

**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 NOV 12 2009

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

November 12, 2009

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**SIXTH 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 sixth status report in this proceeding. Mirant Willow Pass is requesting certification 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.

Mirant Willow Pass understands that staff is working to complete a Staff Assessment for the WPGS without first publishing a Preliminary Staff Assessment. The Staff Assessment will address all topic areas other than Air Quality and related matters that require a Determination of Compliance (“DOC”) from the Bay Area Air Quality Management District (“BAAQMD”).¹ Staff has asked for additional data and analysis in the area of Waste Management and Soil and Water Resources to complete the Staff Assessment. Staff also has raised questions about Transmission System Engineering in light of the Transition Cluster Group 1 Phase 1 Interconnection Study Report prepared by the California Independent System Operator (“CAISO”) and Pacific Gas and Electric Company (“PG&E”) (“Group 1 Cluster Study”). Below is an update regarding the status of progress in these areas.

Waste Management: On October 14, 2009, Mirant Willow Pass, staff and interested parties participated in a joint workshop with the Marsh Landing Generating Station that addressed the topic areas of Waste Management and Soil and Water Resources. The workshop discussions were very productive. On the topic of Waste Management, staff provided helpful clarification regarding the soil and groundwater sampling and screening risk assessment that are needed to complete the Staff Assessment. Representatives of PG&E participated in the workshop and explained PG&E’s role as the former owner of the project site and the responsible party for addressing remediation of certain hazardous substances that may be present. Mirant

¹ At this time BAAQMD does not have a projected issuance date for the Preliminary DOC.

Willow Pass is currently working with PG&E to develop a workplan for the sampling and risk assessment that will be submitted for staff review prior to undertaking the work.

Soil and Water Resources: At the workshop staff posed several questions regarding wastewater discharge and stormwater management. Mirant Willow Pass is preparing responses to the workshop questions and will submit them to staff.

Transmission System Engineering: Mirant Willow Pass submitted the Group 1 Cluster Study in response to requests from staff. In doing so, however, Mirant Willow Pass emphasized that the Group 1 Cluster Study reflects outdated and inaccurate assumptions regarding the amount of capacity that is likely to be added to the system by the Group 1 cluster of projects, and regarding the timing of those additions. The study therefore does not accurately predict potential transmission system impacts associated with the WPGS. Mirant Willow Pass explained these flaws in the cover letter that was submitted with the Group 1 Cluster Study. Mirant Willow Pass has submitted a detailed system impact study that was prepared by a third party consultant based on guidance from staff. That third party consultant study, along with subsequent submissions in response to staff questioning, provide the most realistic and best available information regarding transmission system impacts. That analysis should be used to evaluate potential transmission impacts instead of the Group 1 Cluster Study.

November 12, 2009

Respectfully submitted,



Lisa A. Cottle
Winston & Strawn LLP

Attorneys for Mirant Willow Pass, LLC

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DECLARATION OF SERVICE

I, Lisa A. Cottle, declare that on November 12, 2009, I served and filed copies of the attached *Sixth Status Report of Mirant Willow Pass, LLC (Docket No. 08-AFC-6)*. 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 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:

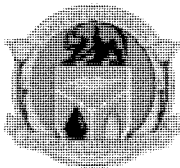
CALIFORNIA ENERGY COMMISSION

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



Lisa A. Cottle



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**APPLICATION FOR CERTIFICATION
FOR THE WILLOW PASS
GENERATING STATION**

Docket No. 08-AFC-6

PROOF OF SERVICE

(Revised 8/13/2009)

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