



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-4

DATE DEC 05 2008

RECD. DEC 05 2008

APPLICATION FOR CERTIFICATION FOR THE
ORANGE GROVE POWER PLANT PROJECT
BY **ORANGE GROVE ENERGY, LLC**

DOCKET No. 08-AFC-4

EVIDENTIARY HEARING ORDER

Parties wishing to present evidence or cross-examine witnesses at the Evidentiary Hearing scheduled as follows shall be prepared to proceed in accordance with this Order.

The Evidentiary Hearing will be conducted on:

FRIDAY, December 19 2008
Beginning at 10:00 a.m.

Pala Mesa Resort
Sun Room
2001 Old Highway 395
Fallbrook, California 92028
(Map Attached)

Background

At the Prehearing Conference on December 1, 2008, Applicant, Staff, and Intervenor, Anthony Arand, indicated they were ready to proceed with the Evidentiary Hearing on all issues. Intervenor, Archie D. McPhee, did not appear at the Prehearing Conference but he submitted a Prehearing Conference Statement containing a Stipulation enumerating six matters in dispute. Intervenor, Alliance for a Cleaner Tomorrow did not appear at the Prehearing Conference and did not submit a Prehearing Conference Statement.

Undisputed Topics

At the Prehearing Conference, the following topics set forth in the Application for Certification (AFC) and the Final Staff Analysis (FSA) were deemed undisputed so that evidence and testimony on these topics shall be entered into the record solely by declaration (numbering corresponds to the **Topic and Witness List, Attachment A**):

1. Executive Summary and Project Description;
2. Cultural Resources;
6. Transmission Line Safety and Nuisance;
7. Waste Management;
8. Facility Design;
9. Geology and Paleontology;
10. Power Plant Efficiency;
11. General Conditions, Compliance Monitoring and Facility Closure;
13. Public Health;
14. Socioeconomic Resources;
15. Biological Resources;
17. Transmission System Engineering;
18. Power Plant Reliability;
19. Visual Resources;
20. Worker Safety and Fire Protection;
21. Land Use; and
22. Alternatives.

Disputed Topics

The following topics may be disputed and the Committee will receive evidence in the form of written and live testimony, cross-examination and documentary evidence at the Evidentiary Hearing (numbering corresponds to the **Topic and Witness List, Attachment A**):

3. Hazardous Materials Management;
4. Soil and Water Resources;
5. Traffic and Transportation;
12. Air Quality; and
16. Noise and Vibration.

At the Prehearing Conference, the parties indicated that all outstanding issues in the areas of **Noise and Vibration** and **Hazardous Materials Management** would likely be resolved in the workshop immediately following the Prehearing Conference. If so, then the parties should come to the Evidentiary Hearing prepared to call witnesses on the remaining disputed issues.

Intervenors Arand and McPhee have submitted documents which include their opinions and qualifications as expert witnesses. However, neither submitted declarations under penalty of perjury. Therefore, both Intervenors must be sworn and available for cross examination on any matters contained in the evidence which they are sponsoring as expert witnesses at the Evidentiary Hearing.

Representatives from the **San Diego Air Pollution Control District** are requested to participate at the hearing and provide testimony on Air Quality.

Required Filings

Applicant, Staff and Intervenors shall be prepared to present evidence and testimony on the disputed topics. Testimony shall be limited to those witnesses listed in the Prehearing Conference Statements and Staff's supplemental analysis filed as of December 12, 2008. **Applicant, Staff and Intervenors shall exchange copies of any documentary evidence not already provided, including, but not limited to, witness qualifications.**

Staff's supplemental written testimony, revised Conditions, additional Exhibits, and Revised Exhibit Lists must be filed no later than 3:00 p.m. on Friday, December 12, 2008, and copies must be provided to the Committee, the Hearing Adviser, and those on the Proof of Service and mailing lists. Staff must submit an executive summary of the revisions contained in the Staff Analysis.

Parties' Opening Briefs on all topic areas must be filed no later than 3:00 p.m. on Friday, January 9, 2009 and Reply Briefs must be filed no later than 3:00 p.m. on Friday, January 23, 2009. Copies must be provided to the Committee, the Hearing Adviser, and those on the Proof of Service and mailing lists.

