



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
LODI ENERGY CENTER
NORTHERN CALIFORNIA POWER AGENCY

DOCKET No. 08-AFC-10

DOCKET
08-AFC-10

DATE	NOV 24 2009
RECD.	NOV 24 2009

**NOTICE OF PREHEARING CONFERENCE
AND EVIDENTIARY HEARING**

PLEASE TAKE NOTICE that the Committee designated by the Energy Commission to conduct proceedings on the Application for Certification (AFC) for the **LODI ENERGY CENTER (LEC)** Project has scheduled a Prehearing Conference and an Evidentiary Hearing as follows:

The Prehearing Conference and Evidentiary Hearing will be conducted on:

Tuesday, January 5, 2010
Beginning at 10:00 a.m.

California Energy Commission
Hearing Room A
1516 Ninth Street
Sacramento, CA 95814

For information about attending the Informational Hearing remotely via the internet or telephone, please see the Remote Attendance section at the end of this Notice.

PLEASE TAKE NOTICE that the Committee has established the following filing schedule:

ITEM	DATE
Staff files Staff Assessment	On or before Monday, November 30, 2009
Last day to file Petitions to Intervene	Monday, December 7, 2009
Staff Assessment Workshop	Monday, December 14, 2009
Parties file testimony	Monday, December 21, 2009
Prehearing Conference Statements and parties file rebuttal testimony	Monday, December 28, 2009
Prehearing Conference/Evidentiary Hearing	Tuesday, January 5, 2010
Issuance of Presiding Member's Proposed Decision (PMPD);	To Be Determined
Committee Conference on PMPD;	To Be Determined
End of 30-day comment period for PMPD;	To Be Determined
PMPD Errata (if necessary);	To Be Determined
Energy Commission Hearing--Final Decision;	To Be Determined

Purpose of Prehearing Conference

The Prehearing Conference is a public forum where the Committee will assess the parties' readiness for an Evidentiary Hearing, identify areas of agreement or dispute, and discuss the remaining schedule and procedures necessary to conclude the certification process. (Cal. Code Regs., tit. 20, § 1718.5.)

At the Prehearing Conference, all parties shall present their respective positions regarding: the substantive topic areas ready for Evidentiary Hearing; those topics that require further analysis, including the nature of, and time frame for, any such analysis; the topic areas that have been resolved; and the topic areas that are disputed and require adjudication. The parties shall also identify proposed witnesses, as well as the time required for direct testimony and/or cross-examination.

Provided that some or all of the topic areas are found ready to proceed to hearing, the Evidentiary Hearing will commence immediately following the Prehearing Conference.

Local, state, and federal governmental agencies may participate at the Prehearing Conference and Evidentiary Hearing, as necessary. (Cal. Code Regs., tit. 20, § 1714.5.) Elected officials and members of the public may present public comments at these events and/or submit written comments to the Energy Commission's Docket Unit. Please include "**Docket No. 08-AFC-10**" on any written comments.

Prehearing Conference Statements

To facilitate the process, each party shall serve and file a **Prehearing Conference Statement**. The statements shall be received by the other parties and the Commission's Docket Unit, 1516 9th Street, MS-4, Sacramento, California 95814-5512, by **4 p.m. on December 28, 2009**. The parties shall e-mail their statements to the Hearing Officer as well as to the Docket Unit and the parties as indicated on the Proof-of-Service list. The parties shall also submit a WORD version of their statements to the Hearing Officer via email.

Each statement shall specify:

1. The topic areas that are complete and ready to proceed to Evidentiary Hearing;
2. The topic areas that are not complete and not yet ready to proceed to Evidentiary Hearing, and the reasons therefore;
3. The topic areas that remain disputed and require adjudication, and the precise nature of the dispute for each topic;
4. The identity of each witness sponsored by each party (**note**: witnesses must have professional expertise in the scope of their testimony); the topic area(s) which each witness will present; a brief summary of the testimony to be offered by each witness; qualifications of each witness; and the time required to present direct testimony by each witness;
5. Topic areas upon which a party desires to cross-examine witnesses, a summary of the scope of such cross-examination, and the time desired for such cross-examination;
6. A list identifying exhibits and declarations that each party intends to offer into evidence and the technical topics to which they apply (**see** following *section* on format);
7. Proposals for briefing deadlines, vacation schedules, and other scheduling matters;
8. For all topics, the parties shall review the Proposed Conditions of Certification listed in the Staff Assessment for enforceability, comprehension, and consistency with the evidence, and submit any proposed modifications.

Format for Presenting Evidence

The parties shall provide written testimonial and documentary evidence in two formats.

1. Each document shall be numbered and identified on an **Exhibit List**.
 - Applicant's exhibits shall be numbered consecutively as ***Exhibits 1 through 299***.
 - Staff's exhibits shall be numbered consecutively as ***Exhibits 300 through 399***.

Printed copies of the Exhibits shall be provided to the Committee and other parties no later than 4 p.m. on December 21, 2009 and may be supplemented at the Evidentiary Hearing, as necessary.

2. To facilitate the efficient organization and review of the LEC Project, printed copies of the exhibits for each topic area shall **also** be compiled in separate file folders designated by topic with the appropriate Exhibit Number attached to each document. Parties are directed to notify the Hearing Officer if there is any question about the format for presenting evidence.

