



ALCANTAR & KAHL LLP

120 Montgomery, Suite 2200
San Francisco, CA 94104
415.421.4143 phone
415.989.1263 fax

Via E-mail and UPS

October 25, 2007

DOCKET 07-SPPE-1	
DATE	<u>OCT 25 2007</u>
RECD.	<u>OCT 26 2007</u>

Mary Dyas
Project Manager
California Energy Commission
1516 Ninth Street, MS-15
Sacramento, CA 95814-5512

Subject: Motion For Stay or Suspension
Chevron Power Plant Replacement Project (07-SPPE-1)

Dear Ms. Dyas:

Please find enclosed Chevron USA, Inc.'s motion for a stay or suspension of the application for a Small Power Plant Exemption. Please contact me with any questions. Thank you.

Sincerely,

Evelyn Kahl
Nora Sheriff
Alcantar & Kahl, LLP
Project Counsel

Cc: Comr. Byron
R. Renaud
B.B. Blevins
L. DeCarlo
Service List

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

**APPLICATION FOR SMALL POWER PLANT
EXEMPTION FOR THE CHEVRON
RICHMOND POWER PLANT
REPLACEMENT PROJECT**

Docket No. 07-SPPE-1

APPLICANT'S MOTION FOR STAY OR SUSPENSION

Evelyn Kahl
Nora Sheriff
Alcantar & Kahl LLP
120 Montgomery Street
Suite 2200
San Francisco CA 94111
415.421.4143 office
415.989.1263 fax
ek@a-klaw.com
nes@a-klaw.com

Project Counsel

October 25, 2007

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

**APPLICATION FOR SMALL POWER PLANT
EXEMPTION FOR THE CHEVRON
RICHMOND POWER PLANT
REPLACEMENT PROJECT**

Docket No. 07-SPPE-1

APPLICANT'S MOTION FOR STAY OR SUSPENSION

Pursuant to §1716.5, Chevron USA, Inc. (Chevron or applicant) submits this motion for a stay or suspension of its Application for a Small Power Plant Exemption (SPPE) for the Richmond Power Plant Replacement Project. (Title 20, *California Code of Regulations*, section 1716.5) Staff supports this motion.

Good Cause for Stay

Applicant provides the following grounds for a stay or suspension:

1. Applicant's project schedule has experienced delay, allowing Applicant to turn its resources to other matters and providing additional time for the processing of the Application.
2. The multiple siting proceedings currently before the Energy Commission place significant demands on scarce Staff resources. A stay would provide Staff the opportunity to divert scarce resources to other projects during the stay.

3. Applicant anticipates that Staff and other parties would work diligently to meet a revised schedule for a timely final decision upon an Applicant motion for resumption of the proceeding.
4. No harm would result from the granting of a stay.

Background

Since the combined capacity of the 43 MW Cogen 3000 and the 17 MW Praxair hydrogen plant STG totals 60 MW, the Power Plant Replacement Project (PPRP) is subject to the siting jurisdiction of the California Energy Commission (CEC). The CEC's siting jurisdiction is triggered for any thermal power plant with a capacity exceeding 50 MW.

Chevron submitted an Application for an SPPE to the California Energy Commission on June 22, 2007. A site visit and informational hearing were held on August 30, 2007. The scheduling order was issued on September 11, 2007.

Request for Stay or Suspension

Applicant requests a stay or suspension of its application for SPPE for good cause shown.

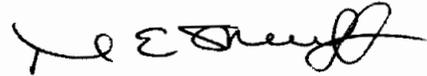
Authority for Stay

The Committee has, under the California Energy Commission's authority over the siting process, the authority to grant this motion for a stay or suspension.

Conclusion

For good cause shown, applicant requests the Committee expeditiously grant this motion for a stay or suspension and suspend all further actions in this proceeding.

