

BEFORE THE ENERGY RESOURCES CONSERVATION AND DEVELOPMENT COMMISSION
OF THE STATE OF CALIFORNIA

APPLICATION FOR CERTIFICATION FOR THE
VERNON POWER PLANT PROJECT
BY THE CITY OF VERNON

DOCKET NO. 06-AFC-4
(AFC ACCEPTED 09/14/06)

ORDER DENYING REQUESTS OF PARTIES

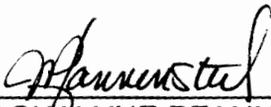
On January 18, 2008, staff for the California Energy Commission (Staff) timely filed its *Status Report #4*, pursuant to the *Committee Notice of Cancellation of Status Conference*, dated November 2, 2007. Applicant filed its *Status Report #9*, and responded to the Staff on January 22, 2008.

The Staff document identifies numerous issues in the case which Staff characterizes as unresolved. These include matters involving air quality, public health, cooling tower plumes, and waste management. Staff refers to a lack of progress toward certification based on these issues and asks us to suspend the proceeding, "...until the Applicant has demonstrated that it can successfully resolve all significant permitting issues, most notably the ability to obtain sufficient emissions reduction credits."

Applicant counters that Staff has misinterpreted South Coast Air Quality Management District (SCAQMD) Rule 1309.1 – Priority Reserve. Applicant asserts that it is not required to have a long-term power sales agreement in place as a pre-requisite to continued Commission review. Further, Applicant points out its efforts in the areas of waste management and community outreach. In other areas of dispute, Applicant alleges that its disagreements with Staff are appropriate for analysis in the Preliminary Staff Assessment (PSA) rather than as a basis for suspension of the case. Applicant also requests that the Committee direct Staff to issue a bifurcated PSA on all issues except air quality.

We are convinced that Applicant is continuing to pursue the City of Vernon Application for Certification, and that Staff has not stated adequate grounds to suspend the case over Applicant's objection. In addition, to grant Applicant's request for a bifurcated PSA would complicate the Staff analysis and deny the public a comprehensive analysis of the project as a whole. Both requests of the parties are therefore **DENIED**.

Dated February 8, 2008, at Sacramento, California.



JACKALYNE PFANNENSTIEL
Chair and Presiding Member
Vernon AFC Committee

DOCKET	
06-AFC-4	
DATE	FEB 0 8 2008
RECD.	FEB 0 8 2008

Proof of Service List (Revised on 1/22/08)
filed with Original Document. Mailed from
Sacramento on Feb 8, 2008.

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STATE OF CALIFORNIA**

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FOR THE VERNON POWER PLANT PROJECT
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PROOF OF SERVICE LIST
(REVISED 1/22/2008)**

INSTRUCTIONS: All parties shall (1) file a printed, original signed document plus 12 copies OR file one original signed document and e-mail the document to the Docket address below, AND (2) all parties shall also send a printed OR electronic copy of the document, plus a proof of service declaration, to each of the entities and individuals on the proof of service list:

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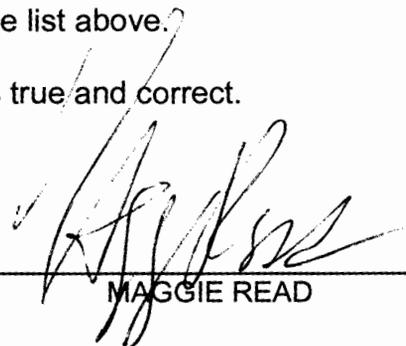
DECLARATION OF SERVICE

I, Maggie Read, deposited copies of the attached Order Denying Requests of Parties, in the United States mail on February 8, 2008, at Sacramento, California with first-class postage thereon fully prepaid and addressed to those identified on the Proof of Service list above.

OR

Transmission via electronic mail was consistent with the requirements of California Code of Regulations, title 20, sections 1209, 1209.5, and 1210. All electronic copies were sent to all those identified on the Proof of Service list above.

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



MAGGIE READ