the deadline for reconsideration has passed.

Because the project's owner filed a petition under section 1720.3 of the Energy Commission's regulations, the issue now is whether the petitioner has shown "good cause" to extend the deadline for beginning construction. Under that section, "the applicant may request, and the commission may order, an extension of the deadline [currently September 10, 2008] for good cause." (Cal. Code Regs., tit. 20, § 1720.3; emphasis added.) None of the comments received refute the petitioner's statements regarding the appeals of various project-related decisions that have occurred. In particular, there is one still pending before the Environmental Appeals Board of the US Environmental Protection Agency. Nor have reasons been given to question the petitioner's claim that these appeals have impeded financing of the project and the start of construction.

Based on the reasons stated in the petition and the focus of comments on matters no longer subject to reconsideration, the Commission's staff will be recommending that the Commission approve the petition at the July 30, 2008 business meeting. The business meeting is open to the public and will begin at 10:00 a.m. at the Energy Commission.

Sincerely,

A handwritten signature in black ink, appearing to read "Kevin W. Bell".

KEVIN W. BELL
Senior Staff Counsel

CALIFORNIA ENERGY COMMISSION

1516 NINTH STREET
SACRAMENTO, CA 95814-5512



July 17, 2008

Arlin Kachalia
Liebert Cassidy Whitmore
A Professional Law Corporation
153 Townsend Street, Suite 520
San Francisco, CA 94107

**SUBJECT: RUSSELL CITY ENERGY CENTER - COMMENTS ON PETITION TO
EXTEND DEADLINE FOR START OF CONSTRUCTION**

Dear Mr. Kachalia:

We have reviewed your comments on the Russell City Energy Center (RCEC) and understand you have concerns about the project. Indeed, your comments are among several we have received opposing the construction and operation of RCEC for a variety of reasons. The Commission's certification of RCEC on September 26, 2007, however, remains valid and is no longer subject to reconsideration. That certification was based on an exhaustive environmental review and extensive public hearings. The Commission's decision will not be reopened for this petition, as the deadline for reconsideration has passed.

Because the project's owner filed a petition under section 1720.3 of the Energy Commission's regulations, the issue now is whether the petitioner has shown "good cause" to extend the deadline for beginning construction. Under that section, "the applicant may request, and the commission may order, an extension of the deadline [currently September 10, 2008] for good cause." (Cal. Code Regs., tit. 20, § 1720.3; emphasis added.) None of the comments received refute the petitioner's statements regarding the appeals of various project-related decisions that have occurred. In particular, there is one still pending before the Environmental Appeals Board of the US Environmental Protection Agency. Nor have reasons been given to question the petitioner's claim that these appeals have impeded financing of the project and the start of construction.

Based on the reasons stated in the petition and the focus of comments on matters no longer subject to reconsideration, the Commission's staff will be recommending that the Commission approve the petition at the July 30, 2008 business meeting. The business meeting is open to the public and will begin at 10:00 a.m. at the Energy Commission.

Sincerely,

A handwritten signature in black ink that reads "Kevin W. Bell".

KEVIN W. BELL
Senior Staff Counsel

CALIFORNIA ENERGY COMMISSION

1516 NINTH STREET
SACRAMENTO, CA 95814-5512



July 17, 2008

Robert Sarvey
501 W. Grantline Road
Tracy, CA 95376

**SUBJECT: RUSSELL CITY ENERGY CENTER - COMMENTS ON PETITION TO
EXTEND DEADLINE FOR START OF CONSTRUCTION**

Dear Mr. Sarvey:

We have reviewed your comments on the Russell City Energy Center (RCEC) and understand you have concerns about the project. Indeed, your comments are among several we have received opposing the construction and operation of RCEC for a variety of reasons. The Commission's certification of RCEC on September 26, 2007, however, remains valid and is no longer subject to reconsideration. That certification was based on an exhaustive environmental review and extensive public hearings. The Commission's decision will not be reopened for this petition, as the deadline for reconsideration has passed.

Because the project's owner filed a petition under section 1720.3 of the Energy Commission's regulations, the issue now is whether the petitioner has shown "good cause" to extend the deadline for beginning construction. Under that section, "the applicant may request, and the commission may order, an extension of the deadline [currently September 10, 2008] for good cause." (Cal. Code Regs., tit. 20, § 1720.3; emphasis added.) None of the comments received refute the petitioner's statements regarding the appeals of various project-related decisions that have occurred. In particular, there is one still pending before the Environmental Appeals Board of the US Environmental Protection Agency. Nor have reasons been given to question the petitioner's claim that these appeals have impeded financing of the project and the start of construction.

Based on the reasons stated in the petition and the focus of comments on matters no longer subject to reconsideration, the Commission's staff will be recommending that the Commission approve the petition at the July 30, 2008 business meeting. The business meeting is open to the public and will begin at 10:00 a.m. at the Energy Commission.

Sincerely,

A handwritten signature in black ink, appearing to read "Kevin W. Bell".

KEVIN W. BELL
Senior Staff Counsel

CALIFORNIA ENERGY COMMISSION

1516 NINTH STREET
SACRAMENTO, CA 95814-5512



July 17, 2008

John McCarthy
732 B Street #2
Hayward, CA 94541

**SUBJECT: RUSSELL CITY ENERGY CENTER - COMMENTS ON PETITION TO
EXTEND DEADLINE FOR START OF CONSTRUCTION**

Dear Mr. McCarthy:

We have reviewed your comments on the Russell City Energy Center (RCEC) and understand you have concerns about the project. Indeed, your comments are among several we have received opposing the construction and operation of RCEC for a variety of reasons. The Commission's certification of RCEC on September 26, 2007, however, remains valid and is no longer subject to reconsideration. That certification was based on an exhaustive environmental review and extensive public hearings. The Commission's decision will not be reopened for this petition, as the deadline for reconsideration has passed.

Because the project's owner filed a petition under section 1720.3 of the Energy Commission's regulations, the issue now is whether the petitioner has shown "good cause" to extend the deadline for beginning construction. Under that section, "the applicant may request, and the commission may order, an extension of the deadline [currently September 10, 2008] for good cause." (Cal. Code Regs., tit. 20, § 1720.3; emphasis added.) None of the comments received refute the petitioner's statements regarding the appeals of various project-related decisions that have occurred. In particular, there is one still pending before the Environmental Appeals Board of the US Environmental Protection Agency. Nor have reasons been given to question the petitioner's claim that these appeals have impeded financing of the project and the start of construction.

Based on the reasons stated in the petition and the focus of comments on matters no longer subject to reconsideration, the Commission's staff will be recommending that the Commission approve the petition at the July 30, 2008 business meeting. The business meeting is open to the public and will begin at 10:00 a.m. at the Energy Commission.

Sincerely,

A handwritten signature in black ink, appearing to read "Kevin W. Bell".

KEVIN W. BELL
Senior Staff Counsel