

November 4, 2009

California Energy Commission  
Docket Unit  
1516 Ninth Street  
Sacramento, CA 95814-5512

<b>DOCKET</b>	
<b>08-AFC-10</b>	
DATE	<u>NOV 04 2009</u>
RECD.	<u>NOV 04 2009</u>

**Subject: LODI ENERGY CENTER REQUEST FOR STATUS CONFERENCE  
DOCKET NO. (08-AFC-10)**

Enclosed for filing with the California Energy Commission is the original copy of **LODI ENERGY CENTER REQUEST FOR STATUS CONFERENCE**, for the Lodi Energy Center (08-AFC-10).

Sincerely,



Robert Gladden  
Counsel to NCPA

Scott A. Galati  
Robert Gladden  
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(916) 441-6575

STATE OF CALIFORNIA

Energy Resources  
Conservation and Development Commission

In the Matter of:

Application for Certification for the Lodi  
Energy Center

**DOCKET NO. 08-AFC-10**

**LODI ENERGY CENTER REQUEST  
FOR STATUS CONFERENCE**

On September 30, 2009, Northern California Power Agency (NCPA) filed its *Lodi Energy Center Motion for Scheduling Order to Compel Staff to Publish Its Preliminary Staff Assessment* (Motion). On October 28, 2009 the Committee denied the motion. Specifically, the Order stated,

“The Motion seeks an Order compelling Staff to file its Preliminary Staff Assessment on or before October 8, 2009. The Energy Commission staff did not oppose the Motion but indicated in an e-mail, dated October 14, 2009, that the Preliminary Staff Assessment will be published before November 1, 2009. Since NCPA’s Motion is now moot, the Motion is denied without prejudice, and NCPA may bring another Motion should Staff fail to publish the Preliminary Staff Assessment within a reasonable timeframe.”

Today is November 4, and Staff has failed to publish its PSA on the date given to NCPA. As discussed in detail in our earlier motion, NCPA understands Staff’s workload pressures. However, NCPA is compelled to seek a motion for a Status Conference to obtain a new revised Scheduling Order that ensures the LEC AFC can be processed in a timely fashion so that NCPA can meet its construction schedule.

To be clear, NCPA is requesting a Status or Scheduling Conference be set by the Committee in November. At that Status Conference, NCPA will be requesting specific orders from the Committee directing Staff to publish the PSA by a date certain, the consequence if it is not published by that time, and even if the PSA is published prior to scheduled date for the Conference, NCPA requests the conference be held to address future scheduling and specific direction requiring Staff to meet future deadlines.

Dated November 4, 2009

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'Scott A. Galati', written over a horizontal line.

Scott A Galati  
Counsel to NCPA



**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](http://WWW.ENERGY.CA.GOV)**

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

**DOCKET No. 08-AFC-10**

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

**APPLICANT**

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**INTERESTED AGENCIES**

California ISO  
[e-recipient@caiso.com](mailto:e-recipient@caiso.com)

**INTERVENORS**

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**ENERGY COMMISSION**

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**DECLARATION OF SERVICE**

I, Robert A. Gladden, declare that on November 4, 2009, I served and filed copies of the attached **LODI ENERGY CENTER REQUEST FOR STATUS CONFERENCE** dated **November 4, 2009**. 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/lodi](http://www.energy.ca.gov/sitingcases/lodi)]. 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 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.



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Robert A. Gladden