

CALIFORNIA ENERGY COMMISSION

1516 NINTH STREET
SACRAMENTO, CA 95814-5512

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May 17, 2005

Chris Allen, General Plant Manager
FPL Energy
Blythe Energy, LLC
15560 West Hobsonway
Blythe, CA 92225**Subject: Notification of Intention to File Complaint**

Dear Mr. Allen:

The purpose of this letter is to notify you that Energy Commission staff is planning 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.

The Energy Commission's complaint process may include both informal and formal resolution measures. Although not required, the informal resolution measures encourage all parties involved in a dispute to discuss the matter and to reach an agreement resolving the dispute. The informal process may include both investigative and meeting phases. If the dispute cannot be resolved, any person, including but not limited to the Energy Commission's staff or operator of a power plant, may file a complaint. The matter must be heard either by an assigned committee or hearing officer and a recommendation must be referred to the full Energy Commission for its consideration. This letter is part of staff's continuing informal resolution process.

As you know, staff has received a number of complaints from pilots claiming to have experienced turbulence while flying over the Blythe Energy Project. Staff has been working with interested parties and responsible federal, state, and local agencies since last fall in an effort to gain a thorough understanding of the safety concerns, and to explore and implement corrective actions. In October 2004, staff held a public workshop in Blythe, California, that was attended by CalTrans, FAA, Riverside County, the City of Blythe, the Blythe airport manager, Energy Commission consultants and staff, and FPL. At that workshop, pilots who experienced turbulence expressed their concerns and their specific experiences were discussed.

Our aviation consultant has verified in flight that turbulence does result from operating the Blythe Energy Project, particularly under certain meteorological conditions, and that this turbulence can be a hazard to pilots. Your consultants concluded the turbulence is

not a significant hazard to pilots, but agreed that certain prudent measures, such as alerting pilots of the turbulence, was appropriate.

Staff facilitated some corrective measures that appear to be reducing the problem, in that we have not received any further complaints from pilots. These corrective measures are:

- Establishing an FAA Notice to Airmen (NOTAM), and a warning in the FAA Airport Directory, in December, 2004. The notice and warning help to alert pilots using the airport that they may experience turbulence resulting from the power plant thermal plumes.
- Staff is also recommending that the City of Blythe discuss with the CalTrans Division of Aeronautics the advisability of changing the airport take-off and landing patterns from a left-hand to a right-hand pattern.

It appears that the NOTAM and FAA Airport Directory alerts already implemented have helped to significantly reduce any safety concerns. However, we believe that the prudent approach under these circumstances is to demonstrate that all reasonable measures have been taken to avoid impacting aircraft using the Blythe airport as a result of operations of the Blythe Energy Project. Therefore, staff believes that additional action is appropriate to reduce potential safety impacts.

The Blythe Airport Instrument Landing System (ILS) on Runway 26 is reportedly used for approximately 20 instrument approaches per day. Unfortunately, approaches take aircraft over the power plant, subjecting them to turbulence. However, the thermal plumes have no effect on the approach or takeoff from other runways. Therefore, it is staff's opinion that installing a new ILS system on any other runway, such as Runway 17, is a reasonable action to reduce the possibility of pilots from being adversely impacted by the Blythe Energy Project's thermal plumes.

Given the turbulence caused by operations of the Blythe Energy Project, staff believes that FPL should commit to funding the purchase and installation of a new ILS system on any runway other than Runway 26 within 30 days of this letter. Staff estimates the costs associated with purchasing and installing a new ILS system is approximately \$500,000 dollars. If funding is committed, the likelihood of the City decommissioning the current ILS on Runway 26 and approving the installation of a new ILS on one of the other runways, such as Runway 17, is substantially increased. If the City does approve a new ILS as described above, staff would expect full funding would be provided within four months of the City's decision. Staff's May 17, 2005 letter to the Blythe Airport requesting approval of the new ILS system on Runway 17, and changing the airport's landing pattern from left-hand to right-hand is enclosed.

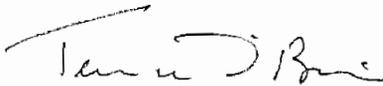
In addition to the ILS, early discussions with FAA about appending a warning about the power plant's thermal plumes to the Blythe Airport's radio transmission of the Airport

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Surface Observation System (ASOS) led us to believe doing so would be relatively easy to accomplish. Although this has proven not to be the case, we are still pursuing the matter since we believe it is a reasonable and prudent mitigation measure. FAA is concerned however, about the unknown costs that may be associated with instituting and maintaining the warning. In the interim, an alternative to using the ASOS system has arisen, that of a privately owned and maintained radio transmission system. This option would require permitting from entities such as the FAA and the Federal Communications Commission (FCC). Preliminary and very rough cost estimates for the latter radio transmission system are approximately \$2,000 for installation alone; permitting, maintenance and other costs are unknown. Should appending a warning to the ASOS prove infeasible, staff believes a private system installed and maintained by FPL may be appropriate. We intend to continue pursuing this issue, however given the amount of time it has taken and the obstacles encountered, we believe it is preferable not to wait before addressing the issue of moving the ILS

If FPL does not commit to providing funding for a new ILS, within 30 days of the date of this letter, staff intends to file a complaint to seek formal Energy Commission intervention to require FPL funding. 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

cc: Richard Piper, FPL Energy