

State of California
Energy Resources Conservation and Development Commission

Amendment to the Application)
for Certification of the Russell)
City Energy Center Project)
_____)

Docket No. 01-AFC-7C

DOCKET 01-AFC-7C
DATE <u>SEP 03 2008</u>
RECD. <u>SEP 03 2008</u>

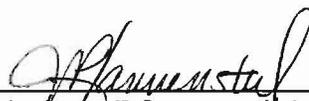
**Order on Petitions for Reconsideration
Concerning Extension of Construction Deadline**

On July 30, 2008, the Commission extended the deadline for the start of construction of the Russell City Energy Center ("RCEC"). (Docket No. 01-AFC-7C, Order No. 08-730-3 (July 30, 2008).) On August 27, 2008, petitions for reconsideration of that decision were filed by two groups of interested persons: (1) Rob Simpson ("Simpson"), Californians for Renewable Energy ("CARE"), Hayward Area Planning Association, and Citizens Against Pollution; and (2) CARE and Simpson. This order directs parties to file written arguments on whether the Commission should grant the petitions and establishes a hearing date of September 24, 2008 for the Commission to consider the matter.

Section 1720 of the Commission's regulations allows any party in a power facility certification case to file a petition for reconsideration of a decision or order, within 30 days after a determination is final. (Cal. Code Regs., tit. 20, § 1720, subd. (a).) That section also lists the required contents of such petitions and specifies deadlines for Commission action thereon. (*Id.*, § 1720, subds. (b)-(c).) The Commission must grant or deny a petition for reconsideration within 30 days of its filing. (*Id.*, § 1720, subd. (b).) If the Commission does not grant the petition, the original determination stands. If the Commission grants the petition, that does not mean that the original decision is changed; rather, it simply means that the Commission then holds a subsequent hearing (which may include the taking of evidence), within 90 days, to consider whether to change the original determination. (*Id.*, § 1720, subds. (b)-(c).)

The Commission will hold a hearing to consider whether to grant or deny the RCEC petitions for reconsideration at the regularly-scheduled Commission Business Meeting on Wednesday, September 24, 2008, in Hearing Room A at 1516 Ninth Street, Sacramento, California. (Hearing Room A is wheelchair accessible.) The applicant and the Staff shall, and any other party to the RCEC deadline-extension proceeding may, file written arguments supporting or opposing the petitions. Such arguments must be electronically filed with the Commission and electronically served on all parties **no later than 5:00 p.m. on Friday, September 19, 2008.**

September 03, 2008



Jackalyne Pfannenstiel, Chairman

Proof of Service (Revised 7-6-07) filed with original.
Mailed from Sacramento on 9-3-08
C. 1678

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

Amendment to the APPLICATION
FOR CERTIFICATION OF THE
RUSSELL ENERGY CENTER
POWER PLANT PROJECT

Docket No. 01-AFC-7C
PROOF OF SERVICE
(Revised 7/6/07)

INSTRUCTIONS: All parties shall 1) send an original signed document plus 12 copies OR 2) mail one original signed copy AND e-mail the document to the web address below, AND 3) all parties shall also send a printed OR electronic copy of the documents that shall include a proof of service declaration to each of the individuals on the proof of service:

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DECLARATION OF SERVICE

I, **CHESTER HONG**, declare that on **September 3, 2008**, I deposited copies of the attached **ORDER ON PETITIONS FOR RECONSIDERATION CONCERNING EXTENSION OF CONSTRUCTION DEADLINE** in the United States mail at Sacramento, California with first-class postage thereon fully prepaid and addressed to those identified on the Proof of Service list above.

OR

Transmission via electronic mail was consistent with the requirements of California Code of Regulations, title 20, sections 1209, 1209.5, and 1210. All electronic copies were sent to all those identified on the Proof of Service list above.

I declare under penalty of perjury that the foregoing is true and correct.



CHESTER HONG