

## CALIFORNIA ENERGY COMMISSION

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August 13, 2008

Mr. Scott A. Galati  
GalatiBlek  
555 Capitol Mall, Suite 600  
Sacramento, CA 95814

<b>DOCKET</b> 01-AFC-21C
DATE <u>AUG 13</u> 2008
RECD. <u>AUG 15</u> 2008

**AUTHORIZATION TO CONDUCT GEOTECHNICAL TESTING ON THE SITE OF THE TESLA POWER PROJECT, 01-AFC-21C, GENERAL CONDITIONS**

Dear Mr. Galati:

This is in response to your e-mail of July 31, 2008, regarding the proposed new Tesla Power Project owner's plans to conduct geotechnical testing on the project site. In your e-mail, you indicated that the proposed new owner of the project, whom you represent, would like to undertake geotechnical testing (ground boring) on the project site in the near future.

The definitions in the General Conditions of Certification, pursuant to Public Resources Code (PRC) Section 25105, state that construction does not include soil or geological investigation. The purpose of that definition is to exempt such testing from normal requirements for construction or other preconstruction activities so that they can be accomplished prior to satisfying requirements which are normally prerequisite to ground disturbing events.

In your e-mail, you state that you will have biological and cultural monitors from CH2M Hill on site during the work. Given the nature of this limited activity, you propose not to warn residents of the testing. The testing does not qualify as preconstruction activity; therefore, the normal preconstruction compliance plans will be required later prior to construction-related ground disturbing activities.

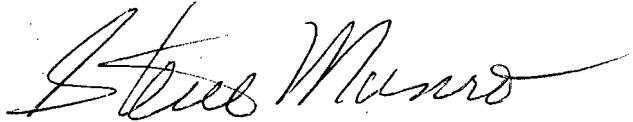
We believe that your proposal is consistent with the conditions of certification and PRC Section 25105, and the proposed geotechnical investigation is therefore authorized. Please provide the names and qualifications of the proposed environmental monitors and a work schedule prior to commencement of the testing for review and approval by staff.

As we have discussed, we also expect to receive a petition for a major amendment to the project to incorporate proposed project description, equipment, operational, and other changes. Processing the major amendment will require a significant investment of time and resources, so please plan accordingly.

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If you have any questions, please contact me at 916-654-3936. We look forward to working with you and the new project owner, when approved.

Sincerely,

A handwritten signature in black ink, appearing to read "Steve Munro". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

STEPHEN D. MUNRO  
Compliance Project Manager  
Energy Facilities Siting Division