

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

DOCKET	
08-AFC-1	
DATE	<u>OCT 30 2008</u>
RECD.	<u>OCT 30 2008</u>

AVENAL POWER CENTER, LLC'S STATUS REPORT #3

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Dated: October 30, 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)
_____)

AVENAL POWER CENTER, LLC'S STATUS REPORT #3

Avenal Power Center, LLC ("Avenal Power" or "Applicant") submits this Status Report #3 to update the Committee on the status of the above referenced proceeding. Avenal Power is working to respond to California Unions for Reliable Energy's ("CURE") fifty-nine data requests submitted to Avenal Power Center, LLC on October 1, 2008. Avenal Power submitted objections to a number of CURE's data requests on October 20, 2008. Nonetheless, Avenal Power will provide responses to the extent the requested information is relevant and reasonable by October 31, 2008.

Avenal Power submitted Responses to CEC staff's Data Requests #75-94 on September 24, 2008 and submitted the 3rd party system impact study performed by Navigant Consulting to the CEC on September 29, 2008. Avenal Power continues to be responsive to CEC staff, and it is Avenal Power's understanding that staff has all the information necessary to finalize the Preliminary Staff Assessment ("PSA").

Additionally, Avenal Power would like to point out that the current siting committee schedule for the Avenal Energy project is no longer accurate as the CEC has not issued the Preliminary Staff Assessment ("PSA") that was scheduled to be issued on October 7, 2008. Avenal Power would like to emphasize to the Commission that this Project has continued to provide responses within the scheduled timeline but is concerned with the significant slippage in the siting committee schedule for the Project. Avenal Power is aware of the current workload at the Commission but is concerned about the continued delays to the PSA. Avenal Power requests that the Committee check into the status of the PSA and the overall schedule for this project with the intent of getting the PSA out for public review. Avenal Power continues to support CEC

staff's review of this Project and looks forward to scheduling a PSA workshop within the next month.

Respectfully,



Jane E. Luckhardt

Downey, Brand LLP

Attorney for Avenal Power Center, LLC

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PROOF OF SERVICE
(Revised 9/22/2008)

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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Sacramento, CA 95814-5512
docket@energy.state.ca.us

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DECLARATION OF SERVICE

I, Lois Navarrot, declare that on October 30, 2008, I deposited copies of the attached **AVENAL POWER CENTER, LLC'S STATUS REPORT #3** 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