



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

DOCKET

08-AFC-10

DATE	OCT 28 2009
RECD	OCT 28 2009

APPLICATION FOR CERTIFICATION FOR THE
LODI ENERGY CENTER
NORTHERN CALIFORNIA POWER AGENCY

DOCKET No. 08-AFC-10

COMMITTEE DECISION ON MOTION TO COMPEL

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). 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.

Dated: October 28, 2009 at Sacramento, California.

KAREN DOUGLAS
Chairman and Presiding Member
Lodi Energy Center AFC Committee

JEFFREY D. BYRON
Commissioner and Associate Member
Lodi Energy Center AFC Committee



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**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, Maggie Read, declare that on October 28, 2009, I served and filed copies of the attached Committee Decision on Motion To Compel dated October 28, 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: [\[http://www.energy.ca.gov/sitingcases/lodi/index.html\]](http://www.energy.ca.gov/sitingcases/lodi/index.html).

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:

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

Original signed by: _____
Maggie Read