



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

DOCKET

08-AFC-10

DATE JAN 22 2009

RECD. JAN 22 2009

**APPLICATION FOR CERTIFICATION FOR THE
LODI ENERGY CENTER
NORTHERN CALIFORNIA POWER AGENCY**

DOCKET No. 08-AFC-10

COMMITTEE SCHEDULING ORDER

Background

On September 10, 2008, the California Energy Commission received an Application for Certification (AFC) from the Northern California Power Agency to construct and operate an electrical generating plant in the City of Lodi, San Joaquin County, California. The Lodi Energy Center would be a natural gas-fired, combined-cycle, nominal 255-megawatt (MW) power generation facility. The proposed project would be located on 4.4-acres of land owned and incorporated by the City of Lodi, six miles west of the Lodi city center, near Interstate 5, approximately 1.7 miles south of State Route 12. The proposed project is approximately two miles north of the city of Stockton. The project site is currently undeveloped and used for equipment storage adjacent to the White Slough Water Pollution Control Facility (WPCF).

Summary

The Energy Commission assigned a Committee of two Commissioners to conduct proceedings on the AFC. The Committee held a public Informational Hearing and Environmental Scoping Conference in the City of Lodi on January 15, 2009, to discuss the review process and to identify issues that could affect the schedule. Pursuant to Title 20 of the California Code of Regulations section 1709.7(c), the attached Committee Schedule is based on Applicant's and Staff's proposed schedules and related discussions at the Informational Hearing.

The schedule contains a list of events that must occur in order to complete the certification process. This initial schedule covers the period up to the Prehearing Conference. The balance of the schedule will be determined at the Prehearing Conference. We encourage the parties to consider this schedule an outer boundary and make their best efforts to complete the milestones ahead of these dates. Some deadlines are contingent upon reviews to be conducted by federal, state, and local agencies. The Applicant must provide sufficient review time for the responsible agencies to meet the deadlines specified in the schedule.

Technical issues regarding biological resources, land use, and transmission system engineering are pending. Resolution of these issues shall be addressed during the data exchange process and public meetings with the parties and interested governmental agencies. Given the complexities involved in resolving the 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 Committee is particularly interested in two issues that were discussed at the informational hearing. The project proposes to share the existing anhydrous ammonia storage with the WPCF. Also, the project proposes to dump wastewater in an on-site injection well. The Committee is interested in alternatives to the increased trucking of anhydrous ammonia to the site and would like to hear more about the use of zero liquid discharge technologies to avoid injecting wastewater underground so close to the Delta.

Status Reports

The schedule requires monthly status reports to be submitted by all parties 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 the schedule. If there are delays, we may adopt a performance approach resulting in a commensurate slip of the schedule.

To facilitate the process, each party shall serve and file status reports on the first day of each month starting March 1, 2009, and continuing until the Final Staff Assessment (FSA) is published. The reports shall be received by the other parties and the Commission's Docket Unit, 1516 9th Street, MS 4, Sacramento, California 95814-5512, **no later than 3:00 p.m.** Status reports must contain "Docket No. 08-AFC-10" in the caption or heading. In addition to providing printed copies, the parties shall e-mail their status reports to the Hearing Officer and to those with e-mail addresses as indicated on the Proof-of-Service list. If, for any reason, the Final Staff Assessment is delayed beyond June 1, 2009, the parties are Ordered to provide status reports on the first day of every month until directed otherwise by the Committee.

Public Adviser and Public Participation

The Energy Commission Public Adviser, Elena Miller, is available to assist the public in participating in the application review process. For those individuals who require general information on how to participate, please contact the Public Adviser's Office at (916) 654-4489 or 1-800-822-6228 or email: [\[publicadviser@energy.state.ca.us\]](mailto:publicadviser@energy.state.ca.us).

