

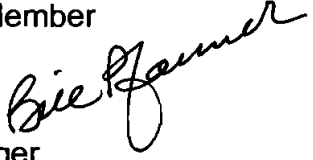
# Memorandum

Date: September 19, 2007  
Telephone: (916) 654-4679

To: Commissioner Jeffrey Byron, Presiding Member  
Commissioner John Geesman, Associate Member

From: California Energy Commission –  
1516 Ninth Street  
Sacramento, CA 95814-5512

Bill Pfanner  
Project Manager



<b>DOCKET</b>	
<b>06-AFC-6</b>	
<b>DATE</b>	SEP 19 2007
<b>RECD.</b>	SEP 19 2007

Subject: **EASTSHORE ENERGY CENTER (06-AFC-6) STATUS REPORT 8**

Pursuant to the Second Revised Committee Scheduling Order dated July 2, 2007, the following is staff's Status Report 8 for the Eastshore Energy Center (Eastshore).

### Preliminary Staff Assessment

The Eastshore Preliminary Staff Assessment (PSA) was published on August 17, 2007.

The PSA concluded that even if all mitigation measures and recommended conditions of certification are adopted by the Commission and implemented by the applicant, all applicable laws, ordinances, regulations and standards (LORS) will not be complied with and significant adverse indirect environmental impacts to Land Use and Traffic and Transportation would likely result from the Eastshore project.

Staff conducted a PSA workshop on September 6<sup>th</sup> at the Hayward City Hall and obtained informal verbal comments from the applicant, agencies, interveners, and the public. The applicant plans to submit their formal response to the PSA by September 21st. The public and agencies have been requested to return comments on the PSA to staff by September 28<sup>th</sup>. Comments will be considered and appropriately responded to the Final Staff Assessment (FSA).

### Status of FSA Schedule

The critical factor that will determine the publication date of the FSA is the involvement of the Federal Aviation Administration (FAA). FAA staff (divisions of Flight Standards, Air Traffic, and Airports) are forming a team to review the aviation issues associated with both the Russell City Energy Center and the Eastshore project. Staff has requested that the FAA provide its analysis of the Eastshore project by October 8th. Receipt of the FAA's analysis will determine the publication date of the Eastshore FSA. Depending on the timing and complexity of the applicant's and the FAA's comments, staff could publish the FSA by the end of October 2007. Staff's high overall workload expected for October will also affect the FSA publication date.

cc: Docket (06-AFC-6)  
Proof of Service List

PROOF OF SERVICE (REVISED 7/2/07) FILED WITH  
ORIGINAL MAILED FROM SACRAMENTO ON 9/19/07  
*py*

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

APPLICATION FOR CERTIFICATION  
FOR THE EASTSHORE ENERGY CENTER  
IN CITY OF HAYWARD  
BY TIERRA ENERGY

Docket No. 06-AFC-6

PROOF OF SERVICE  
(Revised 07/02/2007)

**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:

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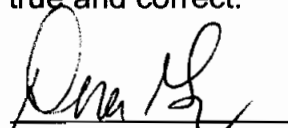
### **DECLARATION OF SERVICE**

I, Dora Gomez, declare that on September 19, 2007, I deposited copies of the attached Eastshore Energy Center (06-AFC-6) Status Report 8 in the United States mail at 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 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.

  
**Dora Gomez**