

ELLISON, SCHNEIDER & HARRIS L.L.P.

CHRISTOPHER T. ELLISON
ANNE J. SCHNEIDER
JEFFERY D. HARRIS
DOUGLAS K. KERNER
ROBERT E. DONLAN
ANDREW B. BROWN
MARGARET G. LEAVITT, OF COUNSEL

ATTORNEYS AT LAW
2015 H STREET
SACRAMENTO, CALIFORNIA 95814-3109
TELEPHONE (916) 447-2166 FAX (916) 447-3512

TRENTON M. DIEHL
JEDEDIAH J. GIBSON
LYNN M. HAUG
PETER J. KIEL
CHRISTOPHER M. SANDERS
WILLIAM W. WESTERFIELD III
GREGGORY L. WHEATLAND

November 9, 2006

DOCKET	
06-AFC-3	
DATE	NOV 09 2006
RECD.	NOV 13 2006

Commissioner John L. Geesman, Presiding Member
Commissioner Arthur H. Rosenfeld, Ph.D., Associate Member
Mr. Bill Pfanner, Project Manager
South Bay Replacement Project
Systems Assessment & Facility Siting Division
California Energy Commission
1516 Ninth Street, MS-15
Sacramento, CA 95814

Re: Notice of Need for Additional Time (South Bay Replacement Project, 06-AFC-3)

Dear Commissioner Geesman, Commissioner Rosenfeld, and Mr. Pfanner:

Pursuant to the requirements of Section 1716(f) of the Commission’s regulations, LS Power South Bay, LLC (“LS Power”) hereby provides this notice of need for additional time to file responses to certain Data Requests promulgated by Staff regarding LS Power’s South Bay Replacement Project (“SBRP”). Specifically, LS Power may need additional time to file its responses to Staff Data Requests numbers 22, 23, 26, and 77, promulgated on October 31, 2006. The additional time is required to allow for the compilation and analysis of information to fully respond to these Data Requests.

Of course, LS Power will continue to work diligently to provide answers within the allotted time. At this time, we expect to be able to respond to these four Data Requests by December 31, 2006.

More specifically, all four Data Requests are related to air dispersion modeling runs or results. The Data Requests seek additional runs to analyze the potential air quality and public health impacts of several combinations of construction, commissioning or operation of the SBRP together with operation or demolition of the existing South Bay Power Plant (“SBPP”). Data Request 77, while not requesting new modeling *per se*, requests distances to maximum potential impacts in the health risk assessment modeling.

Concurrent with these requests, the San Diego Air Pollution Control District (“SDAPCD” or “District”) has requested that the air dispersion modeling contained in the June 30, 2006 AFC be remodeled with Chula Vista meteorological data that the District has only recently approved and

November 9, 2006
Page 2

provided. In the absence of District approved Chula Vista-based meteorological data during the first half of 2006, which did not become available until August 31, 2006, the air quality impact analysis for the SBRP was accomplished using Lindberg Field meteorological data, as originally directed by the District for the AFC and initial filing of the air permit application. The later arrival of the Chula Vista-based meteorological data does not invalidate the initial modeling, the CEC's finding of data adequacy, or the District's completeness determination for the air permit application.

In response to the District request for remodeling, on behalf of LS Power, Sierra Research submitted a revised modeling protocol to the District on October 23, 2006. The revised protocol has not yet been approved, however.

An extension of time to respond to Air Quality Data Requests 22, 23, and 26 and Public Health Data Request 77 is required to respond to the CEC's modeling-related air quality data requests combined with the District's request for remodeling using the Chula Vista-based meteorological data, especially considering the District's unknown timing in reviewing and approving the revised protocol. We estimate the need for an additional month, assuming the District approves the revised protocol by November 15, 2006. The modeling results would be submitted to the CEC and District by December 31, 2006. In the event there is a delay in receiving the District's approval of the revised modeling protocol, the modeling results could be delayed beyond December 31, 2006.

If you have any questions, I can be reached at (916) 447-2166. Thank you.

Sincerely,

/s/

Christopher T. Ellison
Jeffery D. Harris
Jedediah J. Gibson
Attorneys for LS Power South Bay, LLC

cc: Service List

STATE OF CALIFORNIA

Energy Resources Conservation
and Development Commission

Application for Certification for the SOUTH BAY)
REPLACEMENT PROJECT) Docket No. 06-AFC-3
)
)
)
_____)

PROOF OF SERVICE

I, Ron O'Connor, declare that on November 9, 2006, I deposited copies of the attached *Notice of Need for Additional Time* in the United States mail in Sacramento, California, with first-class postage thereon fully prepaid and addressed to all parties on the attached service list.

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

/s/

Karen M. Mitchell

SERVICE LIST
06-AFC-3

Kevin Johnson
LS Power Generation, LLC
1735 Technology Drive, Suite 820
San Jose, CA 95110

Robert Mason
CH2M Hill
3 Hutton Centre Dr., Suite 200
Santa Ana, CA 92707

Sarah Madams
CH2M Hill
2485 Natomas Park Dr., Suite 600
Sacramento, CA 95833

Electricity Oversight Board
770 L Street, Suite 1250
Sacramento, CA 95814

California Unions for Reliable Energy
Marc D. Joseph
Suma Peesapati
Adams Broadwell Joseph & Cardozo
601 Gateway Boulevard, Suite 1000
So. San Francisco, CA 94080

Environmental Health Coalition
Osa L. Wolff
Kevin P. Bundy
Shute, Mihaly & Weinberger, LLP
396 Hayes Street
San Francisco, CA 94102