Memorandum

Date: April 1, 2009
Telephone: (916) 654-4894

To: Vice Chairman James D. Boyd, Presiding Member
Commissioner Karen Douglas, Associate Member
Hearing Officer Paul Kramer

From: California Energy Commission – Mike Monasmith
1516 Ninth Street
Project Manager
Sacramento, CA 95814-5512

Subject: MARSH LANDING GENERATING STATION (08-AFC-3) STATUS REPORT 2

Pursuant to the Committee Scheduling Order dated December 31, 2008, the following is staff’s Status Report #2 for the proposed Marsh Landing Generating Station (MLGS) Application for Certification (AFC).

Current Activities and Issues for Resolution – Air Quality
Staff continues to work through the discovery and analysis phase of the MLGS AFC. While all technical sections requiring data requests are predominately ready for inclusion in the Preliminary Staff Assessment (PSA), several of these sections (including Biological Resources, Transmission System Engineering, Waste Management, and others) will need issues clarified, and more information explained prior to the Final Staff Assessment (FSA) publication. Only one section, however, currently presents a schedule-delay issue: air quality. Specifically, air quality staff does not have all the information needed in order to complete their PSA section.

The Bay Area Air Quality Management District (BAAQMD) has not yet released their Preliminary Determination of Compliance (PDOC), despite an estimated release date of February 26, 2009. Staff will work to complete the air quality analysis of the PSA as soon as the PDOC is released, but as the Committee knows, staff cannot submit the air quality analysis of the PSA absent the PDOC.

Schedule
Because of the delay in the PDOC release date, staff anticipates the publication of the Preliminary Staff Assessment (PSA) approximately thirty (30) days after the PDOC is ultimately released. Accordingly, staff anticipates the publication of the Marsh Landing Generating Station PSA in late April/early May, and will publish earlier if possible.
<table>
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<tr>
<th>Committee’s Initial Schedule</th>
<th>Staff’s Current Projected/Schedule</th>
<th>Hearing/Workshop/Planned Event or Filing</th>
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<td>28-Sep-08</td>
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<td>AFC data adequate</td>
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<tr>
<td>18-Dec-08</td>
<td>18-Dec-08</td>
<td>Informational Hearing and Site Visit</td>
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<tr>
<td>N/A</td>
<td>15-Nov-08</td>
<td>Staff transmits Data Request, Set 1</td>
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<td>15-Dec-08</td>
<td>Applicant provides Data Responses, Set 1</td>
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<td>28-Jan-09</td>
<td>TBD</td>
<td>PDOC from Bay Area Air Quality Management District (BAAQMD)</td>
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<td>5-Mar-09</td>
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<td>N/A</td>
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<td>PSA Workshop</td>
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<tr>
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<td>Local, state and federal agency final determinations and BAAQMD FDOC</td>
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<td>30-Apr-09</td>
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<td>Evidentiary hearings*</td>
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<td>Committee files proposed decision*</td>
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<td>Hearing on the proposed decision*</td>
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<td>Committee files revised proposed decision*</td>
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<tr>
<td>TBD</td>
<td>TBD</td>
<td>Commission Decision*</td>
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</table>

* The Committee will determine this part of the schedule

cc : Docket (08-AFC-3)
Proof of Service List
APPLICATION FOR CERTIFICATION
FOR THE MARSH LANDING
GENERATING STATION

Docket No. 08-AFC-3

PROOF OF SERVICE
(Revised 2/26/2009)

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* indicates change
DECLARATION OF SERVICE

I, Mineka Foggie, declare that on April 2, 2009, I served and filed copies of the attached Marsh Landing Generating Station (08-AFC-3) Status Report 2. 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/marshlanding/index.html]. 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;

_____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-3
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 Signature in Dockets
Mineka Foggie