The parties shall also provide electronic copies of the above-referenced filings to the Hearing Officer via e-mail, in Microsoft Word format.

This Notice includes the Topic and Witness List (**Attachment A**) and the Tentative Exhibit List (**Attachment B**).

Evidentiary Hearing Procedures

The purpose of the Evidentiary Hearing is to establish the factual record necessary for a decision on the Project proposal. The record is developed by the presentation of sworn testimony and documentary evidence. Testimony on undisputed topics shall be submitted by sworn declarations filed under penalty of perjury and offered into evidence by stipulation of the parties.

The Applicant has the burden of presenting sufficient substantial evidence to support the findings and conclusions required for certification of the site and related facilities. [20 Cal. Code Regs., § 1748(e).]

The Committee will hear testimony by taking topics in the order set forth in **Topic and Witness List, Attachment A**. Any requests to change the order of topics should be submitted to the Hearing Officer as soon as possible.

The parties' witnesses who appear in person shall be available for cross-examination. Each party sponsoring a witness shall establish the qualifications of the witness and ask the witness to summarize his or her prepared testimony before moving the testimony and relevant documents into evidence. At the conclusion of direct testimony, the

witness may be cross-examined by the parties, followed by redirect and re-cross examination as appropriate.

No time limits on testimony or cross-examination are being established at this time. However, the Committee may, at its discretion, request that testimony or cross-examination be curtailed if it becomes cumulative or in any other way unproductive, in the interest of completing all topics areas at the Evidentiary Hearing scheduled for December 19, 2008.

Public Participation

The Energy Commission invites members of the public and other interested parties to participate on an informal basis in the proceeding by submitting written and oral comments. Public comments are considered by the Commissioners and are part of the record, but are not part of the formal evidentiary record.

Pursuant to the Power Plant Site Certification Regulations, California Code of Regulations, title 20, Chapter 5, Section 1711, **any person wishing to provide public comment in written or electronically recorded form in this proceeding, shall submit such materials to the Public Adviser no later than December 12, 2008**. The Committee will then review the materials and specify such conditions on presentation of the materials as are reasonably necessary for the orderly and expeditious conduct of the proceeding.

The Energy Commission's Public Adviser's Office is available to provide the public with an understanding of a proceeding and to make recommendations for meaningful participation. For assistance, contact Elena Miller, the Public Adviser, at 916-654-4489 or 800-822-6228 or e-mail: **[publicadviser@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]**.

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]**.

Technical questions concerning the project should be addressed to Felicia Miller, Staff Project Manager, at (916) 654-4489, or e-mail: **[fmiller@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]**.

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

Dated December 5, 2008, at Sacramento, California

Original Signed By: _____
JAMES D. BOYD
Vice Chair and Presiding Member
Orange Grove AFC Committee

Original Signed By: _____
ARTHUR H. ROSENFELD
Commissioner and Associate Member
Orange Grove AFC Committee

Attachment A

<p>1. Executive Summary and Project Description</p>	<ul style="list-style-type: none"> • Applicant: Declaration, Michael Jones, Stephen Thome, Joseph Stenger • Staff: Felicia Miller 	<ul style="list-style-type: none"> • Applicant: • Staff:
<p>2. Cultural Resources</p>	<ul style="list-style-type: none"> • Applicant: Declaration, Thomas Jackson, Wendy Tinsley, Joseph Stenger • Staff: Michael McGuirt, Amanda Blosser and Beverly E. Bastian 	<ul style="list-style-type: none"> • Applicant: • Staff:
<p>3. Hazardous Materials Management</p>	<ul style="list-style-type: none"> • Applicant: Declaration, Todd Stanford, Joseph Stenger (15 min.) • Staff: Alvin J. Greenberg, Ph.D. and Rick Tyler 	<ul style="list-style-type: none"> • Applicant: • Staff:
<p>4. Soil and Water Resources</p>	<ul style="list-style-type: none"> • Applicant: Declaration, Joseph Stenger, Michael Jones, Joseph Bondank • Staff: Cheryl Closson • McPhee: Declaration, Archie McPhee 	<ul style="list-style-type: none"> • Applicant: • Staff:

