

**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

**DOCKET**

**08-AFC-03**

DATE May 27 2009

RECD. May 27 2009

**THIRD STATUS REPORT OF  
MIRANT MARSH LANDING, LLC**

May 27, 2009

Lisa A. Cottle  
Winston & Strawn LLP  
101 California Street, Suite 3900  
San Francisco, California 94111  
Telephone: (415) 591-1579  
Facsimile: (415) 591-1400  
[lcottle@winston.com](mailto:lcottle@winston.com)

Attorneys for Mirant Marsh Landing, LLC

**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

**THIRD STATUS REPORT OF  
MIRANT MARSH LANDING, LLC**

In accordance with the Committee Scheduling Order dated December 31, 2008, Mirant Marsh Landing, LLC (“Mirant Marsh Landing”) submits its third status report in this proceeding. On May 30, 2008, Mirant Marsh Landing filed an Application for Certification (“AFC”) for the Marsh Landing Generating Station (“MLGS”), a 930 megawatt, natural gas-fired electricity generating facility to be located at a site within the existing site of the Contra Costa Power Plant. The project site is in the process of being annexed into the City of Antioch, California. The AFC was determined to be data adequate on September 24, 2008.

**Status of Responses to Data Requests**

On April 24, 2009, staff issued its second set of Data Requests (60 through 69). Data Requests 60 through 63 address Biological Resources and seek additional computer modeling regarding nitrogen deposition resulting from emissions at the 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.

On May 21, 2009, Mirant Marsh Landing submitted responses to Data Requests 64 through 69 (Transmission System Engineering). On May 14, 2009, Mirant Marsh Landing submitted a notice pursuant to Section 1716(f) of the Commission’s regulations to inform staff and the Committee that additional time would be needed to complete the computer modeling for nitrogen deposition as requested in Data Requests 60 through 63 (Biological Resources). This work is in progress and should be complete by the middle of June. In its May 14, 2009 notice Mirant Marsh Landing also stated that additional time would be needed to submit responses to Data Request 68(a) through (c) (Transmission System Engineering), which requested specific information regarding existing transmission lines owned by Pacific Gas and Electric Company (“PG&E”). Mirant Marsh Landing initially anticipated needing additional time to obtain the requisite information from PG&E, but PG&E provided the information earlier than expected.

The responses submitted on May 21, 2009 therefore included complete responses to Data Request 68(a) through (c).

In its second status report, Mirant Marsh Landing reported that it had submitted responses to all of staff's first set of Data Requests (1 through 59), except for certain requested information that is not yet available. In particular, Data Request 8 (Air Quality) requested documentation that will be provided in the Preliminary Determination of Compliance ("PDOC") issued by the Bay Area Air Quality Management District ("BAAQMD"), while Data Request 31 (Soil and Water Resources) asked for a Delta Diablo Sanitation District Board approved agreement for recycled water that remains in progress. Mirant Marsh Landing also noted that Data Requests 37, 38, 39(a), 42 and 45 (Transmission System Engineering) requested transmission analyses that can only be provided by the CAISO and PG&E as part of the interconnection process. As reported above, however, PG&E recently provided information regarding the characteristics of certain transmission lines that could be affected by the addition of the MLGS. That information was used to prepare responses to Data Request 68(a) through (c), but those responses also answer questions posed in Data Requests 37, 38 and 39(a). Responses to Data Requests 37, 38 and 39(a) therefore have now been provided.

### **Schedule**

Staff issued its second set of Data Requests after the 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 those Data Requests to prepare the Preliminary Staff Assessment ("PSA"). Mirant Marsh Landing therefore understands that issuance of the second set of Data Requests will not delay release of the PSA.

According to staff's last status report, the PSA will be issued within 30 days after the BAAQMD issues its PDOC. The BAAQMD is in the process of preparing the PDOC. Mirant Marsh Landing continues to work with the BAAQMD to provide information and analysis to assist the BAAQMD in completing the PDOC so it can be released as soon as possible.

