

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

APPLICATION FOR CERTIFICATION FOR THE
EASTSHORE ENERGY CENTER IN HAYWARD
BY TIERRA ENERGY

DOCKET No. 06-AFC-6
(AFC ACCEPTED 11/8/06)

NOTICE OF CONTINUED EVIDENTIARY HEARING DATE ON JANUARY 14, 2008

PLEASE TAKE NOTICE that the Committee designated by the Energy Commission to conduct proceedings on the Application for Certification for the Eastshore Energy Center has scheduled an additional day for the Evidentiary Hearing as follows:

MONDAY, January 14, 2008
10 am to 1 pm
2 pm to 5 pm
6 pm to 8 pm (Public Comment)
8 pm to 9 pm (Reconvene Evidentiary Hearing, if needed)

Hayward City Hall Chambers
777 B Street
Hayward, CA 94541
Wheelchair Accessible
(Map Attached)

DOCKET 06-AFC-6
DATE <u>DEC 20 2007</u>
RECD. <u>DEC 21 2007</u>

This Notice includes the list of topics (**Attachment A**) that will be heard and the remaining schedule for the proceeding (**Attachment B**).

BACKGROUND

At the Evidentiary Hearing in Hayward on December 17-18, 2007, the parties did not complete their presentation of evidence on the disputed topics scheduled for hearing. To accommodate the parties and to allow more time for public comment, the Committee has added a third hearing day to complete the receipt of evidence in this matter.

Proof of Service List (Revised on 12/4/07)
filed with Original Document. Mailed from
Sacramento on 12/21/07.

EVIDENTIARY HEARING PROCEDURES

The purpose of the Evidentiary Hearing is to establish the factual record necessary for a decision on the proposed Eastshore Energy Center. The record is developed by the presentation of sworn testimony and documentary evidence. **To facilitate receipt of evidence, the parties shall ask their witnesses to identify the exhibits offered in support of their testimony.** At the conclusion of direct testimony, witnesses may be cross-examined, followed by redirect and recross examination as appropriate. Multiple witnesses may testify as a panel, if warranted.

REQUIRED FILINGS

The rules of evidence pertaining to the Evidentiary Hearing are governed by Sections 1212-1213 of the Commission's regulations. (Cal. Code Regs., tit. 20, §§ 1212, 1213; see also § 1702 (h).)

The deadline for filing sworn witness testimony and exhibits was December 7, 2007. No additional witnesses or exhibits shall be offered by the parties without a showing of good cause to be determined by the Presiding Committee Member. (See Cal. Code Regs., *supra*, § 1211.) One printed copy of each received exhibit, which has not been previously docketed, shall be submitted to the Energy Commission's Docket Unit by **January 14, 2008.**

Post-hearing briefs shall be filed 10 days after the January 14, 2008, hearing transcript has been posted on the Energy Commission's website. Transcripts of the December 17-18, 2007, hearing will be posted in early January 2008 so that parties will have the opportunity to review those transcripts prior to the January 14, 2008, hearing date.

The Applicant has the burden of presenting substantial evidence to support the findings and conclusions required for certification of the site and related facilities. (Cal. Code Regs., *supra*, § 1748(e).)

PUBLIC PARTICIPATION

The deadline to file a Petition to Intervene as a formal party in this proceeding was November 19, 2007. No new Petitions to Intervene will be granted.

Members of the public may participate at the Evidentiary Hearing by providing oral or written comments on the proposed project. For information on how to participate, contact the Energy Commission's Office of the Public Adviser at 1-916-654-4489 or 1-800-822-6228, or email at: pao@energy.state.ca.us

ADDITIONAL INFORMATION

If you have a disability and need assistance to participate, please contact Lourdes Quiroz at 1-916-654-5146 or e-mail at: lquiroz@energy.state.ca.us

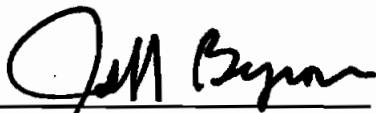
Technical questions concerning the project should be addressed to Bill Pfanner, the Staff Project Manager, at 1-916-654-4206 or e-mail at: bpfanner@energy.state.ca.us

Questions of a legal or procedural nature should be directed to Susan Gefter, the Hearing Officer, at 1-916-654-3893 or e-mail at: sgefter@energy.state.ca.us

Media inquiries should be directed to Claudia Chandler, Assistant Executive Director for Media and Public Communications at 1-916-654-4989 or e-mail at: mediaoffice@energy.state.ca.us

Documents concerning the project proposal can be viewed on the Energy Commission's website at: www.energy.ca.gov/sitingcases/eastshore

Dated December 20, 2007, at Sacramento, California.



