

**BEFORE THE ENERGY RESOURCES CONSERVATION AND DEVELOPMENT
COMMISSION OF THE STATE OF CALIFORNIA**

**APPLICATION FOR
CERTIFICATION FOR THE
CHULA VISTA ENERGY UPGRADE
PROJECT**

DOCKET NO. 07-AFC-4
(AFC Filed 8/10/07)

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DATE FEB 10 2009

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**MMC CHULA VISTA'S
REQUEST FOR EXTENSION OF TIME FOR THE PRESIDING MEMBER'S
PROPOSED DECISION PUBLIC COMMENT PERIOD AND COMMITTEE
CONFERENCE**

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February 10, 2009

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MMC Energy, Inc. ("MMC") hereby submits its request to the Committee to extend the public comment period for the Presiding Member's Proposed Decision ("PMPD") by two weeks from February 23, 2009 to March 9, 2009. MMC also requests that the Committee postpone the date of the PMPD Committee Conference, currently set for February 23, 2009, by at least two weeks. This means that the PMPD Committee Conference would occur on or after March 9, 2009.

The Committee has taken an unprecedented action in the PMPD on the Chula Vista Energy Upgrade Project (CVEUP). No Committee or California Energy Commission ("Commission") has proposed denial or denied certification of a power plant after the Commission Staff has recommended in its Final Staff Assessment approval of a project. This PMPD has changed the landscape for investor confidence in the process at the Commission because project proponents, which heretofore relied upon determinations made by Commission Staff in a Final Staff Assessment, must now question whether such Assessment is a strong indication of the direction the Committee will take in a PMPD. Furthermore, the land use determination from this Committee conflicts with the determination made by the city of Chula Vista that the project on balance was not inconsistent with the general plan.

This decision is especially unusual given the load constraints in the San Diego area where San Diego Gas and Electric Company has signed an aggregation agreement with an entity that

will dispatch backup diesel fired generators for up to 20 megawatts of capacity to support load under very high demand situations. Whereas this PMPD claims the additional 56 megawatts is not important in this location. Therefore, instead of 2 LM 6000s replacing older, less efficient equipment and providing an additional 56 megawatts of capacity, the region will have 20 megawatts of backup diesel generators and the existing power plant supporting the grid.

Although MMC has been evaluating the PMPD since it was published, MMC requests an extension of time in order to determine the best way to proceed given the remaining options. Because of the findings in the PMPD, MMC needs to re-evaluate CVEUP in light of specific electrical need, updated load growth projections for the San Diego constrained load pocket and the initial findings regarding the same in the PMPD. MMC had hoped to complete this analysis earlier but found it is not possible. Therefore, MMC requests an additional two weeks to provide comments to the Committee on the PMPD.

Comments on the PMPD are not due until February 20, and therefore, no other party should be prejudiced by this request. MMC thanks the Committee for its consideration of this request.

DATED: February 10, 2009

DOWNEY BRAND LLP

By: _____ /s/
Jane E. Luckhardt

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**PROOF OF SERVICE
(Revised 2/9/09)**

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<p><u>APPLICANT'S CONSULTANT</u></p> <p>Douglas M. Davy, Ph.D. Senior Project Manager CH2M Hill 2485 Natomas Park Drive, Suite 600 Sacramento, CA 95833 ddavy@ch2m.com</p>	<p><u>INTERESTED PARTIES</u></p> <p>California ISO e-recipient@caiso.com</p>	<p>City of Chula Vista, California c/o Michael J. Shirey Deputy City Attorney Chula Vista City Attorney's Office 276 Fourth Avenue Chula Vista, CA 91910 mshirey@ci.chula-vista.ca.us</p>
<p><u>APPLICANT'S ENGINEER</u></p> <p>Steven Blue Project Manager Worley Parsons 2330 E. Bidwell, Suite 150 Folsom, CA 95630 Steven.blue@worleyparsons.com</p>	<p><u>INTERVENORS</u></p> <p>California Unions for Reliable Energy (CURE) c/o Marc D. Joseph Gloria Smith Suma Peesapati Adams Broadwell Joseph & Cardozo 601 Gateway Blvd., Suite 1000 So. San Francisco, CA 94080 mdjoseph@adamsbroadwell.com gsmith@adamsbroadwell.com speesapati@adamsbroadwell.com</p>	<p>Environmental Health Coalition Diane Takvorian & Leo Miras 401 Mile of Cars Way, Suite 310 National City, CA 91950 dianet@environmentalhealth.org leom@enviromnetalhealth.org</p>
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Declaration of Service

I, Lois Navarrot, declare that on February 10, 2009, I served and filed copies of the attached **MMC CHULA VISTA’S REQUEST FOR EXTENSION OF TIME FOR THE PRESIDING MEMBER’S PROPOSED DECISION PUBLIC COMMENT PERIOD AND COMMITTEE CONFERENCE**. 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: www.energy.ca.gov/sitingcases/chulavista. 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 e-mailed respectively, to the address below (preferred method);

OR

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

California Energy Commission
Attn: Docket No. 07-AFC-4
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.

/s/
Lois Navarrot