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May 14, 2009

<b>DOCKET</b> <b>08-AFC-3</b>
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DATE	<u>May 14 2009</u>
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RECD.	<u>May 14 2009</u>
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## **BY EMAIL AND U.S. MAIL**

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**Re: Staff Data Requests Set 2 (60 through 69) for the Marsh Landing  
Generating Station (Docket No. 08-AFC-3)**

Dear Mr. Monasmith, Presiding Member Boyd, and Associate Member Douglas:

Mirant Marsh Landing, LLC (“Mirant Marsh Landing”) submits this notice pursuant to Section 1716(f) of the regulations of the California Energy Commission (“Commission”)<sup>1</sup> regarding Staff Data Requests Set Two, numbered 60 through 69 (“Data Requests”). Data Requests 60 through 63 address Biological Resources and seek additional computer modeling regarding nitrogen deposition resulting from emissions at the proposed Marsh Landing Generating Station (“MLGS”). Data Requests 64 through 69 address Transmission System Engineering and seek additional data and analyses regarding the results of the updated System Impact Study submitted for the MLGS in February 2009 (“SIS”), as well as hard copy printouts of information previously provided in electronic format.

<sup>1</sup> Title 20 of the California Code of Regulations § 1716(f) (“Section 1716(f”).

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The Data Requests were issued on April 24, 2009, which is after the 180-day deadline for discovery specified in Section 1716(e) of the Commission's regulations. Staff's cover letter states that Staff does not need the information requested in the Data Requests to prepare the Preliminary Staff Assessment ("PSA"). Mirant Marsh Landing therefore understands that issuance of the Data Requests will not delay Staff's release of the PSA, which is currently scheduled to occur not later than 30 days after the Bay Area Air Quality Management District issues its Preliminary Determination of Compliance.

Mirant Marsh Landing is working diligently to prepare responses to the Data Requests with the goal of submitting as many responses as possible by May 26, 2009, the 30-day deadline provided for under Section 1716(f). Mirant Marsh Landing anticipates, however, that more time will be needed to complete responses to Data Requests 60 through 63, and to subparts (a) through (c) of Data Request 68. For Data Requests 60 through 63, additional time is needed to complete the requested modeling related to nitrogen deposition. This work is in progress and should be complete no later than the middle of June. For subparts (a) through (c) of Data Request 68, which request specific information regarding the physical characteristics of and the possibility of re-rating or reconductoring certain transmission lines owned by Pacific Gas and Electric Company ("PG&E"), additional time is needed to obtain the requisite information from PG&E. Mirant Marsh Landing's third party transmission consultant has been in contact with PG&E to make the request for this information and this work is in process by PG&E. Assuming that PG&E provides the necessary information by the end of May, Mirant Marsh Landing also should be able to submit its responses to subparts (a) through (c) of Data Request 68 by the middle of June.

Data Requests 60 through 63 and 68 are reproduced below, followed by a more detailed explanation of the reasons why additional time is needed to respond.

**Data Requests 60 through 63 (Biological Resources)**

Data Requests 60 through 63 request the following:

60. Please quantify the existing baseline total nitrogen deposition rate in the vicinity of MLGS (encompassing the areas listed in DR #2) in kilograms per hectare per year (kg/ha/yr). Provide the complete citation for references used in determining this number.
61. Please provide an analysis of impacts due to total nitrogen deposition from operation of the MLGS. The analysis should specify the amount of total nitrogen deposition in kg/ha/yr at the Sardis Unit and Stammers Unit of the Antioch Dunes National Wildlife Refuge, the freshwater/brackish marsh habitat north of the project area along the San Joaquin River shoreline, and all other "Areas of Concern" (B through R) as illustrated in AFC Figure 7.2-1.

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62. Provide an isopleth graphic over USGS 7.5-minute maps (or equally detailed map) of the direct nitrogen deposition rates caused by the project that graphically depicts the results.
63. Please update the cumulative impact analysis (Tables 9-1 and 9-2) in Responses to Data Request Set #1 (Data Request #9) with nitrogen deposition values in kg/ha/yr. Provide an isopleth graphic over USGS 7.5-minute maps (or equally detailed map) of the direct nitrogen deposition values in the cumulative analysis.

Preparing responses to Data Requests 60 through 63 involves additional computer modeling and the preparation of isopleth graphs. This work is currently in progress. Mirant Marsh Landing anticipates that responses will be not complete by the 30-day deadline. Based on current projections, Mirant Marsh Landing anticipates submitting its responses to Data Requests 60 through 63 by the middle of June.

