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Project Title:	Compliance - Application for Certification of the (BAF) American I Cogeneration Project AFC
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STATE OF CALIFORNIA

STATE ENERGY RESOURCES
CONSERVATION AND DEVELOPMENT COMMISSION

IN THE MATTER OF:
KING CITY COGENERATION

CALPINE KING CITY COGEN, LLC

Docket No. 85-AFC-05C

**ORDER APPROVING PETITION
FOR MODIFICATION TO REMOVE
ENGINEERING CONDITION
OF CERTIFICATION-1**

I. INTRODUCTION

In December 2018, Calpine King City CoGen, LLC (Calpine), the owner of the King City Cogeneration facility (facility), submitted to the California Energy Commission (Energy Commission) a Petition for Modification to Remove Engineering Condition of Certification-1 (petition) from the final decision for the facility issued in June 1987 (final decision).

Engineering Condition of Certification-1 was included in the final decision to ensure that the facility met specific efficiency requirements as a cogeneration facility, in addition to operational requirements as a qualifying facility under its power purchase agreement and the law in effect at that time.

The proposed removal of Engineering Condition of Certification-1 will eliminate the requirement that the facility produce thermal energy for a steam host in addition to electrical energy, which would be consistent with the facility's intended operations in 2019 and with subsequent changes in California law.

Energy Commission staff reviewed all project related information and, on March 20, 2019, published a revised staff analysis assessing the impacts on the environment from the granting the petition.

The staff analysis concludes that the proposed modifications would not result in any significant adverse environmental impacts, and would comply with all applicable laws, ordinances, regulations, and standards. Staff recommends approval of the Petition for Modification to Remove Engineering Condition of Certification-1 from the final decision for the facility.

II. FINDINGS

The Energy Commission produced an EIR-equivalent analysis of the King City Cogeneration facility as part of its original licensing proceeding, which culminated in the grant of a license on June, 1987. Based on the entire record of this proceeding, including staff's analysis, and the final decision and the environmental analysis of the project contained therein, the Energy Commission concludes that the proposed modifications will not result in any significant impacts to public health and safety, or to the environment. The Energy Commission finds that:

- The petition meets all the filing criteria of Title 20, section 1769 (a)(1), of the California Code of Regulations, concerning post certification changes in project design, operation, or performance;
- None of the findings specified in Title 20, section 1748(b) are applicable; and
- The modified project would not have a significant impact on the environment.

III. CONCLUSION AND ORDER

The California Energy Commission concludes that the proposed modifications to the final decision contained in the petition, and Energy Commission staff's analysis thereof, do not meet the criteria requiring production of subsequent or supplemental environmental review as specified in Title 14, California Code of Regulations, section 15162(a); therefore, no subsequent or supplemental EIR-equivalent review or documentation is required. The California Energy Commission hereby approves Calpine King City CoGen, LLC's Petition for Modification to Remove Engineering Condition of Certification-1 from the final decision for the facility issued in June 1987.

IT IS SO ORDERED.

CERTIFICATION

The undersigned Secretariat to the Commission does hereby certify that the foregoing is a full, true, and correct copy of an Order duly and regularly adopted at a meeting of the California Energy Commission held on April 10, 2019.

AYE: Hochschild, Scott, Douglas, McAllister

NAY: None

ABSENT: None

ABSTAIN: None

Original Signed by:

Cody Goldthrite
Secretariat