December 24, 2009

California Energy Commission
Docket Unit
1516 Ninth Street
Sacramento, CA 95814-5512

Subject: NCPA’S PRE-HEARING CONFERENCE STATEMENT
DOCKET NO. (08-AFC-10)

Enclosed for filing with the California Energy Commission is the original copy of
NCPA’S PRE-HEARING CONFERENCE STATEMENT, for the Lodi Energy Center (08-AFC-10).

Sincerely,

[Signature]

Robert A Gladden
Counsel to NCPA
STATE OF CALIFORNIA

Energy Resources
Conservation and Development Commission

In the Matter of:

Application for Certification for the

LODI ENERGY CENTER

DOCKET NO: 08-AFC-10

NORTHERN CALIFORNIA POWER AGENCY’S PREHEARING CONFERENCE STATEMENT

Northern California Power Agency (NCPA), in accordance with 20 CCR § 1718.5 and the Committee Order dated November 24, 2009, hereby files its Prehearing Conference Statement for the Lodi Energy Center (LEC). NCPA is prepared to proceed to evidentiary hearing on all topic areas contained in the Staff Assessment (SA).

In accordance with the above referenced order, NCPA presents its Prehearing Conference Statement, as follows:

A. Topic Areas: Complete and Ready for Adjudication

NCPA believes that all topic areas (and or disciplines) are complete and ready for adjudication at the Evidentiary Hearing to be held subsequent to this Prehearing Conference.
1. **Undisputed:** All topics/disciplines have been carefully analyzed by NCPA independently and in concert with the CEC Staff during the progression of the Application for Certification. It is in this respect that NCPA submits that all topics/disciplines are undisputed, save minor clarifications to analysis and modifications to some of the conditions of certification.

   NCPA filed its complete testimony on December 22, 2009 which sets forth the modifications it has requested to the Staff Assessment and conditions. These modifications are minor and the only area that may be disputed is ammonia slip.

2. **Disputed:** None

B. **Incomplete Topic Areas – reason for need of further analysis**

   FDOC. NCPA believes that the only topic area that may require the evidentiary record to be left open is the Final FDOC. NCPA is working to obtain the Final FDOC in time for the Hearing on January 5, 2010. If the FDOC is not received by that time, NCPA will seek to leave the evidentiary record open for the limited purpose of receiving the Final FDOC into evidence when it is published. All other topics are complete and ready for adjudication at the Evidentiary Hearing to be held subsequent to this Prehearing Conference.

C. **Witness List: Area of Expertise, Summary of Testimony and Time Required**

   1. **Scope of Examination – Direct and Prospective Cross**

   Please refer to Table 1, attached herewith.

   Table 1 includes estimates for direct examination of NCPA witnesses based on our belief that most topic areas can be submitted into the evidentiary record on declaration. If Staff requests live testimony on any of these topics, we reserve the right
to modify our Prehearing Conference Statement to include additional witnesses and additional time for direct and cross-examination.

D. Exhibit List:

Please refer to Table 2 which includes a list of all Exhibits that are available at this time. NCPA does note that the Final FDOC is not identified on the Proposed Exhibit List at this time.

E. Scheduling:

NCPA does not believe that any of the issues will need to be the subject of briefs after evidentiary hearing and urges the Committee to prepare the Presiding Member’s Proposed Decision as soon as is feasible.

F. (Proposed) Conditions of Certification

NCPA has carefully reviewed the SA and is in general agreement with the substantial majority of its contents. Topic areas where NCPA respectfully requests modifications are presented in its testimony filed on December 22, 2009. Additionally, to assist the Committee with the proposed modifications, NCPA provides the following brief description of the proposed modifications.

AIR QUALITY

NCPA and Staff were extremely successful in the Staff Assessment (SA) workshop process in resolving all major disagreements relating to Air Quality. In its testimony NCPA requests minor clarifications and or modifications to the SA and Proposed Conditions of Certification to make the SA conditions consistent with the SJVAPCD conditions. As discussed above, the only disputed area is the ammonia slip limit.
BIOLOGICAL RESOURCES

NCPA has submitted minor modifications to the Proposed Conditions of Certification within the testimony already submitted to the committee. These changes are minor and NCPA believes based on the SA Workshop that Staff agrees with NCPA's proposed changes and can be submitted upon declaration.

HAZARDOUS MATERIALS

NCPA has submitted a revised table of hazardous materials with corresponding minor modifications to the Proposed Conditions of Certification within the testimony already submitted to the committee. NCPA believes this subject area can be submitted upon declaration.

SOIL AND WATER RESOURCES

NCPA has submitted minor modifications to the Proposed Conditions of Certification in its testimony. NCPA believes this subject area can be submitted upon declaration.

TRAFFIC AND TRANSPORTATION

NCPA has submitted minor clerical corrections to the SA within its testimony. The modifications basically involve general clarification and grammatical changes and minor modifications to the Proposed Conditions of Certification. NCPA believes this subject area can be submitted upon declaration.
VISUAL RESOURCES
NCPA has submitted minor modifications to the Proposed Conditions of Certification and reviewed with Staff at the SA Workshop. NCPA believes Staff agrees with these modifications and therefore this area can be submitted upon declaration.

