

**Memorandum**DATE DEC 28 2010RECD DEC 28 2010**Date:** December 28, 2010**Telephone:** (916) 654-4781**File:** 09-AFC-3

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

**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 #13**

Pursuant to the Committee Scheduling Order dated October 29, 2010, the following is staff's Status Report #13 for the proposed Mariposa Energy Project (MEP).

**Staff Documents / Evidence**

The Staff Assessment was published on November 8, 2010 and the Supplemental Staff Assessment was published on December 16, 2010. These two documents will comprise the majority of staff's evidence.

Staff anticipates filing an errata or providing additional information at the evidentiary hearing on Biological Resources. Staff concluded that impacts to biological resources affected by the proposed project could be mitigated below a level of significance by implementation of the proposed conditions of certification. Staff's analysis and proposed conditions of certification were developed in coordination with US Fish and Wildlife Service (USFWS) and are expected to be consistent with the terms and conditions to be included in the final Biological Opinion.

However, because the Biological Assessment (BA) has not yet been determined to be adequate by the USFWS, modifications to staff's impact analysis and conditions of certification may be necessary if revisions to the recent draft BA result in changes that are contradictory to staff's analysis or conditions.

**Project Schedule**

At the request of several intervenors and in an attempt to keep the project on schedule, staff provided the Supplemental Staff Assessment (SSA) sections in a compare mode from the Staff Assessment on December 20, 2010 to everyone on the Proof of Service list and will provide it to anyone else who may want it in that format.

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

PROOF OF SERVICE (REVISED 12/23/10) FILED WITH  
 ORIGINAL MAILED FROM SACRAMENTO ON 12/28/10

**HA**



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](http://WWW.ENERGY.CA.GOV)

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

***Docket No. 09-AFC-3***

***PROOF OF SERVICE***  
(Revised 12/23/2010)

**APPLICANT**

Bo Buchynsky  
Diamond Generating Corporation  
333 South Grand Avenue, #1570  
Los Angeles, California 90071  
[b.buchynsky@dgc-us.com](mailto:b.buchynsky@dgc-us.com)

California Pilots Association  
c/o Andy Wilson  
31438 Greenbrier Lane  
Hayward, CA 94544  
[andy\\_psi@sbcglobal.net](mailto:andy_psi@sbcglobal.net)

Kristy Chew  
Advisor to Commissioner Byron  
E-Mail Service preferred  
[kchew@energy.state.ca.us](mailto:kchew@energy.state.ca.us)

**APPLICANT'S CONSULTANTS**

Doug Urry  
2485 Natomas Park Dr #600  
Sacramento, CA 95833-2975  
[Doug.Urry@CH2M.com](mailto:Doug.Urry@CH2M.com)

Rajesh Dighe  
395 W. Conejo Avenue  
Mountain House, California 95391  
[dighe.rajesh@gmail.com](mailto:dighe.rajesh@gmail.com)

Craig Hoffman  
Siting Project Manager  
[choffman@energy.state.ca.us](mailto:choffman@energy.state.ca.us)

**COUNSEL FOR APPLICANT**

Gregg Wheatland  
Ellison, Schneider & Harris L.L.P.  
2600 Capitol Avenue, Suite 400  
Sacramento, CA 95816-5905  
[glw@eslawfirm.com](mailto:glw@eslawfirm.com)

Morgan K. Groover  
Development Director  
Mountain House Community  
Services District  
230 S. Sterling Drive, Suite 100  
Mountain House, CA 95391  
[mgroover@sjgov.org](mailto:mgroover@sjgov.org)

Kerry Willis  
Staff Counsel  
[kwillis@energy.state.ca.us](mailto:kwillis@energy.state.ca.us)

**INTERESTED AGENCIES**

California ISO  
E-mail Service Preferred  
[e-recipient@caiso.com](mailto:e-recipient@caiso.com)

**\*Mr. Jass Singh**  
291 N. Altadena Street  
Mountain House, California 95391  
[jass.singh2000@gmail.com](mailto:jass.singh2000@gmail.com)

Jennifer Jennings  
Public Adviser  
[publicadviser@energy.state.ca.us](mailto:publicadviser@energy.state.ca.us)

**INTERVENORS**

Mr. Robert Sarvey  
501 W. Grantline Road  
Tracy, California 95376  
[Sarveybob@aol.com](mailto:Sarveybob@aol.com)

**ENERGY COMMISSION**

JEFFREY D. BYRON  
Commissioner and Presiding Member  
[jbyron@energy.state.ca.us](mailto:jbyron@energy.state.ca.us)

ROBERT B. WEISENMILLER  
Commissioner and Associate Member  
[rweisenm@energy.state.ca.us](mailto:rweisenm@energy.state.ca.us)

Kenneth Celli  
Hearing Officer  
[kcelli@energy.state.ca.us](mailto:kcelli@energy.state.ca.us)

## DECLARATION OF SERVICE

I, Hilarie Anderson, declare that on December 28, 2010, I served and filed copies of the attached Status Report # 13. The original documents, 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:

- sent electronically to all email addresses on the Proof of Service list;
- by personal delivery;
- by delivering on this date, for mailing with the United States Postal Service with first-class postage thereon fully prepaid, to the name and address of the person served, for mailing that same day in the ordinary course of business; that the envelope was sealed and placed for collection and mailing on that date to those addresses **NOT** marked "email preferred."

**AND**

### FOR FILING WITH THE ENERGY COMMISSION:

- 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](mailto:docket@energy.state.ca.us)

I declare under penalty of perjury that the foregoing is true and correct, that I am employed in the county where this mailing occurred, and that I am over the age of 18 years and not a party to the proceeding.

**Original Signature in Dockets**  
**Hilarie Anderson**