5. Traffic and Transportation	<ul style="list-style-type: none"> • Applicant: Declaration Ruth Davis, Joseph Stenger • McPhee: Declaration, Archie McPhee • Staff: James Adams 	<ul style="list-style-type: none"> • Applicant: • Staff:
6. Transmission Line Safety and Nuisance	<ul style="list-style-type: none"> • Applicant: This subject area is addressed in Engineering Assessment: Facility Design, Power Plant Efficiency, Power Plant Reliability, Transmission System Engineering. • Staff: Obed Odoemelum, Ph.D. 	<ul style="list-style-type: none"> • Applicant: • Staff:
7. Waste Management	<ul style="list-style-type: none"> • Applicant: Declaration, Joseph Stenger, • Staff: Ellen Townsend-Hough 	<ul style="list-style-type: none"> • Applicant: • Staff:
8. Facility Design	<ul style="list-style-type: none"> • Applicant: Declaration, Michael Jones, Joseph Bondank, Ronald Thomas • Staff: Steve Baker 	<ul style="list-style-type: none"> • Applicant: • Staff:
9. Geology and Paleontology	<ul style="list-style-type: none"> • Applicant: Declaration, Joseph Stenger • Staff: Dal Hunter, Ph.D., C.E.G. 	<ul style="list-style-type: none"> • Applicant: • Staff:

10. Power Plant Efficiency	<ul style="list-style-type: none"> • Applicant: Declaration Michael Jones, Joseph Bondank, Ronald Thomas, • Staff: Erin Bright 	<ul style="list-style-type: none"> • Applicant • Staff:
11. General Conditions Compliance Monitoring Facility Closure	<ul style="list-style-type: none"> • Applicant: Declaration Joseph Stenger, Michael Jones, • Staff: Chris Davis 	<ul style="list-style-type: none"> • Applicant: • Staff:
12. Air Quality	<ul style="list-style-type: none"> • Applicant: Declaration, Doug Murray • Staff: William Walters • Arand: Anthony Arand 	<ul style="list-style-type: none"> • Applicant: • Staff:
13. Public Health	<ul style="list-style-type: none"> • Applicant: Declaration, Doug Murray, Karen Vetrano • Staff: Alvin J. Greenberg, Ph.D. 	<ul style="list-style-type: none"> • Applicant: • Staff:
14. Socioeconomic Resources (including Environmental Justice)	<ul style="list-style-type: none"> • Applicant: Declaration, Joseph Stenger • Staff: Amanda Stennick 	<ul style="list-style-type: none"> • Applicant: • Staff:
15. Biological Resources	<ul style="list-style-type: none"> • Applicant: Declaration ,Elisha Back, H. Ceri Williams-Dodd (15 min.) • Staff: Susan Sanders 	<ul style="list-style-type: none"> • Applicant: • Staff:

16. Noise and Vibration	<ul style="list-style-type: none"> • Applicant: Declaration, Robert Mantey (15 min) • McPhee: Declaration, Archie McPhee • Staff: Shahab Khoshmashrab 	<ul style="list-style-type: none"> • Applicant: • Staff:
17. Transmission System Engineering	<ul style="list-style-type: none"> • Applicant: Declaration, Michael Jones, Joseph Bondank, Ronald Thomas • Staff : Ajoy Guha and Mark Hesters 	<ul style="list-style-type: none"> • Applicant: • Staff:
18. Power Plant Reliability	<ul style="list-style-type: none"> • Applicant: Declaration, Michael Jones, Joseph Bondank, Ronald Thomas • Staff: Erin Bright 	<ul style="list-style-type: none"> • Applicant: • Staff:
19. Visual Resources	<ul style="list-style-type: none"> • Applicant: Declaration, Joseph Stenger • Staff: David Flores 	<ul style="list-style-type: none"> • Applicant: • Staff:
20. Worker Safety and Fire Protection	<ul style="list-style-type: none"> • Applicant: Declaration, Michael Jones, Joseph Stenger • Staff: Alvin J. Greenberg, Ph.D. and Rick Tyler 	<ul style="list-style-type: none"> • Applicant: • Staff:
21. Land Use	<ul style="list-style-type: none"> • Applicant: Declaration, Robert Prohaska, Joseph Stenger • Staff: Robert Fiore 	<ul style="list-style-type: none"> • Applicant: • Staff:

