

STATE OF CALIFORNIA

Energy Resources Conservation and Development Commission

DOCKET	
03-AFC-2	
DATE	JAN 9 2006
RECD.	JAN 9 2006

In the Matter of:) Docket No. 03-AFC-2
)
 Application for Certification for the Los Esteros)
 Critical Energy Facility – Phase 2)

APPLICANT'S STATUS REPORT #2

In Status Report #1 we reported that on December 6, 2005, representatives of the Applicant (Los Esteros Critical Energy Facility LLC) met with Stephen Haase, Planning Director of the City of San Jose and members of his staff, to discuss the status of the Applicant's application for rezoning for the Los Esteros Critical Energy Facility. During the meeting it was agreed that the Applicant would submit to the City of San Jose a draft initial study for the LECEF Phase 2 project and that the City will use the Draft Initial Study to evaluate the environmental impacts of the LECEF Phase 2 project compared with the impacts that were analyzed in the original EIR. If there are no significant environmental impacts for the Phase 2 proposal that were not analyzed in the original EIR or that are not proposed to be mitigated, the City will prepare an Addendum to the original US Dataport EIR.

We are pleased to report that the Applicant submitted the draft Initial Study to the City today. Consistent with the schedule previously discussed with the City, we expect that the City will complete review of the draft Initial Study in the first part of February (~30 days) and provide any comments and a determination as to whether the Addendum process or Supplemental EIR process is appropriate for the project.

While there was a slight delay in submitting the draft Initial Study to the City, the Applicant remains hopeful that the procedures and timetable discussed at the December 6, 2005 meeting will allow the City to complete the zoning conformance process by March 21, 2006. We will keep the Committee and other parties informed as we proceed through each of these milestones in the coming months.

January 9, 2006

Respectfully submitted,

ELLISON, SCHNEIDER & HARRIS L.L.P.

By 

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STATE OF CALIFORNIA

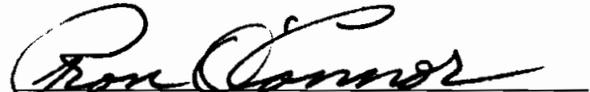
Energy Resources Conservation
and Development Commission

Application for Certification for the)
LOS ESTEROS CRITICAL ENERGY FACILITY) Docket No. 03-AFC-2
PHASE 2)
(LOS ESTEROS 2))
_____)

PROOF OF SERVICE

I, Ron O'Connor, declare that on January 9, 2006, I deposited copies of the attached *Applicant's Status Report #2* in the United States mail in Sacramento, California, with first-class postage thereon fully prepaid and addressed to all parties on the attached service list.

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



Ron O'Connor

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