

LATHAM & WATKINS LLP

February 11, 2009

<b>DOCKET</b>	
<b>08-AFC-9</b>	
DATE	<u>FEB 11 2009</u>
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File No. 039610-0003

VIA FEDEX

CALIFORNIA ENERGY COMMISSION  
Attn: Docket No. 08-AFC-9  
1516 Ninth Street, MS-4  
Sacramento, California 95814-5512

Re: City of Palmdale Hybrid Power Plant Project: Docket No. 08-AFC-9

Dear Sir/Madam:

Pursuant to California Code of Regulations, title 20, sections 1209, 1209.5, and 1210, enclosed herewith for filing please find Applicant's Status Report #1.

Please note that the enclosed submittal was filed today via electronic mail to your attention and to all parties on the attached electronic proof of service list.

Very truly yours,



Paul E. Kihm  
Senior Paralegal

Enclosure

cc: 08-AFC-9 Proof of Service List (w/encl. via e-mail)  
Michael J. Carroll, Esq. (w/encl.)

Michael J. Carroll  
Marc T. Campopiano  
LATHAM & WATKINS LLP  
650 Town Center Drive, Suite 2000  
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STATE OF CALIFORNIA  
ENERGY RESOURCES  
CONSERVATION AND DEVELOPMENT COMMISSION

In the Matter of: ) Docket No. 08-AFC-09  
)  
APPLICATION FOR CERTIFICATION, ) APPLICANT'S STATUS REPORT #1  
FOR THE PALMDALE HYBRID POWER )  
PROJECT BY THE CITY OF PALMDALE )  
)  
)  
\_\_\_\_\_ )

Pursuant to the Committee Scheduling Order issued on December 15, 2008, Applicant hereby submits its Status Report #1.

**Discovery Status**

Staff for the Energy Commission issued Data Requests Set 1 (#s 1-88) on December 10, 2008 for the Palmdale Hybrid Power Plant Project (08-AFC-9). The Applicant filed a timely objection on December 30, 2008 to Data Requests 22, 23, 24, 25, 86 and 87. Staff and the Applicant are engaged in discussions regarding the scope of the referenced Data Requests in an effort to resolve the Applicant's objections. On January 27, 2009, the Applicant agreed to extend the deadline for filing a motion to compel pursuant to California Code of Regulations Section 1716(g) until February 6, 2009. In order to provide additional time to reach a potential resolution, Applicant agreed to a second extension of the deadline until February 27, 2009.

The Applicant filed a timely extension request on December 30, 2008 to Data Requests 1, 3, 4-7, 10, 17, 20, 21, 31, 39-49, 73-76, 78, 79, 86 and 87. The expected submittal dates for responses to Data Requests 1, 3, 10 and 17 were specified in the extension request. For most of the other Data Requests, an extension was needed until the Applicant obtained additional information necessary to finalize the exact location of the project's transmission towers, spur roads, and pull sites. The Applicant now has adequate information to begin preparing these responses and anticipates filing a submittal by March 2, 2009.

The Applicant also participated in the Data Response and Issue Resolution Staff Workshop on February 4, 2009. Based on discussions with Staff, the Applicant expects to submit some of the requested data by February 17, 2009 and the remainder of the requested data by the March 2, 2009 submittal date discussed above.

For the Data Requests not affected by the Applicant's objections or extension requests discussed above, the Applicant filed timely responses on January 12, 2009.

DATED: February 11, 2009

Respectfully submitted,

/S/ MARC T. CAMPOPIANO

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Marc T. Campopiano  
LATHAM & WATKINS LLP  
Counsel to Applicant

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

In the Matter of: ) Docket No. 08-AFC-9  
)  
Application for Certification, ) **ELECTRONIC PROOF OF SERVICE**  
for the CITY OF PALMDALE HYBRID ) **LIST**  
POWER PLANT PROJECT )  
) (Revised August 4, 2008)  
)  
\_\_\_\_\_ )

Transmission via electronic mail and by depositing one original signed document with FedEx overnight mail delivery service at Costa Mesa, California with delivery fees thereon fully prepaid and addressed to the following:

DOCKET UNIT

**CALIFORNIA ENERGY COMMISSION**

Attn: DOCKET NO. 08-AFC-9  
1516 Ninth Street, MS-15  
Sacramento, California 95814-5512  
[docket@energy.state.ca.us](mailto:docket@energy.state.ca.us)

Transmission via electronic mail addressed to the following:

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PALMDALE HYBRID POWER PROJECT  
CEC Docket No. 08-AFC-09

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PALMDALE HYBRID POWER PROJECT  
CEC Docket No. 08-AFC-09

**Elena Miller**  
Public Adviser  
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**DECLARATION OF SERVICE**

I, Paul Kihm, declare that on February 11, 2009, I deposited a copy of the attached:

**APPLICANT'S STATUS REPORT #1**

with FedEx overnight mail delivery service at Costa Mesa, California with delivery fees thereon fully prepaid and addressed to the California Energy Commission. I further declare that transmission via electronic mail was consistent with the requirements of California Code of Regulations, title 20, sections 1209, 1209.5, and 1210. All electronic copies were sent to all those identified on the Proof of Service List above.

I declare under penalty of perjury that the foregoing is true and correct. Executed on February 11, 2009, at Costa Mesa, California.

  
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Paul Kihm