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June 3, 2009

### VIA FEDEX

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

File No. 039610-0003

**DOCKET**

**08-AFC-9**

DATE JUN 03 2009

RECD. JUN 04 2009

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 #3.

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 and U.S. Mail)  
Michael J. Carroll, Esq. (w/encl.)



Data Request	Date Requested	Anticipated Response Date	Additional Information
			in the original Set 1 Data Requests have been completed and the survey reports previously submitted.
78	12/10/08	In process	Applicant has used best, good faith efforts to facilitate SCE's preparation of the Facility Study which continues to be delayed for reasons outside Applicant's control. SCE recently expressed to the Applicant that the Facility Study would be completed in the near future.
137-S	5/20/09	In review	Applicant submitted a geoarchaeology study on May 1, 2009 in response to Data Request 137. Additional questions were sent on May 20, 2009; and Applicant is actively working with Staff to resolve the scope of this request.

The "-S" denotes a supplemental question related to the initial data request.

**B. Minor changes to Project Description were fully addressed by supplemental information and did not result in any new significant impacts**

To accommodate agency requests and site conditions, several minor revisions to the site layout, power block and linear routes were made to the PHPP Project Description as part of the March 2, 2009 submittal. The changes primarily involved slight adjustments that had little to no potential to result in significant new environmental impacts. For the changes that required additional data, field surveys or modeling, the information has been provided by the Applicant. As shown in the following table, none of the minor changes caused or contributed to a significant new environmental impact.

Minor Changes to Project Description	Changes Addressed by Supplemental Information	New Significant Impacts?	Additional Information Needed?
<b>Site Layout.</b> Slight changes were made to the access road, location of the gas metering station, detention basin location, solar field size, and overall site size.	March 2, 2009 Supplemental Responses #2 to Data Requests Set 1; Docketed email from AECOM dated March 12, 2009; May 1, 2009 Submittal to Data Requests Set 2	No	No
<b>Power Block.</b> Minor relocation of the combustion turbines, increased size of the auxiliary boiler from 100 MMBtu to 110 MMBtu, increased stack height for auxiliary boiler from 30 to 60 feet, and decreased stack of emergency generator from 30 to 16 feet.	March 2, 2009 Supplemental Responses #2 to Data Requests Set 1; Applicant comments on the PDOC submitted March 19, 2009; May 1, 2009 Submittal to Data Requests Set 2; PSD application dated April 29, 2009	No	No
<b>Pipelines.</b> Adjustments were made to the location of the sanitary wastewater and potable water pipelines.	March 2, 2009 Supplemental Responses #2 to Data Requests Set 1; May 1, 2009 Submittal to Data Requests Set 2; May 19, 2009 e-mail submittal in response to May 11, 2009 e-mail regarding land use	No	No
<b>Transmission Line.</b> Very short segments of the transmission line were adjusted along Lone Oak Rd and the interconnection with the Vincent Substation.	March 2, 2009 Supplemental Responses #2 to Data Requests Set 1; April 9, 2009 Supplemental Responses #3 (including a confidential cultural submittal); May 1, 2009 Supplemental Responses #4 to Data Requests Set 1, BRTR Addendum	No	No

## II. REVISED PROJECT SCHEDULE

On May 28, 2009 Applicant met with Melissa Jones, Executive Director, and Terry O'Brian, Deputy Director, of the CEC to discuss concerns about delays in the Project Schedule. A consensus was reached that a revised schedule is needed to establish new deadlines for the PSA completion and other key milestones.

Based on the 12-month AFC process required under the Warren-Alquist Act and Applicant's understanding of the current status of the permitting process, Applicant proposes the following revised schedule. The Application for Certification was deemed "Data Adequate" on October 8, 2008, so the Applicant should have been able to expect a Final Decision in October 2009.

Please note that Applicant is not requesting an expedited schedule even though the Governor's Executive Order S-14-08 calls on the CEC and other State agencies to expedite the review of renewable energy projects such as the PHPP.

### **Proposed Revised Palmdale Hybrid Power Project Schedule (08-AFC-9)**

<b>Date</b>	<b>Event</b>
6/15/09	AVAQMD Issues Revised Preliminary Determination of Compliance (PDOC)
7/1/09	Staff issues its Preliminary Staff Assessment (PSA)
7/16/09	PSA Workshop held
7/20/09	AVAQMD Issues Final Determination of Compliance (FDOC)
8/19/09	Staff issues its Final Staff Assessment (FSA)
8/24/09	Pre-Hearing Conference held
9/2/09	Evidentiary Hearing held
10/29/09	Presiding Member Proposed Decision (PMPD) issued
11/11/09	PMPD Hearing
12/16/09	Decision Adoption

DATED: June 3, 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,	)	<b>PROOF OF SERVICE</b>
for the CITY OF PALMDALE HYBRID	)	
POWER PLANT PROJECT	)	(Revised April 30, 2009)
	)	
_____	)	

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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

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PALMDALE HYBRID POWER PROJECT

CEC Docket No. 08-AFC-09

**DECLARATION OF SERVICE**

I, Paul Kihm, declare that on June 3, 2009, I served and filed copies of the attached:

**APPLICANT'S STATUS REPORT #3**

to all parties identified on the Proof of Service List above in the following manner:

**California Energy Commission Docket Unit**

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

**CALIFORNIA ENERGY COMMISSION**

Attn: DOCKET NO. 08-AFC-09

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Sacramento, California 95814-5512

[docket@energy.state.ca.us](mailto:docket@energy.state.ca.us)

**For Service to All Other Parties**

- Transmission via electronic mail to all email addresses on the Proof of Service list; and
- by depositing one paper copy with the United States Postal Service via first-class mail at Costa Mesa, California, with postage fees thereon fully prepaid and addressed as provided on the Proof of Service list to those addresses **NOT** marked "email preferred."

I further declare that transmission via electronic mail and U.S. Mail was consistent with the requirements of California Code of Regulations, title 20, sections 1209, 1209.5, and 1210.

I declare under penalty of perjury that the foregoing is true and correct. Executed on June 3, 2009, at Costa Mesa, California.

  
\_\_\_\_\_  
Paul Kihm