



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

APPLICATION FOR CERTIFICATION FOR THE
AVENAL ENERGY PROJECT

DOCKET No. 08-AFC-1

DOCKET	
08-AFC-1	
DATE	<u>July 29 2009</u>
RECD.	<u>July 29 2009</u>

EXHIBIT LIST

APPLICANT'S EXHIBITS

- EXHIBIT 1** Avenal Energy Project Application for Certification; dated February 2008, and docketed on February 21, 2008. Sponsored by Applicant, and admitted into evidence on July 7, 2009.
- EXHIBIT 2** Air Quality and Public Health Modeling Files; dated February 12, 2008, and docketed February 21, 2008. (a) Air Quality Modeling Files; (b) Public Health Modeling Files. Sponsored by Applicant, and received into evidence on July 7, 2009.
- EXHIBIT 3** Supplement to the Avenal Energy Project Application for Certification; dated March 27, 2008, and docketed March 28, 2008. Sponsored by Applicant, and received into evidence on July 7, 2009.
- (a) Section 2.0 - Air Quality
 - (b) Section 3.0 – Biological Resources
 - (c) Section 4.0 – Cultural Resources
 - (d) Section 5.0 - Socioeconomics
 - (e) Section 6.0 – Transmission System Design
 - (f) Section 7.0 – Water Resources
 - (g) Attachment A.1 – Air Permit Application Completeness Letters
 - (h) Attachment A.2 – Corrected AFC Page 6.2-20
 - (i) Attachment C.1 – CHRIS Record Search
 - (j) Attachment C.2 – Letters to Local Historical and Archaeological Societies
 - (k) Attachment C.3 – Historical Architectural Survey Report
 - (l) Attachment C.4 – Letter to NAHC
 - (m) Attachment S.1 – Agency Contacts for Socioeconomics
 - (n) Attachment W.1 – Existing Site Drainage
 - (o) Attachment W.2 – 100 Year Flood Zone
 - (p) Attachment W.3 – Pre-Construction Runoff and Drainage Plan
 - (q) Attachment W.4 – Existing Groundwater Wells Within One Half Mile
 - (r) Attachment W.5 – Land Option and Water Agreement

- (s) Attachment W.6 – Conceptual Sanitary Sewer System and Leaching Field/Septic System
- (t) Attachment W.7 – Ground Water Drawdown Modeling Report
- (u) Attachment T.1 – Interconnection Feasibility Study Report
- (v) Attachment T.2 – One Line Diagram for Gates Substation
- (w) Attachment T.3 – System Impact Study Agreement

EXHIBIT 4 CHRIS Cultural Resource Reports for the Avenal Energy Application for Certification; dated April 1, 2008, and docketed April 2, 2008. Sponsored by Applicant, and received into evidence on July 7, 2009.

EXHIBIT 5 Applicant's Response to Department of Conservation's April 4, 2008 Letter Regarding the Avenal Application for Certification; dated May 15, 2008, and docketed May 16, 2008. Sponsored by Applicant, and received into evidence on July 7, 2009.

EXHIBIT 6 Avenal Power Center, LLC's Objection to California Energy Commission Staff Data Requests (Set 1); dated June 10, 2008, and docketed June 10, 2008. Sponsored by Applicant, and received into evidence on July 7, 2009.

- (a) Objections to Data Request 16
- (b) Objections to Data Request 53
- (c) Objections to Data Requests 66, 67, and 68

EXHIBIT 7 Response to California Energy Commission Data Requests 1-74 for Avenal Energy; dated June 20, 2008, and docketed June 20, 2008. Sponsored by Applicant, and received into evidence on July 7, 2009.

- (a) Responses 1-6; Exhibit 2-1
- (b) Responses 7-10; Exhibits 7-1, 7-2, 7-3, 10-1
- (c) Responses 11-20; Exhibits 17-1, 17-2
- (d) Response 21
- (e) Responses 22-23; Exhibits 22-1, 23-1
- (f) Responses 24-53; Exhibits 25-1, 35-1, 38-1, 48-1, 48-2
- (g) Responses 54-58; Exhibit 58-1
- (h) Responses 59-68; Exhibit 61-1
- (i) Responses 69-74

EXHIBIT 8 Avenal Energy's Response to California Energy Commission Data Request Workshop for Avenal Energy (Site Cut and Fill Depth Plan); dated July 11, 2008, and docketed July 14, 2008. Sponsored by Applicant, and received into evidence on July 7, 2009.