\* \* \* \*

Mirant Marsh Landing appreciates the opportunity to submit this status report and looks forward to continuing progress toward achieving certification for the MLGS.

May 27, 2009

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Lisa A. Cottle", written over a horizontal line.

Lisa A. Cottle  
Winston & Strawn LLP

Attorneys for Mirant Marsh Landing, LLC

**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 27, 2009, I served and filed copies of the attached *Third Status Report of Mirant Marsh Landing LLC (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:

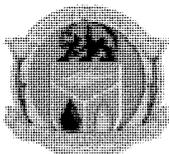
**CALIFORNIA ENERGY COMMISSION**

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  
1-800-822-6228 – [WWW.ENERGY.CA.GOV](http://WWW.ENERGY.CA.GOV)

APPLICATION FOR CERTIFICATION  
FOR THE MARSH LANDING  
GENERATING STATION

Docket No. 08-AFC-3

PROOF OF SERVICE  
(Revised 5/22/2009)

**APPLICANT**

Chuck Hicklin, Project Manager  
Mirant Corporation  
P.O. Box 192  
Pittsburg, CA 94565  
*E-mail preferred*  
[chuck.hicklin@mirant.com](mailto:chuck.hicklin@mirant.com)

Jonathan Sacks, Project Director  
Steven Nickerson  
Mirant Corporation  
1155 Perimeter Center West  
Atlanta, GA, 30338  
*E-mail preferred*  
[jon.sacks@mirant.com](mailto:jon.sacks@mirant.com)  
[steve.nickerson@mirant.com](mailto:steve.nickerson@mirant.com)

**CONSULTANTS**

Anne Connell  
Dale Shileikis  
URS Corporation  
221 Main Street, Suite 600  
San Francisco, CA 94105-1917  
*E-mail preferred*  
[Anne.Connell@URSCorp.com](mailto:Anne.Connell@URSCorp.com)  
[Dale\\_shileikis@URSCorp.com](mailto:Dale_shileikis@URSCorp.com)

**COUNSEL FOR APPLICANT**

Lisa Cottle  
**\*Karleen O'Connor**  
Winston & Strawn LLP  
101 California Street  
San Francisco, CA 94111-5802  
*E-mail preferred*  
[lcottle@winston.com](mailto:lcottle@winston.com)  
[koconnor@winston.com](mailto:koconnor@winston.com)

**INTERESTED AGENCIES**

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

**INTERVENORS**

California Unions for Reliable  
Energy ("CURE")  
Gloria D. Smith & Marc D. Joseph  
Adams Broadwell Joseph &  
Cardozo  
601 Gateway Boulevard, Suite 1000  
South San Francisco, California  
94080  
[gsmith@adamsbroadwell.com](mailto:gsmith@adamsbroadwell.com)  
[mdjoseph@adamsbroadwell.com](mailto:mdjoseph@adamsbroadwell.com)

**ENERGY COMMISSION**

JAMES D. BOYD  
Vice Chair & Presiding Member  
[jboyd@energy.state.ca.us](mailto:jboyd@energy.state.ca.us)

KAREN DOUGLAS  
Chair & Associate Member  
[kldougla@energy.state.ca.us](mailto:kldougla@energy.state.ca.us)

Paul Kramer  
Hearing Officer  
[pkramer@energy.state.ca.us](mailto:pkramer@energy.state.ca.us)

Mike Monasmith  
Project Manager  
[mmonasmi@energy.state.ca.us](mailto:mmonasmi@energy.state.ca.us)

Dick Ratliff  
Staff Counsel  
[dratliff@energy.state.ca.us](mailto:dratliff@energy.state.ca.us)

Elena Miller  
Public Adviser  
[publicadviser@energy.state.ca.us](mailto:publicadviser@energy.state.ca.us)