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To: Commissioner Jeffrey Byron
Commissioner Robert Weisenmiller
Ken Celli Hearing Officer

State of California
State Energy Resources Conservation and Development Commission

In the Matter of:)	Docket # 09-AFC-03
)	
Mariposa Energy Project)	
)	Robert Sarvey Status Report
)	
_____)	

Pursuant to the Committee Scheduling Order dated October 12, 2010, the following is Robert Sarvey’s Status Report #1 for the proposed Mariposa Energy Project (MEP).

Revised Committee Schedule

Intervenor is awaiting the Staff Assessment which was scheduled to be released on October 20, 2010. Staff now predicts that the Staff Assessment will be released on November 10, 2010. Despite the 20 day delay in the schedule the Committee has decided to shorten the time to for interveners to file opening testimony from January 6, 2011 to December 29, 2010. With all due respect to the Committee the revised schedule is unworkable. With Applicant testimony due on 12/20/2010 it will not be possible to provide intervenor testimony on December 29, 2010 due to the fact that the Holidays fall during the time the Committee has directed intervenor testimony to be filed. A joint petition by the interveners to adopt the original schedule and abandon the revised schedule will be filed this week.

Final Determination of Compliance

The public comment period for the Final Determination of Compliance was extended to October 27, 2010 by the BAAQMD. BAAQMD failed to provide notice of the extension of the comment period to the public so it is likely the comment period will have to be extended again. The original public comment period ended on September 27, 2010 so the FDOC will most likely be delayed.

On October 20, 2010, the USEPA issued a final rule providing modeling thresholds for evaluating impacts of PM_{2.5} emissions under the Prevention of Significant Deterioration (PSD) program and the Non attainment NSR program.¹ The rule establishes Class I and Class II Increment Thresholds and Significant Impact Levels (SILs), and a Significant Monitoring Concentration (SMC) threshold. The FDOC may be delayed to address the applicability of the new rules and compliance of the project with the new rules.

Mariposa PPA

The Power Purchase Agreement executed by PG&E and Mariposa Energy is now the subject of a petition for modification. PG&E has violated the conditions of the settlement agreement that led to the PPA's approval. Intervenor will file additional status reports to keep the Committee and the parties apprised of the status of the PPA.

¹ <http://edocket.access.gpo.gov/2010/pdf/2010-25132.pdf>.