

CALIFORNIA ENERGY COMMISSION

1516 NINTH STREET
SACRAMENTO, CA 95814-5512



May 2, 2007

Ed Merrihew
Calpine Corporation
647 Alta Road
San Diego, CA 92154

Subject: Otay Mesa Energy Center (99-AFC-5C)
Approval of Petition to Modify the Verification Language in Condition of
Certification BIO-10 to Allow Alternate Strategy for Habitat Purchase

Dear Mr. Merrihew:

In accordance with the provisions of Title 20, California Code of Regulations, section 1769(a), Energy Commission staff reviewed your petition to modify the verification language in Condition of Certification BIO-10 to allow Otay Mesa Energy Center, LLC the option to transfer \$440,000 to the Friends of the San Diego National Wildlife Refuge to satisfy the habitat purchase requirements. Staff determined that the petition met the criteria of section 1769(a)(2), and mailed the "Notice of Insignificant Project Change" to the Energy Commission's post-certification project mailing list on April 19, 2007.

The Energy Commission staff did not receive any public comments regarding this requested project change within the 14-day public review period as specified in section 1769(a)(2). Therefore, your requested modification is approved.

If you have any questions, please call me at (916) 653-1639 or e-mail me at cmeyer@energy.state.ca.us.

Sincerely,

Christopher Meyer
Compliance Project Manager
Energy Facilities Siting Division