- (a) Site Cut and Fill Depth Plan
- (b) Cover Letter; Will-Serve Letter from Kings County Fire Department

- EXHIBIT 9** Phase I Environmental Site Assessment and Appendices; dated October 30, 2007, and docketed July 23, 2008. Sponsored by Applicant, and received into evidence on July 7, 2009.
- EXHIBIT 10** Additional Pipeline Details for Avenal Energy Project; dated August 1, 2008, and docketed August 4, 2008. Sponsored by Applicant, and received into evidence on July 7, 2009.
- EXHIBIT 11** Letter from Avenal Power to United States Fish and Wildlife Service Regarding Migratory Buffer for Kit Fox; dated August 15, 2008. Not docketed. Sponsored by Applicant, and received into evidence on July 7, 2009.
- EXHIBIT 12** Memorandum Regarding SR 198 EB Ramps at Avenal Cutoff Road; dated August 25, 2008, and docketed August 26, 2008. Sponsored by Applicant, and received into evidence on July 7, 2009.
- EXHIBIT 13** Response to CEC Data Request Set 1 and Workshop for Avenal Energy (System Impact Study); dated September 19, 2008, and docketed September 22, 2008. Sponsored by Applicant, and received into evidence on July 7, 2009.
- EXHIBIT 14** Response to California Energy Commission Data Requests Set 2 (# 75-94) for Avenal Energy; dated September 24, 2008, and docketed September 24, 2008. Sponsored by Applicant, and received into evidence on July 7, 2009.
- (a) Responses 75-77
 - (b) Responses 78-88; Exhibits 79-1, 80-1, 83-1, 83-2, 83-3, 84-1
 - (c) Response 89; Exhibit 89-1
 - (d) Responses 90-94; Exhibits 92-1, 93-1
- EXHIBIT 15** Avenal Power Center's Response to September 8, 2008 Letter from United States Fish and Wildlife Service to United States Environmental Protection Agency, Region 9; dated October 1, 2008, and docketed October 3, 2008. Sponsored by Applicant, and received into evidence on July 7, 2009.
- EXHIBIT 16** Supplemental Information Regarding a Buffer Along the San Luis Canal for Avenal Energy; dated October 6, 2008, and docketed October 7, 2008. Sponsored by Applicant, and received into evidence on July 7, 2009.

EXHIBIT 17 Avenal Power Center LLC's Objections to California Unions for Reliable Energy's Data Requests; dated October 16, 2008, and docketed October 21, 2008. Sponsored by Applicant, and received into evidence on July 7, 2009.

- (a) Objections to Data Request 2
- (b) Objections to Data Requests 6(a), 6(c), 7(a), and 7(b)
- (c) Objection to Data Request 9
- (d) Objections to Data Requests 10-30
- (e) Objections to Data Request 35 and 41
- (f) Objections to Data Request 47
- (g) Objections to Data Request 48
- (h) Objections to Data Request 53

EXHIBIT 18 Letter from Avenal Energy to San Joaquin Valley Air Pollution Control District Regarding Avenal Energy Carbon Monoxide Emission Limit Reduction; dated October 28, 2008, and docketed November 13, 2008. Sponsored by Applicant, and received into evidence on July 7, 2009.

EXHIBIT 19 Response to CURE Data Request Set 1 for Avenal Energy; dated October 30, 2008, and docketed November 3, 2008. Sponsored by Applicant, and received into evidence on July 7, 2009.

- (a) Responses 1-5
- (b) Responses 6-7; Exhibit C6
- (c) Response 8
- (d) Response 9
- (e) Responses 10-30
- (f) Responses 31-44; Exhibits C31-1, C31-2, C31-3, C31-4, C32, C40
- (g) Responses 45-59

EXHIBIT 20 Supplement to the System Impact Study; dated November 21, 2008, and docketed November 21, 2008. Sponsored by Applicant, and received into evidence on July 7, 2009.

EXHIBIT 21 Applicant's Final Comments to Avenal Energy Preliminary Staff Assessment; dated March 4, 2009, and docketed March 5, 2009. Sponsored by Applicant, and received into evidence on July 7, 2009.

