

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

APPLICATION FOR SMALL POWER PLANT
EXEMPTION FOR THE RIVERSIDE ENERGY
RESOURCE CENTER UNITS 3 & 4

DOCKET No. 08-SPPE-1

COMMITTEE RESPONSE TO BRIEFS ON ELIGIBILITY
FOR SPPE CONSIDERATION

DOCKET	
08-SPPE-1	
DATE	JUN 05 2008
RECD.	JUN 05 2008

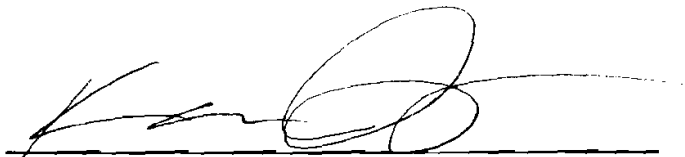
In response to the Committee Scheduling Order dated May 16, 2008, Applicant and Staff timely submitted briefs discussing whether the proposed Riverside Energy Resources Center (RERC) Units 3 & 4 project is potentially eligible for exemption as a Small Power Plant because its capacity will be less than 100 MW, or ineligible for exemption because the entire RERC facility will exceed 100 MW with the addition of Units 3 & 4. The Committee specifically requested that the briefs address the factual background surrounding the planning of the RERC as well as the compliance record for RERC Units 1 & 2.

The Committee has reviewed the briefs and considered the law and the facts as set forth therein. It appears, on the basis of the briefs, that at the time RERC Units 1 & 2 were submitted for consideration to the Commission under the Small Power Plant Exemption (SPPE) procedure, in 2004, the City anticipated that at some time in the future it would need to add capacity to the RERC. However, it was not possible with any accuracy at that time to predict when the additional capacity would be added, or what sort of facilities would be designed and built to provide that additional capacity. Therefore, there was no practicable way for the City to have submitted RERC Units 1, 2, 3, and 4 to the Commission in 2004 for review under the Application for Certification (AFC) process applicable to projects with a capacity in excess of 100 MW.

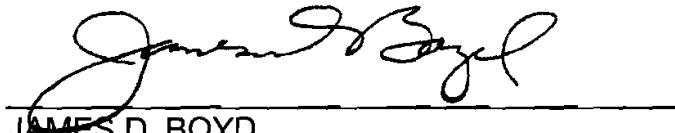
The Committee further takes note of the commendable record of RERC Units 1 & 2 with respect to compliance with the Conditions of Exemption issued by the Commission.

Accordingly, the Committee finds that, as to the matters discussed in the briefs, the RERC Units 3 & 4 project is eligible for consideration under the Commission's SPPE process. It is an addition of less than 100 MW to an existing thermal power plant, as set forth in section 1936 of Title 20, Chapter 5, California Code of Regulations. Applicant and Staff are directed to continue review and analysis of the project pursuant to the Scheduling Order issued by the Committee on May 16, 2008.

Dated June 5, 2008 at Sacramento, California



KAREN DOUGLAS
Commissioner and Presiding Member
Riverside Energy Resource Center
Units 3 & 4 SPPE Committee



JAMES D. BOYD
Vice Chair and Committee Member
Riverside Energy Resource Center
Units 3 & 4 SPPE Committee

Proof of Service List filed with
original document. Mailed from
Sacramento on *June 5, 2008 by RA*

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STATE OF CALIFORNIA

**APPLICATION FOR SMALL POWER
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Docket No. 08-SPPE-1

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:

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Attn: Docket No. 07-AFC-9
1516 Ninth Street, MS-14
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DECLARATION OF SERVICE

I, RoseMary Avalos, declare that on June 5, 2008, I deposited copies of the attached COMMITTEE RESPONSE TO BRIEFS ON ELIGIBILITY FOR SPPE CONSIDERATION in the United States mail at Sacramento, California 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.


ROSEMARY AVALOS