

**CALIFORNIA ENERGY COMMISSION**

1516 NINTH STREET  
SACRAMENTO, CA 95814-5512



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

<b>DOCKET</b>	
<b>00-AFC-1 C</b>	
<b>DATE</b>	<b>MAY 23 2007</b>
<b>RECD.</b>	<b>MAY 29 2007</b>

**In the Matter of:** ) **Docket No. 00-AFC-1C**  
**GATEWAY GENERATING** ) **Order No. 07-0523-5**  
**STATION** )  
**PACIFIC GAS and ELECTRIC** ) **ORDER TO CHANGE CONSTRUCTION**  
**COMPANY (PG&E)** ) **WORK HOURS AND NOISE-8 FOR THE**  
) **GATEWAY GENERATING STATION.**  
) )  
) )

Pacific Gas and Electric Company (PG&E), owner of the Gateway Generating Station, located east of the City of Antioch in Contra Costa County, has submitted a petition to change the construction work hours and therefore Condition of Certification NOISE-8.

**STAFF RECOMMENDATION**

As mandated by Title 20, section 1769(b) of the California Code of Regulations, the Energy Commission may only approve project modifications if specific findings are met. Following staff's review of the proposed amendment, Energy Commission staff recommends approval based on the following findings:

- The petition meets all the filing criteria of Title 20, section 1769(a) concerning post-certification project modifications;
- The modification would not change the findings in the Energy Commission's Final Decision pursuant to Title 20, section 1755;
- The project would remain in compliance with all applicable LORS, subject to the provisions of Public Resources Code section 25525;
- The change would be beneficial to the public and Project Owner in that it will allow PG&E to expedite construction of the Gateway Generating Station to recover lost time and meet the required online date.
- The change is based on information that was not available to the parties prior to Energy Commission certification in that the project was postponed due to change in ownership.

**CONCLUSION AND ORDER**

The California Energy Commission hereby adopts the staff's recommendation and approves the change in construction work hours and NOISE-8 at the Gateway Generating Station as follows:

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**NOISE-8** Heavy equipment operation and noisy construction work shall be restricted to the times of day delineated below:

Monday through Saturday	6 a.m. to 7 p.m.
Sundays and Holidays	9 a.m. to 5 p.m.
Pile Driving and Steam Blows	9 a.m. to 5 p.m.

**Verification:** The project owner shall transmit to the CPM in the first Monthly Construction Report a statement acknowledging that the above restrictions will be observed throughout the construction of the project.

Date: May 23, 2007

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JACKALYNE PFANNENSTIEL, Chairman