

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

Application for Certification for the
Mirant Willow Pass Generating Station Project

Docket No. 08-AFC-6

DOCKET

08-AFC-6

DATE April 01 2009

RECD. April 01 2009

**SECOND STATUS REPORT OF
MIRANT WILLOW PASS, LLC**

April 1, 2009

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**SECOND STATUS REPORT OF
MIRANT WILLOW PASS, LLC**

In accordance with the Committee Scheduling Order dated December 31, 2008, Mirant Willow Pass, LLC (“Mirant Willow Pass”) submits its second status report in this proceeding. On June 30, 2008, Mirant Willow Pass submitted an Application for Certification (“AFC”) for the Willow Pass Generating Station (“WPGS”), a 550 megawatt, natural gas-fired electricity generating facility to be located at a site within the existing site of the Pittsburg Power Plant in Pittsburg, California. The AFC was determined to be data adequate on October 8, 2008.

Status of Responses to Data Requests:

Mirant Willow Pass continues to work diligently to submit the information that Commission staff requires for its analysis of the WPGS. To date, Mirant Willow Pass has submitted:

- Responses to most of staff’s first set of data requests (Data Requests 1-57) on December 15, 2008 and January 5, 2009;
- Responses to questions posed at the December 19, 2008 Data Response and Issue Resolution Workshop, along with responses to Biological Resources Data Request 10 and Waste Management Data Requests 42 and 44, on February 13, 2009;
- Responses to Transmission System Engineering (“TSE”) Data Requests 38(a), (b), and (f) and 40, prepared as an Updated System Impact Study (“Updated SIS”), on February 12, 2009;
- Response to TSE Data Request 38(c), Results of Transient Stability Analysis, prepared as Appendix 10 to the Updated SIS, on March 4, 2009; and
- Response to TSE Data Request 38(d), Results of Three Phase Fault Duty Analysis, prepared as Appendix 11 to Updated SIS, on March 10, 2009.

By letters dated December 2, 2008 and December 23, 2008, Mirant Willow Pass requested additional time to respond to Data Requests 10, 31, 37-40, 42-44, and 56, and stated objections to Data Requests 39, 43 and 48. Most of the data requests in the first category have now been answered, although some information is not yet available, namely: Soil and Water Resources Data Request 31 (this is a request for a Delta Diablo Sanitation District Board approved agreement for the recycled water supply, which remains in progress); TSE Data Request 37 (this requested a transmission analysis that can only be provided by the CAISO and Pacific Gas and Electric Company (“PG&E”) as part of the interconnection process); TSE Data Request 40 (the transmission consultant is preparing this response, as explained below); and Air Quality Data Request 56 (the requested documentation will be provided in the Bay Area Air Quality Management District’s Preliminary Determination of Compliance). TSE Data Request 38(e) requested a transmission analysis that is not necessary in light of the results of the Updated SIS. In addition, despite its initial objection, Mirant Willow Pass is now preparing a draft landscaping plan in response to Visual Resources Data Request 48, as explained below.

Mirant Willow Pass’s transmission consultant continues to work on preparing a response to staff’s request for electronic copies of certain files (TSE Data Request 40). The consultant also is preparing clarifications and additional print versions of information contained in the TSE data responses already submitted to staff. Addressing issues in the area of TSE has been challenging due to the ongoing restructuring of the CAISO’s process for handling applications for Large Generator Interconnection Agreements and the general unavailability of transmission analyses from the CAISO or PG&E during this interim period. Mirant Willow Pass’s transmission consultant has spent considerable time and effort to prepare detailed studies and analyses of the project’s potential impacts to the transmission system, including some that appear to go beyond what the CAISO and PG&E normally conduct when approving interconnections, and beyond what staff has required in other siting cases. Mirant Willow Pass intends to continue working with staff to resolve any remaining concerns and to assist staff in completing its analysis in this area. Mirant Willow Pass is involved in the CAISO interconnection process and will comply with all CAISO requirements prior to the start of interconnection work.

Mirant Willow Pass also is preparing a draft landscaping plan that incorporates recommendations prepared by the City of Pittsburg’s Development Services Department

Planning Division and docketed in this proceeding on March 2, 2009. Submission of this draft landscaping plan, which should be ready in a few weeks, should address staff's request in Visual Resources Data Request 48 and resolve the objection to Data Request 48 that was set forth in Mirant Willow Pass's December 2, 2008 letter.

In the area of Waste Management, staff has previously stated that it needs the results of Phase II Environmental Site Assessments ("ESAs") for all identified Recognized Environmental Conditions at the project site in order to assess the impacts on worker and public health posed by existing hazardous substances. Based on discussions at the December 19, 2008 workshop, Mirant Willow Pass understands that staff is reviewing the Phase II ESA that was prepared for the site in 1998 and may issue follow up data requests. Mirant Willow Pass has confirmed that the California Environmental Protection Agency Department of Toxic Substances Control will act as the oversight agency for any investigation and potential remediation activities that may be necessary at the project site. Mirant Willow Pass expects to work with staff to develop appropriate conditions of certification to ensure that any investigation and remediation activities that may be required are conducted in a coordinated and timely manner, do not delay project construction, and are sufficiently protective of worker and public health and the environment.

Schedule:

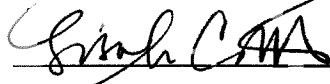
Staff's first status report submitted on February 4, 2009 indicated that a second round of data requests would be issued by February 24, 2009, but that has not yet occurred. Mirant Willow Pass would appreciate receiving the additional data requests as soon as possible so that the additional work can be completed without affecting the current schedule. We assume that the delay in issuing the second round of data requests will not affect staff's projections (as set forth in its first status report) for issuing the Preliminary Staff Assessment on May 15, 2009 and the Final Staff Assessment on July 1, 2009.

* * * *

Mirant Willow Pass appreciates the opportunity to submit this status report and looks forward to continuing progress toward achieving certification for the WPGS in a timely manner.

April 1, 2009

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Lisa A. Cottle", is written over a horizontal line.

Lisa A. Cottle
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Attorneys for Mirant Willow Pass, LLC

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DECLARATION OF SERVICE

I, Lisa A. Cottle, declare that on April 1, 2009, I served and filed copies of the attached *Second Status Report of Mirant Willow Pass, LLC*. The original document filed with the Docket Unit is accompanied by a copy of the most recent Proof of Service list, located at the web page for this project at <http://www.energy.ca.gov/sitingcases/willowpass/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:

- For service to all other parties: Sent electronically to all email addresses on the Proof of Service list; and either by personal delivery or by depositing in the United States mail at San Francisco, California with first-class postage thereon fully prepaid and addressed as provided on the Proof of Service list above to those addresses **NOT** marked as "email preferred."

AND

- For filing with the Energy Commission: Sent an original paper copy and one electronic copy, mailed and emailed respectively, to the address below:

CALIFORNIA ENERGY COMMISSION

Attn: Docket No. 08-AFC-6
1516 Ninth Street, MS-4
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I declare under penalty of perjury that the foregoing is true and correct.



Lisa A. Cottle



BEFORE THE ENERGY RESOURCES CONSERVATION AND DEVELOPMENT
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APPLICATION FOR CERTIFICATION
FOR THE **WILLOW PASS**
GENERATING STATION

Docket No. 08-AFC-6

PROOF OF SERVICE
(Revised 2/23/2009)

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