- (a) Attachment 1, Pages 1-4
- (b) Attachment 1, Pages 5-21
- (c) Attachment 1, Pages 22-28
- (d) Attachment 1, Pages 29-33
- (e) Attachment 1, Pages 34-35
- (f) Attachment 1, Page 36
- (g) Attachment 1, Pages 37-39

- (h) Attachment 1, Pages 40-42
- (i) Attachment 1, Pages 43-44
- (j) Attachment 1, Pages 45-46
- (k) Attachment 1, Pages 47-48
- (l) Attachment 1, Page 49
- (m) Attachment 1, Page 50
- (n) Attachment 2 (Revised Exhibit 83-3 from Response to California Energy Commission Data Requests Set 2)
- (o) Attachment 3 (Revised Exhibit 83-2 from Response to California Energy Commission Data Requests Set 2)
- (p) Attachment 4 (Kettleman Hills Facility Cumulative Impact Considerations)

EXHIBIT 22 Avenal Project System Impact Study Determining Re-Rate Potential for Impacted Lines; dated April 17, 2009, and docketed April 21, 2009. Sponsored by Applicant, and received into evidence on July 7, 2009.

EXHIBIT 23 Study Regarding Change in Carbon Emissions from the Base Case When the Avenal Energy Power Plant Is Added; dated May 7, 2009, and docketed May 14, 2009. Sponsored by Applicant, and received into evidence on July 7, 2009.

EXHIBIT 24 Environmental Analysis for Gates Substation and Surrounding Property Owned by PG&E; dated May 21, 2009, and docketed May 22, 2009, and received into evidence on July 7, 2009.

EXHIBIT 25 Written Testimony, Witness Declarations and Resumes; dated June 8, 2009, and docketed June 8, 2009. Sponsored by Applicant, and received into evidence on July 7, 2009.

- (a) Executive Summary
- (b) Project Description
- (c) Air Quality
- (d) Biological Resources
- (e) Cultural Resources
- (f) Hazardous Materials Management
- (g) Land Use
- (h) Noise and Vibration
- (i) Public Health
- (j) Socioeconomics
- (k) Soil and Water Resources
- (l) Traffic and Transportation
- (m) Transmission Line Safety and Nuisance
- (n) Visual Resources
- (o) Waste Management
- (p) Worker Safety and Fire Protection

- (q) Facility Design
- (r) Geology and Paleontology
- (s) Power Plant Efficiency
- (t) Power Plant Reliability
- (u) Transmission System Engineering
- (v) Alternatives

EXHIBIT 26 Supplemental Testimony Regarding Greenhouse Gas Issues; dated June 8, 2009, and docketed June 8, 2009. Sponsored by Applicant, and received into evidence on July 7, 2009.

EXHIBITS 27 to 49 Reserved

EXHIBIT 50 Letter from Department of Conservation Regarding Avenal Power Center, LLC Application for Certification; dated April 4, 2008, and docketed April 8, 2008. Sponsored by Applicant, and received into evidence on July 7, 2009.

EXHIBIT 51 Report of Conversation with TRC Solutions Regarding Avenal Energy AFC Socioeconomics Questions; dated May 9, 2008, and docketed July 9, 2008. Sponsored by Applicant, and received into evidence on July 7, 2009.

EXHIBIT 52 Letter from California Department of Fish and Game to the California Energy Commission Summarizing Department of Fish and Game's Comments from the March 18, 2008 Meeting; dated May 27, 2008, and docketed May 30, 2008. Sponsored by Applicant, and received into evidence on July 7, 2009.

EXHIBIT 53 California Air Resources Board's Comments on the Avenal Power Center; dated June 16, 2008; and docketed June 17, 2008. Sponsored by Applicant, and received into evidence on July 7, 2009.

EXHIBIT 54 Kings County Fire Department Service Support Letter for Avenal Energy; dated June 27, 2008, and docketed June 30, 2008. Sponsored by Applicant, and received into evidence on July 7, 2009.

EXHIBIT 55 Letter From United States Environmental Protection Agency to United States Fish and Wildlife Service Regarding Request for Formal Consultation Under Section 7 of the Federal Endangered Species Act; dated July 10, 2008, and docketed July 11, 2008. Sponsored by Applicant, and received into evidence on July 7, 2009.

