



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

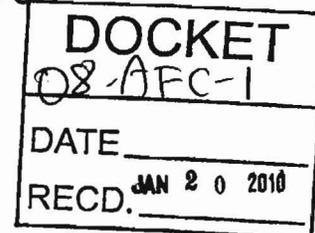


EXHIBIT LIST

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.