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August 8, 2011

**VIA FEDEX**

File No. 039610-0003

<b>DOCKET</b>	
<b>08-AFC-9</b>	
DATE	Aug 08 2011
RECD.	Aug 08 2011

CALIFORNIA ENERGY COMMISSION  
Attn: Docket No. 08-AFC-9  
1516 Ninth Street, MS-4  
Sacramento, California 95814-5512

Re: City of Palmdale Hybrid Power Plant Project: Docket No. 08-AFC-9

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 Request for Clarification Regarding the Errata to the Presiding Member's Proposed Decision.

Please note that the enclosed submittal was 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: 08-AFC-9 Proof of Service List (w/encl., via e-mail and/or U.S. Mail)  
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STATE OF CALIFORNIA  
ENERGY RESOURCES  
CONSERVATION AND DEVELOPMENT COMMISSION

IN THE MATTER OF: ) DOCKET NO. 08-AFC-9  
)  
APPLICATION FOR CERTIFICATION )  
FOR THE PALMDALE HYBRID POWER ) APPLICANT’S REQUEST FOR  
PLANT PROJECT BY THE CITY OF ) CLARIFICATION REGARDING THE  
PALMDALE ) ERRATA TO THE PRESIDING  
) MEMBER’S PROPOSED DECISION

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On behalf of the City of Palmdale (“Applicant”) for the Palmdale Hybrid Power Plant Project (08-AFC-9) (“PHPP”), we hereby request a clarification regarding the Errata to the Presiding Member’s Proposed Decision, issued on July 26, 2011 (“PMPD Errata”). The PMPD Errata, at page 32, does not fully reflect changes to TRANS-8 that were recommended by Staff<sup>1</sup> and agreed to by Applicant.<sup>2</sup> Specifically, the PMPD Errata does not delete text from TRANS-8 that was intended to be stricken from bullet #3 and from the paragraph below bullet #4 (currently shown as bullet #5). For the Committee’s consideration, we have attached a copy of the proposed changes to TRANS-8, as identified by Staff’s comments on the PMPD.<sup>3</sup> These changes to TRANS-8 were never disputed or challenged by the Intervenor or members of the public.

Applicant believes omission of these changes was inadvertent and requests that the Final Decision reflect the changes to TRANS-8 that were recommended by Staff and agreed to by Applicant. This request should not delay the proceeding in any manner because all parties had ample opportunity to review and comment on the proposed changes to TRANS-8, and no comments were made. In the event that this request would cause a delay in the Commission’s consideration of the PHPP, Applicant would withdraw this request in the interests of time.

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<sup>1</sup> See Energy Commission Staff’s Comments on the Presiding Member’s Proposed Decision, July 11, 2011, Docket No. 61335, at pp. 22-23.

<sup>2</sup> See Applicant’s Comments on the Presiding Member’s Proposed Decision, July 11 2011, Docket No. 61337, at p. 2 (identifying that Applicant agreed to changes proposed by Staff to TRANS-8, as shown in Staff’s Prehearing Conference Statement).

<sup>3</sup> See note 1, *supra*.

DATED: August 8, 2011

Respectfully submitted,

*/s/ Marc Campopiano*

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Marc Campopiano  
LATHAM & WATKINS LLP  
Counsel to Applicant

Modify TRANS-8 in accordance with the following most recent version presented in Energy Commission Staff's Prehearing Conference Statement. (Ex. 306)

**TRANS-8** Prior to the start of construction, the project owner shall provide a plan to the CPM and the Air Force Plant 42 Commander identifying all reasonable measures the project owner will take to minimize the creation of glint and glare on Air Force Plant 42 airfield traffic including, but not limited to, the following:

1. Ensure the mirrors are (1) brought out of stowage before sunrise and are aligned to catch the first rays of the morning sun; and (2) returned to stow position after sunset. Ensure mirrors are continuously monitored for malfunctions and remain properly aligned with the sun. Acquire appropriate equipment and establish procedures to cover inoperative or malfunctioning mirrors immediately after malfunctions are discovered to prevent the escape of errant reflections. for a timely repositioning of inoperative or malfunctioning mirrors to minimize the probability of glint or glare exposure. Procedures shall address the mirror trajectory path to a stowage position, or in the event that stowage is not possible, an alternate trajectory to a neutral positioning with respect to glare. Mirror repositioning due to a mirror alignment malfunction shall be accomplished as soon as practical to minimize glint or glare exposure.
2. Minimize reflections from bellows shields by using a non-reflective or diffuse material or coating (for example, paint) for the shields.
3. Ensure PHPP operator establishes and maintains a communication link with Air Force Plant 42 control tower to ensure that ~~when necessary~~ mirrors are positioned so as not to interfere with critical flight operations.
4. Establish procedures to avoid glare when intentionally moving individual collectors off-axis to "dump" power incident on the heat collection elements during periods of high insulation.