Dated: October 25, 2007
Respectfully submitted,



Evelyn Kahl
Nora Sheriff
Project Counsel

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

**CHEVRON RICHMOND POWER
PLANT REPLACEMENT PROJECT
SMALL POWER PLANT EXEMPTION**

**Docket No. 07-SPPE-1
ALL POWER PLANT**

INSTRUCTIONS: All parties shall either (1) send an original signed document plus 12 copies or (2) mail one original signed copy AND e-mail the document to the address for the Docket as shown below, AND (3) all parties shall also send a printed or electronic copy of the document, which includes a proof of service declaration to each of the individuals on the proof of service list shown below:

CALIFORNIA ENERGY COMMISSION
Attn: Docket No. 07-SPPE-1
1516 Ninth Street, MS-4
Sacramento, CA 95814-5512
docket@energy.state.ca.us

APPLICANT

Gary Carr
Chevron SPPE Permitting Manager
1450 Marina Way S.
Richmond, CA 94804-3747
gcch@chevron.com

Bob Chamberlin, Mgr.
Chevron Renewal Project Permitting
Richmond Refinery
841 Chevron Way
Tech Center, Room 329
P.O. Box 1272
Richmond, CA 94802
rtch@chevron.com

Paul Millner
Manager, Business Development
Chevron
Richmond Refinery
841 Chevron Way
Admin, Room 314
Richmond, CA 94802
PAMR@chevron.com

APPLICANT CONSULTANT

David A. Stein, PE
Vice President
CH2M HILL
155 Grand Avenue, Suite 1000
Oakland, CA 94612
dstein@ch2m.com

Jerry Salamy
Senior Project Manager
CH2M HILL
2485 Natomas Park Drive
Suite 600
Sacramento, CA 95833
jsalamy@ch2m.com

COUNSEL FOR APPLICANT

Evelyn Kahl
Alcantar & Kahl, LLP
120 Montgomery St, Ste 2200
San Francisco Ca 94104
ek@a-klaw.com

INTERESTED AGENCIES

Larry Tobias
Ca. Independent System Operator
151 Blue Ravine Road
Folsom, CA 95630
LTobias@caiso.com

Electricity Oversight Board
770 L Street, Suite 1250
Sacramento, CA 95814
esaltmarsh@eob.ca.gov

INTERVENORS

Marc D. Joseph
Suma Peesapati
Adams Broadwell Joseph & Cardozo
601 Gateway Boulevard, Suite 1000
South San Francisco, CA 94080
mdjoseph@adamsbroadwell.com
spesapati@adamsbroadwell.com

*** Communities for a Better Environment**

Adrienne Bloch
Philip Huang
1440 Broadway, Suite 701
Oakland, CA 94612
abloch@cbecal.org
phuang@cbecal.org

ENERGY COMMISSION

JEFFREY D. BYRON
Commissioner and Presiding Member
jbyron@energy.state.ca.us

ARTHUR H. ROSENFELD
Commissioner and Associate Member
arosenfe@energy.state.ca.us

Raoul Renaud
Hearing Officer
rrenaud@energy.state.ca.us

Mary Dyas
Project Manager
mdyas@energy.state.ca.us

Lisa DeCarlo
Staff Counsel
ldecarlo@energy.state.ca.us

Public Adviser's Office
pao@energy.state.ca.us

DECLARATION OF SERVICE

I, _____, declare that on _____, I deposited copies of the attached _____, in the United States mail at Sacramento, California with first-class postage thereon fully prepaid and addressed to those identified on the Proof of Service list above.

OR

Transmission via electronic mail was consistent with the requirements of California Code of Regulations, title 20, sections 1209, 1209.5, and 1210. All electronic copies were sent to all those identified on the Proof of Service list above.

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



Docket Optical System - Docket No. 07-SPPE-1

From: "Amie Burkholder"
To:
Date: 10/25/2007 4:21 PM
Subject: Docket No. 07-SPPE-1
CC: "Nora Sheriff"
Attachments: "Nora Sheriff"

We submit on behalf of Chevron USA, Inc. for filing: Applicant's Motion For Stay or Suspension of its Application for a Small Power Plant Exemption. An original signed copy will follow via UPS overnight mail. Thank you.

Amie Burkholder

Amie

Alcantar & Kahl LLP
120 Montgomery Street, Suite 2200
San Francisco, CA 94104
(415) 421-4143