

LATHAM & WATKINS LLP

December 15, 2008

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File No. 030137-0024

DOCKET
08-AFC-11

DATE	DEC 15 2008
RECD.	DEC 15 2008

VIA FEDEX

CALIFORNIA ENERGY COMMISSION
Attn: Docket No. 08-AFC-11
1516 Ninth Street, MS-4
Sacramento, California 95814-5512

Re: CPV Vaca Station Power Plant Project: Docket No. 08-AFC-11

Dear Sir/Madam:

Pursuant to California Code of Regulations, title 20, sections 1209, 1209.5, and 1210, enclosed herewith for filing please find a copy of the Yolo-Solano Completeness Determination for the above-referenced project.

Please note that the enclosed submittal was filed today via electronic mail to your attention and to all parties on the attached electronic proof of service list.

Very truly yours,



Paul E. Kihm
Senior Paralegal

Enclosure

cc: 08-AFC-11 Proof of Service List (w/encl. via e-mail)
Michael J. Carroll, Esq. (w/encl.)



December 10, 2008

Andrew C. Welch
CPV Vacaville, LLC
8403 Colesville Road, Suite 915
Silver Spring, MD 20910

Re: Facility ID: 05586
Process: 660 MW combined cycle generation facility, including two natural gas fired combustion turbine generators, 37 MMBtu auxiliary boiler, 1500 hp diesel fired internal combustion engine powering a generator, a 300 hp diesel fired internal combustion engine powering a fire pump, and a 12- cell cooling tower
Site Location: Section 30, Township 6N, Range 1E; Solano County, CA

Dear Mr. Welch:

The District has reviewed the aforementioned application and has determined it to be administratively complete. It is possible that clarifying information on one or more parts of the application may be required prior to approval. In accordance with District Rule 3.4, section 418.5, the District will prepare a preliminary determination of compliance for the project.

Due to the complexity of your application, the District expects that the evaluation will take 10 hours or more to process. Therefore in accordance with Rule 4.1, section 301.1, the fees for this application will be based on the actual time required to evaluate your application and verify equipment compliance, using the time and material rate from Rule 4.1, section 307.10, currently \$87 per hour. Based on the information previously submitted by your company, the District estimates a total time of 500 hours, or \$43,500. The filing fee of \$15,926 that you submitted with the application will be credited towards the hourly fees, leaving a balance of \$27,574. District Rule 4.1, section 301.1 requires that the applicant deposit the amount estimated with the District, however the District will allow the deposit to be made in installments of \$10,000 per month in January and February of 2009, with the remainder of \$7,574 in March of 2009. You will receive an invoice for each of these amounts.

Although the District has deemed the application administratively complete, the following issues have been identified during the completeness period:

- ▶ The 3 ppm CO limit proposed in the application may not represent the Best Available Control Technology (BACT) for this type of equipment, as defined in District Rule 3.4, section 208; and
- ▶ The source of emission reduction credits (ERCs) that will be used to satisfy the offset requirements contained in District Rule 3.4 has not been identified. District Rule 3.4, section 409.3a requires that

December 10, 2008

Mr. Welch

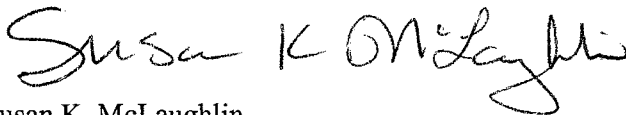
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the applicant supply evidence of sufficient ERCs prior to the issuance of a preconstruction permit.

This notification of completeness does not imply that the District concurs with any analyses, conclusions or positions contained in the application.

Please indicate your facility number on any correspondence with the District. If you have any questions on this matter, please contact Courtney Graham at (530) 757-3655 or toll-free in the (530), (916), and (707) area codes at (800) 287-3650.

Sincerely,

A handwritten signature in black ink that reads "Susan K. McLaughlin". The signature is written in a cursive, flowing style.

Susan K. McLaughlin

Supervising Air Quality Engineer

cc: Steve Hill; Sierra Research; 1801 J Street; Sacramento, CA 95811
Rod Jones, Project Manager; California Energy Commission; 1516 Ninth St., MS-15; Sacramento, CA 95814

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

In the Matter of:)	Docket No. 08-AFC-11
)	
Application for Certification, for the CPV VACA STATION POWER PLANT PROJECT)	ELECTRONIC PROOF OF SERVICE LIST
by CPV Vacaville, LLC)	(December 15, 2008]
_____)	

Transmission via electronic mail and by depositing one copy with FedEx overnight mail delivery service at Costa Mesa, California with delivery fees thereon fully prepaid and addressed to the following:

DOCKET UNIT

CALIFORNIA ENERGY COMMISSION

Attn: DOCKET NO. 08-AFC-11
1516 Ninth Street, MS-15
Sacramento, California 95814-5512
docket@energy.state.ca.us

Transmission via electronic mail addressed to the following:

APPLICANT

Andy Welch
Vice President
Competitive Power Ventures, Inc.
8403 Colesville Road
Suite 915
Silver Spring, MD 20910
Awelch@cpv.com

APPLICANT'S CONSULTANT

Doug Davy
CH2M Hill
2485 Natomas Park Drive, Suite 600
Sacramento, CA 95833-2937
Doug.Davy@CH2M.com

CPV VACA STATION POWER PLANT PROJECT
CEC Docket No. 08-AFC-11

ENERGY COMMISSION

Rod Jones

Project Manager

RJones@energy.state.ca.us

Public Adviser

Publicadviser@energy.state.ca.us

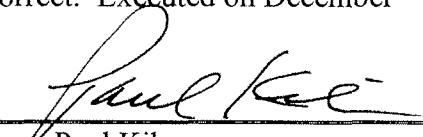
DECLARATION OF SERVICE

I, Paul Kihm, declare that on December 15, 2008, I deposited a copy of the attached:

YOLO-SOLANO AQMD COMPLETENESS DETERMINATION

with FedEx overnight mail delivery service at Costa Mesa, California with delivery fees thereon fully prepaid and addressed to the California Energy Commission. I further declare that transmission via electronic mail was consistent with the requirements of 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. Executed on December 15, 2008, at Costa Mesa, California.



Paul Kihm