

Memorandum

Date: February 27, 2009
Telephone: (916) 654-4679

To: Commissioner Jeffrey D. Byron, Presiding Member
Commissioner Arthur H. Rosenfeld, Associate Member

From: California Energy Commission – Ivor Benci-Woodward
1516 Ninth Street Project Manager
Sacramento, CA 95814-5512

DOCKET	
08-AFC-1	
DATE	<u>FEB 27 2009</u>
RECD.	<u>FEB 27 2009</u>

Subject: **Avenal Energy (08-AFC-1) STATUS REPORT 4**

Pursuant to the revised Committee Scheduling Order dated May 27, 2008, staff issues Status report #4 for the proposed Avenal Energy (AE) Application for Certification (AFC).

Preliminary Staff Assessment Filed

Staff filed the Preliminary Staff Assessment (PSA) on January 30, 2009 for the Avenal Energy project. Previous status reports detailed the relatively long discovery and resolution process and the resulting schedule delays. On February 18, 2009, staff held a publically noticed workshop in Avenal with language translation provided, to discuss the PSA.

Status of Outstanding Issues and Activities

At the February 18, 2009 PSA Workshop all of the outstanding, previously unresolved issues of Air Quality, Cultural Resources, Biological Resources, Land Use, Soil & Water Resources and Traffic and Transportation were discussed. and a proposed agreement was reached on all issues between the applicant, California Energy Commission staff, San Joaquin County Air Pollution Control District, U.S. Fish and Wildlife Service and the California Department of Fish and Game.

The intervenor California Unions for Reliable Energy (CURE) submitted 59 data requests to the applicant on October 1, 2008, and on October 16, 2008 the applicant filed an objection to all or part of 35 of the 59 data requests. On October 30, 2008 the applicant filed responses to CURE's remaining 24 data requests.

Staff is now in the process of preparing the Final Staff Assessment (FSA), including incorporating the proposed agreements reached by the parties at the PSA workshop and addressing additional comments raised at the workshop in writing.

Staff's Proposed Schedule

Staff requires additional time for completing the Final Staff Assessment due in large part to the delayed receipt of information which resulted in a January 30, 2009 PSA and reduced staffing hours resulting from the governor's furlough program. Staff is proposing to move the FSA publication from the Committee's original schedule of November 2008 to April 2009.

The following table summarizes staff's proposed adjustments to the Committee Scheduling Order dated May 27, 2008.

Date	Event
April 16, 2008	AFC data adequate
May 23, 2008	Data Request #1
June 20, 2008	Applicant files response to Data Request #1
July 1, 2008	Data Response and Issue Resolution Workshop
July 3, 2008	Status Report #1
August 14, 2008	Local, State, and Federal Agency draft determination, including air district's Preliminary Determination of Compliance (PDOC) filed.
August 30, 2008	Status Report #2
October 30, 2008	Status Report #3
January 30, 2009	Preliminary Staff Assessment (PSA)
February 5, 2009	Local, State, and Federal Agency final determinations filed.
February 18, 2009	PSA Workshop
February 27, 2009	Status Report #4
Early April 2009	Final Staff Assessment (FSA) filed
TBD	Pre-hearing conference
TBD	Evidentiary hearings
TBD	Presiding Member's Proposed Decision issued for 30-day comment period.
TBD	Presiding Member's Proposed Decision committee conference.
TBD	Commission Adoption Hearing

Shaded items have already occurred.

State furlough days are not included in the proposed schedule.

Proof of Service List
Docket (08-AFC-1)



BEFORE THE ENERGY RESOURCES CONSERVATION AND DEVELOPMENT COMMISSION
OF THE STATE OF CALIFORNIA
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1-800-822-6228 – WWW.ENERGY.CA.GOV

APPLICATION FOR CERTIFICATION
For the AVENAL ENERGY PROJECT

Docket No. 08-AFC-1
PROOF OF SERVICE
(Revised 2/3/2009)

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DECLARATION OF SERVICE

I, April Albright, declare that on February 27, 2009, I served and filed copies of the attached Avenal Energy (08-AFC-1) Status Report 4. The original document, filed with the Docket Unit, is accompanied by a copy of the most recent Proof of Service list, located on the web page for this project at:

[www.energy.ca.gov/sitingcases/avenal]. The document has been sent to both the other parties in this proceeding (as shown on the Proof of Service list) and to the Commission's Docket Unit, in the following manner:

(Check all that Apply)

FOR SERVICE TO ALL OTHER PARTIES:

sent electronically to all email addresses on the Proof of Service list;

by personal delivery or by depositing in the United States mail at Sacramento, CA with first-class postage thereon fully prepaid and addressed as provided on the Proof of Service list above to those addresses **NOT** marked "email preferred."

AND

FOR FILING WITH THE ENERGY COMMISSION:

sending an original paper copy and one electronic copy, mailed and emailed respectively, to the address below (***preferred method***);

OR

depositing in the mail an original and 12 paper copies, as follows:

CALIFORNIA ENERGY COMMISSION

Attn: Docket No. 08-AFC-1
1516 Ninth Street, MS-4
Sacramento, CA 95814-5512

docket@energy.state.ca.us

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

Original signed by _____
April Albright