



**FPL**

99-AFC-8c

October 14, 2005

Terrence O'Brien  
Deputy Director  
Systems Assessment & Facilities Siting  
California Energy Commission  
1516 Ninth Street  
Sacramento, CA 95814-5512

<b>DOCKET</b> <b>02-AFC-1</b>
DATE <b>OCT 14 2005</b>
RECD. <b>OCT 21 2005</b>

**Re: Second Notification of Intent to File Complaint**

Dear Mr. O'Brien:

In response to the above letter dated August 30, 2005, we are pleased to apprise you of the status of FPL Energy's diligent efforts to comply with the CEC's requests to implement certain measures relating to operations at the Blythe Airport. FPL's good faith efforts to resolve this matter with CEC should not be construed as an agreement or acceptance in any way with the CEC's position on the facts or the law relating to the Blythe Airport.

Notwithstanding the above, we wish to report our substantial progress in implementing the CEC-requested measures at the Blythe Airport:

**Decommissioning of the existing ILS on Runway 26.**

**Status:** It is our understanding that last month the FAA ordered Riverside County to shut down the ILS system at Blythe Airport. This system was apparently experimental in nature, unauthorized for permanent use, and had been operating illegally for over two decades, according to the FAA. We assume that the City of Blythe has complied with the FAA's order, and has decommissioned the ILS system. Therefore, this requirement is satisfied. Since FPL does not own the ILS, no further action on FPL's part is required.

**Change the airport traffic pattern to right-hand and designation of a calm wind runway.**

**Status:** We have prepared the necessary documents to accomplish these action items. FAA representatives have reviewed the documents and have stated to our consultant that the documents are in order, and that FAA is prepared to approve the request upon submittal by the City of Blythe. According to our consultants the request must be made by the City of Blythe. The City of Blythe has expressed its desire and willingness to make such request. Therefore, we have tendered the documents to the City of Blythe for submittal. However, FPL has no control over the timeliness of that submittal but has prepared the filing, received preliminary FAA approval of the filing, and has requested the City of Blythe make the filing expeditiously.

**Append a message to the ASOS to avoid power plant airspace and warn of thermal plumes.**

**Status:** We have investigated this request extensively. FAA personnel recommended to us that the appropriate method of communicating a message of the above type is by using the UNICOM

system at Blythe Airport. According to the FAA, the ASOS is reserved for, and is operated by, the National Weather Service and is not approved for the type of message requested by the CEC.

The message on the UNICOM will be as follows: "***Be advised there is a power plant 1 mile east of the airport. To comply with FAA temporary flight restrictions and to avoid potential turbulence from thermal plumes, avoid overflight of the power plant.***" This message will initially be repeated every four minutes to avoid undue interference with pilot communications in the vicinity of the airport. The timing of the message will be changed as experience dictates.

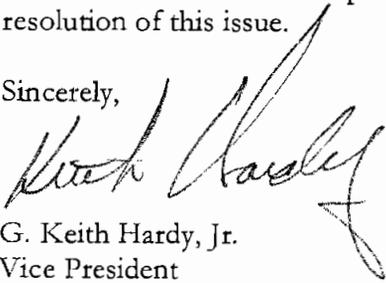
The UNICOM system will be modified by installing a Super AWOS system from Potomac Aviation and recording the above message. Our experts have advised us that the equipment is available and can be installed within a week, not including any necessary approvals. Upon CEC's approval of the change of requested broadcast method via UNICOM rather than ASOS, FPLE will ship the above equipment to the City of Blythe for installation at no expense to the City. The UNICOM System that will be purchased will allow the City of Blythe to broadcast on the frequency currently used by the Fixed Base Operator (FBO) or to broadcast on another frequency at the election of the City. We understand that should the City of Blythe elect to use a frequency other than the frequency currently in place at the Blythe Airport, it may be required to apply to FAA for such new frequency.

We will notify CEC when the City of Blythe informs us that the FAA has approved the right-hand traffic pattern and calm wind designation requests.

Upon receipt of CEC's agreement that installation of the above warning message on the Blythe Airport UNICOM is acceptable, we will proceed immediately to have the City of Blythe install and activate the UNICOM message. We will notify CEC upon completion of this action item as well.

We trust that CEC will be pleased with FPLE's progress in this matter and look forward to a final resolution of this issue.

Sincerely,



G. Keith Hardy, Jr.  
Vice President  
Technical Services

Copy to: Scott Galati, Esq.  
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Rob Fields, Riverside County  
R. Austin Wiswell, CalTrans  
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