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**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 OF TEXAS**

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

(REVISED 10/16/2007)

NOTICE OF PREHEARING CONFERENCE and EVIDENTIARY HEARING DATES

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 a Prehearing Conference and an Evidentiary Hearing as follows:

The Prehearing Conference will be conducted on:

**MONDAY, November 26, 2007
2 pm to 5 pm
6 pm to 8 pm (Public Comment)**

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

| | |
|-----------------|-------------|
| DOCKET | |
| 06-AFC-6 | |
| DATE | OCT 16 2007 |
| RECD. | OCT 17 2007 |

The Evidentiary Hearing will be conducted on the following dates at the same location, Hayward City Hall Chambers, as described above:

**MONDAY, December 17, 2007
10 am to 1 pm
2:30 pm to 5 pm
6 pm to 8 pm (Public Comment)**

**TUESDAY, December 18, 2007 (Back-up Date, if Necessary)
10 am to 1 pm
2:30 pm to 5 pm**

PLEASE TAKE NOTICE that the Committee has established the following schedule:

| ITEM | DATE |
|---|---------------------------|
| Last date to file Petition to Intervene | Monday, November 19, 2007 |
| Prehearing Conference Statements due | Monday, November 19, 2007 |

Purpose of Prehearing Conference

The Prehearing Conference is a public forum where the Committee will assess the parties' readiness for an evidentiary hearing, identify areas of agreement or dispute, and discuss the remaining schedule and procedures necessary to conclude the certification process. (Cal. Code of Regs., tit. 20, §1718.5.)

At the Prehearing Conference, all parties (Staff, Applicant, and Intervenor) shall present their respective positions regarding: the substantive topic areas ready for evidentiary hearing; those that require further analysis, including the nature of, and timeframe for, any such analysis; the topic areas that have been resolved; and the topic areas that are disputed and require adjudication. The parties shall also identify proposed witnesses, as well as the time required for direct testimony and/or cross-examination.

Local, state, and federal governmental agencies may participate at the Prehearing Conference and Evidentiary Hearing, as necessary. (Cal. Code of Regs., tit. 20, § 1714.5.) Elected officials and members of the public may present public comments at these events and/or submit written comments to the Energy Commission's Docket Unit. Please include "Docket No. 06-AFC-6" on any written comments.

Prehearing Conference Statements

To facilitate the process, each party shall serve and file a **Prehearing Conference Statement**. The statements shall be received by the other parties and the Commission's Docket Unit, 1516 9th Street, MS 4, Sacramento, California 95814-5512, by **5 p.m. on November 19, 2007**. The parties shall e-mail their statements to the Hearing Officer as well as to the Docket Unit and the parties as indicated on the Proof-of-Service list.

Each statement shall specify:

1. The topic areas that are complete and ready to proceed to evidentiary hearing;
2. The topic areas that are not complete and not yet ready to proceed to evidentiary hearing, and the reasons therefor;
3. The topic areas that remain disputed and require adjudication, and the precise nature of the dispute for each topic;
4. The identity of each witness sponsored by each party (**note**: witnesses must have professional expertise in the scope of their testimony); the topic area(s) which each witness will present; a brief summary of the testimony to be offered by each witness; qualifications of each witness; and the time required to present direct testimony by each witness;
5. Topic areas upon which a party desires to cross-examine witnesses, a summary of the scope of such cross-examination, and the time desired for such cross-examination;
6. A list identifying exhibits and declarations that each party intends to offer into evidence and the technical topics to which they apply (**see** following *section* on format);
7. Proposals for briefing deadlines, vacation schedules, and other scheduling matters;
8. For all topics, the parties shall review the proposed Conditions of Certification listed in the Final Staff Assessment (FSA) for enforceability, comprehension, and consistency with the evidence, and submit any proposed modifications.

Format for Presenting Evidence

The parties shall provide written testimonial and documentary evidence in two formats.

1. Each document shall be numbered and identified on an **Exhibit List**. Applicant's exhibits shall be numbered consecutively as Exhibits 1 through 199. Staff's exhibits

shall be numbered consecutively as Exhibits 200 through 299. Intervenor's exhibits shall be numbered consecutively as 300-399. ***Printed copies of the exhibits shall be submitted at the Prehearing Conference and supplemented at the Evidentiary Hearing, as necessary.***

2. To facilitate the efficient organization and review of the Project, printed copies of the exhibits for each topic area shall ***also*** be compiled in separate file folders designated by topic with the appropriate Exhibit Number attached to each document.

