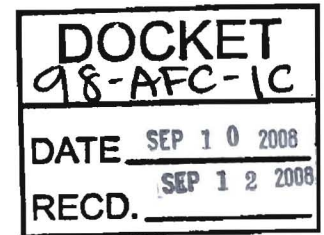


CALIFORNIA ENERGY COMMISSION1516 NINTH STREET
SACRAMENTO, CA 95814-5512

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

In the Matter of:)	Docket No. 98-AFC-1C
)	
LOS MEDANOS ENERGY CENTER)	Order No. 08-0910-04
)	
LOS MEDANOS ENERGY CENTER, LLC)	ORDER APPROVING THE PETITION TO ADD TRANSMISSION LINE
)	



On March 17, 2008, Los Medanos Energy Center, LLC, the owner/operator of the Los Medanos Energy Center (LMEC), submitted a petition requesting to add a 4,950 ft long transmission line. The petition would add a new doublecircuit 115-kilovolt transmission line that would extend from LMEC to the Dow Pittsburg Facility (Dow), owned by Dow Chemical Company, located east of LMEC. This transmission line will be a dedicated line built by Calpine and owned by Dow Chemical, allowing Los Medanos Energy Center LLC's parent company (Calpine Corporation) to meet the electrical requirements of the Dow facility, and decommission an older, less efficient 70 megawatt power plant located at Dow owned and operated by Calpine. The older power plant at Dow was not licensed by the Commission.

STAFF RECOMMENDATION

Energy Commission staff reviewed the petition filed by Los Medanos Energy Center, LLC, and finds that it complies with the requirements of Title 20, Section 1769(a) of the California Code of Regulations. Staff recommends approval of the petition.

ENERGY COMMISSION FINDINGS

Based on staff's analysis, the Energy Commission concludes that the proposed changes will not result in any significant impact to public health and safety, or the environment. The Energy Commission finds that:

- The petition meets all the filing criteria of Title 20, section 1769(a) of the California Code of Regulations concerning post-certification project modifications;
- The modification will not change the findings in the Energy Commission's Final Decision pursuant to Title 20, section 1755;
- The project will remain in compliance with all applicable laws, ordinances, regulations, and standards, subject to the provisions of Public Resources Code section 25525;

- The Change will be beneficial to the public because it replaces a less efficient source of electricity with one that is more energy efficient and less polluting.
- There has been a substantial change in circumstances since the Energy Commission certification of the LMEC facility on August 17, 1999. The older, less efficient power plant now meeting the requirements of Dow and owned by Calpine is no longer economical, warranting the proposed connection to the LMEC facility.

CONCLUSION AND ORDER

The California Energy Commission hereby adopts Staff's recommendations and approves the following changes to the Commission Decision for the Los Medanos Energy Center, LLC. New language is shown as **bold and underlined**, and deleted language is shown in ~~strikeout~~.

CONDITIONS OF CERTIFICATION

BIO-4 The project owner shall develop and implement a Worker Environmental Awareness Program in which each of its own employees, as well as employees of contractors and subcontractors who work on the project site or related facilities (including any access roads, storage areas, transmission lines, water and gas lines) during construction and operation, are informed about biological resource sensitivities associated with the project.

Protocol: The Worker Environmental Awareness Program:

- a) shall be developed by the designated biologist and consist of an on-site or classroom presentation **or video presentation** in which supporting written material is made available to all participants;
- b) must discuss the locations and types of sensitive biological resources on the project site and adjacent areas;
- c) must present the reasons for protecting these resources;
- d) must present the meaning of various temporary and permanent habitat protection measures;
- e) must identify who to contact if there are further comments and questions about the material discussed in the program; and,
- f) shall inform workers of the potential biological resource impact risk associated with all construction and operational activities as is appropriate and emphasize protection of sensitive resources such as the brackish marsh along Route 10A as well as the wetland areas along Routes 1 and 5.

The specific program can be administered by a competent individual(s) acceptable to the designated biologist.

Each participant in the on-site Worker Environmental Awareness Program shall sign a statement declaring that the individual understands and shall abide by the guidelines set forth in the program material. Each statement shall also be signed by the person administering the Worker Environmental Awareness Program.

The signed statements for the construction phase shall be kept on file by the project owner and made available for examination by the CPM for a period of at least six (6) months after the start of commercial operation. Signed statements for active operational personnel shall be kept on file by the project owner for the duration of their employment and for six months after their termination.

Verification: At least 30 days prior to the start of surface disturbing activities at the project site and/or at ancillary facilities, the project owner shall provide copies of the Worker Environmental Awareness Program and all supporting written materials prepared by the designated biologist and the name and qualifications of the person(s) administering the program to the CPM for approval. The project owner shall state in the Monthly Compliance Report the number of persons who have completed the training in the prior month and a running total of all persons who have completed the training to date.

BIO-7 Bird flight diverters will be placed on all overhead ground wires associated with the new 115-kV transmission line to Dow Pittsburg. During construction of the 115-kV transmission line, bird flight diverters will be installed to manufacturer's specification. Energy Commission staff will provide final approval of the bird flight diverter to be installed. Staff recommends that the Swan Flight Diverter be given careful consideration when making a decision about which diverter is to be installed.

Verification: No less than 7 days prior to energizing the new 115-kV transmission line, the project owner will provide photographic verification to the Energy Commission CPM that bird flight diverters have been installed to manufacturer's specifications. A discussion of how the bird flight diverters will be maintained during the life of the project will be included in the project's BRMIMP.