22. Alternatives	<ul style="list-style-type: none">• Applicant: Declaration, Joseph Stenger, Michael Jones, Stephen Thome• Staff: Suzanne Phinney	<ul style="list-style-type: none">• Applicant:• Staff:
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Attachment B



**BEFORE THE ENERGY RESOURCES CONSERVATION AND DEVELOPMENT
COMMISSION OF THE STATE OF CALIFORNIA
1516 NINTH STREET, SACRAMENTO, CA 95814
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**APPLICATION FOR CERTIFICATION FOR THE
ORANGE GROVE POWER
PLANT PROJECT**

DOCKET No. 08-AFC-4

TENTATIVE EXHIBIT LIST

APPLICANT'S EXHIBITS

- EXHIBIT 1** Application for Certification, Orange Grove Project Application for Certification; dated June 2008, and docketed on June 19, 2008. Topics: All Topics. Sponsored by Applicant, and received into evidence on _____.
- EXHIBIT 2** Supplement to the Application for Certification – Orange Grove Project; dated July 2008, and docketed July 9, 2008. Topics: Biological Resources; Generation Facility Description, Design, and Operation; Water Resources. Sponsored by Applicant, and received into evidence on _____.
- EXHIBIT 3** Withdrawn by Applicant on 12/1/08.
- EXHIBIT 4** Circulation Element Draft and Agency E-Mail Contacts; dated June 30, 2008. Not docketed. Topics: Traffic and Transportation. Sponsored by Applicant, and received into evidence on _____.
- EXHIBIT 5** E-mail from Joe Stenger to Jim Adams Regarding Orange Grove Water Trucks; dated July 24, 2008. Not docketed. Topics: Traffic and Transportation Sponsored by Applicant, and received into evidence on _____.
- EXHIBIT 6** Grading Permit Application for the Orange Grove Project; dated August 26, 2008, and docketed September 5, 2008. Topics: Generation Facility Description, Design, and Operation. Sponsored by Applicant, and received into evidence on _____.

- EXHIBIT 7** Orange Grove Project Responses to Data Requests 1-73; dated August 29, 2008, and docketed August 29, 2008. Topics: Air Quality; Alternatives Analysis; Biological Resources; Cultural Resources; Generation Facility Description, Design, and Operation; Hazardous Materials Handling; Public Health; Socioeconomics; Soil and Water Resources; Transmission System Design, Safety and Nuisance; Waste Management; Worker Safety and Fire Protection. Sponsored by Applicant, and received into evidence on _____.
- EXHIBIT 8** Axle Count and Daily Classification Report, E-mailed to CEC Staff on September 2, 2008, and dated March 15, 2008 and March 20, 2008. Topics: Traffic and Transportation. Sponsored by Applicant, and received into evidence on _____.
- EXHIBIT 9** E-Mail from Joe Stenger to Jim Adams Regarding SR 76 California Legal Advisory Route; dated September 3, 2008. Not docketed. Topics: Traffic and Transportation. Sponsored by Applicant, and received into evidence on _____.
- EXHIBIT 10** Orange Grove Energy AFC – Responses to Data Requests from the September 11, 2008 Workshop and Other Data Requests; dated October 1, 2008, and docketed October 1, 2008. Topics: Air Quality; Biological Resources; Cultural Resources; Hazardous Materials Handling; Soil Resources; Transmission Line Safety and Nuisance; Waste Management; Water Resources; Worker Safety. Sponsored by Applicant, and received into evidence on _____.
- EXHIBIT 11** Withdrawn by Applicant on 12/1/08.
- EXHIBIT 12** Cumulative Air Quality Impact Assessment; dated October 2008, and docketed October 17, 2008. Topic: Air Quality. Sponsored by Applicant, and received into evidence on _____.
- EXHIBIT 13** E-mail from E. Back to M. Moreno Regarding Orange Grove HLP; dated October 21, 2008, and docketed October 27, 2008. Topics: Biological Resources. Sponsored by Applicant, and received into evidence on _____.
- EXHIBIT 14** E-mail from J. Stenger to J. Adams Regarding Orange Grove Energy Initial Water Hauling; dated October 24, 2008, and docketed October 24, 2008. Topic: Water Resources Sponsored by Applicant, and received into evidence on _____.

