State of California

The Resources Agency of California

Memorandum

To: The Los Esteros Critical Energy Facility Siting Committee

Date : December 2, 2005

Telephone:

DOCKET
03-AFC-2
DATE DEC -2 2005
RECD DEC -2 2005

From : **California Energy Commission** – Richard Ratliff R.R.
1516 Ninth Street
Sacramento CA 95814-5512

Subject: Docket No. 03-AFC-2, Status of Override Discussions

Counsel for the Staff met with officials from the City of San Jose on November 10, 2005. The City informed Staff that it intends to conform the Dataport/Los Esteros Critical Energy Facility zoning to that of the Phase 2 facility. The discussion focused on the most efficient method for accomplishing this. The City subsequently has indicated, in correspondence to Staff dated November 14, 2005, that it is considering adopting such zoning approval by issuing an addendum to the CEQA documents for the Phase 1 facility, incorporating for reference the PMPD. Staff is still waiting for the City to confirm that the City will follow this procedure, and anticipates that the decision will be made in the very near future.

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

APPLICATION FOR CERTIFICATION FOR THE LOS ESTEROS CRITICAL ENERGY FACILITY, PHASE 2 (LOS ESTEROS 2)	**DOCKET NO. 03-AFC-2** **(Revised 7/29/05)** ***PROOF OF SERVICE***

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Instructions: *Send an original signed document plus12 copies and/or an electronic copy plus one printed copy to the address below:*

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*Also send a printed **or** electronic copy of all documents to each of the following:*

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DECLARATION OF SERVICE

I, Carolyn Spears declare that on December 5, 2005, I deposited copies of the attached **Memo entitled: Status of Override Discussions** in the United States mail at Sacramento, CA with first class postage thereon fully prepaid and addressed those identified on the Proof of Service list above. Transmission via electronic mail was consistent with the requirements of the California Code of Regulations, title 20, sections 1209, 1209.5, and 1210.

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

Carolyn Spears
[signature]

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