CUL-6 Prior to the start of construction and throughout the project construction period as needed for all new employees, the project owner and the designated cultural resource specialist shall provide the CPM-approved training to all project managers, construction supervisors, and workers. **This training may be provided in the form of a video presentation.** The project owner and construction manager shall provide the workers with the CPM-approved set of procedures for reporting any sensitive resources that may be discovered during project-related ground disturbance.

Verification: Prior to the start of construction and throughout the project construction period as needed for all new employees, the project owner and the designated cultural resources specialist shall present the CPM-approved training program on the potential for project impacts to sensitive cultural resources encountered during project activities. The project owner shall provide

documentation to the CPM that the employee training and the set of procedures have been provided to all project managers, construction supervisors, and all workers.

CUL-10 The designated cultural resource specialist, or a qualified cultural resources monitor designated by the cultural resource specialist, shall be present at all times to monitor construction-related grading, excavation, trenching, and/or augering in the vicinity of previously recorded archaeological sites and in areas where cultural resources have been identified during project construction.

If the designated cultural resource specialist determines that full-time monitoring is not necessary in certain portions of the project area or along portions of the linear facility routes, the designated specialist shall notify the project owner of the changes. The designated cultural resource specialist shall use mile post markers and boundary stakes placed by the project owner to identify areas where monitoring is being reduced or is no longer deemed necessary.

The daily logs prepared by the designated cultural resource specialist or cultural resources monitor shall indicate by tenths of a post mile, where and when monitoring has taken place and where monitoring has been deemed unnecessary.

Verification: The project owner shall include in the Monthly Compliance Reports to the CPM, copies of the weekly summary reports prepared by the designated cultural resource specialist or cultural resources monitor on project-related cultural resource activities.

VIS-10 ~~All~~ The Los Medanos Energy Center to Dow Pittsburg 115-kV transmission line poles in the city of Pittsburg's "Industrial (I)" zone district shall ~~be~~ have a maximum of ~~75~~ 95 feet in height.

Protocol: The project owner shall submit to the CEC CPM for review and approval final plans for the transmission poles, specifying their height. If the CPM notifies the project owner that revisions of the plan are needed before the CPM will approve the plan, the project owner shall prepare and submit to the CPM a revised plan.

The transmission poles shall not be installed before the plan is approved. The project owner shall notify the CPM when the poles have been installed and are ready for inspection.

Verification: At least 60 days prior to the start of project construction, the project owner shall submit the plans to the CPM for review and approval.

If the CPM notifies the project owner that any revisions to the plans are needed before the CPM will approve the plans, within 30 days of receiving that notification the project owner shall prepare and submit to the CPM revised plans.

The project owner shall notify the CPM within 7 days after completing installation of the poles that the poles are ready for inspection.

- TSE-4** The project owner shall ensure that the design, construction, and operation of the amended transmission facilities, the Los Medanos Energy Center to Dow Pittsburg 115 kV transmission line, will conform to all applicable LORS, and the requirements listed below. The project owner shall submit the required number of copies of the design drawings and calculations, as determined by the CBO.
- A. The Los Medanos Energy Center to Dow Pittsburg 115 kV transmission line and interconnection facilities shall meet or exceed the electrical, mechanical, civil, and structural requirements of CPUC General Order 95, CPUC General Order 128 or National Electric Safety Code (NESC); Title 8 of the California Code and Regulations (Title 8); Articles 35, 36 and 37 of the *High Voltage Electric Safety Orders*; National Electric Code (NEC) and related industry standards.
 - B. Outlet line crossings and line parallels with transmission and distribution facilities shall be coordinated with the transmission line owner and comply with the owner's standards.
 - C. A request for minor changes to the facilities described in this condition may be allowed if the project owner informs the CBO and CPM and receives approval for the proposed change. A detailed description of the proposed change and complete engineering, environmental, and economic rationale for the change shall accompany the request. Construction involving changed equipment or substation configurations shall not begin without prior written approval of the changes by the CBO and the CPM.

Verification: At least 60 days before the start of construction of transmission facilities (or fewer days if mutually agreed upon by the project owner and CBO), the project owner shall submit to the CBO for approval:

- A. Design drawings, specifications, and calculations conforming with CPUC General Order 95, CPUC General Order 128 or National Electric Safety Code (NESC); Title 8 of the California Code and Regulations (Title 8); Articles 35, 36 and 37 of the *High Voltage Electric Safety Orders*; National Electric Code (NEC) and related industry standards, for the poles/towers, foundations, anchor bolts, conductors, grounding systems, and major switchyard equipment;
- B. For the transmission facilities identified above, the submittal package to the CBO shall contain the design criteria, a discussion of the calculation method(s), a sample calculation based on "worst case conditions"¹ and a statement signed and sealed by the registered engineer in responsible charge, or other acceptable alternative verification, that the transmission element(s) will conform with CPUC General Order 95, CPUC General Order 128 or National Electric Safety Code (NESC); Title 8 of the California Code and Regulations (Title 8); Articles 35, 36 and 37 of the *High Voltage Electric Safety Orders*; National Electric Code (NEC), and related industry standards;

¹ Worst-case conditions for the foundations would include for instance, a dead-end or angle pole.

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- C. Electrical one-line diagrams signed and sealed by the registered professional electrical engineer in charge, a route map, and an engineering description of the equipment and configurations covered by requirements **TSE-4 A** above.

IT IS SO ORDERED.

Date: September 10, 2008

STATE OF CALIFORNIA
ENERGY RESOURCES CONSERVATION
AND DEVELOPMENT COMMISSION



JACKALYNE PFANNENSTIEL
Chairman