

BEFORE THE ENERGY RESOURCES CONSERVATION AND DEVELOPMENT COMMISSION
OF THE STATE OF CALIFORNIA

APPLICATION FOR CERTIFICATION FOR
THE AVENAL ENERGY PROJECT

DOCKET NO. 08-AFC-1

AVENAL POWER CENTER, LLC'S STATUS REPORT #1

DOCKET	
08-AFC-1	
DATE	<u>JUL 03 2008</u>
RECD.	<u>JUL 03 2008</u>

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Dated: July 3, 2008

STATE OF CALIFORNIA

ENERGY RESOURCES CONSERVATION
AND DEVELOPMENT COMMISSION

In the Matter of:) Docket No.: 08-AFC-1
)
Application for Certification for the)
Avenal Energy Project)
_____)

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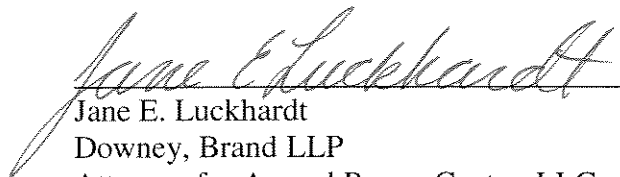
Avenal Power Center, LLC ("Avenal Power") is pleased to provide the following status report to the Committee. Avenal Power is working with California Energy Commission ("Commission") Staff to provide the information needed by staff to complete the Preliminary Staff Assessment (PSA). On July 1st Commission Staff held a data response and issues resolution workshop. Commission Staff needs only two additional items to complete the PSA. Avenal Power will provide a new large size map including the 100 year flood boundary to Commission Staff in response to Data Request 25. In addition, Avenal Power will provide the System Impact Study as soon as it is available. Avenal Power is working with the California Independent System Operator to complete an individual evaluation of the interconnection of this project. Avenal Power will keep the Committee informed of the progress of this study.

Avenal Power had objected to five data requests. Commission Staff informed Avenal Power at the workshop that they had been able to obtain the information needed to complete the PSA without the need to provide further information in response to the disputed requests.

Avenal Power has agreed to mitigation ratios, appropriate mitigation banks and many other issues with the United States Fish and Wildlife Service (USFWS) and the California Department of Fish and Game. Avenal Power had a meeting with the USFWS on June 24, 2008. The CEC Project Manager and Senior Staff Biologist were also in attendance and California Department of Fish and Game attended via telephone. Only one issue remains under discussion and involves the amount of property to be set back from the canal that runs along one corner of the property. Previous discussions over the last five years had resulted in a setback of 300 feet

measured from the top inside of the canal bank. USFWS has since requested Avenal Power to provide a 300 foot strip of their property for this setback as opposed to the approximately 140 feet shown in the current data responses. The reason given for the increase is the Bureau of Reclamation is not willing to use its right-of-way as part of a habitat corridor. Avenal Power notes the right-of-way is the reason the set back has been requested. Due to the location of the setback on a corner of the property this request triples the amount of property Avenal Power has been asked to provide. This issue is not yet resolved. Avenal Power will continue its efforts to resolve this issue with USFWS.

Respectfully,


Jane E. Luckhardt
Downey, Brand LLP
Attorney for Avenal Power Center, LLC

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PROOF OF SERVICE
(Revised 7/1/2008)

INSTRUCTIONS: All parties shall either (1) send an original signed document plus 12 copies or (2) mail one original signed copy AND e-mail the document to the address for the docket as shown below, AND (3) all parties shall also send a printed or electronic copy of the document, which includes a proof of service declaration to each of the individuals on the proof of service list shown below:

CALIFORNIA ENERGY COMMISSION
Attn: Docket No. 08-AFC-1
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DECLARATION OF SERVICE

I, Lois Navarrot, declare that on July 3, 2008, I deposited copies of the attached **AVENAL POWER CENTER, LLC'S STATUS REPORT #1** in the United States mail at Sacramento, California with first-class postage thereon fully prepaid and addressed to those identified on the Proof of Service list above.

OR

Transmission via electronic mail was consistent with the requirements of the 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.



 Lois Navarrot