

DOCKET

08-AFC-9

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State of California

The Resources Agency of California

Memorandum

To: Commissioner Jeffrey Byron, Presiding Member
Commissioner Art Rosenfeld, Associate Member

Date: September 28, 2009
Telephone: (916) 654-4640

From: **California Energy Commission – Felicia Miller**
1516 Ninth Street
Sacramento CA 95814-5512
Project Manager

Subject: **Palmdale Hybrid Power Project (08-AFC-9) Status Report 6 and Response to Applicant's Petition for Scheduling Conference**

Pursuant to the Committee Scheduling Order dated July 23, 2009, the following is staff's Status Report 6 for the proposed Palmdale Hybrid Power Project (PHPP).

Current Issues

At the status conference on July 9, 2009, staff identified a number of items that it needed from the applicant in order to complete the Preliminary Staff Assessment (PSA). The CA Department of Fish and Game (DFG) also identified several items that it needed in order to be able to collaborate with staff in preparation of the PSA. The last of the items requested by staff was provided on August 20th, when the applicant submitted an overlay map indicating Mohave Ground Squirrel sightings to coincide with a mitigation map.

DFG filed a comment letter dated September 10, 2009 confirming the project would not require a Streambed Alteration Notification provided certain avoidance measures are implemented. After considerable review and a site visit, DFG has determined that the project would not result in substantial adverse impact to existing fish or wildlife resources. As a result, DFG does not need any additional information in order to coordinate with staff to determine the scope and nature of conditions of certification included in the PSA.

Applicant Petition for a Committee Scheduling Conference

On September 23rd, 2009, the applicant submitted a Petition for Committee Scheduling Conference. In the filing, the applicant states that it filed the last information needed for the PSA July 31st, and that the PSA should therefore have been published no later than September 25th. The applicant correctly notes that staff has informed the applicant that it will publish the PSA by November 16th, 2009, but nonetheless asks for a Committee order establishing October 15th as the PSA publication date. The discrepancy in PSA publication dates is due to a difference of opinion about when the last information was filed (August 20th versus July 31st), and the fact that five additional Applications for Certification have been filed since the status conference, each triggering a mandatory 45-day data adequacy review, further reducing available staff resources.

PROOF OF SERVICE (REVISED 7/30/09) FILED WITH
ORIGINAL MAILED FROM SACRAMENTO ON 9/28/09

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Schedule

As noted above, staff has made a determination to proceed with the preparation of a Preliminary Staff Assessment (PSA). The tentative publication date for the PSA is November 16, 2009. Therefore, by the time a Scheduling Conference could be scheduled and noticed, the PSA would be very close to publication. In this era of extremely heavy workloads, staff sees no purpose in expending Commission time and resources to debate the publication date for a PSA that is within weeks of being issued.



BEFORE THE ENERGY RESOURCES CONSERVATION AND DEVELOPMENT
COMMISSION OF THE STATE OF CALIFORNIA
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APPLICATION FOR CERTIFICATION
For the *PALMDALE HYBRID*
POWER PROJECT

Docket No. 08-AFC-9

PROOF OF SERVICE

(Revised 7/30/2009)

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DECLARATION OF SERVICE

I, Hilarie Anderson, declare that on, September 28, 2009, I served and filed copies of the attached Status Report 6. The original document, filed with the Docket Unit, is accompanied by a copy of the most recent Proof of Service list, located on the web page for this project at:

[<http://www.energy.ca.gov/sitingcases/palmdale/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:

(Check all that Apply)

For service to all other parties:

sent electronically to all email addresses on the Proof of Service list;

by personal delivery or by depositing in the United States mail at Sacramento, CA with first-class postage thereon fully prepaid and addressed as provided on the Proof of Service list above to those addresses **NOT** marked "email preferred."

AND

For filing with the Energy Commission:

sending an original paper copy and one electronic copy, mailed and emailed respectively, to the address below (preferred method);

OR

depositing in the mail an original and 12 paper copies, as follows:

CALIFORNIA ENERGY COMMISSION

Attn: Docket No. 08-AFC-9
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I declare under penalty of perjury that the foregoing is true and correct.

Original Signature in Dockets

Hilarie Anderson