

LATHAM & WATKINS LLP

July 3, 2008

650 Town Center Drive, 20th Floor
Costa Mesa, California 92626-1925
Tel: (714) 540-1235 Fax: (714) 755-8290
www.lw.com

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File No. 039610-0001

VIA FEDEX

CALIFORNIA ENERGY COMMISSION

Attn: Docket No. 07-AFC-1

1516 Ninth Street, MS-4

Sacramento, California 95814-5512

DOCKET
07-AFC-1

DATE JUL 03 2008

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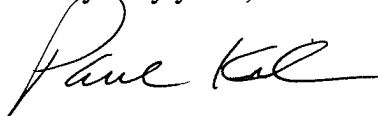
Re: Victorville 2 Hybrid Power Project: Docket No. 07-AFC-1

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 Errata and Revisions 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 CEC's current electronic proof of service list.

Very truly yours,



Paul E. Kihm
Senior Paralegal

Enclosure

cc: CEC 07-AFC-1 Proof of Service List (w/encl. via e-mail)
Michael J. Carroll, Esq. (w/encl.)

Michael J. Carroll
LATHAM & WATKINS LLP
650 Town Center Drive, 20th Floor
Costa Mesa, California 92626-1925
Telephone: +1.714.540.1235
Facsimile: +1.714.755.8290

STATE OF CALIFORNIA
ENERGY RESOURCES
CONSERVATION AND DEVELOPMENT COMMISSION

In the Matter of:
Application for Certification
for the VICTORVILLE 2 HYBRID POWER
PROJECT by The City of Victorville

Docket No. 07-AFC-1

APPLICANT'S COMMENTS ON ERRATA
AND REVISIONS TO THE PRESIDING
MEMBER'S PROPOSED DECISION

The City of Victorville ("Applicant") thanks the Committee for its diligence in preparing the Errata and Revisions to the Presiding Member's Proposed Decision issued June 30, 2008 ("Errata"). Applicant notes that a few matters were not reflected in the Errata and respectfully requests that the Committee address the following items:

1. PMPD Page 113, AQ-SC1: The Verification for AQ-SC1 requires Applicant to submit information on the on-site Air Quality Construction Mitigation Manager (AQCMP) no later than 60 days prior to the start of ground disturbance. In Applicant's Comments on the Presiding Member's Proposed Decision submitted June 13, 2008 ("Applicant's Comments") and at the hearing on June 17, 2008, Applicant requested that this compliance due date be changed to 30 days prior to site mobilization (August 1, 2008 under current schedule). Staff did not object to this request.
2. PMPD Page 240, CUL-1: Staff agreed to change the compliance due dates in (1) CUL-1, Verification 1, to 45 days prior to start of ground disturbance; (2) CUL-1, Verification 3, to 20 days prior to start of ground disturbance; and (3) CUL-1, Verification 5, to 10 days prior to start of ground disturbance. (FSA Addendum at CR pp. 1-2.) In Applicant's Comments and at the June 17, 2008 hearing, Applicant requested that this compliance due date be changed to 30 days prior to ground disturbance. This request was not granted; however, the Errata does not include changes to the compliance due dates in CUL-1, Verifications 1, 3, and 5 that previously were obtained and noted in the FSA Addendum.
3. PMPD Page 302, NOISE-4: Staff modified NOISE-4 to read, in relevant part, as follows: The project design and implementation shall include noise mitigation measures adequate to ensure that operation of the project will not cause noise levels due solely to plant operation to exceed an average of 39 dBA Leq measured at monitoring location ML2, the residence one mile west of the project site. No new pure tone components may be caused by the project. No single piece of equipment shall be allowed to stand out as a source of noise that draws legitimate complaints. (FSA Addendum at Noise p. 1.)

4. PMPD Page 352, VIS-1: Staff modified VIS-1 by deleting condition D in its entirety (“One set of 11” x 17” color photo simulations at life size scale of the proposed treatment for project structures, including structures treated during manufacture, from the Key Observation Points”.) (FSA Addendum at VR p. 1; Prehearing Conference Transcript 15:24-25; 16:1-8.)
5. Item no. 11 in the Errata states that:

Condition of Certification **BIO-12**, third sentence of paragraph 14, has been modified to read as follows: All translocated animals found during a dawn to dusk search will be monitored monthly to include two consecutive spring seasons, after which transmitters will be removed.