**Data Request 68(a) through (c) (Transmission System Engineering)**

Data Request 68 references the SIS and requests the following:

68. The SIS identified new post-project overloads under normal (N-0) and/or contingency (Category B & C) system conditions on the following six transmission elements:
  - i. Contra Costa-Brentwood 230 kV line.
  - ii. Delta Pump-Windmaster 230 kV line.
  - iii. Contra Costa-Windmaster 230 kV line.
  - iv. Las Positas-Newark D 230 kV line.
  - v. Cayetano-USWP-JRW 230 kV line.
  - vi. Lonetree-USWP-JRW 230 kV line.

For each of the identified overloaded lines, provide the following:

- a) Existing conductor size and type along the relevant wind speed for the current ratings shown.
- b) Provide valid reasons and any local evidences showing that the re-rating of these lines is feasible.
- c) Proposed new conductor size and type, and its current ratings (normal and emergency) with relevant wind speed.

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- d) For reconductoring mitigation, provide an environmental analysis with a mitigation plan sufficient to meet CEQA standards for indirect project impacts.

Subparts (a) through (c) of Data Request 68 request specific information regarding the physical characteristics of existing transmission lines owned by PG&E, as well as information regarding the potential re-rating or reconductoring of those lines. This information must be obtained from PG&E. Mirant Marsh Landing's third party transmission consultant has been in contact with PG&E to make the request for this additional information, and PG&E has verbally agreed to provide the requested information. Once PG&E provides the necessary information, the consultant will need some time to assemble it, analyze it and prepare responses to the specific questions posed in subparts (a) through (c). Assuming that PG&E provides the necessary information by the end of May, Mirant Marsh Landing should be able to submit its responses to subparts (a) through (c) by the middle of June. This date could be extended if PG&E does not provide the information on time and Mirant Marsh Landing will inform Staff accordingly.

Mirant Marsh Landing has previously submitted the analysis requested in subpart (d) of Data Request 68. In its response to Staff's Data Request 39(b), which was submitted on December 12, 2008, Mirant Marsh Landing provided a general environmental analysis and recommended mitigation measures sufficient to meet the requirements of the California Environmental Quality Act for analyzing potential indirect impacts related to reconductoring. Mirant Marsh Landing's response to subpart (d) of Data Request 68 will reference the previous submission.

\* \* \* \*

We appreciate your consideration of this response. Mirant Marsh Landing looks forward to continuing to work with Staff and the Committee to provide the information needed to complete the Final Staff Assessment and achieve certification of the MLGS.

Respectfully submitted,



Lisa A. Cottle  
Winston & Strawn LLP

Attorneys for Mirant Marsh Landing, LLC

Cc: Docket Office (08-AFC-3)  
Proof of Service List

**BEFORE THE ENERGY RESOURCES CONSERVATION AND DEVELOPMENT  
COMMISSION OF THE STATE OF CALIFORNIA**

Application for Certification for the  
Mirant Marsh Landing Generating Station Project

Docket No. 08-AFC-3

**DECLARATION OF SERVICE**

I, Lisa A. Cottle, declare that on May 14, 2009, I served and filed copies of the attached *Notice Regarding Staff Data Requests Set 2 (60 through 69) for the Marsh Landing Generating Station (Docket No. 08-AFC-3)*. The original document filed with the Docket Unit is accompanied by a copy of the most recent Proof of Service list, located at 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:

- For service to all other parties: Sent electronically to all email addresses on the Proof of Service list; and by depositing in the United States mail at San Francisco, California with first-class postage thereon fully prepaid and addressed as provided on the Proof of Service list to those addresses **NOT** marked as "email preferred."

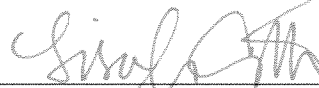
**AND**

- For filing with the Energy Commission: Sent an original paper copy and one electronic copy, mailed and emailed respectively, to the address below:

**CALIFORNIA ENERGY COMMISSION**

Attn: Docket No. 08-AFC-3  
1516 Ninth Street, MS-4  
Sacramento, CA 95814-5512  
[docket@energy.state.ca.us](mailto:docket@energy.state.ca.us)

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



\_\_\_\_\_  
Lisa A. Cottle



BEFORE THE ENERGY RESOURCES CONSERVATION AND DEVELOPMENT  
COMMISSION OF THE STATE OF CALIFORNIA  
1516 NINTH STREET, SACRAMENTO, CA 95814  
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**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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