



BEFORE THE ENERGY RESOURCES CONSERVATION AND DEVELOPMENT
 COMMISSION OF THE STATE OF CALIFORNIA
 1516 NINTH STREET, SACRAMENTO, CA 95814
 1-800-822-6228 – WWW.ENERGY.CA.GOV

DOCKET	
09-AFC-3	
DATE	<u>OCT 30 2009</u>
RECD.	<u>OCT 30 2009</u>

**APPLICATION FOR CERTIFICATION FOR THE
 MARIPOSA ENERGY PROJECT**

DOCKET No. 09-AFC-3

COMMITTEE SCHEDULING ORDER

Background

On June 15, 2009, the California Energy Commission received an Application for Certification (AFC) from Mariposa Energy L.L.C., to construct and operate an electrical generating plant in northeastern Alameda County, California. The proposed Mariposa Energy Project power plant would be a natural-gas fired, simple-cycle peaking facility rated at a gross generating capacity of 200 megawatts (MW). The proposed Mariposa Energy Project would be located approximately seven miles northwest of the City of Tracy, seven miles east of Livermore, six miles south of Byron, and approximately 2.5 miles west of the community of Mountain House in San Joaquin County. The proposed project site is in an unincorporated area of northeastern Alameda County designated for Large Parcel Agriculture by the East County Area Plan.

Summary

The Energy Commission assigned a Committee of two Commissioners to conduct proceedings on the AFC. The Committee held a public Site Visit, Informational Hearing and Environmental Scoping Conference at the Bethany-Byron Irrigation District headquarters near the City of Byron on October 1, 2009, to discuss the review process and to identify issues that could affect the schedule. Pursuant to Title 20, of the California Code of Regulations, section 1709.7(c), the attached Committee Schedule is based on Applicant’s and Staff’s proposed schedules and related discussions at the Informational Hearing.

The schedule contains a list of events that must occur in order to complete the certification process. This initial schedule covers the period up to the Prehearing Conference with the balance of the schedule to be determined at the Prehearing Conference. The Committee encourages the parties to consider this schedule an outer boundary and make their best efforts to complete the milestones ahead of these dates. Some deadlines are contingent upon reviews to be conducted by federal, state, and local agencies. The Applicant must provide sufficient review time for the responsible agencies to meet the deadlines specified in the schedule.

Technical issues regarding air quality, biological resources, and aviation are pending. Resolution of these issues shall be addressed during the data exchange process and in public meetings with the parties and interested governmental agencies. Given the complexities involved in resolving the issues, the parties are on notice that the Committee may modify the schedule at any time upon either its own motion or that of a party. [Cal. Code Regs., tit. 20, § 1709.7(c).]

The Committee has also expressed interest in further analysis of the advantages or disadvantages of using recycled water from the community of Mountain House.

Status Reports

The schedule requires monthly status reports to be submitted by all parties to determine whether case development is progressing satisfactorily and to bring potential schedule delays or other relevant matters to the Committee's attention. The burden is on the Applicant to produce the necessary data according to the schedule. If there are delays, the Committee may adopt a performance approach resulting in a commensurate slip of the schedule.

To facilitate the process, each party shall serve and file status reports on the first day of each month starting **February 1, 2010**, and continuing until the Final Staff Assessment (FSA) is published. The reports shall be received by the other parties and the Commission's Docket Unit, 1516 9th Street, MS 4, Sacramento, California 95814-5512, **and must be filed no later than 3:00 p.m.** Status reports must contain "Docket No. 09-AFC-3" in the caption or heading. In addition to providing printed copies, the parties shall e-mail their status reports to the Hearing Officer and to those with e-mail addresses as indicated on the Proof-of-Service list. If, for any reason, the FSA is delayed beyond May 26, 2010, the parties are **ORDERED** to provide status reports on the first day of every month thereafter until directed otherwise by the Committee.

Public Participation

The Energy Commission Public Adviser is available to assist the public in participating in the application review process. For those individuals who require general information on how to participate, please contact the Public Adviser's Office at (916) 654-4489 or 1-800-822-6228 or email: [**\[publicadviser@energy.state.ca.us\]**](mailto:publicadviser@energy.state.ca.us).

If you have a disability and need assistance to participate in any scheduled event, contact Lourdes Quiroz no less than five days prior to the hearing at 916-654-5146 or e-mail: [**\[lquiroz@energy.state.ca.us\]**](mailto:lquiroz@energy.state.ca.us).

