

LATHAM & WATKINS LLP

650 Town Center Drive, 20th Floor
Costa Mesa, California 92626-1925
Tel: +1.714.540.1235 Fax: +1.714.755.8290
www.lw.com

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March 3, 2010

File No. 033947-0020

VIA FEDEX

CALIFORNIA ENERGY COMMISSION
Attn: Docket No. 08-AFC-7
1516 Ninth Street, MS-4
Sacramento, California 95814-5512

DOCKET	
08-AFC-7	
DATE	MAR 03 2010
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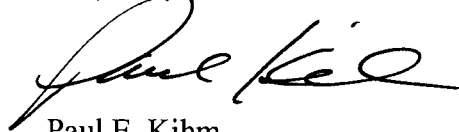
Re: GWF Tracy Combined Cycle Power Plant Project: Docket No. 08-AFC-7

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 Comments on the Presiding Member's Proposed Decision.

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

Very truly yours,



Paul E. Kihm
Senior Paralegal

Enclosure

cc: CEC 08-AFC-7 Proof of Service List (w/encl. via e-mail)
Michael J. Carroll, Esq. (w/ encl.)

Michael J. Carroll
Marc T. Campopiano
LATHAM & WATKINS LLP
650 Town Center Drive, Suite 2000
Costa Mesa, CA 92626
(714) 540-1235
Counsel to Applicant

STATE OF CALIFORNIA
ENERGY RESOURCES
CONSERVATION AND DEVELOPMENT COMMISSION

In the Matter of:) Docket No. 08-AFC-07
)
APPLICATION FOR CERTIFICATION,)
FOR THE GWF TRACY COMBINED CYCLE) APPLICANT’S COMMENTS ON THE
POWER PLANT PROJECT, BY GWF) PRESIDING MEMBER’S PROPOSED
ENERGY, LLC) DECISION (PMPD)
_____)

On behalf of GWF Energy LLC, we submit the following minor comments on the Presiding Member Proposed Decision (“PMPD”) for the GWF Tracy Combined Cycle Power Plant Project (08-AFC-07) (“Project”). Proposed insertions are underlined and proposed deletions appear as strikethrough text.

1. Introduction, Page 11 (second Findings of Fact, third sentence): We propose the following revision: “The project site ~~and construction laydown area~~ will occupy nearly 16.54 acres of land.” The project site area is approximately 16.4 acres, not including the construction laydown area. Similar references are made elsewhere in the PMPD, including Page 232 (second paragraph, first sentence) and Page 276 (third paragraph, first sentence).
2. Power Plant Reliability, Page 65 (second paragraph, last sentence): We propose the following revision: “~~GWF PG&E~~, as a load-serving entity, must meet CAISO criteria which include maintaining a 15 percent reserve margin and increasing local generation to reduce reliance upon imported power.”
3. Transmission System Engineering, Page 71 (first paragraph, second sentence): We propose the following revision: “~~Three~~ Two segments of the existing 115-kV transmission system would be reconductored downstream of the first point of interconnection to accommodate the additional power output.” The Project involves reconductoring two segments of the PG&E transmission line. Similar references are made elsewhere in the PMPD, including Page 212 (second paragraph, last sentence), Page 213 (third paragraph, first sentence), and Page 218 (third paragraph, first sentence).
4. Transmission System Engineering, Page 71 (second paragraph): We propose the following revision: “GWF Tracy’s proposed commercial operation date is April 1, 2013, with GWF having an option to begin operations in the second quarter of 2012.” As noted on Page 2

of the PMPD, GWF has an option with PG&E to begin commercial operations in the second quarter of 2012.

