

CALIFORNIA ENERGY COMMISSION

1516 NINTH STREET
SACRAMENTO, CA 95814-5512

August 30, 2005

Keith Hardy
Florida Power and Light
P.O. Box 14000
Juno Beach, FL 33408

99-AFC-8C
DOCKET
02-AFC-1
DATE AUG 30 2005
RECD. SEP -7 2005

Subject: Second Notification of Intention to File Complaint

Dear Mr. Hardy:

On May 17, 2005, Energy Commission staff sent Florida Power and Light (FPL) a letter informing FPL of staff's intention to file a complaint pursuant to Section 25534 of the Public Resources Code and the California Code of Regulations, Article 4, Section 1230 et seq., unless specific actions are taken by Florida Power and Light (FPL) to reduce potential public safety impacts resulting from operations of the Blythe Energy Project. Specifically, the potential public safety impacts concern the Blythe Energy Project cooling tower thermal plumes and the exhaust stack gas thermal plumes causing pilots to experience turbulence while attempting to land their airplanes at the Blythe Airport on Runway 26.

Discussions during the July 19, 2005 meeting of representatives from FPL, the City of Blythe, CalTrans Aeronautics, FAA and Energy Commission staff resulted in identification of tasks and those responsible for carrying them out. Among those were FPL's agreement to pursue appending a message to Blythe airport's existing ASOS transmission warning pilots of the thermal plumes generated by FPL's Blythe power plant, and to work with the City of Blythe to change the airport's traffic pattern from left-hand to right-hand, to limit ILS usage to periods with wind speeds greater than five knots, and to designate a calm wind runway.

Subsequent to the July 19 meeting, staff became aware of a letter to United States Senator Christopher Dodd from James Ballough, FAA's Director, Flight Standards Service referencing Notices to Airmen (NOTAM) Temporary Flight Restrictions (TFR) 1/3352 and 3/1655. TFR 1/3352 states, "[p]ilots are advised to avoid the airspace above, or in the proximity to, sites such as nuclear power plants, power plants, dams, refineries, industrial complexes, military facilities and other similar facilities. Pilots should not circle as to loiter in the vicinity of such facilities." In the letter, Mr. James Ballough stated, "[w]ith the above TFRs in mind, no direct over flights or maneuvering in the vicinity of large vertical exhaust plumes is currently authorized; therefore, the risk to any aircraft obeying flight rules should be essentially zero with regard to these plumes." Staff understands that the current ILS causes aircraft to directly over fly the power plant, a condition which appears to be in violation of TFR 1/3352.

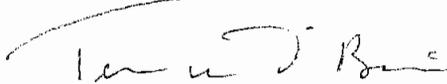
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Staff appreciates the efforts made by FPL and others to date towards resolution of the public safety impacts. However, we remain concerned over the amount of time it is taking to successfully resolve this issue. Consequently, staff intends to file a complaint on October 28, 2005 regarding the airport safety issue, unless the following actions are implemented by that time:

- Decommissioning of the existing ILS on Runway 26. (This would prevent direct over flights of the power plant. Staff recognizes this would require FPL working closely with the City of Blythe.)
- The airport's traffic pattern is changed from left-hand to right-hand.
- Appending a message to the existing Airport Surface Observation System (ASOS) reminding pilots of the FAA advisory to avoid the airspace above or in proximity to power plants (TFR 1/3352), and warning pilots of the thermal plumes.
- Designation of a calm wind runway. (Discussed during the July 19 meeting.)

If you would like to discuss this notification please contact me at (916) 654-3933.

Sincerely,



TERRENCE O'BRIEN, Deputy Director
Systems Assessment & Facilities Siting

Enclosure

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