FACILITY DESIGN
NCPA has submitted minor modifications to the Equipment List in the Verification of Proposed Condition GEN-2 within its testimony and reviewed with Staff at the SA Workshop. NCPA believes Staff agrees with these modifications and therefore this area can be submitted upon declaration.

GEOLOGY AND PALEONTOLOGY
NCPA has submitted a minor modification to one Proposed Conditions of Certification within its testimony and reviewed with Staff at the SA Workshop. NCPA believes Staff agrees with these modifications and therefore this area can be submitted upon declaration.

TRANSMISSION SYSTEM ENGINEERING
NCPA has submitted minor modifications to the Proposed Conditions of Certification within its testimony and reviewed with Staff at the SA Workshop. NCPA believes Staff agrees with these modifications and therefore this area can be submitted upon declaration.
CONCLUSION

NCPA believes that the LEC is ready for evidentiary hearing on January 5, 2010.

Dated: December 24, 2009

Respectfully Submitted,

_____________________
Robert A. Gladden
Counsel to NCPA
<table>
<thead>
<tr>
<th>TOPIC AREA</th>
<th>DISPUTES BETWEEN PARTIES</th>
<th>WITNESS</th>
<th>TESTIMONY SUMMARY</th>
<th>DIRECT TESTIMONY ESTIMATE</th>
<th>CROSS-EXAM ESTIMATE</th>
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<tr>
<td>PROJECT DESCRIPTION</td>
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<td>AIR QUALITY</td>
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<td>Jeffrey Adkins, Sierra Research Edward Warner, NCPA</td>
<td>Minor dispute on ammonia slip and conform FDOC conditions; provide GHG evidence to support new mandatory findings</td>
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<td>LAND USE</td>
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<td>VISUAL RESOURCES</td>
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<td>Joshua Hohn, CH2M Hill</td>
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<td>TRANSMISSION SYSTEM ENGINEERING</td>
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<td>TOPIC AREA</td>
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<td>ALTERNATIVES</td>
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## PROPOSED EXHIBIT LIST

### Table 2

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<th>EXHIBIT NUMBER</th>
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<td>1</td>
<td>Application for Certification Volume I &amp; II; docketed 9-10-2008</td>
<td>All</td>
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<td>2</td>
<td>Table DR71-1 (Cooling Tower Parameters); docketed 12-21-2009</td>
<td>Air Quality, Visual Resources</td>
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<td>3</td>
<td>Figure Identifying the LEC General Arrangement; docketed 12-18-2009</td>
<td>Project Description</td>
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<td>4</td>
<td>Letter from the City of Lodi Regarding Removal of Condition VIS-2; docketed 12-17-2009</td>
<td>Visual Resources</td>
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<td>Fogging Frequency Curve; docketed 12-16-2009</td>
<td>Air Quality, Visual Resources</td>
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<td>6</td>
<td>NCPA’s Comments on the Final Determination of Compliance; dated 12-14-2009, docketed 12-15-2009</td>
<td>Air Quality</td>
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<td>9</td>
<td>Letter from Department of Toxic Substances Control (DTSC) Determination of No Further Action for the LEC Site; dated 12-10-2009, docketed 12-15-2009</td>
<td>Waste Management</td>
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<td>Document Description &amp; Details</td>
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<td><strong>NCPA’s Comments on the Staff Assessment</strong>; docketed 12-10-2009</td>
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<td><strong>San Joaquin Valley Unified Air Pollution Control District’s Final Determination of Compliance</strong>; docketed 11-19-2009</td>
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<td>12</td>
<td><strong>NCPA’s Withdrawal of PSD</strong>; docketed 11-13-2009</td>
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<td>13</td>
<td><strong>San Joaquin Council of Governments Minute Resolution 09-03</strong>; dated 10-26-2009, docketed 10-28-2009</td>
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<td><strong>Department of Toxic Substances Control’s Approval of Final Workplan for the Preliminary Endangerment Assessment</strong>; docketed 9-03-2009</td>
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17 NCPA’s Lodi Energy Center BACT: Limit for CO; docketed 8-24-2009  
Air Quality

18 Supplement D Air Quality Modeling Files; docketed 7-28-2009  
Air Quality

19 Supplement D Changes to Equipment and Project Fenceline; docketed 7-27-2009  
Air Quality

20 Comments from EPA Region 9 on the LEC PDOC; dated 6-02-2009, docketed 6-03-2009  
Air Quality

21 Applicant Data Responses Set 6 – Responses to CEC Request 1 & 2; docketed 5-22-2009  
Cultural Resources

22 NCPA’s Comments on the PDOC; dated 5-18-2009, docketed 5-20-2009  
Air Quality

23 Data Response Set 5, Revised Responses to CEC Staff Data Requests 75 & 78; docketed 4-17-2009  
Worker Safety & Fire Protection

24 Meeting Agenda – NCPA Voluntary Cleanup Agreement; docketed 4-16-2009  
Waste Management

25 San Joaquin Valley Unified Air Pollution Control District’s Preliminary Determination of Compliance; docketed 4-15-2009  
Air Quality

