This document sets forth the instructions for the Evidentiary Hearing on the Application for Certification for the Colusa Generating Station. Parties wishing to present evidence or cross-examine witnesses at the Evidentiary Hearing scheduled for Wednesday, January 23, 2008, at 10:00 a.m., California Energy Commission, Hearing Room A, 1516 Ninth Street, Sacramento, California 95814 should be prepared to proceed in accordance with the following instructions. This document includes the list of witnesses for each topic (Attachment A).

Background

At the Prehearing Conference on January 10, 2008, Applicant, Staff, and Intervenor PG&E ("parties") indicated they were ready to proceed with the Evidentiary Hearing.

The parties agree that the following topics set forth in the Application for Certification (AFC) and the Final Staff Analysis (FSA) are undisputed and that evidence and testimony on these topics shall be solely by declaration: Project Description, Cultural Resources, Land Use, Noise and Vibration, Public Health, Transmission Line Safety and Nuisance, Waste, Geology and Paleontology, Efficiency, Reliability, Transmission System Engineering, and Alternatives.

The parties agree that certain changes to the following topics set forth in the AFC and the FSA are acceptable and that, with those changes incorporated, evidence and testimony on these topics shall be by declaration and live testimony:

Air Quality: Change references to AQ-24 in proposed Condition of Certification AQ-SC7 to AQ-27; add the word "days" to the first sentence of the AQ-27 Verification section; with respect to Table AQ-27 Applicant and Staff will present to the Committee at the Evidentiary Hearing, the outcome of their discussions regarding Applicant's proposal to add a footnote to that Table. Staff will sponsor a witness from the Colusa County Air Pollution Control District (CCAPCD) to authenticate the Final Determination of Compliance and to be available for cross-examination on air quality issues.
**Biological Resources:** In proposed Condition of Certification BIO-19, change 1.28 acres to 1.25 acres.

**Socioeconomics:** Add the phrase "unless the materials or supplies are not available at competitive prices" to proposed Condition of Certification SOC-1.

**Soil and Water Resources:** Applicant will provide to the CPM written confirmation from the Glenn-Colusa Irrigation District of its source of construction water.

**Traffic and Transportation:** Change the verification to proposed Condition of Certification Trans-1 to allow completion of the bridges prior to heavy haul transport; with respect to proposed Condition of Certification Trans-3, Applicant and Staff will present to the Committee at the Evidentiary Hearing the outcome of their discussions regarding Applicant’s request to change the requirement that a plan for mitigating construction impacts be presented to the Colusa County Planning and Public Works department 90 days prior to the start of site mobilization to 30 days prior to start of mobilization; and that with respect to the haul route, Applicant and Staff will present to the Committee at the Evidentiary Hearing the outcome of their discussions regarding the analysis of impacts caused by the use of the haul route and possible addition of applicable LORS.

**Visual Resources:** In proposed Condition of Certification VIS-3, change the wording to permit the planting of trees at any time prior to commercial operation. Applicant has withdrawn its requested change to proposed Condition of Certification VIS-1, concerning reporting on surface treatment maintenance.

**Facility Design:** Adopt Applicant’s requested change to proposed Condition of Certification GEN-1 as set forth in applicant’s Prehearing Conference Statement.

**Hazardous Materials Management and Worker Safety and Fire Protection:** Applicant and Staff agree that the reference in proposed Condition of Certification HAZ-7 to the route that hazmat vendors are to use is described incorrectly and Staff will correct the route description.

There is a dispute with respect to project-related impacts upon the Maxwell Fire Protection District (MFPD). Staff recommends proposed Condition of Certification Worker Safety-6, requiring the project owner to provide $230,000 annually to the MFPD to ensure adequacy of fire protection services. Said amount may be reduced, upon request of the owner, by the amount of revenue received by MFPD as a result of transfer of local tax revenue resulting from the project.

Applicant requests that Worker Safety-6 require the owner and MFPD to mutually determine, in consultation with third party experts if necessary, the amount of money to be provided to MFPD to ensure adequacy of fire protection services.
The parties shall be prepared to present evidence and testimony on this issue. Expert, as opposed to lay, opinion testimony will carry the most weight with the Committee. Applicant has indicated its intention to present the following expert witnesses: Randy Roxson, John Lee and Ross Feeney. Staff shall provide a list of any witnesses besides Greenberg and Tyler and the parties shall exchange copies of any documentary evidence not already provided in connection with the fire protection issue, including, but not necessarily limited to, witness qualifications, no later than 12:00 noon on Tuesday, January 22, and provide copies to the Committee, the Hearing Adviser, and those on the Proof of Service and mailing lists.

**Evidentiary Hearing Procedures**

The purpose of the Evidentiary Hearing is to establish the factual record necessary for a decision on the Project proposal. The record is developed by the presentation of sworn testimony and documentary evidence. Testimony on undisputed topics shall be submitted by sworn declarations filed under penalty of perjury and offered into evidence by stipulation of the parties.