EXHIBIT 15 Letter-Report Geoarchaeological Investigation for the Orange Grove Project Gas Pipeline; dated October 30, 2008 and docketed along with Orange Grove Energy's Status Report on November 4, 2008. Topic: Cultural Resources. Sponsored by Applicant, and received into evidence on _____.

EXHIBIT 16 (reserved)

EXHIBIT 17 Orange Grove Energy, L.P. Comments to the Orange Grove Project Preliminary Determination of Compliance; dated November 6, 2008 and docketed November 14, 2008. Topic: Air Quality. Sponsored by Applicant, and received into evidence on _____.

EXHIBIT 18 Witness Declarations and Resumes; docketed November 18, 2008. Sponsored by Applicant.

- a) Declaration of Michael Jones, Stephen Thome, and Joseph Stenger, regarding Executive Summary/Project Description, dated November, 17, 2008. Sponsored by Applicant; received into evidence on _____.
- b) Declaration of Doug Murray, regarding Air Quality, dated November, 17, 2008. Sponsored by Applicant; received into evidence on _____.
- c) Declaration of Elisha Back, dated November, 17, 2008, H. Ceri Williams-Dodd and dated November, 18, 2008 regarding Biological Resources. Sponsored by Applicant; received into evidence on _____.
- d) Declaration of Thomas Jackson, Wendy Tinsley, and Joseph Stenger, regarding Cultural Resources, dated November, 17, 2008. Sponsored by Applicant; received into evidence on _____.
- e) Declaration of Todd Stanford and Joseph Stenger, regarding Hazardous Materials, dated November, 17, 2008. Sponsored by Applicant; received into evidence on _____.
- f) Declaration of Robert Prohaska and Joseph Stenger, regarding Land Use, dated November, 17, 2008. Sponsored by Applicant; received into evidence on _____.
- g) Declaration of Robert Mantey, regarding Noise and Vibration, dated November, 17, 2008. Sponsored by Applicant; received into evidence on _____.

- h)** Declaration of Doug Murray and Karen Vetrano, regarding Public Health, dated November, 17, 2008. Sponsored by Applicant; received into evidence on _____.
- i)** Declaration of Joseph Stenger, regarding Socioeconomic Resources, dated November, 17, 2008. Sponsored by Applicant; received into evidence on _____.
- j)** Declaration of Joseph Stenger and Michael Jones, dated November, 17, 2008, and Joseph Bondank, dated November, 18, 2008, regarding Soil and Water Resources. Sponsored by Applicant; received into evidence on _____.
- k)** Declaration of Ruth Davis and, Joseph Stenger, regarding Traffic and Transportation, dated November, 17, 2008. Sponsored by Applicant; received into evidence on _____.
- l)** Declaration of Joseph Stenger, regarding Visual Resources, dated November, 17, 2008. Sponsored by Applicant; received into evidence on _____.
- m)** Declaration of Joseph Stenger, regarding Waste Management, dated November, 17, 2008. Sponsored by Applicant; received into evidence on _____.
- n)** Declaration of Joseph Stenger and Michael Jones, dated November, 17, 2008, regarding Worker Safety. Sponsored by Applicant; received into evidence on _____.
- o)** Declaration of Michael Jones, dated November, 17, 2008, Joseph Bondank, dated November, 18, 2008, and Ronald Thomas, dated November, 16, 2008, regarding Engineering Assessment: Facility Design, Power Plant Efficiency, Power Plant Reliability, and Transmission System Engineering. Sponsored by Applicant; received into evidence on _____.
- p)** Declaration of Joseph Stenger, regarding Engineering Assessment: Geology and Paleontology, dated November, 17, 2008. Sponsored by Applicant; received into evidence on _____.
- q)** Declaration of Michael Jones, Stephen Thome, and Joseph Stenger, regarding Alternatives, dated November, 17, 2008. Sponsored by Applicant; received into evidence on _____.

r) Declaration of Joseph Stenger and Michael Jones dated November, 17, 2008, regarding Conditions of Certifications. Sponsored by Applicant; received into evidence on _____.

