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October 29, 2008

File No. 030137-0012

VIA FEDEX

CALIFORNIA ENERGY COMMISSION
Attn: Docket No. 07-AFC-3
1516 Ninth Street, MS-4
Sacramento, California 95814-5512

DOCKET	
07-AFC-3	
DATE	<u>OCT 29 2008</u>
RECD.	<u>OCT 29 2008</u>

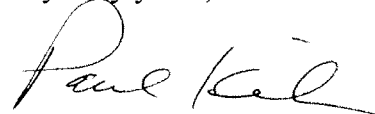
Re: CPV Sentinel Energy Project: Docket No. 07-AFC-3

Dear Sir/Madam:

Pursuant to California Code of Regulations, title 20, sections 1209, 1209.5, and 1210, enclosed herewith for filing please find Applicant's Additional Testimony and Response to Addendum to Final Staff Assessment Filed by Energy Commission Staff.

Please note that the enclosed submittal was also filed today via electronic mail to your attention.

Very truly yours,



Paul E. Kihm
Senior Paralegal

Enclosure

cc: CEC 07-AFC-3 Proof of Service List (w/encl. via e-mail)
Michael J. Carroll, Esq. (w/ encl.)

Michael J. Carroll
Shannon D. Torgerson
LATHAM & WATKINS LLP
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Costa Mesa, CA 92626
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STATE OF CALIFORNIA
ENERGY RESOURCES
CONSERVATION AND DEVELOPMENT COMMISSION

In the Matter of:) Docket No. 07-AFC-3
)
Application for Certification,)
for the CPV SENTINEL ENERGY PROJECT) APPLICANT'S ADDITIONAL TESTIMONY
by CPV SENTINEL, LLC) AND RESPONSE TO ADDENDUM TO
) FINAL STAFF ASSESSMENT FILED BY
) ENERGY COMMISSION STAFF
)
_____)

Pursuant to the Evidentiary Hearing Order issued on October 22, 2008, Applicant hereby provides the following:

- Additional testimony to sponsor exhibits not identified on the Tentative Exhibit List attached to the Evidentiary Hearing Order; and
- Applicant's response to the Addendum to the Final Staff Assessment filed by Energy Commission staff.

Additional Testimony and Exhibits

The following Applicant sponsored exhibits are not identified on the Tentative Exhibit List attached to the Evidentiary Hearing Order:

- Exhibit 130 Applicant's Proposed Revisions to Conditions of Certification for Transmission System Engineering and Transmission Line Safety and Nuisance; and
- Exhibit 131 Supplement in Response to CEC Data Adequacy Review (CEC Log No. 42100).

The above-referenced exhibits are sponsored by Mark Turner, pursuant to his Supplemental Declaration, which is attached hereto. Applicant requests that the Supplemental Declaration of Mark Turner be identified as Applicant's Exhibit 132, and that Exhibits 130, 131 and 132 be included on the Tentative Exhibit List.

Applicant's Response to the Addendum to the Final Staff Assessment

For purposes of clarifying what Applicant understands to be the intent of proposed condition SOIL&WATER-8, paragraph d, Applicant proposes that it be modified to read as follows:

d. If insufficient water has been recharged for project process needs pursuant to **SOIL&WATER-10**, the project shall not operate, unless the CPM determines that:


1. circumstances beyond the project owner's control have temporarily prevented delivery of water purchased for project process needs to Desert Water Agency's spreading grounds; and

2. the quantity of water conserved through implementation of new conservation measures 16 months or more previously in the Mission Creek Sub-basin pursuant to SOIL&WATER-15, together with any water recharged pursuant to SOIL&WATER-10 16 months or more previously that has not yet been used, is equal to or greater than that proposed to be used for project process water needs.

