

DOCKET

08-AFC-10

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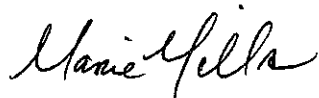
September 30, 2009

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

Subject: **LODI ENERGY CENTER MOTION FOR SCHEDULING ORDER TO
COMPEL STAFF TO PUBLISH ITS PRELIMINARY STAFF
ASSESSMENT
DOCKET NO. (08-AFC-10)**

Enclosed for filing with the California Energy Commission is the original of the **LODI ENERGY CENTER MOTION FOR SCHEDULING ORDER TO COMPEL STAFF TO PUBLISH ITS PRELIMINARY STAFF ASSESSMENT**, for the Lodi Energy Center Docket No. (08-AFC-10).

Sincerely,



Marie Mills

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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 MOTION
FOR SCHEDULING ORDER TO
COMPEL STAFF TO PUBLISH ITS
PRELIMINARY STAFF
ASSESSMENT**

The Northern California Power Agency (NCPA) requests the California Energy Commission (Commission) AFC Siting Committee (Committee) to issue a revised scheduling order requiring Staff to publish its Preliminary Staff Assessment (PSA) for the Lodi Energy Center (LEC) Project on or before October 8, 2009.

By way of background, and as described in our September Status Report, NCPA completed its public works bid process and selected Siemens Energy, Inc. to provide the power island equipment for the LEC project. As a result of this action, NCPA filed a Supplement to its Application for Certification (AFC) on July 27, 2009, describing the minor revisions associated with the change from GE to Siemens equipment. NCPA also submitted corresponding changes to the San Joaquin Valley Air Pollution Control District (SJVAPCD) Preliminary Determination of Compliance (PDOC) in July. SJVAPCD has reviewed the information and has determined that it will issue a draft Final Determination of Compliance (FDOC) incorporating the change in turbine equipment due to the ease of incorporating the minor changes.

On August 25, NCPA was told that the target date for publishing the PSA would be September 15. That date is now past, and while NCPA understands that the Supplement necessitated additional time to revise the PSA, it has been two months since the Supplemental was provided, and Staff has still not committed to a firm date to publish the PSA. NCPA has been told that LEC project is not a priority and that Staff has been redirected to work on renewable projects.

Because of these delays and continued uncertainty as to when the PSA will be completed and published, NCPA submits this Motion as a last resort so that the Committee can issue

an order stating that the processing of a license for this much needed public power project should not be placed on the "backburner" in favor of Staff working on renewable projects. While we understand that renewables are a priority, the Commission should not neglect processing licenses for gas-fired projects that make up the majority and backbone of the State's electrical system. The LEC is completely funded by public funds and costs associated with delays like the one it is currently experiencing are borne directly by the public that is served by the agencies involved in this project. In addition, the LEC is consumer driven, not profit driven, and NCPA's burdens are inextricably related to the challenges associated with the State's budgetary woes, as LEC is comprised of 13 public power utilities and one Co-operative. While we understand that Staff has been burdened by furloughs and an ever increasing workload, NCPA requests the LEC be granted the same priority as renewable projects because it is a publicly funded power project.

In furtherance of our desire to work cooperatively and quickly to reach the public interest goals that the LEC will contribute locally and for the State, NCPA submits the following achievements and goals that have already been met and will be met by the issuance of the license for this project:

- The CAISO interconnect agreement has been executed by all parties.
- The Preliminary Determination of Compliance (PDOC) has been issued.
- This project will utilize the "fast start technology", being one of the first in the State to do so.
- The project's Emission Reduction Credits have all been purchased.
- The project's GHG output will be well within the State and Federal goals of achieving measurable reductions currently - as well as being an integral component of the long term GHG reduction goals of the State.
- The Engineering Contract is in place.
- The Power Island Equipment is under contract.
- It is NCPA's intent to have this project on line to meet the summer peak of 2012. The current delay in completing the permitting process is seriously jeopardizing NCPA's ability to complete the project in time to meet this critical milestone.
- The project will bring a supplemental and direct boost to the local economy by employing 150 people.

A certain and steady progression through the CEC licensing process is critical in order to meet these beneficial interests and is therefore of paramount concern to NCPA. NCPA hopes that this concern is shared by the Committee and respectfully requests that the Committee issue an order that requires Staff to publish the PSA on or before October 8, 2009 and further orders Staff to give the LEC the same priority as renewable projects.

Dated September 30, 2009



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**

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

DOCKET No. 08-AFC-10

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

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DECLARATION OF SERVICE

I, Marie Mills, declare that on September 30, 2009, I served and filed copies of the attached **LODI ENERGY CENTER MOTION FOR SCHEDULING ORDER TO COMPEL STAFF TO PUBLISH ITS PRELIMINARY STAFF ASSESSMENT** dated **September 30, 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]. 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, 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.



(Marie Mills