

# LATHAM & WATKINS<sup>LLP</sup>

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September 16, 2009

File No. 030137-0024

**DOCKET**  
**08-AFC-11**

DATE 9/16/2009

RECD. 9/16/2009

### VIA FEDEX

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

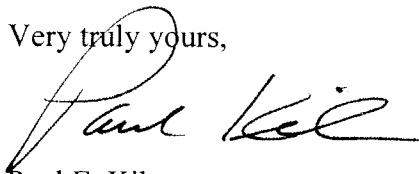
Re: CPV Vaca Station Power Plant Project: Docket No. 08-AFC-11

Dear Sir/Madam:

Pursuant to California Code of Regulations, title 20, sections 1209, 1209.5, and 1210, enclosed herewith for filing please find a letter to the Yolo-Solano Air Quality Management District regarding Applicant's third request for extension of the issuance of the PDOC.

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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File No. 030137-0024	

September 9, 2009

## VIA EMAIL, FAX AND FED-EX

Ms. Susan K. McLaughlin  
Supervising Air Quality Engineer  
Yolo-Solano Air Quality Management District  
1947 Galileo Ct., Suite 103  
Davis, CA 95618

Re: CPV Vaca Station Project (08-AFC-11):  
Request for Third Extension of the PDOC

Dear Ms. McLaughlin:

As you are aware, CPV Vacaville, LLC (“Applicant”) has filed an Application for Certification with the California Energy Commission for the CPV Vaca Station Project (08-AFC-11) (“Project”). The Project is located within the jurisdictional boundaries of the Yolo-Solano Air Quality Management District (“District”).

In accordance with the Energy Commission’s Schedule for the Project and District Rule 418 *et seq.*, the District was scheduled to issue a Preliminary Determination of Compliance (“PDOC”) on May 9, 2009. On May 4, 2009, Applicant requested an extension until July 9, 2009. On May 19, 2009, the District granted the extension in a letter to the Applicant and stated that additional extensions would be considered if requested by July 9, 2009. On July 9, 2009, the Applicant requested a second 60-day extension. On July 13, 2009, the District granted the extension in a letter to the Applicant and stated that additional extensions would be considered if requested by September 9, 2009.

Applicant hereby requests a 21-day extension of the deadline for issuing the PDOC, until September 30, 2009. Applicant understands that the District needs additional time to complete the PDOC. As you know, Applicant has been diligently working with District Staff to resolve outstanding issues associated with the issuance of the PDOC. Applicant further understands that this extension may cause a corresponding delay in the Energy Commission’s schedule for the Project in terms of its review of air quality issues.

LATHAM & WATKINS<sup>LLP</sup>

If I can answer any questions about this request, please do not hesitate to contact me.

Very truly yours,

A handwritten signature in black ink, appearing to read "Marc Campopiano". The signature is fluid and cursive, with a long horizontal stroke at the end.

Marc T. Campopiano  
of LATHAM & WATKINS LLP

cc: Andrew Welch, Competitive Power Ventures  
Gary Rubenstein, Sierra Research  
Courtney Graham, Yolo-Solano Air Quality Mgmt. District

**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	)	
_____	)	

APPLICANT

**Andrew Welch**  
Vice President  
Competitive Power Ventures, Inc.  
8403 Colesville Road, Suite 915  
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APPLICANT'S CONSULTANT

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INTERESTED AGENCIES

**California ISO**  
P.O. Box 639014  
Folsom, CA 95763-9014  
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ENERGY COMMISSION

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

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1516 Ninth Street  
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[Publicadviser@energy.state.ca.us](mailto:Publicadviser@energy.state.ca.us)

**DECLARATION OF SERVICE**

I, Paul Kihm, declare that on September 16, 2009, I served and filed copies of the attached:

**LETTER TO YOLO-SOLANO AIR QUALITY MANAGEMENT DISTRICT RE  
APPLICANT'S THIRD REQUEST FOR EXTENSION OF THE ISSUANCE OF THE  
PRELIMINARY DETERMINATION OF COMPLIANCE**

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:

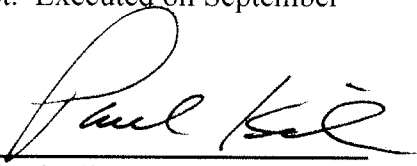
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Attn: DOCKET NO. 08-AFC-11  
1516 Ninth Street, MS-4  
Sacramento, California 95814-5512  
[docket@energy.state.ca.us](mailto:docket@energy.state.ca.us)

**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 September 16, 2009, at Costa Mesa, California.

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