This should read:

Condition of Certification **BIO-12** has been modified as requested by Staff in its comment on the Presiding Member’s Proposed Decision, except that the third sentence of paragraph 14 shall read as follows: All translocated animals found during a dawn to dusk search will be monitored monthly to include two consecutive spring seasons, after which transmitters will be removed.

DATED: July 3, 2008

Respectfully submitted,



Michael J. Carroll
of LATHAM & WATKINS LLP

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

In the Matter of:)	Docket No. 07-AFC-1
)	
Application for Certification,)	ELECTRONIC PROOF OF SERVICE
for the VICTORVILLE 2)	LIST
HYBRID POWER PROJECT)	
by the City of Victorville)	(revised May 30, 2008)
)	
)	

Transmission via electronic mail and by depositing one original signed document with FedEx overnight mail delivery service at Costa Mesa, California with delivery fees thereon fully prepaid and addressed to the following:

DOCKET UNIT

CALIFORNIA ENERGY COMMISSION

Attn: DOCKET NO. 07-AFC-1
1516 Ninth Street, MS-4
Sacramento, California 95814-5512
docket@energy.state.ca.us

Transmission via electronic mail addressed to the following:

APPLICANT

Jon B. Roberts
City Manager
City of Victorville
14343 Civic Drive
P.O. Box 5001
Victorville, CA 92393-5001
JRoberts@ci.victorville.ca.us

APPLICANT'S CONSULTANTS

Thomas M. Barnett
Inland Energy, Inc.
South Tower, Suite 606
3501 Jamboree Road
Newport Beach, CA 92660
TBarnett@inlandenergy.com

VICTORVILLE II HYBRID POWER PROJECT
CEC Docket No. 07-AFC-1

Patricia Haslach

Inland Energy, Inc.
South Tower, Suite 606
3501 Jamboree Road
Newport Beach, CA 92660
patriciahaslach@inlandenergy.com

Sara Head

Environmental Manager
ENSR
1220 Avenida Acaso
Camarillo, CA 90012
SHead@ensr.aecom.com

INTERVENORS

California Unions for Reliable Energy (CURE)

c/o Gloria D. Smith
Adams Broadwell Joseph & Cardozo
601 Gateway Boulevard, Suite 1000
South San Francisco, CA 94080
gsmith@adamsbroadwell.com

Alliance for a Cleaner Tomorrow (ACT)

c/o Arthur S. Moreau
Klinedinst PC
501 West Broadway, Suite 600
San Diego, CA 92101
amoreau@klinedinstlaw.com

ENERGY COMMISSION

James Boyd

Presiding Committee Member
jboyd@energy.state.ca.us

Jackalyne Pfannenstiel

Associate Committee Member
JPfannen@energy.state.ca.us

Raoul Renaud

Hearing Officer
rrenaud@energy.state.ca.us

VICTORVILLE II HYBRID POWER PROJECT
CEC Docket No. 07-AFC-1

John Kessler
Project Manager
JKessler@energy.state.ca.us

Caryn Holmes
Staff Counsel
CHolmes@energy.state.ca.us

Mike Monasmith
Public Adviser
pao@energy.state.ca.us

Transmission via U.S. Mail addressed to the following:

INTERESTED AGENCIES

CA Independent System Operator
151 Blue Ravine Road
Folsom, CA 95630

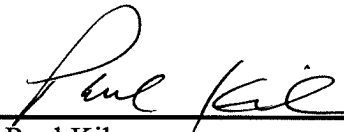
DECLARATION OF SERVICE

I, Paul Kihm, declare that on July 3, 2008, I deposited a copy of the attached:

**APPLICANT'S COMMENTS ON ERRATA AND REVISIONS TO THE PRESIDING
MEMBER'S PROPOSED DECISION**

with FedEx overnight mail delivery service at Costa Mesa, California with delivery fees thereon fully prepaid and addressed to the California Energy Commission. I further declare that 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. Executed on July 3, 2008, at Costa Mesa, California.



Paul Kihm