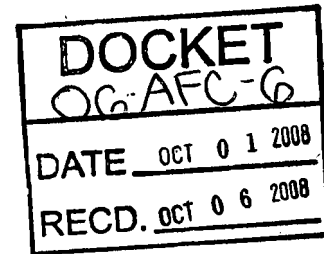


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14 STATE OF CALIFORNIA
15 State Energy Resources
16 Conservation and Development Commission

17 In the Matter of:

18
19
20 **Application for Certification For the**
21 **Eastshore Energy Center**

Docket No. 06-AFC-06

**CHABOT-LAS POSITAS COMMUNITY
COLLEGE DISTRICT INTERVENORS'
COMMENTS IN SUPPORT OF
"REVISED" PRESIDING MEMBER'S
PROPOSED DECISION
RECOMMENDING DENIAL OF
EASTSHORE ENERGY CENTER'S
APPLICATION FOR CERTIFICATION**

Dates: October 8, 2008

CEC: Jeffrey D. Byron
Commissioner and Presiding
Member

Hearing Officer: Susan Gefter

1 TO THE COMMISSION, PRESIDING MEMBER AND COMMISSIONER
2 BYRON, HEARING OFFICER GEFTER, AND THE PARTIES AND THEIR
3 ATTORNEYS OF RECORD:

4 Intervenor Chabot-Las Positas Community College District ("District") and Chabot
5 Faculty Association (collectively "Chabot Intervenor") hereby submit their comments to the
6 Revised Presiding Member's Proposed Decision ("rPMPD"), issued on or about August 29, 2008,
7 with respect to the application for certification by the Eastshore Energy Center (06-AFC-06). The
8 Chabot Intervenor write these comments to express their continued interest in participating in
9 these proceedings, and incorporate by reference their prior written comments submitted on or
10 about July 15, 2008 to the PMPD. The Chabot Intervenor also respectfully request that the
11 Commission approve and adopt the rPMPD's recommendation that the Application for
12 Certification submitted by Applicant Eastshore Energy Center ("Applicant") be *Denied*.

13 The Chabot Intervenor appreciate the rPMPD's recognition of the Chabot Intervenor's
14 request that, for future siting projects, the Commission Staff notify the appropriate representatives
15 (e.g. the Board of Trustees, the Chancellor, or Superintendent) of the community college district
16 for community college campuses in the vicinity of a project proposal and solicit comments as
17 Staff routinely does for other interested agencies when an application for certification is filed.
18 (Pub. Resources Code, § 25519, subd. (k); rPMPD, at p. 465 n. 166.) Staff's compliance with
19 this request will result in compliance with the appropriate statutes and regulations and facilitate
20 review of the various components of an application for certification, including Socioeconomic
21 and Environmental Justice review.

22 Dated: October 1, 2008

LIEBERT CASSIDY WHITMORE

23 By: Arlin B. Kachalia
24 Laura Schulkind
25 Arlin B. Kachalia
26 Attorneys for Intervenor
27 Chabot-Los Positas Community College
28 District



BEFORE THE ENERGY RESOURCES CONSERVATION AND DEVELOPMENT
COMMISSION OF THE STATE OF CALIFORNIA
1516 NINTH STREET, SACRAMENTO, CA 95814
1-800-822-6228 – WWW.ENERGY.CA.GOV

APPLICATION FOR CERTIFICATION
FOR THE EASTSHORE ENERGY CENTER
IN CITY OF HAYWARD
BY TIERRA ENERGY

Docket No. 06-AFC-6

PROOF OF SERVICE
(Revised 9/11/2008)

INSTRUCTIONS: All parties shall either (1) send an original signed document plus 12 copies or (2) mail one original signed copy AND e-mail the document to the address for the Docket as shown below, AND (3) all parties shall also send a printed or electronic copy of the document, which includes a proof of service declaration to each of the individuals on the proof of service list shown below:

CALIFORNIA ENERGY COMMISSION

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DECLARATION OF SERVICE

I, Ervietta McCullough declare that on October 1, 2008, I deposited copies of the attached Chabot-Las Positas Community College District Intervenor's Comments in Support of "Revised" Presiding Member's Proposed Decision Recommending Denial of Eastshore Energy Center's Application for Certification in the United States mail at San Francisco, CA, with first-class postage thereon fully prepaid and addressed to those identified on the Proof of Service list above.

OR

Transmission via electronic mail was consistent with the requirements of the 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.


Ervietta McCullough

Attachments