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April 27, 2009

File No. 030137-0024

VIA FEDEX

CALIFORNIA ENERGY COMMISSION
Attn: Docket No. 08-AFC-11
1516 Ninth Street, MS-4
Sacramento, California 95814-5512

DOCKET	
08-AFC-11	
DATE	<u>APR 27 2009</u>
RECD.	<u>APR 28 2009</u>

Re: CPV Vaca Station Power Plant Project: Docket No. 08-AFC-11

Dear Sir/Madam:

Pursuant to California Code of Regulations, title 20, sections 1209, 1209.5, and 1210, enclosed herewith for filing please find a copy of Applicant's Status Report No. 1.

Please note that the enclosed submittal was filed today via electronic mail to your attention and served on all parties to the above-referenced project.

Very truly yours,



Paul E. Kihm
Senior Paralegal

Enclosure

cc: 08-AFC-11 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-11
)
APPLICATION FOR CERTIFICATION,) APPLICANT'S STATUS REPORT No. 1
FOR THE CPV VACA STATION POWER)
PLANT PROJECT BY CPV VACAVILLE,)
LLC)
_____)

On behalf of CPV Vacaville, LLC ("Applicant") and pursuant to the Committee Scheduling Order issued on March 23, 2009, we submit this Status Report No. 1 for the CPV Vaca Station Power Plant Project (08-AFC-11) ("Project").

I. DISCOVERY STATUS

On March 5, 2009, the Applicant received Staff's Data Requests Set 1. Applicant provided timely responses to the Data Requests in a submittal docketed on April 6, 2009.

On April 22, 2009, Applicant participated in the Data Response & Issue Resolution Staff Workshop. Based on discussions with Cultural Resources Staff, Applicant agreed to provide additional information about evaluating the historical geomorphology of the Project site and linears. Based on discussions with Air Quality Staff, Applicant agreed to provide the following additional information:

- Explanation of how the Project's proposed start-up and shut-down technology achieves a similar level of emissions reductions as technology proposed for other proposed combined-cycle power plants currently being considered by the Energy Commission.
- Regular status updates of Applicant's efforts to obtain emission offsets for the Project, as discussed below.

- Proposed language for excursions and tuning, and historical information on the extent to which other projects have availed themselves of such provisions.
- Cumulative air quality modeling analysis.

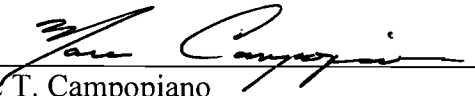
Applicant was informed at the Data Response & Issue Resolution Staff Workshop that Staff will submit initial subject area Data Requests by May 1, 2009. It is Applicant's understanding these will constitute the final initial subject area Data Requests (i.e., new Data Requests based on Staff's initial review of a subject area). In order to stay on pace with the Committee Schedule established on March 23, 2009, Applicant believes there has been adequate time since the AFC was deemed complete on January 23, 2009 for Staff to complete its initial evaluation of the AFC subject areas.

II. EMISSION OFFSETS

In December 2008, Applicant submitted a confidential filing to the Energy Commission that described the pool of potential sources of emission reduction credits (ERCs) that Applicant had identified. As described in the filing, the list did not represent the proposed ERCs that would be used for offsets and mitigation but instead represented the pool of ERCs from which mitigation was expected to be drawn. Since that time, Applicant has identified additional potential sources of offsets, as discussed at the April 22, 2009 Data Response & Issue Resolution Staff Workshop. Applicant continues to identify and negotiate with potential suppliers of offsets. Once the mitigation package has been finalized, it will be promptly submitted to the Yolo-Solano Air Quality Management District and the Energy Commission. In addition, Applicant will continue to provide the Energy Commission with regular updates on the status of its ERC strategy.

DATED: April 27, 2009

Respectfully submitted,



Marc T. Campopiano
LATHAM & WATKINS LLP
Counsel to Applicant

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

In the Matter of:)	Docket No. 08-AFC-11
)	
Application for Certification, for the CPV VACA STATION POWER PLANT PROJECT by CPV Vacaville, LLC)	PROOF OF SERVICE (February 18, 2009)
_____)	

APPLICANT

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CPV VACA STATION POWER PLANT PROJECT
CEC Docket No. 08-AFC-11

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CPV VACA STATION POWER PLANT PROJECT
CEC Docket No. 08-AFC-11

DECLARATION OF SERVICE

I, Paul Kihm, declare that on April 27, 2009, I served and filed copies of the attached:

APPLICANT'S STATUS REPORT NO. 1

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 one original paper 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-11
1516 Ninth Street, MS-4
Sacramento, California 95814-5512
docket@energy.state.ca.us

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 April 27, 2009, at Costa Mesa, California.



Paul Kihm