

LATHAM & WATKINS^{LLP}

February 17, 2010

DOCKET	
08-AFC-9	
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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 No. 9 for the Palmdale Hybrid Power 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 STATUS REPORT NO. 9
FOR THE PALMDALE HYBRID POWER)	
PROJECT BY THE CITY OF PALMDALE)	
)	
)	

On behalf of the City of Palmdale ("Applicant") and pursuant to the Committee Schedule issued on October 23, 2009, we hereby submit this Status Report No. 9.

I. PRELIMINARY STAFF ASSESSMENT

Staff issued Volume 1 of the Preliminary Staff Assessment ("PSA") on December 23, 2009.¹ Staff issued Volume 2 of the PSA on February 9, 2010, which covered the issue areas not addressed by Volume 1. A noticed PSA Workshop was held on February 11, 2010. Based on the outcome of the PSA Workshop, additional follow-up between Applicant and Staff is expected to occur in the next several weeks.

Applicant is very encouraged by the publication of the PSA and the productive PSA Workshop. Applicant filed comments on Volume 1 of the PSA on February 8, 2010. Applicant anticipates providing comments on Volume 2 of the PSA and issues raised at the PSA Workshop by approximately March 15, 2010.

¹ Volume 1 of the PSA covered Hazardous Materials, Noise and Vibration, Public Health, Socioeconomic Resources, Transmission Line Safety and Nuisance, Waste Management, Worker Safety, Facility Design, Geology and Paleontology, Power Plant Efficiency, Power Plant Reliability, Transmission System Engineering, and Alternatives.

II. COMPLETION OF THE FINAL STAFF ASSESSMENT

The Committee Schedule establishes that the Final Staff Assessment (“FSA”) must be completed within 40 days after Staff receives the necessary information to complete the FSA. Applicant expects that Staff can proceed with many portions of the FSA based on the substantial information provided in the PSA. A number of additional issues were resolved by the PSA Workshop and Applicant’s comments on Volume 1 of the PSA.

Based on discussions with Staff at the PSA Workshop, Applicant believes the following areas have been fully resolved or only involve minor issues that should be resolved quickly once Applicant provides its next submittal.

AREAS WITH NO SIGNIFICANT OUTSTANDING ISSUES FOR FSA

<i>Environmental Assessment</i>	<i>Engineering Assessment</i>
Hazardous Material	Facility Design
Noise and Vibration	Geology and Paleontology
Public Health	Power Plant Efficiency
Socioeconomic Resources	Power Plant Reliability
Transmission Line Safety and Nuisance	
Waste Management	
Worker Safety	
Alternatives	

In the PSA and PSA Workshop, Staff identified information needed to complete other sections of the FSA. As mentioned above, additional follow-up between Applicant and Staff may be needed to resolve these outstanding issues.

AREAS WITH INFORMATION NEEDED FOR FSA; APPLICANT WILL PROVIDE IN NEXT SUBMITTAL

<i>Environmental Assessment</i>	<i>Engineering Assessment</i>
Air Quality	Transmission System Engineering
Biological Resources	
Cultural Resources	
Land Use	
Soil and Water Resources	
Traffic and Transportation	
Visual Resources	

To address these outstanding issue areas, Applicant anticipates providing all necessary information to complete the FSA in its next submittal, expected by approximately March 15, 2010.

III. REVISED PROJECT SCHEDULE

Applicant anticipates submitting information to address all outstanding issues for the FSA by March 15, 2010. Based on the Committee Schedule timelines, this would establish an FSA publication date of April 26, 2010 and the following project schedule:

REMAINING PROJECT SCHEDULE

<i>Date</i>	<i>Event</i>
April 26, 2010	Staff files FSA
May 10, 2010	Parties file opening testimony
May 17, 2010	Parties file rebuttal testimony
May 21, 2010	Prehearing Conference (PHC)
June 4, 2010	Evidentiary Hearings
July 30, 2010	Presiding Member's Proposed Decision (PMPD) issued for 30-day comment period
August 29, 2010	PMPD comment hearing
September 13, 2010	Revised PMPD issued for 15-day review period
September 28, 2010	Energy Commission Decision Adoption Hearing

DATED: February 17, 2010

Respectfully submitted,



Marc 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,)	PROOF OF SERVICE
for the CITY OF PALMDALE HYBRID)	
POWER PLANT PROJECT)	(Revised February 4, 2010)
)	
_____)	

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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 February 17, 2010, I served and filed copies of the attached:

APPLICANT STATUS REPORT NO. 9

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 a 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
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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 February 17, 2010, at Costa Mesa, California.


Paul Kihm