

Memorandum

Date: March 4, 2010
 Telephone: (916) 654-4781
 File: 09-AFC-3

To: Commissioner Jeffrey Byron, Presiding Member
 Commissioner Robert Weisenmiller, Associate Member
 Ken Celli, Hearing Officer

DOCKET	
09-AFC-3	
DATE	<u>MAR 04 2010</u>
RECD.	<u>MAR 04 2010</u>

From: California Energy Commission - Craig Hoffman
 1516 Ninth Street
 Sacramento, CA 95814-5512
 Siting Project Manager

Subject: **Mariposa Energy Project (09-AFC-3)**
Project Status Report #3

Pursuant to the Committee Scheduling Order dated October 30, 2009, the following is staff's Status Report #3 for the proposed Mariposa Energy Project (MEP). This is an update for activities that have occurred since the previous Status Report on February 2, 2010.

Data Requests

Staff is currently preparing data request Set 2 A for land use. These data requests are in regard to the Williamson Act Contract on the property, the lease between Diamond Generation and the property owner and exceptions in the title report. These should go out by March 4, 2010.

Data Responses

The Applicant provided Data Response Set 1C on February 12, 2010. These data responses included information for air quality, cultural resources, transmission system engineering and soils and water resources. Staff is currently reviewing this information to make sure it is complete and no additional information is needed.

The applicant also provided data responses to Robert Sarvey, an intervener, on February 18, 2010 in regard to air quality and land use questions.

Outstanding Data Responses

The applicant has indicated that a Data Response packet will be provided on March 15, 2010 that includes clarification of data responses for transmission system engineering and responses to comments from the Contra Costa County Airport Land Use Commission; Keith Freitas - Contra Costa County Director of Airports and Hal Yeager - Contra Costa County Airport Land Use Commissioner.

PROOF OF SERVICE (REVISED 2/8/10) FILED WITH
 ORIGINAL MAILED FROM SACRAMENTO ON 3/4/10

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The applicant is also providing additional information on a larger construction laydown area than what is shown in the Application for Certification.

Staff needs these data responses before analysis can be completed for the preparation of the Preliminary Staff Assessment (PSA). Late data responses will delay the preparation of the PSA.

Bay Area Air Quality Management District

The applicant is working with the Bay Area Air Quality Management District (BAAQMD) to ensure that an application to the district has been filed, is complete and is being reviewed. The air district has indicated that they are still working with the applicant on carbon monoxide standards for the project. Until the applicant and air district reach an agreement on appropriate standards, the information to prepare the Preliminary Determination of Compliance (PDOC) is not complete and the PDOC cannot be prepared. The air district has not identified when the PDOC will be completed.

Staff had originally anticipated the PDOC being issued in late December, 2009. The delay of the PDOC is creating a delay in the preparation of the Air Quality section of the PSA.

Project Schedule

The project schedule is dependent upon the applicant providing complete data responses provided by mid March and the PDOC being issued by the air district. Staff is unable to commit to a schedule at this time without assurances on when the PDOC will be issued. Once staff, knows when the PDOC will be issued, we will propose a modified schedule.

Staff will continue to keep the Committee apprised of current work products and critical timelines, and a project status report will be prepared for April 1, 2010.

cc: Proof of Service List
Docket 09-AFC-3



BEFORE THE ENERGY RESOURCES CONSERVATION AND DEVELOPMENT
COMMISSION OF THE STATE OF CALIFORNIA
1516 NINTH STREET, SACRAMENTO, CA 95814
1-800-822-6228 – WWW.ENERGY.CA.GOV

APPLICATION FOR CERTIFICATION
FOR THE **MARIPOSA ENERGY PROJECT**
(MEP)

Docket No. 09-AFC-3

PROOF OF SERVICE
(Revised 2/8/2010)

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DECLARATION OF SERVICE

I, Teraja` Golston, declare that on March 4, 2010, I served and filed copies of the attached (09-AFC-3) Mariposa – CEC Status Report and CEC Data Request Set 2A. 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: [\[http://www.energy.ca.gov/sitingcases/mariposa/index.html\]](http://www.energy.ca.gov/sitingcases/mariposa/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:

(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, Ca 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 emailed respectively, to the address below (preferred method);

OR

_____ depositing in the mail an original and 12 paper copies, as follows:

CALIFORNIA ENERGY COMMISSION

Attn: Docket No. 09-AFC-3
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.

Original Signature in Dockets

Teraja` Golston