JEFFREY D. BYRON
Commissioner and Presiding Member
Eastshore AFC Committee

Mailed to Lists: POS, 7071, 7072, 7073

ATTACHMENT A

TOPIC & WITNESS SCHEDULE MONDAY, JANUARY 14, 2008

Local System Effects	<u>Applicant</u> : Mackin <u>Staff</u> : Hesters All parties request cross-exam	60 min
Alternatives	<u>Applicant</u> : Stein; Scholl; Trewitt <u>Staff</u> : Phinney <u>Pilots Group</u> : Cross-exam	60 min
Land Use	<u>Applicant</u> : Scholl <u>Staff</u> : Adams; Strattan; Knight <u>Haavik</u> : Armas <u>Hayward</u> : Rizk; Bauman <u>Alameda</u> : Dalton <u>Pilots Group</u> : Cross-exam	120 min
Override Issues	Legal Discussion	30 min
Procedural Matters, Exhibit List, Briefing Schedule	Legal Discussion	30 min

*Includes direct testimony and cross-examination; parties may yield time.

ATTACHMENT B

COMMITTEE SCHEDULE FOR REMAINDER OF PROCEEDING

Third Day of Evidentiary Hearing	Monday, January 14, 2008
Parties file post-hearing briefs	10 days after January 14, 2008, transcript is posted on CEC website
Parties file reply briefs on contested issues	<i>If Necessary*</i>
Committee issues Presiding Member's Proposed Decision (PMPD) and Notice of Committee Conference (Minimum 30-day public review)	<i>To Be Scheduled*</i>
Parties file written comments on PMPD	<i>To Be Scheduled</i>
Committee Conference on PMPD; parties submit errata or other clarifications	<i>To Be Scheduled</i>
Close of comment period on PMPD	<i>To Be Scheduled</i>
Commission consideration of PMPD	<i>To Be Scheduled</i>

*These events will be noticed separately.

City of Hayward Civic Center Plaza

Directions From:

- Amtrak:** Exit at the Hayward Station. Take A.C. Transit bus #92 to the BART station, approximately six blocks away.
- BART:** Exit at the Hayward Station, walk one block east, along Civic Center Plaza.
- Peninsula:** Take the Hayward-San Mateo Bridge (CA-92) east towards Hayward. CA Highway 92 becomes Jackson St, continue east to Watkins St. Turn left onto Watkins St. The Hayward Civic Center and Plaza is at the corner of Watkins and B St.

North Bay (using I-880):

Take I-880 South, exit at A St and at the end of the ramp, turn left onto A St. Continue east on A St, towards the hills, to Grand St. Turn right onto Grand St and then turn left onto B St. The Hayward Civic Center and Plaza is at the corner of Watkins and B St.

South Bay (using I-880):

