

**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 MAR 05 2009

RECD. MAR 05 2009

AVENAL POWER CENTER, LLC'S STATUS REPORT #4

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March 5, 2009

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 #4

Avenal Power Center, LLC (“Avenal Power”) submits this Status Report #4 to update the Committee on the status of the above referenced proceeding.

On February 18, 2009, California Energy Commission Staff (“Staff”) held its Preliminary Staff Assessment (“PSA”) Workshop. Representatives from Avenal Power, Staff, the San Joaquin County Air Pollution Control District (“District”), the United States Fish and Wildlife Service (USFWS), the California Department of Fish and Game (CDFG), California Unions for Reliable Energy and members of the public participated at this workshop. As Staff noted in its February 27, 2009 Status Report 4, Avenal Power, Staff, the District, USFWS and CDFG were able to arrive at a proposed agreement for all previously unresolved issues from the PSA.

Given that Avenal Power has worked aggressively to resolve identified outstanding issues, Avenal Power believes a schedule for the remainder of this proceeding should be set. Staff’s Status Report 4 sets forth a revised schedule for the Avenal Energy project proceedings. Avenal Power accepts Staff’s proposed timeframe of early April 2009 for the Final Staff Assessment (“FSA”). However, since the schedule for this proceeding has already been significantly delayed by factors largely beyond Avenal Power’s control, Avenal Power respectfully requests the Committee to establish firm dates for the remainder of this proceeding. Avenal Power proposes the following schedule for the remainder of this proceeding:

Date	Event
April 6, 2009	Final Staff Assessment filed.
April 10, 2009	Pre-hearing conference.
April 16, 2009	Evidentiary hearings.
April 27, 2009	All parties file opening briefs.
May 8, 2009	All parties file reply briefs.
June 1, 2009	Presiding Member's Proposed Decision issued for 30-day comment period.
June 22, 2009	Hearing on the Presiding Member's Proposed Decision.
July 15, 2009	Energy Commission Business Meeting

Avenal Power hopes the Committee will find this proposed schedule acceptable, and Avenal Power looks forward to finalizing the timeframe for this proceeding.

Respectfully,

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

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PROOF OF SERVICE
(Revised 2/3/09)

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<p>Tracy Gilliland Avenal Power Center, LLC 500 Dallas Street, Level 31 Houston, TX 77002 tracey.gilliland@macquarie.com</p>	<p><u>INTERESTED AGENCIES</u></p> <p>California ISO e-recipient@caiso.com</p>	<p>Arthur Rosenfeld Commissioner and Associate Member arosenfe@energy.state.ca.us</p> <p>Gary Fay Hearing Officer gfay@energy.state.ca.us</p>
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Declaration of Service

I, Lois Navarrot, declare that on March 5,2009, I served and filed copies of the attached **Avenal Power Center LLC's 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

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

 X by personal delivery or by depositing in the United States mail at Sacramento, California 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

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

OR

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

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.

/s/
Lois Navarrot