

**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 MAR 03 2010

RECD. MAR 04 2010

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

March 3, 2010

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**EIGHTH 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 eighth status report. Mirant Marsh Landing 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.

In previous status reports, Mirant Marsh Landing has notified the Committee of the critical need for a Commission decision granting certification for the MLGS this summer. This timing is dictated in part by the power purchase agreement (“PPA”) that Mirant Marsh Landing has executed with Pacific Gas and Electric Company. The PPA provides for the MLGS to be online and operating in May 2013. The PPA is pending review before the California Public Utilities Commission (“CPUC”). The CPUC’s schedule in that proceeding provides for a CPUC decision on July 8, 2010. To commence construction in time to meet the required online date, it is critical to obtain a Commission decision granting certification for the MLGS as soon as possible, and ideally within the same time frame as the CPUC decision approving the PPA.

As reported in previous status reports, progress in this case has been slowed by delays in the issuance of the Preliminary Determination of Compliance (“PDOC”) by the Bay Area Air Quality Management District (“BAAQMD”). Mirant Marsh Landing continues to work closely with BAAQMD to provide information needed to complete the PDOC. BAAQMD has informed Mirant Marsh Landing that the PDOC will be issued no later than March 19, 2010.

Mirant Marsh Landing also has been working with Staff to address Staff’s remaining data needs in this proceeding. Staff issued Data Request Set 3a on January 22, 2010 (addressing Air Quality, Soil and Water Resources, and Waste Management) and Data Request Set 3b on February 22, 2010 (addressing Biological Resources). Mirant Marsh Landing has submitted

responses to all of these data requests. Based on Staff's last status report, Staff is prepared to issue its Staff Assessment for the project by April 15, 2010.

Now that reasonably firm dates for the PDOC and Staff Assessment have been established, the remainder of the schedule will need to be set. Mirant Marsh Landing has asked Staff to prioritize this proceeding and to support an expedited schedule to ensure that this viable, needed project is not derailed. Mirant Marsh Landing is scheduled to have further discussions with Staff on this topic, and expects to submit a motion to the Committee seeking an expedited schedule within the next couple of weeks.

March 3, 2010

Respectfully submitted,



Lisa A. Cottle
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Attorneys for Mirant Marsh Landing, LLC

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DECLARATION OF SERVICE

I, Lisa A. Cottle, declare that on March 3, 2010, I served and filed copies of the attached *Eighth 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



BEFORE THE ENERGY RESOURCES CONSERVATION AND DEVELOPMENT
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APPLICATION FOR CERTIFICATION
FOR THE MARSH LANDING
GENERATING STATION

Docket No. 08-AFC-3

PROOF OF SERVICE
(Revised 2/17/2010)

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