

**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-3

DATE APR 28 2010

RECD. APR 28 2010

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

April 28, 2010

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

In accordance with the Committee Scheduling Order dated December 31, 2008, Mirant Marsh Landing, LLC (“Mirant”) submits its ninth status report. Mirant is requesting certification for the Marsh Landing Generating Station (“MLGS”), a nominal 760 megawatt natural gas-fired electricity generating facility to be located at a site in Contra Costa County, California that is in the process of being annexed into the City of Antioch.

There have been two important developments in this proceeding since Mirant filed its last status report. First, on March 22, 2010, the Bay Area Air Quality Management District (“BAAQMD”) released its Preliminary Determination of Compliance (“PDOC”) for the MLGS. The PDOC presents the BAAQMD’s preliminary determination that the MLGS complies with all applicable BAAQMD, state, and federal air quality rules and regulations, and includes proposed permit conditions for the project. Public comments on the PDOC are due by April 30, 2010. The BAAQMD expects to publish its Final Determination of Compliance (“FDOC”) for the MLGS after reviewing and considering comments. Publication of the FDOC is currently expected to occur in mid to late May.

Second, on April 26, 2010, Commission staff published its Staff Assessment for the MLGS. The Staff Assessment concludes that the MLGS will comply with all applicable laws, ordinances, regulations and standards, and that the project’s impacts will be mitigated to less than significant levels, subject to staff’s review of the FDOC and incorporation of any necessary changes into the Air Quality section of the Staff Assessment. A public workshop will be held on May 4, 2010 to discuss the Staff Assessment and any comments thereon. Staff has established May 26, 2010 as the due date for comments on the Staff Assessment.

Mirant very much appreciates all of staff's hard work in preparing the Staff Assessment, particularly given the Siting Division's current heavy work load. Mirant is still completing its detailed review of the Staff Assessment, but our initial assessment is that there are no areas of disagreement between Mirant and staff that cannot be resolved through the workshop discussions. Mirant has identified a few recommended conditions in the Staff Assessment that will require discussion with staff, but Mirant currently anticipates that these points can be resolved at the workshop. Mirant also has identified a number of discrepancies in the Staff Assessment that should be corrected, but Mirant anticipates that these can be easily fixed. Mirant understands that staff plans to publish a Supplement or Addendum to the Staff Assessment that will correct any errors, incorporate any changes that may appear in the FDOC, and reflect any changes that may be agreed to by Mirant and staff at the workshop. Mirant looks forward to working with staff to complete that process.

In light of these developments, and the lack of any major issues, this case will soon be ready to proceed to hearings and consideration by the Committee. In a docketed letter to the Committee dated March 25, 2010, Mirant advised the Committee of certain contractual deadlines that require a Commission certification decision to be issued for the project by September of this year. The contractual deadlines and other considerations presented in Mirant's letter continue to apply. Mirant therefore requests that the Committee schedule a status conference as soon as possible after the May 4, 2010 workshop to discuss the remainder of the schedule for this proceeding.

April 28, 2010

Respectfully submitted,



Lisa A. Cottle
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DECLARATION OF SERVICE

I, Lisa A. Cottle, declare that on April 28, 2010, I served and filed copies of the attached *Ninth 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

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



Lisa A. Cottle



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**APPLICATION FOR CERTIFICATION
FOR THE MARSH LANDING
GENERATING STATION**

Docket No. 08-AFC-3

**PROOF OF SERVICE
(Revised 4/19/2010)**

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