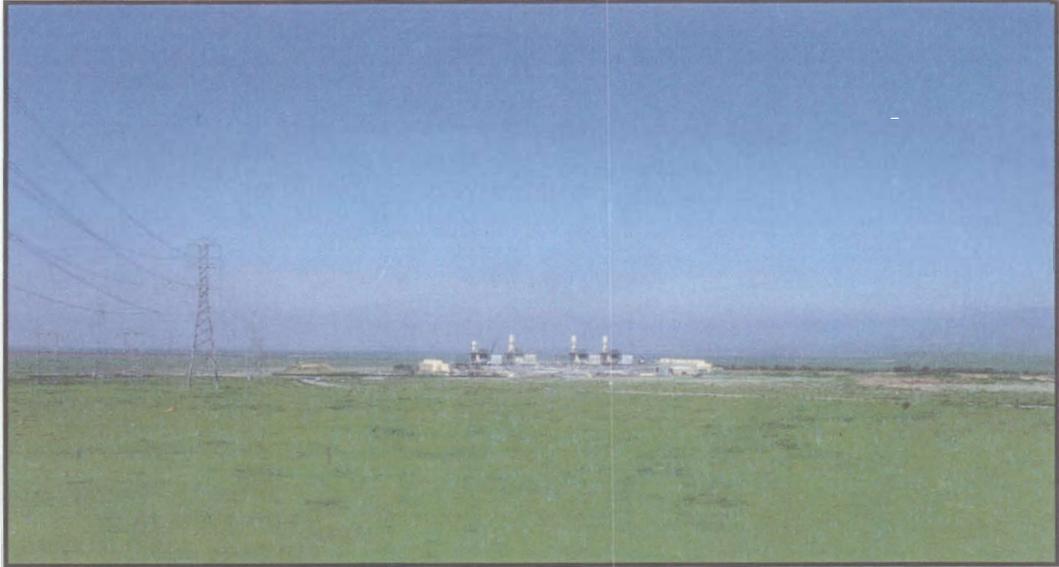


DOCKET
05-AFC-1
DATE DEC 15 2006
RECD DEC 15 2006

**CALIFORNIA
ENERGY
COMMISSION**

PASTORIA ENERGY FACILITY EXPANSION

**Application For Certification (05-AFC-1)
Kern County**



**FINAL COMMISSION
DECISION**

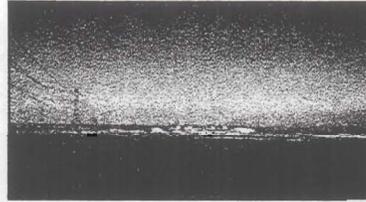
**DECEMBER 2006
(05-AFC-1)
CEC-800-2006-006-CMF**



Arnold Schwarzenegger, Governor

**PASTORIA ENERGY
FACILITY EXPANSION**

Application For Certification (05-AFC-1)
Kern County



CALIFORNIA
ENERGY
COMMISSION

**FINAL COMMISSION
DECISION**

DECEMBER 2004
(05-AFC-1)
CEC-000-2004-001-CEP



**CALIFORNIA ENERGY
COMMISSION**

1516 9th Street
Sacramento, CA 95814

www.energy.ca.gov/sitingcases/pastoria2/index.html



JAMES D. BOYD
Committee Member

SUSAN GEFTER
Hearing Officer

COMMISSIONERS-

JACKALYNE PFANNENSTIEL
Chair

JAMES D. BOYD
Vice Chair

ARTHUR H. ROSENFELD, Ph. D.
Commissioner

JOHN L. GEESMAN
Commissioner

JEFFREY D. BYRON
Commissioner

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

IN THE MATTER OF:

**APPLICATION FOR CERTIFICATION FOR THE
PASTORIA ENERGY FACILITY
160 MW EXPANSION
BY CALPINE CORPORATION**

DOCKET No. 05-AFC-1

ENERGY COMMISSION ADOPTION ORDER

This **Order** adopts the Energy Commission Decision on the Pastoria Energy Facility Expansion. The Decision is based upon the evidentiary record of these proceedings (Docket No. 05-AFC-1) and considers the comments received at the December 13, 2006, public hearing. The text of the attached 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 Decision. It also adopts specific requirements contained in the 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 Energy Commission hereby adopts the following findings in addition to those contained in the accompanying text:

