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

DOCKET
04-AFC-1
DATE OCT 3 2006
RECD. OCT 5 2006

IN THE MATTER OF:

APPLICATION FOR CERTIFICATION
FOR THE SAN FRANCISCO
ELECTRIC RELIABILITY PROJECT

DOCKET NO. 04-AFC-1

COMMISSION ADOPTION ORDER

This Commission Order adopts the Commission Decision on the ***SAN FRANCISCO ELECTRIC RELIABILITY PROJECT***. The Commission Decision is based upon the evidentiary record of these proceedings (Docket No. 04-AFC-1) and considers the comments received at the October 3, 2006, special business meeting. The text of the attached Commission Decision contains a summary of the proceedings, the evidence presented, and the rationale for the findings reached and Conditions imposed.

This **ORDER** adopts by reference the text, Conditions of Certification, Compliance Verifications, and Appendices contained in the Commission Decision. It also adopts specific requirements contained in the Commission Decision which ensure that the proposed facility will be designed, sited, and operated in a manner to protect environmental quality, to assure public health and safety, and to operate in a safe and reliable manner.

FINDINGS

The Commission hereby adopts the following findings in addition to those contained in the accompanying text:

1. The ***SAN FRANCISCO ELECTRIC RELIABILITY PROJECT***, will provide a degree of economic benefits and electricity reliability to the local area.

2. The Conditions of Certification contained in the accompanying text, if implemented by the project owner, ensure that the project will be designed, sited, and operated in conformity with applicable local, regional, state, and federal laws, ordinances, regulations, and standards, including applicable public health and safety standards, and air and water quality standards.

3. Implementation of the Conditions of Certification contained in the accompanying text will ensure protection of environmental quality and assure reasonably safe and reliable operation of the facility. The Conditions of Certification also assure that the project will neither result in, nor contribute substantially to, any significant direct, indirect, or cumulative adverse environmental impacts.

4. Existing governmental land use restrictions are sufficient to adequately control population density in the area surrounding the facility and may be reasonably expected to ensure public health and safety.

5. The project is subject to Fish and Game Code section 711.4 and the project owner must therefore pay an eight hundred fifty dollar ($850) fee to the California Department of Fish and Game.

6. Construction and operation of the project, as mitigated, will not create any significant adverse environmental impacts. Therefore, the evidence of record also establishes that no feasible alternatives to the project, as described during these proceedings, exist which would reduce or eliminate any significant environmental impacts of the mitigated project.

7. The evidence of record does not establish the existence of any environmentally superior alternative site.

8. The evidence of record establishes that an environmental justice screening analysis was conducted and that the project, as mitigated, will not have a disproportionate impact on low-income or minority populations.

9. The Decision contains a discussion of the public benefits of the project as required by Public Resources Code section 25523(h).

10. The Decision contains measures to ensure that the planned, temporary, or unexpected closure of the project will occur in conformance with applicable laws, ordinances, regulations, and standards.

11. The proceedings leading to this Decision have been conducted in conformity with the applicable provisions of Commission regulations governing the consideration of an Application for Certification and thereby meet the requirements of Public Resources Code sections 21000 et seq. and 25500 et seq.

ORDER

Therefore, the Commission **ORDERS** the following:

1. The Application for Certification of the ***SAN FRANCISCO ELECTRIC RELIABILITY PROJECT*** as described in this Decision is hereby approved and a certificate to construct and operate the project is hereby granted.

2. The approval of the Application for Certification is subject to the timely performance of the Conditions of Certification and Compliance Verifications enumerated in the accompanying text and Appendices. The Conditions and Compliance Verifications are integrated with this Decision and are not severable therefrom. While the project owner may delegate the performance of a Condition or Verification, the duty to ensure adequate performance of a Condition or Verification may not be delegated.

3. This Decision is adopted, issued, effective, and final on October 3, 2006.

4. Reconsideration of this Decision is governed by Public Resources Code, section 25530.

5. Judicial review of this Decision is governed by Public Resources Code, section 25531.

6. The Commission hereby adopts the Conditions of Certification, Compliance Verifications, and associated dispute resolution procedures as part of this Decision in order to implement the compliance monitoring program required by Public Resources Code section 25532. All conditions in this Decision take effect immediately upon adoption and apply to all construction and site preparation activities including, but not limited to, ground disturbance, site preparation, and permanent structure construction.

7. The project owner shall provide the Executive Director a check in the amount of eight hundred fifty dollars ($850), payable to the California Department of Fish and Game.

8. The Executive Director of the Commission shall transmit a copy of this Decision and appropriate accompanying documents, including the Department of Fish and Game fee, as provided by Public Resources Code section 25537, California Code of Regulations, title 20, section 1768, and Fish and Game Code section 711.4.

Dated October 3, 2006, at Sacramento, California.

JACKALYNE PFANNENSTIEL
Chairman

JAMES D. BOYD
Vice Chair

JOHN L. GEESMAN
Commissioner

ARTHUR H. ROSENFELD
Commissioner

JEFFREY D. BYRON
Commissioner