Petitions to Intervene to Become a Formal Party

The Energy Commission's Decision on the Lodi Energy Center will be based on the official evidentiary record developed at the Evidentiary Hearing. Only formal parties (Applicant, Staff, and Intervenors) may present evidence and cross-examine witnesses at the Evidentiary Hearing.

Anyone with an appropriate interest in the LEC may file a Petition to Intervene and become a formal party. At the Evidentiary Hearing, a formal party may offer testimony and documentary evidence, receive documents filed by other parties, and cross-examine witnesses. However, a formal party must also comply with Committee orders, procedures, and filing requirements, and is subject to discovery and having its own witnesses cross-examined by other parties. There are presently no Intervenors in this proceeding.

The deadline to file a Petition to Intervene in this case is **Monday, December 7, 2009**. Time extensions will not be granted for new Intervenors to review case materials without a showing of extraordinary good cause.

How to Intervene

The Energy Commission's Public Adviser's office will assist any person or organization interested in preparing a Petition to Intervene. For assistance in this process, contact the Public Adviser's office at (916) 654-4489 or 800-822-6228 or e-mail: **[publicadviser@energy.state.ca.us]**.

Public Participation

Members of the public are welcome to attend and offer comments at the Prehearing Conference and the Evidentiary Hearing. It is not necessary to be an Intervenor to participate in the public process. Anyone desiring information on how to participate may contact the Public Adviser's office as indicated above.

Energy Commission 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).

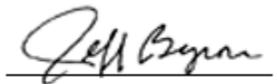
Media inquiries should be directed to the Office of Media and Public Communications at (916) 654-4989 or e-mail: [\[mediaoffice@energy.state.ca.us\]](mailto:mediaoffice@energy.state.ca.us). If you have a disability and need assistance to participate in this event, contact Lourdes Quiroz well in advance of the hearing at (916) 654-5146 or e-mail: [\[lquiroz@energy.state.ca.us\]](mailto:lquiroz@energy.state.ca.us).

For 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: November 24, 2009, at Sacramento, California.



KAREN DOUGLAS
Chairman and Presiding Member
Lodi Energy Center AFC Committee



JEFFREY D. BYRON
Commissioner and Associate Member
Lodi Energy Center AFC Committee

Mailed to Lists: POS, 7327, 7328, 7329, 7330

TELECONFERENCE OPTION: You may participate in the Prehearing Conference and Evidentiary Hearing by telephone and/or by computer via our "WebEx" web conferencing system. For details on how to participate, please see the "Participation through WebEx" directions below.

**PARTICIPATION IN THE PREHEARING CONFERENCE AND EVIDENTIARY HEARING THROUGH WEBEX
THE ENERGY COMMISSION'S ON-LINE MEETING SERVICE**

1. COMPUTER LOG-ON WITH A DIRECT PHONE NUMBER:

- Please go to <https://energy.webex.com> and enter the meeting number unique to the specific hearing date:
 - 1/5/10 - meeting number: **365 528 760**
- When prompted, enter your information and the meeting password:
 - The 1/5/10 Prehearing Conference password = **LODI@123**

After you login, a prompt will appear on-screen for you to provide **your** phone number. In the **Number box**, type your area code and phone number and click OK. **You will receive a call back on your phone for the audio of the meeting.** International callers can use the "Country/Region" button to help make their connection.

2. COMPUTER LOG-ON FOR CALLERS WITH AN EXTENSION PHONE NUMBER, ETC:

- Please go to <https://energy.webex.com> and enter the unique meeting number:
 - 1/5/10 - meeting number: **365 528 760**
- When prompted, enter your information and the meeting password:
 - 1/5/10 Prehearing Conference password = **LODI@123**
- After you login, a prompt will ask for your phone number. Click "CANCEL."
- **Instead** call 1-866-469-3239 (toll-free in the U.S. and Canada). When prompted, enter the meeting number above and your unique Attendee ID number which is listed in the top left area of your screen after you login.

3. TELEPHONE ONLY (NO COMPUTER ACCESS):

- Call **1-866-469-3239** (toll-free in the U.S. and Canada) and when prompted enter the meeting number:
 - 1/5/10 meeting number: **365 528 760**

If you have difficulty joining the meeting, please call the WebEx Technical Support number at 1-866-229-3239. To see if your computer is compatible, visit [<http://support.webex.com/support/system-requirements.html>].

Please be aware that the meeting's WebEx audio and on-screen activity may be recorded.



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**APPLICATION FOR CERTIFICATION
FOR THE Lodi Energy Center**

DOCKET No. 08-AFC-10

**PROOF OF SERVICE
(Revised 2/17/09)**

APPLICANT

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Power Agency
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APPLICANT'S COUNSEL

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APPLICANT'S ENGINEER

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INTERESTED AGENCIES

California ISO
e-recipient@caiso.com

INTERVENORS

ENERGY COMMISSION

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Public Adviser
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DECLARATION OF SERVICE

I, RoseMary Avalos, declare that on November 24, 2009, I served and filed copies of the attached Committee Decision on Petition to Intervene, dated November 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: [\[http://www.energy.ca.gov/sitingcases/lodi\]](http://www.energy.ca.gov/sitingcases/lodi).

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:

 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.

Original Signed By
RoseMary Avalos