Information

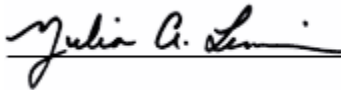
Questions of a legal or procedural nature should be directed to Kenneth Celli, the Hearing Officer, at (916) 651-8893, or e-mail: [\[kcelli@energy.state.ca.us\]](mailto:kcelli@energy.state.ca.us).

Technical questions concerning the project should be addressed to Craig Hoffman, Staff Project Manager, at (916) 654-4781, or e-mail: [\[choffman@energy.state.ca.us\]](mailto:choffman@energy.state.ca.us).

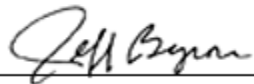
Media inquiries should be directed to the Office of Media and Public Communications at (916) 654-4989 or e-mail: [\[mediaoffice@energy.state.ca.us\]](mailto:mediaoffice@energy.state.ca.us).

Information concerning the status of this project, as well as notices and other relevant documents pertaining to this proceeding, may be viewed on the Energy Commission's Internet web page at: [\[http://www.energy.ca.gov/sitingcases/mariposa/index.html\]](http://www.energy.ca.gov/sitingcases/mariposa/index.html).

Dated: October 30, 2009 at Sacramento, California.



JULIA LEVIN
Commissioner and Presiding Member
Mariposa AFC Committee



JEFFREY BYRON
Commissioner and Associate Member
Mariposa AFC Committee

COMMITTEE SCHEDULE
FOR THE
MARIPOSA ENERGY PROJECT POWER PLANT

NOTE: STATUS REPORTS ARE DUE ON THE FIRST DAY OF EVERY MONTH BEGINNING 2/1/10.

<u>EVENT</u>	<u>DATE</u>
Applicant files Application for Certification (AFC)	6/15/09
Commission's determination that AFC is complete	8/26/09
Staff files Issues Identification Report	9/21/09
Informational Hearing and Site Visit	10/1/09
Staff Files Data Requests 1A	10/23/09
Staff Files Data Requests 1B	10/28/09
Applicant provides Data Responses	11/30/09
Data Response and Issue Resolution Workshop	12/15/09
Staff files Project Status Report on scheduling	12/22/09
Local, state, and federal agency draft determinations AQMD files PDOC	12/24/09
Local, state, and federal agency final determinations AQMD files FDOC	2/22/10
Staff files Preliminary Staff Assessment (PSA)	3/17/10
PSA Workshop	4/7/10
Staff files Final Staff Assessment (FSA)	5/12/10
FSA Workshop	5/26/10
Prehearing Conference*	TBD
Evidentiary hearings*	TBD
Presiding Members Proposed Decision (PMPD)*	TBD
Committee Hearing on PMPD*	TBD
Close of public comment period on PMPD	TBD
Addendum/Revised PMPD	TBD
Final Adoption Hearing	TBD

TBD = To Be Determined

October 30, 2009



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1-800-822-6228 – WWW.ENERGY.CA.GOV

**APPLICATION FOR CERTIFICATION
FOR THE *MARIPOSA ENERGY PROJECT*
(MEP)**

Docket No. 09-AFC-3

PROOF OF SERVICE
(Revised 10/29/09)

APPLICANT

Bo Buchynsky
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Los Angeles, California 90071
b.buchynsky@dgc-us.com

APPLICANT'S CONSULTANTS

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glw@eslawfirm.com

INTERESTED AGENCIES

California ISO
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INTERVENORS

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Tracy, California 95376
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ENERGY COMMISSION

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JEFFREY D. BYRON
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Kerry Willis
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kwillis@energy.state.ca.us

Public Adviser's Office
publicadviser@energy.state.ca.us

DECLARATION OF SERVICE

I, Maggie Read, declare that on October 30, 2009, I served and filed copies of the attached Mariposa Committee Scheduling Order dated October 30, 2009. 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/mariposa/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:

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

 x by personal delivery or by depositing in the United States mail at Sacramento, California, 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:

 x **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. 09-AFC-3
1516 Ninth Street, MS-4
Sacramento, CA 95814-5512
docket@energy.state.ca.us

I declare under penalty of perjury that the foregoing is true and correct.

Original signed by: _____
Maggie Read