

CALIFORNIA ENERGY COMMISSION

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DOCKET**07-AFC-7**DATE NOV 21 2008RECD. NOV 21 2008

November 21, 2008

TO: AGENCY DISTRIBUTION LIST (LOCAL)**DISTRIBUTION OF SUPPLEMENTAL INFORMATION FOR THE APPLICATION FOR CERTIFICATION COMMUNITY POWER PLANT PROJECT (07-AFC-07)**

On September 27, 2007, Kings River Conservation District (KRCDD), submitted an Application for Certification (AFC) to construct and operate a base-load combined-cycle power plant, the Community Power Project (CPP), in an unincorporated area of southern Fresno County near the City of Parlier. On December 5, 2007, the Energy Commission accepted the AFC as complete. On October 30, 2008, the Energy Commission received Supplement B to the AFC.

Since the AFC was filed, several changes to the project have been made. These changes consist of the following:

- A different construction staging area.
- A change to the transmission line alignment.
- The addition of construction staging areas along the natural gas pipeline route.

Supplement B identifies the resource analyses from the AFC that are impacted by these changes and revises those analyses. Resource analyses were revised in the following areas: Air Quality, Visual Resources, Cultural Resources, Paleontological Resources, and Biological Resources.

Energy Commission's Facility Certification Process

The Energy Commission is responsible for reviewing and ultimately approving or denying all applications to construct and operate thermal electric power plants, 50 MW and greater, in California. The Energy Commission's facility certification process carefully examines public health and safety, environmental impacts, and engineering aspects of proposed power plants and all related facilities, such as electric transmission lines and natural gas and water pipelines. The issuance of a certificate by the Energy Commission is in lieu of any local, state or federal permit (to the extent permitted by federal law). The Energy Commission is the Lead Agency under the California Environmental Quality Act (CEQA), and because the siting process is a Certified Regulatory program, it produces several environmental and decision documents rather than an Environmental Impact Report.

Agency Participation

To ensure that the Energy Commission has the information it needs in order to make a decision, our regulations identify a special role for local agencies. (See, Cal. Code Regs., tit. 20, section 1714, 1714.3, 1714.5, 1742, 1743, and 1744.) As a result, we request that you conduct a review of the AFC and provide us with the following information:

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- 1) a discussion of those aspects of the proposed site and related facilities for which your agency would have jurisdiction but for the exclusive jurisdiction of the Energy Commission to certify sites and related facilities;
- 2) a determination of the completeness of the list in the AFC of the laws, ordinances, regulations, or standards which your agency administers or enforces and would be applicable to the proposed site and related facilities but for the Energy Commission's exclusive jurisdiction;
- 3) a description of the nature and scope of the requirements which the applicant would need to meet in order to satisfy the substantive requirements of your agency but for the Energy Commission's exclusive jurisdiction, and identification of any analyses that the Energy Commission should perform in order to determine whether these substantive requirements can be met; and
- 4) an analysis of whether there is a reasonable likelihood that the proposal will be able to comply with your agency's applicable substantive requirements.

We request that you complete and provide to us your review of these issues by **January 23, 2009**. Local agencies may seek reimbursement for costs incurred in responding to these requests. Please note that you may be asked to present and explain your conclusions at a public hearing on the project. (Cal. Code Regs., tit. 20, sections 1714.3, 1714.5, 1743.)

Over the coming months, the Energy Commission will conduct a number of public workshops and hearings on the proposal to determine whether the project should be approved for construction and operation and under what set of conditions. These workshops will provide the public as well as local, state and federal agencies the opportunity to ask questions about, and provide input on, the proposed project. The Energy Commission will issue notices for these workshops and hearings at least 10 days prior to the meeting. If you are not currently receiving these notices and want to be placed on the mailing list, please contact Hilarie Anderson, Project Secretary, at (916) 651-0479, or by e-mail at handerso@energy.state.ca.us.

If you have any questions on reimbursement or how to participate in the Energy Commission's review of the project, please contact Alan Solomon, Energy Commission Project Manager, at (916) 653-8236, or by email at asolomon@energy.state.ca.us. The status of the proposed project, copies of notices, and other relevant documents are also available on the Energy Commission's Internet web site at <http://www.energy.ca.gov/sitingcases/communitypower>. You can also receive email notification of all project related activities and availability of reports by subscribing to the Listserve at <http://www.energy.ca.gov/listservers/index.html>.

Sincerely,

Eric Knight, Manager
Energy Facilities Siting and Docket Office

Enclosure