EXHIBIT 19 Agreed Upon Changes to Staff Assessment (pending). Sponsored by Applicant, and received into evidence on _____.

EXHIBIT 20 Habitat Loss Permit Status, filed with Orange Grove's Prehearing Conference Statement, dated and docketed November 25, 2008. Sponsored by Applicant, and received into evidence on _____.

EXHIBIT 21 Water Truck Speed Along SR-76, filed with Orange Grove's Prehearing Conference Statement, dated and docketed November 25, 2008. Sponsored by Applicant, and received into evidence on _____.

EXHIBIT 22 Letter on Setback from Riparian Area, filed with Orange Grove's Prehearing Conference Statement, dated and docketed November 25, 2008. Sponsored by Applicant, and received into evidence on _____.

EXHIBIT 23 Orange Grove Energy's Supplemental Reply Testimony of Richard Jones and Joseph Stenger On Soil and Water Resources; dated December 1, 2008 and docketed December 1, 2008. Topic: Soil and Water Resources. Sponsored by Applicant, and received into evidence on _____.

EXHIBIT 24 Site Layout Plan, Orange Grove Project; filed with Orange Grove's Prehearing Conference Statement; dated and docketed November 25, 2008. Topic: Engineering Assessment: Facility Design, Power Plant Efficiency, Power Plant Reliability, Transmission System Engineering. Sponsored by Applicant, and received into evidence on _____.

EXHIBIT 25 (reserved)

EXHIBIT 26 (reserved)

EXHIBIT 27 (reserved)

EXHIBIT 28 (reserved)

EXHIBIT 29 (reserved)

EXHIBIT 30 (reserved)

EXHIBIT 31 (reserved)

- EXHIBIT 32** (reserved)
- EXHIBIT 33** (reserved)
- EXHIBIT 34** (reserved)
- EXHIBIT 35** (reserved)
- EXHIBIT 36** (reserved)
- EXHIBIT 37** (reserved)
- EXHIBIT 38** (reserved)
- EXHIBIT 39** (reserved)
- EXHIBIT 40** (reserved)
- EXHIBIT 41** (reserved)
- EXHIBIT 42** (reserved)
- EXHIBIT 43** (reserved)
- EXHIBIT 44** (reserved)
- EXHIBIT 45** (reserved)
- EXHIBIT 46** (reserved)
- EXHIBIT 47** (reserved)
- EXHIBIT 48** (reserved)
- EXHIBIT 49** (reserved)
- EXHIBIT 50** Caltrans – Comments on Orange Grove Project; dated August 13, 2008, and docketed August 15, 2008. Topics: Transmission Line Safety and Nuisance; Engineering Assessment: Facility Design, Power Plant Efficiency, Power Plant Reliability, Transmission System Engineering. Sponsored by Applicant, and received into evidence on _____.