Other than the proposed changes to SOIL&WATER-8 suggested above, the Addendum to the Final Staff Assessment adequately addresses all outstanding issues identified in Applicant's Prehearing Conference Statement and raised during the Prehearing Conference. If staff concurs with Applicant's proposed changes to SOIL&WATER-8, there are no remaining substantive disputes or outstanding issues between the parties in any area other than perhaps Air Quality, which the Committee has deferred to a subsequent hearing. Applicant would therefore be prepared to submit all areas other than Air Quality based on its pre-filed testimony as supplemented hereby. Applicant would not provide any additional direct testimony at the Evidentiary Hearing on November 3, 2008 and would not seek to cross-examine any staff witnesses.

DATED: October 29, 2008

Respectfully submitted,



Michael J. Carrol
LATHAM & WATKINS LLP

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4 Attorneys for Applicant

5 State of California

6 Energy Resources

7 Conservation and Development Commission

8
9 In the Matter of:
Application for Certification
10 for the CPV SENTINEL ENERGY
PROJECT by CPV Sentinel, L.L.C.

Docket No. 07-AFC-03

11 SUPPLEMENTAL DECLARATION OF MARK
TURNER REGARDING VARIOUS PROJECT
12 TOPICS

13 I, Mark Turner, declare as follows:

14 1. I am a Director with Competitive Power Ventures, the parent company of
15 CPV Sentinel, LLC, and am duly authorized to make this declaration. Except where stated on
16 information and belief, the facts set forth herein are true of my own personal knowledge and the
17 opinions set forth herein are true and correct articulations of my opinions. If called as a witness I
18 could and would testify competently to them.

19 2. I earned an M.A. from Columbia University and a B.A. from California
20 State University, Sacramento. I have over 15 years of experience in the permitting and
21 development of electric energy projects. I have led power generation development efforts from
22 inception through financial closing, and I am the Project Manager for the CPV Sentinel Power
23 Project. A copy of my current curriculum vitae is attached to Applicant's Prehearing Conference
24 Statement.

25 3. I reviewed and am familiar with the Applicant's Proposed Revisions to the
26 Conditions of Certification for Transmission System Engineering and Transmission Line Safety
27 and Nuisance (Exhibit No. 131) and the Supplement in Response to CEC Data Adequacy
28 Review (Exhibit No. 132).

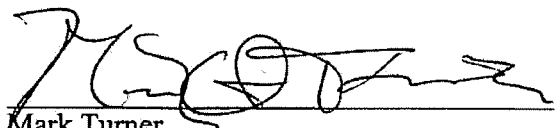
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4. Subject to the information provided herein, the content of the above-referenced exhibits is true and accurate to the best of my information and belief.

5. I hereby offer the above-referenced exhibits into evidence.

Executed on October 28, 2008, at San Francisco, CA.

I declare under penalty of perjury of the laws of the State of California that the foregoing is true and correct.


Mark Turner

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

In the Matter of:) Docket No. 07-AFC-3
)
Application for Certification,)
for the CPV SENTINEL ENERGY PROJECT) **ELECTRONIC PROOF OF SERVICE**
) **LIST**
)
) (October 24, 2008]
)
_____)

Transmission via electronic mail and by depositing one original signed document 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. 07-AFC-3
1516 Ninth Street, MS-15
Sacramento, California 95814-5512
docket@energy.state.ca.us

Transmission via electronic mail addressed to the following:

APPLICANT

Mark Turner

Project Manager
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55 Second Street, Suite 525
San Francisco, California 94105
mturner@cpv.com

Dale Shileikis

Vice President
URS Corporation
221 Main Street, Suite 600
San Francisco, CA 94105-1917
dale_shileikis@urscorp.com

CPV SENTINEL ENERGY PROJECT
CEC Docket No. 07-AFC-3

Kathy Rushmore

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INTERESTED AGENCIES

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DECLARATION OF SERVICE

I, Paul Kihm, declare that on October 29, 2008, I deposited a copy of the attached:

APPLICANT'S ADDITIONAL TESTIMONY AND RESPONSE TO ADDENDUM TO FINAL STAFF ASSESSMENT FILED BY ENERGY COMMISSION STAFF

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 October 29, 2008, at Costa Mesa, California.



Paul Kihm