

DOCKET

06-AFC-5

DATE MAR 05 2007

RECD. MAR 05 2007

STATE OF CALIFORNIA

Energy Resources Conservation and Development Commission

In the Matter of:)
Application for Certification) Docket No. 06-AFC-5
for the Panoche Energy Center)
_____)

Applicant's Status Report #1

Panoche Energy Center (PEC) respectfully submits this Status Report, and apologizes for filing this report late. In this Status Report, PEC provides a summary of the major issues taken from Staff's Data Requests and Issues Identification Report.

1. Land Use. PEC's application with the County of Fresno for cancellation of the Williamson Act is progressing. The Department of Conservation submitted comments to the County whereby no negative findings were identified. The County has determined that the CEC proceeding will satisfy its environmental review. As such it has accepted the Landowner's application for an exemption to the County's Internal Review for this purpose. The County has expressed to PEC and the Landowner that it will likely be in a position to make a favorable recommendation (for cancellation) to the ALCC and County Board of Supervisors in a manner that would support a hearing of such recommendation at the April 17th or 24th Board of Supervisors meeting. PEC and the Landowner has met with the County Supervisors to inform them of this Williamson Act cancellation proceeding.

Regarding CEC concerns with the Subdivision Map Act (SMA), the Applicant has submitted a Site Plan Review application with the County Department of Public Works. Upon review this Site Plan Review, County staff is expected to recommend to the Direction of the Department that PEC be exempt from a formal SMA process.

2. Noise. Regarding the proposed relocation of ML-2, PEC acknowledged in the DR Response dated March 1, 2007 that the sound level at the new location as originally modeled would exceed the 45 dBA County noise standard. PEC recently engaged GE and its consultant to rerun the Noise model using the latest GE configurations and abatements. PEC believes that there are sufficient technology and noise abatement structure options to ensure that the noise standard will be met at all the receptors, including ML-2.
3. Geology, Soils and Water. Staff has expressed that the PEC AFC as represented in the AFC and Round-1 Data Request Response presents a "bare minimum" water and wastewater *alternatives* analysis. Staff also has expressed concerned that the EPA will not have approved Applicant's Class I permit application in time for the Staff to reflect this wastewater disposal method in their Final Staff Assessment. To address the Alternatives, Applicant submitted a Technical Memo to Staff on March 2, 2007 that provides further analysis of the PEC's water supply and wastewater disposal plans, as well as additional analysis of the alternatives to these plans.

PEC plans to meet with Staff on March 8, 2007 to discuss these additional alternatives analyses and to further substantiate its selection for water and wastewater. Regarding the timing of EPA's UIC approval, PEC continues to believe that absent any communications from EPA during the technical review that the UIC permit will be issued by October 2007. To avoid a timing issue between the UIC issuance date and Staff's Final Staff Assessment, PEC asks that the CEC proceeds with its FSA with the inclusion of a "condition that the UIC permit will be issued to validate CEC's final approval of the PEC AFC.

4. Biological Resources. URS evaluated the biological impacts within the Wilson-Gregg 230kV transmission line reconductoring study area. This assessment did not identify any significant biological impacts associated with the proposed reconductoring activities.
5. Cultural Resources. Upon completion of the DPR 523 forms for the Panoche Substation, URS determined that any impacts to the substation will be considered less than significant. Further cultural resources assessments on the Wilson-Gregg reconductoring area also showed that impacts from that project will be less than significant.
6. Air Quality. At the request of CEC's air quality consultant at the January 31, 2007 Workshop, URS prepared and submitted reformatted tables and provided more details related to air dispersion modeling. In addition, URS prepared and submitted a cumulative analysis summary. As part of this DR response, PEC restated that it has secured all the required ERCs.
7. AFC Schedule. Applicant has reviewed the Committee's schedule and believes it is reasonable. Applicant is hopeful that Staff will be sufficiently satisfied with its data request responses. As such, Applicant sees no reason for any change in the Committee schedule.

Respectfully submitted;

March 5, 2007

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CC: Proof of Service list

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PROOF OF SERVICE

Electronic Filing

CALIFORNIA ENERGY COMMISSION

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DECLARATION OF SERVICE

I, Allan J Thompson, hereby declare that on March 5, 2007, I deposited a single copy of the attached Applicant's Status Report #1, in the United States mail at Orinda, California with first-class postage thereon fully prepaid and addressed to the California energy Commission Docket Office.

I additionally declare that on March 5, 2007 I sent an electronic copy of Applicant's Status Report #1 to all those identified on the above Proof of Service.

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

Date

Allan J. Thompson