

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

DOCKET 08-AFC-1	
DATE	MAY 27 2008
RECD.	MAY 27 2008

IN THE MATTER OF:

APPLICATION FOR CERTIFICATION FOR THE
AVENAL ENERGY PROJECT

DOCKET No. 08-AFC-1

COMMITTEE SCHEDULING ORDER

On, April 16, 2008, the Energy Commission accepted the Application for Certification (AFC) of the Avenal Power Center, LLC (Avenal Power) for the Avenal Energy project under the twelve-month review process established by Public Resources Code section 25540.6. The Energy Commission assigned a Committee of two Commissioners to conduct proceedings on the AFC. The Committee held a public informational hearing in the City of Avenal on May 20, 2008, to discuss the review process and to identify issues that could affect the schedule.

We have adopted the attached Committee Schedule based on discussion at the informational hearing. The schedule contains a list of events that must occur in order to complete the certification process within twelve months. This is an initial schedule, which only includes the period up to the Prehearing Conference. The balance of the schedule will be determined at the Prehearing Conference.

Several deadlines are contingent upon reviews to be conducted by federal, state, and local agencies. The Applicant, Avenal Power Center, LLC, must provide sufficient review time for the responsible agencies to meet the deadlines specified in the schedule.

Technical issues regarding air quality and transmission system engineering are pending. The parties indicated that resolution of these issues would be addressed during the data

exchange process and in public meetings with the San Joaquin Valley Air Pollution Control District, and completion of the Cal-ISO System Impact Study.

Given the complexities involved in resolving some of these issues, the parties are on notice that we may modify the schedule at any time upon either our own motion or that of a party. [Cal. Code Regs., tit. 20, § 1709(c).]

The schedule requires periodic status reports to determine whether case development is progressing satisfactorily, and to bring potential schedule delays or other relevant matters to our attention. The burden is on the Applicant to produce the necessary data according to schedule. If there are delays, we will adopt a performance approach resulting in a commensurate slip of the schedule.

Dated: May 27, 2008, at Sacramento, California.



JEFFREY D. BYRON
Commissioner and Presiding Member
Avenal AFC Committee



ARTHUR H. ROSENFELD
Commissioner and Associate Member
Avenal AFC Committee

Proof of Service List (Revised on 5/22/08)
filed with Original Document. Mailed from
Sacramento on MAY 27, 2008).

**COMMITTEE SCHEDULE
FOR
AVENAL ENERGY**

DATE	EVENT
April 16, 2008	AFC data adequate
May 23, 2008	Staff files data requests – Set 1
June 23, 2008*	Applicant files responses to Staff data requests
June 25, 2008	Data Response and Issues Workshop
June 30, 2008	Parties file Status Report #1
July 2, 2008	Data response workshop
August 14, 2008	Local, State and Federal Agency draft determinations, including air district's Preliminary Determination of Compliance (PDOC) filed
August 30, 2008	Parties file Status Report #2
September 15, 2008	Staff files Preliminary Staff Analysis (PSA)
October 6, 2008	Staff conducts PSA workshop
October 13, 2008	Local, State and Federal Agency final determinations filed
October 30, 2008	Parties file Status Report #3
November 12, 2008	Staff files Final Staff Assessment (FSA)
Tbd	Prehearing Conference
Tbd	Evidentiary Hearings
Tbd	Presiding Member's Proposed Decision Issued for 30-day Comment Period
Tbd	PMPD Committee Conference
Tbd	Commission Adoption Hearing

* Or due 30 days after receiving data requests

Tbd = to be determined

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

APPLICATION FOR CERTIFICATION
For the AVENAL ENERGY PROJECT

Docket No. 08-AFC-1
PROOF OF SERVICE
(revised 5/22/2008)

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. 07-AFC-9
1516 Ninth Street, MS-14
Sacramento, CA 95814-5512
docket@energy.state.ca.us

APPLICANT

Jim Rexroad, Project Manager
Avenal Energy Center, LLC
500 Dallas Street, Level 31
Houston, TX 77002 USA
Jim.Rexroad@macquarie.com

* Tracey Gilliland
Avenal Power Center, LLC
500 Dallas Street, Level 31
Houston TX 77002
Tracey.Gilliland@macquarie.com

APPLICANT CONSULTANT

Joe Stenger, Project Director
TRC Companies
2666 Rodman Drive
Los Osos, CA 93402
jstenger@trcsolutions.com

COUNSEL FOR APPLICANT

Jane E. Luckhardt
DOWNEY BRAND
555 Capitol Mall, 10th Floor
Sacramento, CA 95814
jluckhardt@downeybrand.com

INTERESTED AGENCIES

CA Independent System Operator
151 Blue Ravine Road
Folsom, CA 95630

INTERVENORS

* Loulena A. Miles
Marc D. Joseph
Adams Broadwell Joseph & Cardozo
601 Gateway Boulevard, Suite 1000
South San Francisco, CA 94080
mdjoseph@adamsbroadwell.com
lmiles@adamsbroadwell.com

ENERGY COMMISSION

Jeffrey D. Byron
Commissioner and Presiding Member
jbyron@energy.state.ca.us

Arthur Rosenfeld
Commissioner and Associate Member
arosenfe@energy.state.ca.us

John Wilson
Advisor to Commissioner Rosenfeld
jwilson@energy.state.ca.us

Gary Fay
Hearing Officer
gfay@energy.state.ca.us

Christopher Meyer
Project Manager
cmeyer@energy.state.ca.us

Lisa DeCarlo
Staff Counsel
ldecarlo@energy.state.ca.us

Public Adviser's Office
pao@energy.state.ca.us

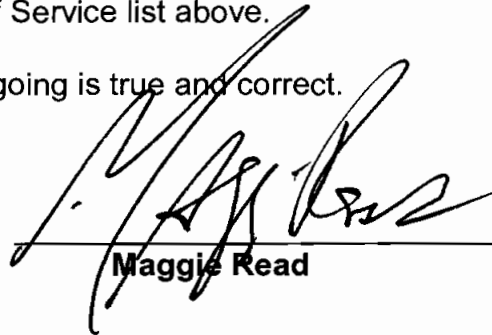
DECLARATION OF SERVICE

I, Maggie Read, declare that on May 27, 2008, I deposited copies of the attached Scheduling Order 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 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