5. Biological Resources, Page 218 (third paragraph, last sentence): Staff eliminated Condition of Certification BIO-11 from the Final Staff Assessment. An apparently inadvertent reference to BIO-11 is made in the PMPD. We propose the following revision: “We adopt ~~Condition of Certification **BIO-11** to require that reconductoring take place outside the breeding season to avoid impacts to nesting birds and~~ Conditions of Certification **BIO-6** through **BIO-10** to require protection of special-status species, preconstruction surveys, and development of incidental take minimization measures.”
6. Traffic and Transportation, Page 294 (final paragraph, second sentence): We propose the following revision: “Implementation of Condition of Certification **TRANS-23** will require the project owner – before start-up and testing activities begin – to work with the Federal Aviation Authority (FAA) to notify pilots using the Tracy Municipal Airport and airspace above GWF Tracy of potential air hazards.” TRANS-3 relates to pilot notification.
7. Traffic and Transportation, Page 298 (Verification for TRANS-2): We propose the following revision: “At least 30 days prior to the start of ~~construction~~ operations, the project owner shall provide pictures of any GWF Tracy project components over 132-feet in height after the FAA required lighting and marking have been completed.” The requested pictures cannot be provided until after the project components are built.

DATED: March 3, 2010

Respectfully submitted,

/s/ Michael Carroll

Michael Carroll
of LATHAM & WATKINS LLP
Counsel to Applicant

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

In the Matter of:)	Docket No. 08-AFC-7
)	
Application for Certification,)	PROOF OF SERVICE
for the GWF TRACY COMBINED CYCLE)	
POWER PLANT PROJECT)	(Revised February 8, 2010)
by GWF Energy, LLC)	
_____)	

APPLICANT

Doug Wheeler
Vice President
GWF Energy, LLC
4300 Railroad Avenue
Pittsburg, CA 94565
dwheeler@gwfpower.com

APPLICANT'S CONSULTANTS

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

David A. Stein, P.E.
Vice President, Industrial Systems
CH2M HILL
155 Grand Avenue, Suite 1000
Oakland, CA 94512
dstein@ch2m.com

INTERESTED AGENCIES

California ISO
P.O. Box 639014
Folsom, CA 95763-9014
e-recipient@caiso.com

INTERVENORS

GWF TRACY COMBINED CYCLE POWER PLANT PROJECT
CEC Docket No. 08-AFC-7

Howard Seligman, Esq.
Seligman & Willett, Inc.
7540 Shoreline Drive
Stockton, CA 95219
hselitenni@aol.com

Mr. Robert Sarvey
501 W. Grantline Road
Tracy, California 95376
sarveybob@aol.com

ENERGY COMMISSION

Karen Douglas
Chair and Presiding Member
CALIFORNIA ENERGY COMMISSION
1516 Ninth Street
Sacramento, California 95814-5512
KLDougla@energy.state.ca.us

Raoul Renaud
Hearing Officer
CALIFORNIA ENERGY COMMISSION
1516 Ninth Street
Sacramento, California 95814-5512
rrenaud@energy.state.ca.us

Alan Solomon
Project Manager
CALIFORNIA ENERGY COMMISSION
1516 Ninth Street
Sacramento, California 95814-5512
asolomon@energy.state.ca.us

Kerry Willis
Staff Counsel
CALIFORNIA ENERGY COMMISSION
1516 Ninth Street
Sacramento, California 95814-5512
kwillis@energy.state.ca.us

Jennifer Jennings
Public Adviser's Office
CALIFORNIA ENERGY COMMISSION
1516 Ninth Street
Sacramento, California 95814-5512
Publicadviser@energy.state.ca.us

DECLARATION OF SERVICE

I, Paul Kihm, declare that on March 3, 2010, I served and filed copies of the attached:

**APPLICANT'S COMMENTS ON THE PRESIDING MEMBER'S PROPOSED
DECISION (PMPD)**

to all parties identified on the Proof of Service List above in the following manner:

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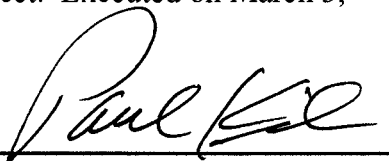
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I further declare that transmission via electronic mail and U.S. Mail was consistent with the requirements of California Code of Regulations, title 20, sections 1209, 1209.5, and 1210.

I declare under penalty of perjury that the foregoing is true and correct. Executed on March 3, 2010, at Costa Mesa, California.



Paul Kihm