The parties' witnesses who appear in person shall be available for cross-examination. Each party sponsoring a witness shall establish the qualifications of the witness and ask the witness to summarize his or her prepared testimony before moving the testimony and relevant documents into evidence. At the conclusion of direct testimony, the witness may be cross-examined, followed by redirect and recross examination as appropriate. Multiple witnesses may testify as a panel, if warranted.

No time limits on testimony or cross-examination are being established at this time. However, the Committee may, at its discretion, request that testimony or cross-examination be curtailed if it becomes cumulative or in any other way unproductive, in the interest of completing the Evidentiary Hearing on January 23, 2008.

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 of Regs., tit. 20, § 1748(e).]

**Public Participation**

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

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**TELECONFERENCE OPTION:** The following toll free phone number will be available at 10:00 a.m. for callers to participate in the hearing:

**Call:** 1-800-857-4830  
Use Passcode: “COLUSA”  
Conference Leader: “Raoul Renaud”

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**Additional Information**

Please see the *NOTICE OF PREHEARING CONFERENCE and EVIDENTIARY HEARING* dated December 11, 2007, for further information.

If you have a disability and need assistance to participate, 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 Jack Caswell, the Staff Project Manager, at 916-653-0062 or e-mail at: [jcasswell@energy.state.ca.us].

Questions of a legal or procedural nature should be directed to Raoul Renaud, the Hearing Officer, at 916-651-2020 or e-mail at: [renaud@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/colusa].

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Dated January 17, 2008, at Sacramento, California.

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Raoul A. Renaud  
Hearing Adviser
## ATTACHMENT A

### TOPIC and WITNESS LIST

**WEDNESDAY, January 23, 2008**

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<tr>
<th>Topic</th>
<th>Witnesses</th>
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<td>Land Use</td>
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<td>Declarations</td>
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<td>Public Health</td>
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<td>Declarations</td>
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<td>Socioeconomics</td>
<td>Applicant: Welch, Dorje, Feeney Staff: Stennick</td>
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<td>Soil and Water Resources</td>
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<td>Traffic and Transportation</td>
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<td>Declarations and live testimony</td>
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<td>Transmission Line Safety and Nuisance</td>
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<td>Applicant: Welch, Ritter Staff: Khoshmashrab</td>
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<td>Geology and Paleontology</td>
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<td>Power Plant Efficiency</td>
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<td>Power Plant Reliability</td>
<td>Applicant: Ritter Staff: Khoshmashrab</td>
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<td>Alternatives</td>
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<td>Declarations</td>
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<tr>
<td>Hazardous Materials Management; Worker Safety</td>
<td>Applicant: Lague, Royall, Griggs Staff: Greenberg, Tyler</td>
<td>Declarations and live testimony</td>
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<td>and Fire Protection</td>
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APPLICATION FOR CERTIFICATION
FOR THE COLUSA GENERATING STATION PROJECT

Docket No. 06-AFC-9
PROOF OF SERVICE
(REVISED 8/22/2007)

INSTRUCTIONS: All parties shall 1) send an original signed document plus 12 copies OR 2) mail one original signed copy AND e-mail the document to the web address below, AND 3) all parties shall also send a printed OR electronic copy of the documents that shall include a proof of service declaration to each of the individuals on the proof of service:

CALIFORNIA ENERGY COMMISSION
Attn: Docket No. 06-AFC-9
1516 Ninth Street, MS-4
Sacramento, CA 95814-5512
docket@energy.state.ca.us

APPLICANT

Andy Welch, Vice President
Competitive Power Ventures,
8403 Colesville Rd, Suite 915
Silver Spring, MD 20910
awelch@cpv.com

APPLICANT'S CONSULTANTS

Dale Shileikis – URS
Vice President
221 Main Street, Suite 600
San Francisco, CA 94105-1917
dale.shileikis@urscorp.com

Mark Strehlow – URS
Senior Project Manager
1333 Broadway, Suite 800
Oakland, CA 94612
Mark.Strehlow@URSCorp.com

COUNSEL FOR APPLICANT

Mike Carroll - Latham & Watkins
Attorneys at Law
650 Town Center Drive, 20th Floor
Costa Mesa, CA 92626-1925
michael.carroll@lw.com

INTERESTED AGENCIES

Larry Tobias
Ca Independent System Operator
151 Blue Ravine Road
Folsom, CA 95630
LTobias@caisc.com

Electricity Oversight Board
770 L Street, Suite 1250
Sacramento, CA 95814
esalmarsh@eob.ca.gov

Stephen M. Hackney, Director
Colusa County Dept. of Planning & Building
220 12th Street
Colusa, CA 95932
shackney@countyofcolusa.org

Harry Krug, APCO
Colusa County APCD
100 Sunrise Blvd. #F
Colusa, CA 95932-3246
hak@countyofcolusa.org

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DECLARATION OF SERVICE

I, Kate Nichols, declare that on 1/17/08, I deposited copies of the attached EVIDENTIARY HEARING INSTRUCTIONS AND AGENDA in the United States mail 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.

KATE NICHOLLS