

CALIFORNIA ENERGY COMMISSION

1516 NINTH STREET
SACRAMENTO, CA 95814-5512**DOCKET****08-AFC-10**

December 30, 2009

DATE DEC 30 2009

REC'D JAN 04 2009

TO: AGENCY DISTRIBUTION LIST

**REQUEST FOR AGENCY COMMENTS ON THE STAFF ASSESSMENT FOR THE
LODI ENERGY CENTERPROJECT (08-AFC-10)**

The enclosed Staff Assessment (SA) contains the California Energy Commission staff's engineering and environmental evaluation of the Lodi Energy Center (LEC) project. Staff concludes that the LEC project would comply with all applicable laws, ordinances, regulations and standards (LORS) with the exception of air quality, which is awaiting the results of the Final Determination of Compliance (FDOC) from the San Joaquin Valley Air Pollution Control District (SJVAPCD). Staff also concludes the project would avoid significant adverse direct, indirect or cumulative impacts. Staff's conclusions are contingent on its recommended conditions of certification being adopted in the Energy Commission's Final Decision. The remaining issue is summarized as follows:

- .Air Quality - Energy Commission staff's analysis of the project determined that the LEC project would not result in significant air quality related impacts. However, at this time, staff cannot determine whether the LEC project would conform to applicable LORS until staff receives and evaluates the FDOC from the SJVAPCD. The public review period for the draft FDOC will close at the end of December followed by the issuance of the final FDOC by SJVAPCD in late January 2010. Assuming staff determines the FDOC to be in compliance with applicable LORS relating to the LEC project, staff will then amend the SA via errata which will later be adopted by the Energy Commission during a public hearing.

The SA contains the California Energy Commission staff's final environmental and engineering evaluation of the LEC project and will serve as staff's testimony during evidentiary hearings. The Energy Commission Committee assigned to the LEC proceedings will consider and weigh the testimony, comments, or recommendations of all interested parties, including staff, the applicant, intervenors, the public, and other local, state, and federal agencies, before issuing the Presiding Member's Proposed Decision (PMPD) for consideration by the full Energy Commission. The public, intervenors, local, state and federal agencies are encouraged to participate in these hearings.

We request that you review the enclosed SA for the areas for which your agency would normally be responsible but for the Energy Commission's permitting authority. Please provide any written comments to Rod Jones, LEC Project Manager, by January 23, 2010. You may also present your comments at the Evidentiary Hearing scheduled for January 5, 2010 at the California Energy Commission as announced in a separate notice. Energy Commission staff will consider comments received and may prepare supplemental testimony or errata as appropriate.

If you desire information on technical or project scheduling issues, or how to participate in the Energy Commission's review of the project, your questions should be directed to Rod Jones at (916) 654-5191 or at rjones@energy.state.ca.us The status of the project, an electronic copy of the AFC, copies of notices, and other relevant documents are also available on the Energy Commission's web site at <http://www.energy.ca.gov/sitingcases/lodi.html>.

PROOF OF SERVICE (REVISED 2/17/09) FILED WITH
ORIGINAL MAILED FROM SACRAMENTO ON 1/4/09

AA

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Sincerely,

Original Signed by Robert Worl for EA:
Eileen Allen
Siting and Compliance Office Manager

Enclosure



**BEFORE THE ENERGY RESOURCES CONSERVATION AND DEVELOPMENT
COMMISSION OF THE STATE OF CALIFORNIA
1516 NINTH STREET, SACRAMENTO, CA 95814
1-800-822-6228 – WWW.ENERGY.CA.GOV**

**APPLICATION FOR CERTIFICATION
FOR THE *Lodi Energy Center***

DOCKET No. 08-AFC-10

**PROOF OF SERVICE
(Revised 2/17/09)**

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INTERESTED AGENCIES

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DECLARATION OF SERVICE

I, April Albright, declare that on January 4, 2010, I served and filed copies of the attached Library Document Letter for the Staff Assessment; Notice of Availability of the Staff Assessment; and Request for Agency Comments on the Staff Assessment, dated December 30, 2009. The original documents, filed with the Docket Unit, are 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/lodi]. The documents have 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, 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:

- 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-10

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