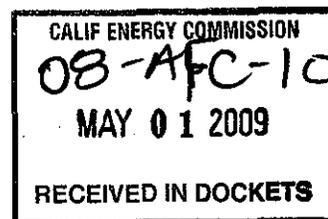


May 1, 2009

California Energy Commission  
Docket Unit  
1516 Ninth Street  
Sacramento, CA 95814-5512



**Subject: LODI ENERGY CENTER MAY STATUS REPORT**

Enclosed for filing with the California Energy Commission is the original copy of **LODI ENERGY CENTER MAY STATUS REPORT**, for the Lodi Energy Center (08-AFC-10).

Sincerely,

A handwritten signature in black ink, appearing to read "R. Gladden".

Robert Gladden  
Counsel to NCPA

Scott A. Galati  
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STATE OF CALIFORNIA

Energy Resources  
Conservation and Development Commission

In the Matter of:

Application for Certification for the Lodi  
Energy Center

**DOCKET NO. 08-AFC-10**

**LODI ENERGY CENTER MAY  
STATUS REPORT**

The Northern California Power Agency (NCPA) submits this May Status Report to update the Committee on the progress related to the processing of its Lodi Energy Center.

NCPA has rendered all relevant responses to the Data Requests issued by the CEC staff and has continued to work towards an expeditious progression through the certification process.

**SAN JOAQUIN VALLEY AIR POLLUTION CONTROL DISTRICT**

On April 15, 2009, the San Joaquin Valley Air Pollution District issued its Preliminary Determination of Compliance (PDOC).

**CULTURAL RESOURCES**

There is currently an Objection filed by NCPA on April 15, 2009, to the Data Request 13 Supplement (a request for extensive studies). CEC staff has contacted NCPA's representatives in an effort to temper the request, to which, NCPA is not opposed and looks forward to resolving this issue and moving the whole project forward. However, NCPA believes that the resolution is not necessary for Staff to publish its PSA.

**LAND USE**

As stated in the April Status Report, NCPA has continued to work with the owners of the Kingdon Airport to resolve any potential inconsistencies between the Airport Land Use Plan and the addition of a PG&E gas pipeline adjacent to its existing gas pipeline which

crosses the runway protection zone. The San Joaquin Council of Governments has published proposed modifications to its Airport Master Plan to remove any inconsistency.

**VARIANCE FOR SAN JOAQUIN MULTI-SPECIES HABITAT CONSERVATION (HCP)**

NCPA, along with the CEC staff Biologist, has recently met with the SJCOG to discuss the particulars of obtaining the on-site variance for the HCP. It is anticipated that the decision for the variance, as it relates to the canal/slough setback requirement, will be made sometime in June after going through the review process within SJCOG. There does not appear to be any impediment to the PSA preparation and publication.

**WORKER SAFETY / FIRE PROTECTION**

NCPA responded to Staff's Data Requests relating to Worker Safety/Fire Protection and believes that Staff has all the information necessary to publish its PSA.

**SCHEDULE**

NCPA believes that Staff has all of the information necessary to complete its PSA and looks forward to reviewing it when released. NCPA urges the Staff to release the PSA in May.

Dated: May 1, 2009



Robert Gladden  
Counsel to NCPA



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 *Lodi Energy Center*

DOCKET No. 08-AFC-10

PROOF OF SERVICE  
(Revised 2/17/09)

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**DECLARATION OF SERVICE**

I, Ashley Y Garner, declare that on May 1, 2009, I served and filed copies of the attached **LODI ENERGY CENTER MAY STATUS REPORT** dated **May 1, 2009**. 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: **[www.energy.ca.gov/sitingcases/lodi]**. 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 or by depositing in the United States mail at 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:**

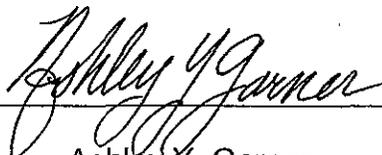
sending an original paper copy and one electronic copy, mailed and emailed respectively, to the address below (**preferred method**);

**OR**

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

**CALIFORNIA ENERGY COMMISSION**  
Attn: Docket No. **08-AFC-10**  
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.

  
\_\_\_\_\_  
Ashley Y. Garner