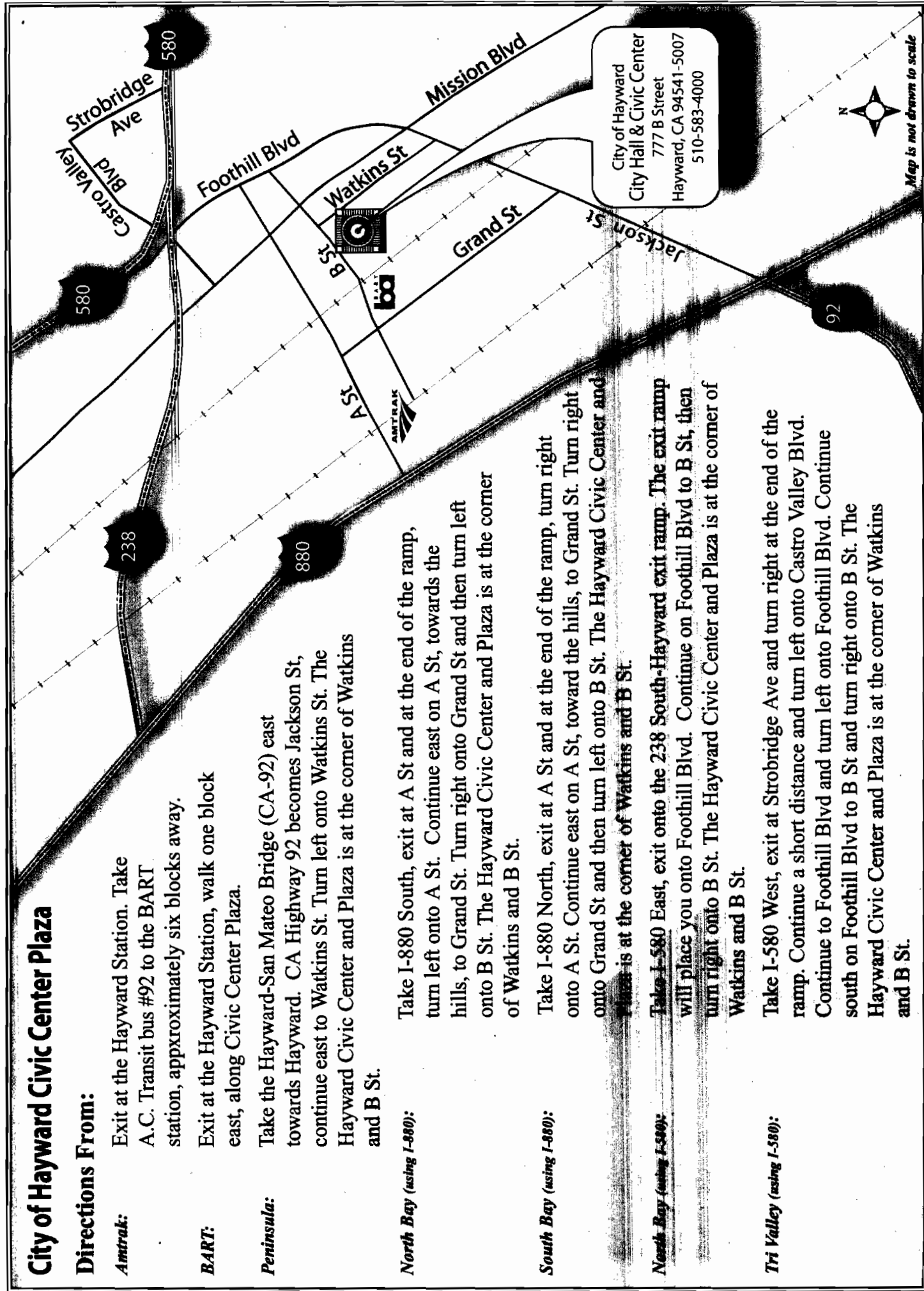
Take I-880 North, exit at A St and at the end of the ramp, turn right onto A St. Continue east on A St, toward the hills, to Grand St. Turn right onto Grand St and then turn left onto B St. The Hayward Civic Center and Plaza is at the corner of Watkins and B St.

North Bay (using I-580):

Take I-580 East, exit onto the 238 South-Hayward exit ramp. The exit ramp will place you onto Foothill Blvd. Continue on Foothill Blvd to B St, then turn right onto B St. The Hayward Civic Center and Plaza is at the corner of Watkins and B St.

Tri Valley (using I-580):

Take I-580 West, exit at Strobridge Ave and turn right at the end of the ramp. Continue a short distance and turn left onto Castro Valley Blvd. Continue to Foothill Blvd and turn left onto Foothill Blvd. Continue south on Foothill Blvd to B St and turn right onto B St. The Hayward Civic Center and Plaza is at the corner of Watkins and B St.



City of Hayward
City Hall & Civic Center
777 B Street
Hayward, CA 94541-5007
510-583-4000

Map is not drawn to scale

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APPLICATION FOR CERTIFICATION
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Docket No. 06-AFC-6

PROOF OF SERVICE
(Revised 12/4/2007)

INSTRUCTIONS: All parties shall either (1) send an original signed document plus 12 copies or (2) mail one original signed copy AND e-mail the document to the address for the Docket as shown below, AND (3) all parties shall also send a printed or electronic copy of the document, which includes a proof of service declaration to each of the individuals on the proof of service list shown below:

CALIFORNIA ENERGY COMMISSION

Attn: Docket No. 06-AFC-6
1516 Ninth Street, MS-4
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Public Adviser
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DECLARATION OF SERVICE

I, Susan Gefter, declare that on December 21, 2007, I deposited copies of the attached Notice of Continued Evidentiary Hearing Date in the United States mail at Sacramento, CA, 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 the 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.

A handwritten signature in black ink that reads "Susan Gefter". The signature is written in a cursive style and is positioned above a horizontal line.