If you have a disability and need assistance to participate in any scheduled event, contact Lourdes Quiroz no less than five days prior to the hearing at 916-654-5146 or e-mail: [\[lquiroz@energy.state.ca.us\]](mailto:lquiroz@energy.state.ca.us).

Information

Questions of a legal or procedural nature should be directed to Kenneth Celli, the Hearing Officer, at (916) 651-8893, or e-mail: [\[kcelli@energy.state.ca.us\]](mailto:kcelli@energy.state.ca.us).

Technical questions concerning the project should be addressed to Rod Jones, Staff Project Manager, at (916) 654-5191, or e-mail: [\[rjones@energy.state.ca.us\]](mailto:rjones@energy.state.ca.us).

Media inquiries should be directed to the Office of Media and Public Communications at (916) 654-4989 or e-mail: [\[mediaoffice@energy.state.ca.us\]](mailto:mediaoffice@energy.state.ca.us).

Information concerning the status of the project, as well as notices and other relevant documents pertaining to this proceeding, may be viewed on the Energy Commission's Internet web page at: [\[http://www.energy.ca.gov/sitingcases/lodi\]](http://www.energy.ca.gov/sitingcases/lodi).

Dated: January 22, 2009 at Sacramento, California.

Original signed by: _____
KAREN DOUGLAS
Commissioner and Presiding Member
Lodi Energy Center AFC Committee

Original signed by: _____
JEFFREY D. BYRON
Commissioner and Associate Member
Lodi Energy Center AFC Committee

**COMMITTEE SCHEDULE
FOR THE
LODI ENERGY CENTER PROJECT
January 21, 2009**

<u>EVENT</u>	<u>DATE</u>
Applicant files Application for Certification (AFC)	9/10/08
AFC is Deemed Data Adequate	11/20/08
Staff files Issue Identification Report	1/6/09
Staff files Data Requests	1/7/09
Informational Hearing and Site Visit	1/15/09
Applicant Provides Data Responses	2/7/09
Local, State, and Federal Agency Draft Determinations	2/19/09
Data Response and Issue Resolution Workshop	2/23/09
Staff and Applicant each file Status Report 1	3/1/09
Staff and Applicant each file Status Report 2	4/1/09
Staff files Preliminary Staff Assessment (PSA)	4/15/09
Local, State, and Federal Agency Final Determinations	4/24/09
PSA Workshop	4/30/09
Staff and Applicant each file Status Report 3	5/1/09
Staff files Final Staff Assessment (FSA)	6/1/09
Prehearing Conference	TBD
Evidentiary Hearings	TBD
Committee releases Presiding Member's Proposed Decision (PMPD)	TBD
Committee Conference on the PMPD	TBD
Committee Issues Revised PMPD	TBD
Commission releases Final Decision	TBD

TBD = To Be Determined



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APPLICATION FOR CERTIFICATION
FOR THE *Lodi Energy Center*

DOCKET No. 08-AFC-10

PROOF OF SERVICE
(Revised 12/8/08)

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. 08-AFC-03
1516 Ninth Street, MS-15
Sacramento, CA 95814-5512
docket@energy.state.ca.us

APPLICANT

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APPLICANT'S CONSULTANTS

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INTERESTED AGENCIES

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INTERVENORS

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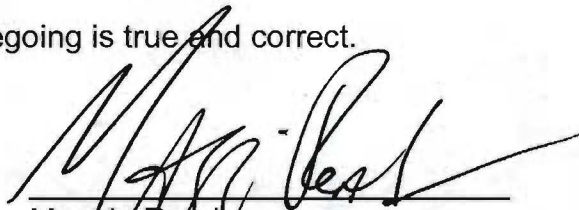
DECLARATION OF SERVICE

I, Maggie Read, declare that on January 22, 2009, I deposited copies of the attached Scheduling Order 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.



Maggie Read
Hearing Adviser's Office

Attachments

Proof of Service List (Revised on 12/8/08)
filed with Original Document. Mailed from
Sacramento on 1/22/09 MSR.