~~If the plant operator needs to dump power and rotate several modules off-axis, the operator shall start with the modules at the north-most and west-most parts of the collector field, which is furthest from the Air Force Plant 42 to the southeast. For each module that is rotated off-axis, the operator shall consider the nearest flight pattern; if it is to the east, then the module shall be rotated to the west, and vice-versa. This rotating shall be done in a manner that minimizes the impact of glare on aircraft (for example, rotating modules furthest from the airport in a direction that is away from flight patterns).~~  
The plant operator shall develop and implement a plan to address events in which mirror modules need to be rotated off-axis, such as an event in which it is necessary to dump power. The mirrors' rotational trajectory and final positioning shall ensure the safe movement and positioning of the mirror modules with respect to operational flight patterns to minimize the occurrence and impact of glint or glare events.

In addition, this plan shall include specific provisions for tracking and compiling data involving any and all mirror malfunctions. This data shall include the (1) date, time and location of offending mirror or mirrors; (2) specific adjustments made to correct each mirror or mirrors; (3) date and time specific adjustments were evaluated for effectiveness; and (4) effectiveness of each adjustment. That information shall be included in the monthly compliance reports during construction and in the semi-annual compliance reports during operation. This information will be used to ensure that the offending mirrors are quickly adjusted, thereby having a minimum impact on flight operations. In addition, this information will provide data for the plant operator to use in monitoring mirror operations and preventing malfunctions.

**Verification:** Within 30 days prior to the start of construction, the project owner shall submit the required plan to the Air Force Plant 42 Commander for comment and to the CPM for review and approval. The project owner shall also notify the CPM when the required modifications have been made and are available for inspection.

In addition, the project owner shall include in the monthly compliance reports all data concerning malfunctions of any mirrors during construction and initial start-up operation of the plant and in the semi-annual compliance reports during regular operation.

## **SOCIOECONOMICS**

Page 8.3-4, second paragraph.

~~“Applicant has proposed to pave roads in the vicinity of the PHPP to generate PM10 emission reduction credits (ERCs) to mitigate impacts to air quality and satisfy state and federal air quality requirements. The Applicant has originally identified ten existing unpaved road segments, totaling approximately 22 miles. Four or five road segments will need to be paved in order to obtain the quantity of offsets needed for air quality purposes. The Applicant has not specified which of the ten existing unpaved road segments would be selected. Condition of Certification **AQ-SC19** requires that an Antelope Valley Air Quality Management District (AVAQMD) rule be in place before the project could use PM10 emission reduction credits generated from road paving. (Ex. 301, p. 25.) Due to concerns expressed by the intervenors, Applicant has revised the list of proposed roads for paving as identified in Rebuttal Table-1 and limited the paving proposal to road numbers 2, 4, 6, 7, and 8. (Ex. 146.)”~~

## **VISUAL RESOURCES**

Page 8.5-10, first paragraph.

~~“Visual Resources Figure 4A depicts the view from KOP 2, which is located 12 miles southeast of the project on the north side of Pearlblossom Highway (State Route 138). This view represents the view motorists would see when using the highway, which is located about 2.25 miles northeast of the PHPP on the west side of 30<sup>th</sup> Street. The view represents the view south-bound motorists would see when using this street.”~~

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

In the Matter of: ) Docket No. 08-AFC-9  
)  
Application for Certification, ) **PROOF OF SERVICE**  
for the CITY OF PALMDALE HYBRID )  
POWER PLANT PROJECT ) (Revised July 22, 2011)  
)  
\_\_\_\_\_ )

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PALMDALE HYBRID POWER PROJECT  
CEC Docket No. 08-AFC-09

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PALMDALE HYBRID POWER PROJECT  
CEC Docket No. 08-AFC-09

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PALMDALE HYBRID POWER PROJECT  
CEC Docket No. 08-AFC-09

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PALMDALE HYBRID POWER PROJECT  
CEC Docket No. 08-AFC-09

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PALMDALE HYBRID POWER PROJECT  
CEC Docket No. 08-AFC-09

**DECLARATION OF SERVICE**

I, Paul Kihm, declare that on August 8, 2011, I served and filed copies of the attached document to all parties identified on the Proof of Service List above in the following manner:

**APPLICANT'S REQUEST FOR CLARIFICATION REGARDING THE ERRATA TO THE PRESIDING MEMBER'S PROPOSED DECISION**

**California Energy Commission**

- Transmission via electronic mail and by depositing a copy with FedEx overnight mail delivery service at Costa Mesa, California, with delivery fees thereon fully prepaid and addressed to the following:

**CALIFORNIA ENERGY COMMISSION**

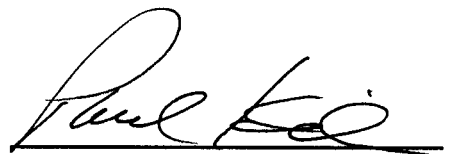
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I further declare that transmission via electronic mail and U.S. Mail was consistent with the requirements of California Code of Regulations, title 20, sections 1209, 1209.5, and 1210.

I declare under penalty of perjury that the foregoing is true and correct. Executed on August 8, 2011, at Costa Mesa, California.

  
Paul Kihm