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May 28, 2009

File No. 030137-0024

### VIA FEDEX

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

**DOCKET**

**08-AFC-11**

DATE MAY 28 2009

RECD. MAY 28 2009

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 Applicant's Status Report #2.

Please note that the enclosed submittal was filed today via electronic mail to your attention and served on all parties to the above-referenced project.

Very truly yours,



Paul E. Kihm  
Senior Paralegal

Enclosure

cc: 08-AFC-11 Proof of Service List (w/encl. via e-mail and U.S. Mail)  
Michael J. Carroll, Esq. (w/encl.)  
Marc T. Campopiano, Esq. (w/encl.)

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STATE OF CALIFORNIA  
ENERGY RESOURCES  
CONSERVATION AND DEVELOPMENT COMMISSION

In the Matter of: ) Docket No. 08-AFC-11  
)  
APPLICATION FOR CERTIFICATION, ) APPLICANT’S STATUS REPORT No. 2  
FOR THE CPV VACA STATION POWER )  
PLANT PROJECT BY CPV VACAVILLE, )  
LLC )  
)  
\_\_\_\_\_)

On behalf of CPV Vacaville, LLC (“Applicant”), we submit this Status Report No. 2 for the CPV Vaca Station Power Plant Project (08-AFC-11) (“Project”).

**I. DISCOVERY STATUS**

On March 5, 2009, the Applicant received Staff’s Data Requests Set 1. The Applicant provided timely responses in a submittal docketed on April 6, 2009.

On April 22, 2009, the Applicant participated in the Data Response & Issue Resolution Staff Workshop. Based on discussions with Staff, the Applicant agreed to provide responses to certain informal data requests. On May 22, 2009, the Applicant filed its Response to CEC Staff Workshop Queries 1 through 8. As noted therein, the Applicant’s response did not include the requested cumulative air quality impact analysis, which will be completed and filed under separate cover.

On May 7, 2009, the Applicant received Staff’s Data Requests Set 2. On May 27, 2009, the Applicant filed a timely request for a 30-day extension of time to respond to certain Data Requests within Set 2. For the remaining Data Requests, the Applicant anticipates making a timely response within the 30-day deadline.

Applicant notes that to date it has not received any data requests for a number of topic areas. Applicant has been informed that staff intends to issue data requests for certain of these areas, including Soils and Water Resources. Applicant is concerned that even though the AFC

was deemed data adequate on January 28, 2009 (120 days ago), initial data requests for certain topic areas have not been issued, which suggests that Staff has not yet completed its initial review of the Project. The “standard” 12-month schedule calls for the first round of data requests on all topic areas within 15 days of data adequacy. Applicant believes Staff’s pace of review must be significantly accelerated.

## **II. EMISSION OFFSETS**

On May 4, 2009, the Applicant requested from the Yolo Solano Air Quality Management District (YSAQMD) an extension of the issuance date of the Project’s Preliminary Determination of Compliance (PDOC) while the Applicant finalized its offset strategy. On May 19, 2009, the YSAQMD granted such an extension until July 9, 2009.

On May 12, 2009, the Applicant met with YSAQMD staff to discuss the Applicant’s offset strategy and other issues. Based on the meeting, the Applicant agreed to provide YSAQMD staff with a detailed offset plan that identifies the specific owners, quantities, and locations of the offsets that the Applicant proposes to use for the Project. The offset plan will include proposed distance adjustment ratios and interpollutant offset ratios (if applicable) and any proposed use of credits from one quarter to offset increases in another quarter. The Applicant anticipates filing this plan with the YSAQMD and Energy Commission in a matter of days.

## **III. PROJECT SCHEDULE**

On May 15, 2009, Applicant received a message from the Dockets Unit with a revised project schedule, which Applicant understands was proposed by Staff. The proposed schedule is acceptable to Applicant, as it reflects the requested extension of time for issuance of the PDOC. Applicant suggests that the Committee issue a revised project schedule consistent with that proposed by Staff.

DATED: May 28, 2009

Respectfully submitted,

/S/ MICHAEL J. CARROLL

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Michael J. Carroll  
LATHAM & WATKINS LLP  
Counsel to Applicant

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

In the Matter of:	)	Docket No. 08-AFC-11
	)	
Application for Certification,	)	<b>PROOF OF SERVICE</b>
for the CPV VACA STATION POWER PLANT	)	
PROJECT	)	(February 18, 2009)
by CPV Vacaville, LLC	)	
_____	)	

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

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**DECLARATION OF SERVICE**

I, Paul Kihm, declare that on May 28, 2009, I served and filed copies of the attached:

**APPLICANT'S STATUS REPORT #2**

to all parties identified on the Proof of Service List above in the following manner:

**California Energy Commission Docket Unit**

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


**CALIFORNIA ENERGY COMMISSION**  
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Sacramento, California 95814-5512  
[docket@energy.state.ca.us](mailto:docket@energy.state.ca.us)

**For Service to All Other Parties**

- Transmission via electronic mail to all email addresses on the Proof of Service list; and
- by depositing one paper copy with the United States Postal Service via first-class mail at Costa Mesa, California, with postage fees thereon fully prepaid and addressed as provided on the Proof of Service list to those addresses **NOT** marked "email preferred."

I further declare that transmission via electronic mail and U.S. Mail was consistent with the requirements of California Code of Regulations, title 20, sections 1209, 1209.5, and 1210.

I declare under penalty of perjury that the foregoing is true and correct. Executed on May 28, 2009, at Costa Mesa, California.

  
\_\_\_\_\_  
Paul Kihm