26 Objections by NCPA to CEC’s Data Request Set 3; docketed 4-15-2009  
Cultural Resources

27 Applicant Data Responses Set 4; docketed 4-14-2009  
Worker Safety & Fire Protection

28 USACE Finding of No Water of the United States; dated 3-19-2009, docketed 4-02-2009  
Soil & Water Resources
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<tr>
<td>29</td>
<td>Data Response Set 3, Responses to CEC Staff Workshop Inquiries 3 through 27; docketed 3-24-2009</td>
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<td>Air (WSQ 19-27); Water (WSQ 3-11); Visual (WSQ 12-18)</td>
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<td>Supplement C – Natural Gas Supply Line Route Change; docketed 3-19-2009</td>
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<td>Project Description, Air Quality, &amp; Land Use</td>
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<td>32</td>
<td>NCPA’s Data Response Set 1B to Staff Data Request 13 &amp; 37; docketed 2-19-2009</td>
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<td>Cultural (DR 13); Water (DR 37)</td>
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<td>33</td>
<td>San Joaquin County Environmental Health Department (EHD) Comments Regarding Notice of Public Site Visit; docketed 2-17-2009</td>
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<td>Soil &amp; Water Resources</td>
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<td>34</td>
<td>NCPA’s Data Response Set 2, Responses to CEC Staff Data Requests 56B-74; docketed 2-16-2009</td>
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<td>Air (DR 56B-64); Haz Mat (DR 65-70 and WSQ-1); Visual (DR 71-74); Water (WSQ-2)</td>
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<td>Data Response Set 1A (1 through 56); docketed 2-05-2009</td>
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<td>Bio (DR 1-9); Cul (DR 10-16); Geo (DR 17); Land Use (DR 18-25); Reliability (DR 26); Water (DR 27-37); TSE (DR 38-47); Visual (DR 48-49); Waste (DR 50-56)</td>
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<td>36</td>
<td>Letter Regarding AFC for the NCPA Lecture Demonstration of Compliance with District Rule 4703; docketed 1-14-2009</td>
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<td>37</td>
<td>Wetland Concerns – Technical Memorandum; docketed 1-12-2009</td>
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Comment of Lodi Unified School District Re: Lodi Energy Center Project; docketed 12-17-2008

San Joaquin County Community Development Letter; docketed 12-08-2009

USACE Finding of No Discharge to Waters of the US; dated 10-28-2009, docketed 11-03-2008

Supplement B – Data Adequacy Response; docketed 10-24-2008

SJMSCP Response to Lead Agency Advisory Agency Notice to SJCOG, Inc.; docketed 10-10-2008

Permit Application for Class 1 Underground Injection Well; docketed 10-10-2008

Email re San Joaquin County Environmental Health Department; docketed 9-30-2008

Compliance Statement; docketed 9-26-2008

Air Quality Modeling Files; docketed 9-10-2008

Email message from Nancy Matthews to Brewster Birdsall and Matthew Layton, transmitting CO emissions calculations, dated August 28, 2009.
<table>
<thead>
<tr>
<th>Page</th>
<th>Description</th>
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<tr>
<td>49</td>
<td>NCPA Testimony Package, docketed December 22, 2009</td>
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</table>
APPLICATION FOR CERTIFICATION
FOR THE Lodi Energy Center

Docket No. 08-AFC-10

PROOF OF SERVICE
(Revised 2/17/09)

APPLICANT

Ken Speer
Assistant General Manager
Northern California Power Agency
651 Commerce Drive
Roseville, CA 95678
ken.speer@ncpagen.com

Ed Warner
Project Manager
Northern California Power Agency
P.O. Box 1478
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ed.warner@ncpagen.com

APPLICANT’S COUNSEL

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Sacramento, CA 95814
sgalati@gb-llp.com

APPLICANT’S CONSULTANT

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Sarah Madams
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2485 Natomas Park Drive,
Ste. 600
Sacramento, CA 95833
smadams@ch2m.com

APPLICANT’S ENGINEER

Steven Blue
Project Manager
Worley Parsons
2330 E. Bidwell, Ste. 150
Folsom, CA 95630
Steven.Blue@WorleyParsons.com

INTERESTED AGENCIES

California ISO
e-recipient@caiso.com

INTERVENORS

ENERGY COMMISSION

Kenneth Celli
Hearing Officer
kcelli@energy.state.ca.us

Melanie Moultrie
Staff Counsel
MMoultrie@energy.state.ca.us

Public Adviser
publicadviser@energy.state.ca.us

Jeffrey D. Byron
Commissioner and Associate Member
Jbyron@energy.state.ca.us
DECLARATION OF SERVICE

I, Robert A Gladden, declare that on December 28, 2009, I served and filed copies of the attached NCPA’S PRE-HEARING CONFERENCE STATEMENT dated December 24, 2009. 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:

[www.energy.ca.gov/sitingcases/odzi/index.html].

The document has 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:

__X__ sent electronically to all email addresses on the Proof of Service list;

__X__ 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:

__X__ 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-10
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.

____________________
Robert A. Gladden