

Memorandum

Date: December 12, 2007
 Telephone: (916) 653-1246

To: Jeffrey F. Byron, Presiding Member
 James D. Boyd, Associate Member
 Paul Kramer, Hearing Officer

DOCKET	
06-AFC-5	
DATE	DEC 12 2007
RECD.	DEC 12 2007

From: California Energy Commission – James W. Reede, Jr., Ed.D
 1516 Ninth Street Project Manager
 Sacramento, CA 95814-5512

Subject: **PANOCHÉ ENERGY CENTER PROJECT (06-AFC-5) PMPD COMMENTS**

Below is staff's response to the Applicant's Comments on the PMPD for the proposed Panoche Energy Center (PEC) project.

CULTURAL RESOURCES

Staff has had further internal discussions and determined that to alleviate confusion for the purposes of the Cultural Resources Conditions of Certification, the term "ground disturbances," includes "preconstruction site mobilization"; "construction ground disturbance"; and "construction grading, boring and trenching," as defined in the General Conditions for this project. Staff believes that this substitution of term addresses the Committee's concerns regarding timing issues for the affected Cultural Resources Conditions of Certification.

NOISE

Applicant Comment: Because no pile driving will be used, construction noise at ML2 will not be significantly loud.

Staff's Response: Staff agrees that ML2 can be moved prior to startup versus the start of construction, because:

- Noise from conventional construction (~89 dBA Leq at 50 feet) is generally quieter than noise from pile drivers (~100 dBA Leq at 50 feet) by about 10 decibels;
- Construction noise will be temporary and work will occur during daytime;
- Noise data from which the above estimates were derived are about 30 years old (the equipment used now are quieter); and
- If the noise still proves to be intrusive enough to launch a complaint, Condition **NOISE-2** will provide protection through the noise complaint process described therein.

TRANSMISSION SYSTEM ENGINEERING

Applicant Comment: Changes were requested to TSE-3 relating to which revision of California Building Code (CBC) should be used.

Staff's Response: The 2007 California Building Standards Code will be in effect on January 1, 2008. Therefore, staff believes the applicable edition of the California Building Code is the 2007 edition and has revised the following condition accordingly. The specific requirements described in the following referenced sections of the 2007 edition are much the same as the specific requirements in the following referenced sections of the 2001 edition. The specific language as described in this condition is the staff's interpretation of the CBC requirements and should remain intact.

TSE-3 If any discrepancy in design and/or construction is discovered in any engineering work that has undergone CBO design review and approval, the project owner shall document the discrepancy and recommend corrective action. (~~2001~~ 2007 California Building Code), Appendix Chapter 1, Section ~~108.4, 109.6~~, Approval Required; Chapter 17, Section ~~1701.3, 1704.1.2~~ Report requirement ~~Duties and Responsibilities of the Special Inspector, Appendix Chapter 33, Section 3317.7, Notification of Noncompliance~~ **[Verify correct version]**). The discrepancy documentation shall become a controlled document and shall be submitted to the CBO for review and approval and shall reference this condition of certification.

Panoche Proof of Service List
Mail List: 7207, 7208, 7209

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

APPLICATION FOR CERTIFICATION
FOR THE PANOCHÉ ENERGY
CENTER

Docket No. 06-AFC-5
PROOF OF SERVICE
(Revised 10/31/07)

INSTRUCTIONS: All parties shall 1) send an original signed document plus 12 copies OR 2) mail one original signed copy AND e-mail the document to the web address below, AND 3) all parties shall also send a printed OR electronic copy of the documents that shall include a proof of service declaration to each of the individuals on the proof of service:

CALIFORNIA ENERGY COMMISSION
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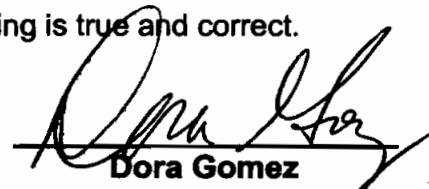
DECLARATION OF SERVICE

I, Dora Gomez declare that on December 12, 2007, I deposited copies of the attached Panoche Energy Center Project (06-AFC-5) PMPD Comments in the United States mail at Sacramento 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.


Dora Gomez