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October 28, 2009

File No. 039610-0003

<b>DOCKET</b>	
<b>08-AFC-9</b>	
DATE	<u>OCT 28 2009</u>
RECD	<u>OCT 28 2009</u>

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 No. 6 for the above-referenced Project.

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

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STATE OF CALIFORNIA  
ENERGY RESOURCES  
CONSERVATION AND DEVELOPMENT COMMISSION

In the Matter of: ) Docket No. 08-AFC-9  
)  
APPLICATION FOR CERTIFICATION, ) APPLICANT'S STATUS REPORT NO. 6  
FOR THE PALMDALE HYBRID POWER )  
PROJECT BY THE CITY OF PALMDALE )  
)  
)

On behalf of the City of Palmdale ("Applicant") and pursuant to the Revised Committee Schedule issued on October 23, 2009, we hereby submit this Status Report No. 6.

The Applicant's focus of this Status Report is to reiterate the critical importance of publishing the Preliminary Staff Assessment (PSA) according to the most recent schedule issued by the Committee. The Revised Committee Scheduling Order lists November 16, 2009 as the PSA publication deadline. In its Status Report No. 6, Staff was unequivocal in its commitment and ability to meet this deadline:

"[S]taff has informed the applicant that it will publish the PSA by November 16th, 2009."

Of course, the PSA is long since past due, even if it is issued by November 16, 2009. In previous filings, the Applicant has detailed how the final deadline for the PSA should have been no later than October 15, 2009 (a date that already included substantial delays), based upon the Revised Committee Schedule issued on July 23, 2009, and Staff's repeated assurances that it could produce the PSA in "6 to 8 weeks" after the Applicant completed its data responses, even taking into account mandated furlough days and new Applications For Certification. Staff acknowledged in its Status Report No. 6 that the Applicant had responded to all of Staff's data requests by August 20, 2009 – thus triggering the PSA publication deadline of October 15, 2009.

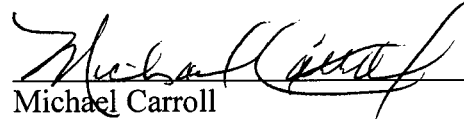
The Applicant has also stressed in past filings that the continued scheduling delays have come at a significant cost to the City of Palmdale. The delays have jeopardized the City's ability

to qualify for stimulus funds, realize federal tax benefits, and obtain project financing in the current tight credit market.

The PSA marks an essential and long-overdue step forward for this project. The Applicant keenly awaits its publication by November 16, 2009.

DATED: October 28, 2009

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Michael Carroll", is written over a horizontal line.

Michael Carroll  
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 October 1, 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

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

**DECLARATION OF SERVICE**

I, Paul Kihm, declare that on October 28, 2009, I served and filed copies of the attached:

**APPLICANT'S STATUS REPORT NO. 6**

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 the original with FedEx overnight mail delivery service at Costa Mesa, California, with delivery fees thereon fully prepaid and addressed to the following:

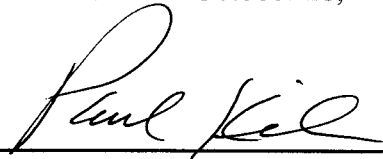
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- by depositing one paper copy with the United States Postal Service via first-class mail at Costa Mesa, California, with postage fees thereon fully prepaid and addressed as provided on the Proof of Service list to those addresses **NOT** marked "email 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 October 28, 2009, at Costa Mesa, California.

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