- EXHIBIT 56** Letter from City of Avenal to Avenal Power Center in Response to Request Regarding Potable Water Availability; dated September 22, 2008, and docketed January 13, 2009. Sponsored by Applicant, and received into evidence on July 7, 2009.
- EXHIBIT 57** Letter from Environmental Protection Agency to United States Fish and Wildlife Service; dated October 22, 2008. Not docketed. Sponsored by Applicant, and received into evidence on July 7, 2009.
- EXHIBIT 58** Final Determination of Compliance; dated October 30, 2008, and docketed November 4, 2008. Sponsored by Applicant, and received into evidence on July 7, 2009.
- EXHIBIT 59** Letter from Westlands Water District Withdrawing Its May 29, 2008 Letter; dated January 12, 2009, and docketed January 26, 2009. Sponsored by Applicant, and received into evidence on July 7, 2009.
- EXHIBIT 60** Letter from Kings County Economic Development Corporation Supporting Avenal Energy Project; dated April 1, 2009, and docketed April 1, 2009. Sponsored by Applicant, and received into evidence on July 7, 2009.
- EXHIBIT 61** Letter from San Joaquin Valley Air Pollution Control District Clarifying Questions from CEC Staff During February 18, 2009 PSA Workshop; dated May 27, 2009 and docketed June 2, 2009. Sponsored by Applicant, and received into evidence on July 7, 2009.
- EXHIBIT 62** Statement of Basis and Ambient Air Quality Impact Report; dated June 2009. Sponsored by Applicant, and received into evidence on July 7, 2009.

ENERGY COMMISSION STAFF'S EXHIBITS

- EXHIBIT 200** Final Staff Assessment for the Avenal Energy Project, dated June 2009, docketed June 2, 2009. Sponsored by Staff; and received into evidence on July 7, 2009.
- EXHIBIT 201** Energy Commission Staff's Pre-Hearing Conference Statement, dated June 22, 2009, docketed June 22, 2009. Sponsored by Staff; and received into evidence on July 7, 2009.
- EXHIBIT 202** Energy Commission Staff's Update to Pre-Hearing Conference Statement and Minor Errata To Final Staff Assessment dated June 25, 2009, docketed June 25, 2009. Sponsored by Staff; and received into evidence on July 7, 2009.

EXHIBIT 203 MRW & Associates Report: Framework for Evaluating Greenhouse Gas Implications of Natural Gas-Fired Power Plants in California, dated May, 2009, docketed June 4, 2009. Sponsored by Staff; and received into evidence on July 7, 2009.

EXHIBIT 204 Draft Biological Opinion on the Proposed Avenal Power Center, LLC, Avenal Energy Power Plant Project, dated, July 1, 2009, docketed, July 3, 2009. Sponsored by Staff; and received into evidence on July 7, 2009.

INTERVENOR EXHIBITS

EXHIBIT 300 Intervenor Rob Simpson Testimony: Avenal Testimony Interpollutant Trade, filed as rebuttal testimony and labeled as Avenal W, 3 page document, docketed June 16, 2009. Sponsored by Intervenor Rob Simpson; and received into evidence on July 7, 2009.



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

APPLICATION FOR CERTIFICATION
For the AVENAL ENERGY PROJECT

Docket No. 08-AFC-1
PROOF OF SERVICE
(Revised 6/24/2009)

APPLICANT

Jim Rexroad,
Project Manager
Avenal Power 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
621 Capitol Mall, 18th Floor
Sacramento, CA 95814
jluckhardt@downeybrand.com

INTERESTED AGENCIES

California ISO
e-recipient@caiso.com

INTERVENORS

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

Ingrid Brostrom
Center on Race, Poverty & the
Environment
47 Kearny Street, Ste. 804
San Francisco, CA 94108
ibrostrom@crpe-ej.org

John E. Honnette, Vice Chair
Tehipite Chapter, Sierra Club
2543 15th Avenue
Kingsburg, CA 93631-1110
jhonnette@aol.com

Rob Simpson
Environmental Consultant
27126 Grandview Avenue
Hayward, CA 94542
rob@redwoodrob.com

ENERGY COMMISSION

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

Karen Douglas
Chair and Associate Member
kldougl@energy.state.ca.us

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

Joseph Douglas
Project Manager
jdouglas@energy.state.ca.us

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

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

DECLARATION OF SERVICE

I, RoseMary Avalos, declare that on July 29, 2009, I served and filed copies of the attached, Exhibit List. 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:

[\[http://www.energy.ca.gov/sitingcases/avenal/index.html\]](http://www.energy.ca.gov/sitingcases/avenal/index.html).

The documents have 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 Sacramento, California 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-1
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.

Original Signed By:
RoseMary Avalos