Petitions to Intervene to Become a Formal Party

The Energy Commission's Decision on the Eastshore Energy Center will be based on the official evidentiary record developed at the Evidentiary Hearing. Only formal parties (Applicant, Staff, Intervenor) may present evidence and cross-examine witnesses at the Evidentiary Hearing.

Anyone with an appropriate interest in the Eastshore Energy Center may file a Petition to Intervene and become a formal party. At the Evidentiary Hearing, a formal party may offer testimony and documentary evidence, receive documents filed by other parties, and cross-examine witnesses. However, a formal party must also comply with Committee orders, procedures, and filing requirements, and is subject to discovery and having its own witnesses cross-examined by other parties.

The deadline to file a Petition to Intervene in this case is **Monday, November 19, 2007**. (Cal. Code of Regs., tit. 20, §1207.) Time extensions will not be granted for new Intervenor to review case materials since this proceeding has been ongoing for twelve months.

How to Intervene

The Energy Commission's Public Adviser's office will assist any person or organization interested in preparing a Petition to Intervene. For assistance in this process, contact the Public Adviser's office at 916-654-4489 or 800-822-6228 or e-mail at: **[pao@energy.state.ca.us]**.

Public Participation

Members of the public are welcome to attend and offer comments at the Prehearing Conference and the Evidentiary Hearing. It is not necessary to be an Intervenor to participate in the public process. Anyone desiring information on how to participate may contact the Public Adviser's office as indicated above.

Energy Commission Information

If you have a disability and need assistance to participate at Commission-sponsored events, please contact Lourdes Quiroz at 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 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 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 916-654-4989 or e-mail at:

mediaoffice@energy.state.ca.us

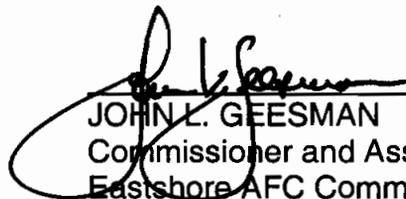
Information concerning the status of the Project, as well as notices and other relevant documents, may be viewed on the Energy Commission's website at:

www.energy.ca.gov/sitingcases/eastshore

Dated October 16, 2007, at Sacramento, California.



JEFFREY D. BYRON
Commissioner and Presiding Member
Eastshore AFC Committee



JOHN L. GEESMAN
Commissioner and Associate Member
Eastshore AFC Committee

Mailed to Lists: POS, 7071, 7072, 7073

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):

