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August 17, 2009

File No. 030137-0024

DOCKET
08-AFC-11
DATE AUG 17 2009
RECD AUG 17 2009

VIA FEDEX

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

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 Applicant's Status Report No. 4.

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.)
Marc T. Campopiano, 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, FOR THE CPV VACA STATION POWER PLANT PROJECT BY CPV VACAVILLE, LLC	)	APPLICANT'S STATUS REPORT NO. 4

On behalf of CPV Vacaville, LLC ("Applicant"), we submit this Status Report No. 4 for the CPV Vaca Station Power Plant Project (08-AFC-11) ("Project") pursuant to the Revised Committee Schedule dated June 3, 2009.

I. DISCOVERY STATUS

On July 31, 2009, Applicant made a timely filing of its responses to Energy Commission Staff Data Requests 54-57 and 68-96. With this submittal, Applicant has responded to all outstanding data requests except for the System Impact Study related to Data Request No. 47. Applicant anticipates submitting the System Impact Study within approximately 30 days.

In accordance with Title 20, CCR, Section 1716(e), all data requests were required to be submitted for the Project before July 27, 2009 (i.e., 180 days after the Project AFC was deemed data adequate).[1] As such, it is Applicant's understanding that no additional data requests can be submitted unless allowed by the Committee.

[1] Title 20, CCR, Section 1716(e): "All requests for information shall be submitted no later than 180 days from the date the commission determines an application is complete, unless the committee allows requests for information at a later time for good cause shown." The AFC for the Project was deemed data adequate on January 28, 2009.

II. BIOLOGICAL RESOURCES

Applicant has consulted with the California Department of Fish and Game (DFG) and U.S. Fish and Wildlife Service (USFWS) about the Project's potential to adversely impact listed species under the California or federal Endangered Species Acts. Applicant has discussed with the U.S. Environmental Protection Agency (USEPA) about consulting with the USFWS pursuant to Section 7 of the federal Endangered Species Act. Accordingly, Applicant has begun preparing a Biological Assessment (BA) which it expects to complete by approximately September 15, 2009. Applicant and Energy Commission Staff are also scheduled to perform an informal site visit to review the Old and New Alamo Creek systems on August 21, 2009.

III. AIR QUALITY

On May 4, 2009, the Applicant requested from the Yolo Solano Air Quality Management District (YSAQMD) an extension for the Project's Preliminary Determination of Compliance (PDOC) while the Applicant finalized its offset strategy and provided requested information to the YSAQMD. On May 19, 2009, the YSAQMD granted the extension until July 9, 2009. Applicant subsequently requested a second 60-day extension until September 9, 2009, which was granted by the YSAQMD. Accordingly, YSAQMD is on schedule to issue the PDOC no later than September 9, 2009.

Applicant understands that the PDOC extension may impact Energy Commission Staff's ability to analyze the Project's proposed emission offset package. However, the extension should not adversely impact Staff's ability to analyze any other aspect of the Project or other air quality issues, and Staff's review of the Project as a whole should not be delayed by the PDOC extension.

Applicant met with the USEPA on July 30, 2009 to discuss Applicant's Prevention of Significant Deterioration (PSD) application that was previously submitted to the USEPA. Applicant also discussed having the USEPA consult with the USFWS pursuant to Section 7 of the federal Endangered Species Act for possible Project impacts to listed species.

DATED: August 17, 2009

Respectfully submitted,

Michael J. Carroll
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,	)	**PROOF OF SERVICE**
for the CPV VACA STATION POWER PLANT	)	
PROJECT	)	(February 18, 2009)
by CPV Vacaville, LLC	)	
	)	

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DECLARATION OF SERVICE

I, Paul Kihm, declare that on August 17, 2009, I served and filed copies of the attached:

APPLICANT'S STATUS REPORT NO. 4

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 August 17, 2009, at Costa Mesa, California.

Paul Kihm