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DOCKET	
08-AFC-9	
DATE	SEP 29 2009
RECD	SEP 29 2009

September 29, 2009

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 Response to Staff 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)
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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,)
FOR THE PALMDALE HYBRID POWER) APPLICANT'S RESPONSE TO STAFF
PROJECT BY THE CITY OF PALMDALE) STATUS REPORT NO. 6
)
)
)
)

In its Status Report No. 6, California Energy Commission Staff asserts that the last piece of information identified by Staff at the July 9, 2009 Committee Conference as necessary to complete the Preliminary Staff Assessment (PSA) was not submitted by Applicant until August 20, 2009, as opposed to July 31, 2009, as asserted by Applicant. The piece of information in question is a map showing potential mitigation lands that was requested by CEC and California Department of Fish & Game (CDFG) Staff at the Committee Conference on July 9, 2009. That requested map was provided to the CEC under confidential cover on July 23, 2009, and the CEC Staff forwarded it to CDFG Staff. During the follow-up telephonic workshop on July 28, 2009, Ms. Wilson of CDFG Staff requested for the first time that the Applicant provide an overlay to the previously provided map that showed the locations of Mohave Ground Squirrel (MGS) sitings. Ms. Wilson specifically stated during that call that the "MGS overlay" for the map was not considered an item needed for the PSA analysis. Ms. Wilson's request was discussed during the site visit on the next day (July 29, 2009) with Dr. Phil Leitner, a noted MGS expert, and the requested overlay was provided by Applicant on August 20, 2009, as indicated by CEC Staff. Applicant disagrees that its response to this request, which was not made until July 28, 2009, and which was explicitly excluded from the PSA data needs, is the trigger for the Staff's commitment to produce the PSA within 6-8 weeks following receipt of the information requested at the Committee Conference. Furthermore, even if August 20, 2009 was the trigger date, the PSA publication date would be October 15, 2009, not November 16, 2009, as Staff is now proposing. As previously indicated by Applicant, all of the information identified by Staff as necessary to complete the PSA was provided on or before July 31, 2009 and there is no basis for delaying publication of the PSA as proposed by Staff.

DATED: September 29, 2009

Respectfully submitted,

/S/ MICHAEL J. CARROLL

Michael J. 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,)	PROOF OF SERVICE
for the CITY OF PALMDALE HYBRID)	
POWER PLANT PROJECT)	(Revised July 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

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DECLARATION OF SERVICE

I, Paul Kihm, declare that on September 29, 2009, I served and filed copies of the attached:

APPLICANT'S RESPONSE TO STAFF 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:

CALIFORNIA ENERGY COMMISSION

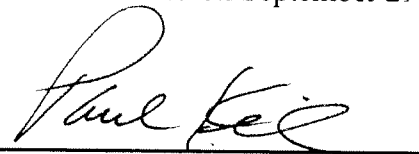
Attn: DOCKET NO. 08-AFC-09
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For Service to All Other Parties

- 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 September 29, 2009, at Costa Mesa, California.


Paul Kihm