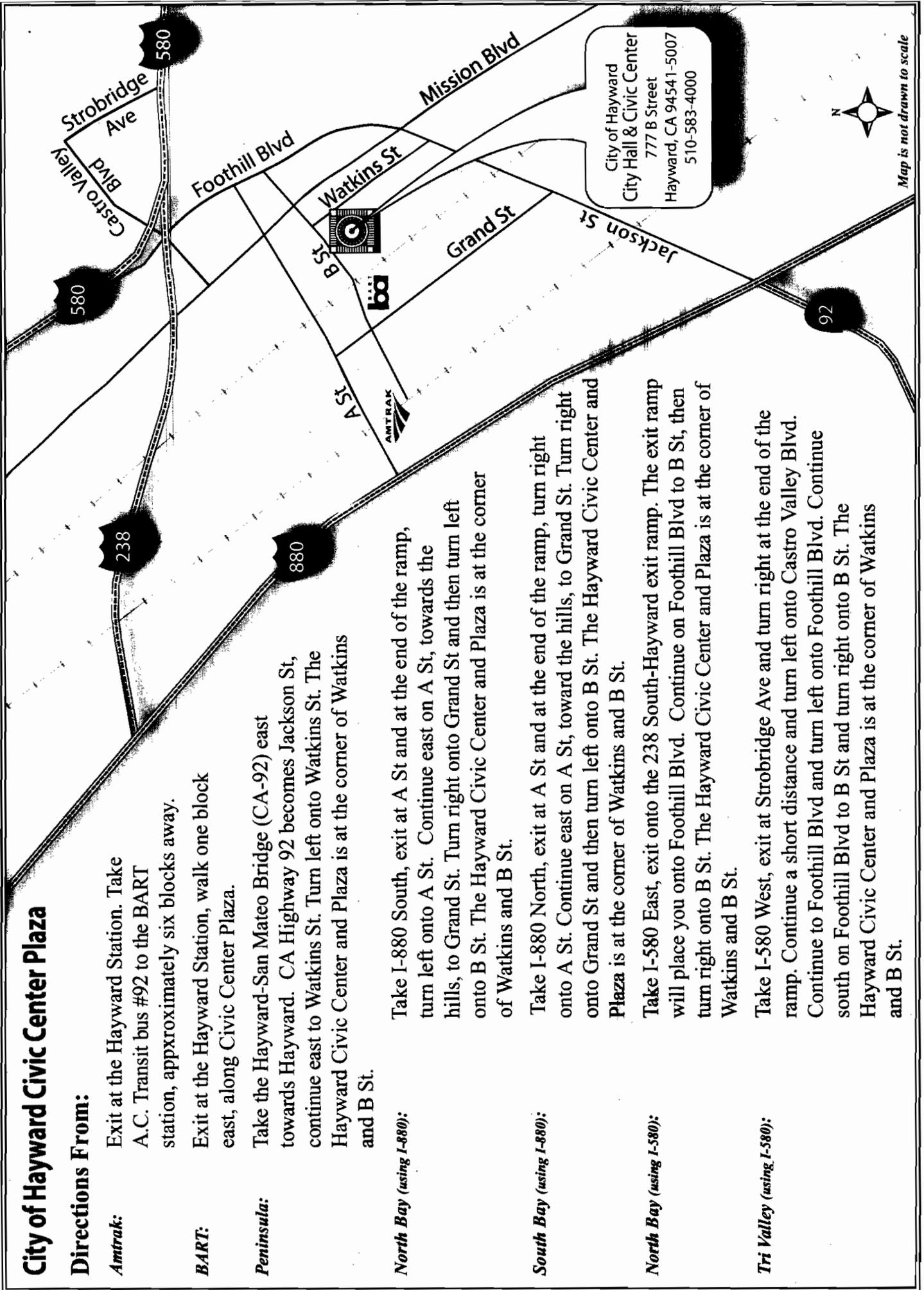
Take I-880 North, exit at A St and at the end of the ramp, turn right onto A St. Continue east on A St, toward the hills, to Grand St. Turn right onto Grand St and then turn left onto B St. The Hayward Civic Center and Plaza is at the corner of Watkins and B St.

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

CALIFORNIA ENERGY COMMISSION

1516 NINTH STREET
SACRAMENTO, CA 95814-5512
www.energy.ca.gov



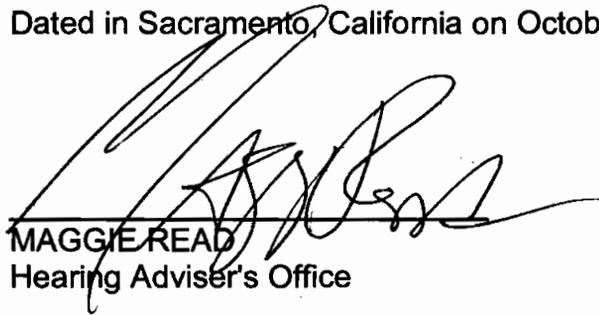
TO: All Parties

RE: The Eastshore Energy Center in Hayward by Tierra Energy of Texas
Proof of Service List
Docket No. 06-AFC-6

Attached is the Proof of Service List for the above mentioned project, current as of October 17, 2007. The Proof of Service List on the Commission's Web Site at <http://www.energy.ca.gov/sitingcases/eastshore/index.html> has also been updated. Please use this list for all filings and submittals.

Please review this information and let us know if you would like to be removed from the Proof of Service or if there are any changes in your contact information.

Dated in Sacramento, California on October 17, 2007.


MAGGIE READ
Hearing Adviser's Office

Attachment

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

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

Docket No. 06-AFC-6

PROOF OF SERVICE
(Revised 10/12/2007)

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
Sacramento, CA 95814-5512
docket@energy.state.ca.us

APPLICANT

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Bill Pfanner, Project Manager
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Caryn Holmes, Staff Counsel
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Public Adviser
pao@energy.state.ca.us

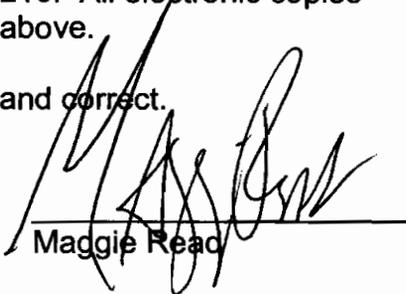
DECLARATION OF SERVICE

I, Maggie Read, declare that on October 17, 2007, I deposited copies of the attached Notice of Prehearing Conference, All Parties Letter & New Proof of Service List 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.


Maggie Read