

STATE OF CALIFORNIA
Energy Resources Conservation
and Development Commission

In the Matter of:)
)
Application for Certification of the East Altamont) Docket No. 01-AFC-4C
Energy Center, LLC)
)
)
_____)

**PROJECT OWNER'S COMMENTS
ON THE
STAFF ANALYSIS OF THE PROJECT OWNERS PETITION FOR EXTENSION OF
DEADLINE FOR COMMENCEMENT OF CONSTRUCTION FOR THE EAST
ALTAMONT ENERGY CENTER**

July 11, 2008

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Pursuant to the Notice to Interested Parties, publishing the Staff Analysis of the requested three year extension of the start of construction deadline for the East Altamont Energy Center ("Project"), the East Altamont Energy Center, LLC ("Project Owner") submits the following comments on the Staff Analysis.

The Project Owner thanks the Commission Staff for its timely review and for its recommendation for approval of our Petition to extend the start of construction deadline for three years. The Staff Analysis correctly states that the Project Owner will comply with and the Commission will ensure compliance with all conditions of certification as originally licensed. The Staff Analysis also correctly states that if the Project Owner wishes to make any modifications to the Project or to the conditions of certification, or should any external circumstances require changes to the conditions of certification, the Project Owner will file a

timely petition to amend the license. We agree with Staff that implementation of the above measures will ensure that the Project remains in compliance with applicable laws, ordinances and regulations, and that the proposed extension of the start of construction deadline will not result in any significant adverse effect on the environment.

The Staff Analysis has identified four areas that will require additional attention prior to the start of construction of the East Altamont Energy Center and the Staff Analysis identifies specific permits or analysis that will need to be updated. The Project Owner is in substantial agreement with each of the Staff's recommendations.

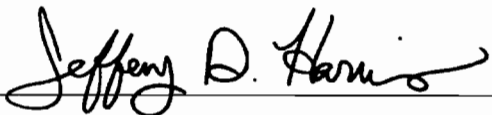
The Staff Analysis states that the Authority to Construct ("ATC") for the Project has expired. This is incorrect. As with this AFC license, the Project Owner has applied for an extension of the ATC prior to its expiration. The fee for the ATC extension has now been paid and the modeling to demonstrate compliance with current air quality standards has been completed by the district.

In conclusion, the Project Owner concurs with the Staff Analysis and recommends that the Commission grant the Petition on the terms recommended by Staff.

July 11, 2008

Respectfully submitted,

ELLISON, SCHNEIDER & HARRIS L.L.P.

By  _____

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