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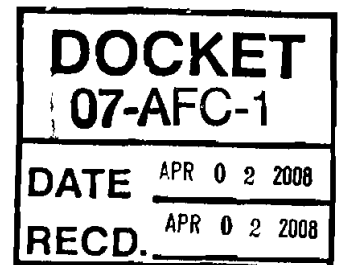
File No. 038610-0001

LATHAM & WATKINS^{LLP}

April 2, 2008

VIA FEDEX

CALIFORNIA ENERGY COMMISSION
Attn: Docket No. 07-AFC-1
1516 Ninth Street, MS-4
Sacramento, California 95814-5512



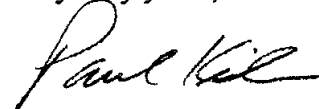
Re: Victorville 2 Hybrid Power Project: Docket No. 07-AFC-1

Dear Sir/Madam:

Pursuant to California Code of Regulations, title 20, sections 1209, 1209.5, and 1210, enclosed herewith for filing please find Applicant's Proposed Condition of Certification Bio-18 regarding the above-referenced project.

Please note that the enclosed submittal was filed today via electronic mail to your attention and to all parties on the CEC's current electronic proof of service list.

Very truly yours,



Paul E. Kihm
Senior Paralegal

Enclosure

cc: CEC 07-AFC-1 Proof of Service List (w/encl. via e-mail)
Michael J. Carroll, Esq. (w/encl.)

Michael J. Carroll
LATHAM & WATKINS LLP
Counsel to the City of Vernon
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(714) 540-1235

STATE OF CALIFORNIA
ENERGY RESOURCES
CONSERVATION AND DEVELOPMENT COMMISSION

In the Matter of:)	Docket No. 07-AFC-1
)	
Application for Certification,)	PROPOSED CONDITION OF
for the VICTORVILLE 2 HYBRID POWER)	CERTIFICATION BIO-18
PROJECT)	
by The City of Victorville)	
)	

At the Prehearing Conference held on April 1, 2008, the Committee directed applicant and staff to try to develop a mutually acceptable alternative to proposed condition of certification BIO-18. Applicant hereby offers the attached alternative for consideration.

DATED: April 2, 2008

Respectfully submitted,



Michael J. Carroll
of LATHAM & WATKINS LLP
Counsel to Applicant

BIO-18 If the CPM determines, in consultation with CDFG, that a Streambed Alteration Agreement would be required were the project not under the Energy Commission's jurisdiction, then the CPM, in consultation with CDFG and the project owner, shall develop additional measures typical of those that would be included in a Streambed Alteration Agreement for the project.

Verification: No later than 30 days after publication of the Energy Commission Decision, the CPM, in consultation with CDFG, shall determine whether or not a Streambed Alteration Agreement would be required were the project not under the Energy Commission's jurisdiction. In the event that a determination is made that a Streambed Alteration Agreement would be required were the project not under the Energy Commission's jurisdiction, the project owner shall implement any additional measures developed by the CPM prior to initiation of work within areas of CDFG jurisdiction.

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

In the Matter of:)	Docket No. 07-AFC-1
)	
Application for Certification,)	ELECTRONIC PROOF OF SERVICE
for the VICTORVILLE 2)	LIST
HYBRID POWER PROJECT)	
by the City of Victorville)	(revised September 6, 2007)
)	
)	

Transmission via electronic mail and by depositing one original signed document with FedEx overnight mail delivery service at Costa Mesa, California with delivery fees thereon fully prepaid and addressed to the following:

DOCKET UNIT

CALIFORNIA ENERGY COMMISSION

Attn: DOCKET NO. 07-AFC-1
1516 Ninth Street, MS-4
Sacramento, California 95814-5512
docket@energy.state.ca.us

Transmission via electronic mail addressed to the following:

APPLICANT

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P.O. Box 5001
Victorville, CA 92393-5001
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APPLICANT'S CONSULTANTS

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VICTORVILLE II HYBRID POWER PROJECT
CEC Docket No. 07-AFC-1

Sara Head
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INTERVENORS

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VICTORVILLE II HYBRID POWER PROJECT
CEC Docket No. 07-AFC-1

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DECLARATION OF SERVICE

I, Paul Kihm, declare that on April 2, 2008, I deposited a copy of the attached:

APPLICANT'S PROPOSED CONDITION OF CERTIFICATION BIO-18

with FedEx overnight mail delivery service at Costa Mesa, California with delivery fees thereon fully prepaid and addressed to the California Energy Commission. I further declare that 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. Executed on April 2, 2008, at Costa Mesa, California.



Paul Kihm