



DOCKET 06-AFC-6	
DATE	OCT 16 2007
RECD.	OCT 16 2007

Monday, October 15th, 2007

VIA FEDEX delivery receipt

Jeffrey Byron
John Geesman
California Energy Commission
1516 Ninth Street
Sacramento, CA 95814

RE: Eastshore Energy Center (Docket No. 06-AFC-6), Continued Schedule Delays.

Dear Commissioners,

Eastshore is very concerned about the hearing schedule provided by Ms. Gefter. We had received a tentative schedule by e-mail on October 11, and before we had a chance to check witness or team schedules, we received an e-mail notice setting the prehearing conference and evidentiary hearings at a later date. Some of our potential witnesses are in Europe and communication is limited.

We are extremely concerned about the consistent schedule delays for processing this application. We have been subject to late data requests since the beginning of this proceeding, followed by new issues such as the aviation concern first expressed by staff some 120 days into the proceeding. The Preliminary Staff Assessment (PSA) was delayed by months at no fault of the applicant who had long since answered all outstanding data requests. The public comment period for the PSA was unilaterally extended by Staff for two additional weeks with no opportunity for consultation by Eastshore and without Committee consent. Now, we learn the Final Staff Assessment (FSA) is even further delayed. We understand that staff is busy but to compound those delays with a pre-hearing conference scheduled for Monday, November 26 is extreme. The issues emerging in this case have been under discussion for several months and no party should be surprised by the contested issues in this case. California Code of Regulations Section 1747 requires the FSA be published at least 14 days before the hearings. Assuming the FSA is published no later than the end of October (based upon Staff's own informal estimate to applicant), the hearings are not scheduled to occur for a full six weeks later. Furthermore, Public Resources Code Section 25521 requires evidentiary hearings to occur between 90 and 240 days after the date of the filing of an application. We also remind the Committee that his case was determined to be data

Commissioners Byron and Geesman
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adequate on November 8, 2006 after a one week extension requested of and granted by the applicant. The 240 day deadline for evidentiary hearings of August 5, 2007 has long since passed. At the current rate, this project will not receive a decision until sometime in March of next year, a full five months later than the statutory time of 12 months.

These ongoing and unnecessary delays are of great concern to Eastshore, but should also be a concern to the committee. This project is contracted and scheduled to be online and supporting the anticipated shortfall in supply to the Bay Area in May of 2009. By delaying a decision on this project, the committee is delaying the addition of power to Pacific Gas and Electric (PG&E) for the Bay Area constrained area. PG&E may very well be forced to purchase short term power to cover the gap until Eastshore receives a decision on this project at potentially considerable additional cost to both its ratepayers and shareholders.

This result is neither efficient nor cost effective. We strongly urge the Committee to select earlier dates for the remainder of this proceeding.

Sincerely,



Eastshore Energy, LLC
Greg Trewitt
President

cc: Susan Gefter
Docket Office
Service List 06-AFC-6

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

**APPLICATION FOR
CERTIFICATION FOR THE
EASTSHORE ENERGY CENTER**

**DOCKET NO. 06-AFC-6
(AFC Accepted 11/8/06)**

PROOF OF SERVICE

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. 06-AFC-6
1516 Ninth Street, MS-4
Sacramento, CA 95814-5512
Docket@state.ca.us

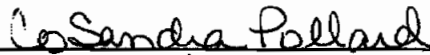
Greg Trewitt, Vice President Tierra Energy 710 S. Pearl Street, Suite A Denver, CO 80209 greg.trewitt@tierraenergy.com	David A. Stein, PE Vice President CH2M Hill 155 Grand Avenue, Suite 1000 Oakland, CA 94612 dstein@ch2m.com
Jennifer Scholl Senior Program Manager CH2M Hill 610 Anacapa Street, Suite B Santa Barbara, CA 93101 jscholl@ch2m.com	Harry Rubin, Executive Vice President RAMCO Generating Two 1769 Orvietto Drive Roseville, CA 95661 hmrenergy@msn.com
Jane Luckhardt, Esq. Downey Brand, LLP 555 Capitol Mall, 10th Floor Sacramento, CA 95814 jluckhardt@downeybrand.com	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	Jesus Armas, City Manager City of Hayward 777 B Street Hayward, CA 94541 jesus.armas@hayward-ca.gov Michael.sweeney@hayward-ca.gov

Paul N. Haavik 25087 Eden Avenue Hayward, CA 94545 lindampaulh@msn.com	
Jeffrey D. Byron Presiding Member jbyron@energy.state.ca.us	John L. Geesman Associate Member jgeesman@energy.state.ca.us
Susan Gefter Hearing Officer sgefter@energy.state.ca.us	Caryn Holmes Staff Counsel cholmes@energy.state.ca.us
Bill Pfanner bpfanner@energy.state.ca.us	Public Adviser pao@energy.state.ca.us

DECLARATION OF SERVICE

I, CoSandra Pollard, declare that on October 16, 2007, I deposited a copy of the attached Eastshore Energy Center's Continued Schedule Delays in the United States mail at Sacramento, California with first-class postage thereon fully prepaid to the Docket Office at 1516 Ninth Street, MS-4, Sacramento, California. Each individual on the proof of service list shown below received a transmission via electronic mail consistent with the requirements of the 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.



CoSandra Pollard