1. The Pastoria Energy Facility Expansion ("Project") is designed as a simple-cycle generator to provide peaking power to the Southern California electricity grid.
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 Project 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. The evidence of record establishes that there are no feasible alternatives to the Project, as described during these proceedings, which would reduce or eliminate any significant environmental impacts of the mitigated Project.
7. Consistent with Public Resources Code section 25540.6(b), the evidence of record establishes that there is no environmentally superior alternative site since the Project is adjacent to the existing Pastoria Energy Facility and will interconnect with the existing power plant and linear facilities.
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 the Energy 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 Energy Commission **Orders** the following:

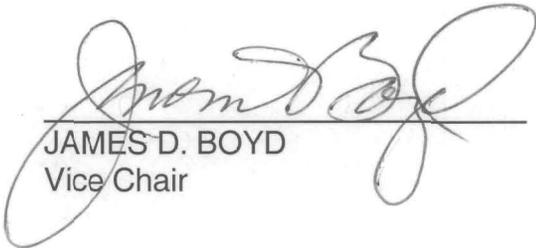
1. The Application for Certification of the Pastoria Energy Facility Expansion as described in this Decision is hereby approved and a certificate to construct and operate the Project is hereby granted.
2. The approval of the Application for Certification is subject to the timely performance of the Conditions 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 December 13, 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 Energy 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 submit to the Energy Commission's Executive Director a check in the amount of eight hundred fifty dollars (\$850), payable to the California Department of Fish and Game.

8. The Energy Commission's Executive Director 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 December 13, 2006, at Sacramento, California.



JACKALYNE PFANNENSTIEL
Chair



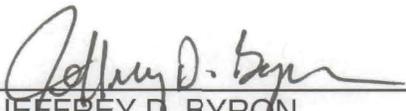
JAMES D. BOYD
Vice Chair



JOHN L. GEESMAN
Commissioner



ARTHUR H. ROSENFELD
Commissioner



JEFFREY D. BYRON
Commissioner

Oversize Document(s)

1. MAP(S) # _____

Too Large To Scan

2. PICTURE(S) # _____

For more information contact:

California Energy Commission
Docket Unit
1516 9th Street, MS-4
Sacramento, CA 965814-5512

Telephone (916) 654-5076
docket@energy.state.ca.us

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

IN THE MATTER OF:

APPLICATION FOR CERTIFICATION FOR THE
PASTORIA ENERGY FACILITY (PEF)
160 MW EXPANSION
BY CALPINE CORPORATION

DOCKET No. 05-AFC-1
PROOF OF SERVICE LIST
[REVISED 11/15/06]

INSTRUCTIONS: All parties shall 1) send an original signed document plus 12 copies OR 2) mail one original signed copy AND e-mail the document to the web address below, AND 3) all parties shall also send a printed OR electronic copy of the documents that shall include a proof of service declaration to each of the individuals on the proof of service:

DOCKET UNIT

Send the original signed document plus the required 12 copies to the address below:

CALIFORNIA ENERGY COMMISSION
DOCKET UNIT, MS-4
Attn: Docket No. 01-AFC-20
1516 Ninth Street, MS-4
Sacramento, CA 95814-5512
docket@energy.state.ca.us

* * * *

In addition to the documents sent to the Commission Docket Unit, also send individual copies of any documents to:

APPLICANT

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Project Development
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INTERVENORS

No Intervenors to date.

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ENERGY COMMISSION

JAMES D. BOYD, Commissioner
Vice Chair and Associate Member
Jboyd@energy.state.ca.us

SUSAN GEFTER
Hearing Officer
MS-9

JAMES REEDE
Project Manager
MS-15

KERRY WILLIS
Staff Counsel
MS-14

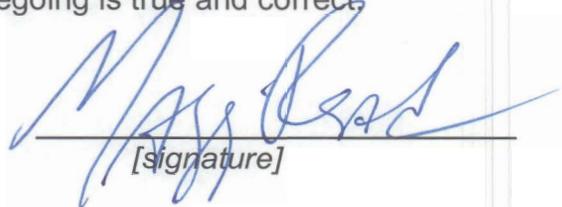
PUBLIC ADVISER

Margret J. Kim
Public Adviser's Office
1516 Ninth Street, MS-12
Sacramento, CA 95814
pao@energy.state.ca.us

DECLARATION OF SERVICE

I, Maggie Read, declare that on December 15, 2006, I deposited copies of the attached Pastoria Final Commission Decision & Notice of Availability, in the United States mail at Sacramento, CA with first class postage thereon fully prepaid and addressed to those identified on the Proof of Service list above. Transmission via electronic mail was consistent with the requirements of 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.



[signature]