- EXHIBIT 51** California Regional Water Quality Control Board, San Diego Region – Comments on the Application for Certification for the Orange Grove Power Plant Project, California Energy Commission; dated August 26, 2008, and docketed September 5, 2008. Topics: Soil and Water Resources; Engineering Assessment: Facility Design, Power Plant Efficiency, Power Plant Reliability, Transmission System Engineering. Sponsored by Applicant, and received into evidence on _____.
- EXHIBIT 52** Rainbow Municipal Water District - Comments on Orange Grove Project; dated August 27, 2008, and docketed September 5, 2008. Topic: Soil and Water Resources. Sponsored by Applicant, and received into evidence on _____.
- EXHIBIT 53** United States Fish and Wildlife Service - Comments on the Orange Grove Project Biological Report; dated September 3, 2008, and docketed September 10, 2008. Topic: Biological Resources. Sponsored by Applicant, and received into evidence on _____.
- EXHIBIT 54** Mercy Medical Transportation, Inc. - Letter Regarding EMS Services, Orange Grove Project; dated September 6, 2008, and docketed September 10, 2008. Topic: Worker Safety. Sponsored by Applicant, and received into evidence on _____.
- EXHIBIT 55** Meeting with the U.S. Fish and Wildlife Service and the CA Department of Fish and Game Agenda; dated September 18, 2008, and docketed September 10, 2008. Topic: Biological Resources. Sponsored by Applicant, and received into evidence on _____.
- EXHIBIT 56** E-mail from Michael Porter of Regional Water Quality Control Board, San Diego, to Cheryl Closson Regarding Orange Grove Power Plant Project in Northern San Diego County; dated October 3, 2008, and docketed October 22, 2008. Topic: Soil and Water Resources. Sponsored by Applicant, and received into evidence on _____.
- EXHIBIT 57** (reserved)
- EXHIBIT 58** (reserved)
- EXHIBIT 59** Letter from SDG&E Regarding Clarifying Mitigation for Transmission System Upgrades; dated November 19, 2008, and docketed November 19, 2008. Topic: Biological Resources. Sponsored by Applicant, and received into evidence on _____.

EXHIBIT 60 San Diego Air Pollution Control District Final Determination of Compliance, Orange Grove Project; dated _____ 2008, and docketed _____ 2008. Topic: Air Quality. Sponsored by Applicant, and received into evidence on _____.

EXHIBITS 61-199 (reserved)

ENERGY COMMISSION STAFF'S EXHIBITS

EXHIBIT 200 Final Staff Assessment, dated November 6, 2008, and docketed on November 6, 2008. Sponsored by Staff; received into evidence on _____.

INTERVENOR ANTHONY ARAND'S EXHIBITS

EXHIBIT 300 8 page document consisting of a table of Estimated Emissions for the Granite Asphalt Plant, 2 page letter from Intervenor Arand to Felicia Miller regarding air issues dated November 26, 2008, Comparison of Sycamore Landfill and Gregory Canyon PM10s, RMWD Sewer Plant air data, a table entitled Housing Projects Total and a single page letter from Intervenor Arand to Felicia Miller regarding his professional qualifications.

INTERVENOR ALLIANCE FOR A CLEANER TOMORROW'S EXHIBITS

EXHIBIT 400

INTERVENOR ARCHIE D. MCPHEE'S EXHIBITS

EXHIBIT 500 8 page document consisting of a Prehearing Conference Statement, a Stipulation, a Financial Hardship Petition, a three page letter signed by Archie McPhee on November 23, 2008, a sheet entitled "Attachments" and a sheet containing a table from page 6.5 - 8 of the Orange Grove projects Application for Certification regarding the FPUD Reclaimed Water Quality Chemistry Profile for 2006 and 2007.



BEFORE THE ENERGY RESOURCES CONSERVATION AND DEVELOPMENT
COMMISSION OF THE STATE OF CALIFORNIA
1516 NINTH STREET, SACRAMENTO, CA 95814
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**APPLICATION FOR CERTIFICATION
ORANGE GROVE POWER
PLANT PROJECT**

**DOCKET No. 08-AFC -4
PROOF OF SERVICE
Revised 10/27/08**

INSTRUCTIONS: All parties shall either (1) send an original signed document plus 12 copies or (2) mail one original signed copy AND e-mail the document to the address for the Docket as shown below, AND (3) all parties shall also send a printed or electronic copy of the document, which includes a proof of service declaration to each of the individuals on the proof of service list shown below:

CALIFORNIA ENERGY COMMISSION
Attn: Docket No. 08-AFC-4
1516 Ninth Street, MS-15
Sacramento, CA 95814-5512
docket@energy.state.ca.us

APPLICANT

Stephen Thome
J-Power USA Development
1900 East Golf Road, Suite 1030
Schaumburg, IL 60173
sthome@jpowerusa.com

Mike Dubois
J-Power USA Development
1900 East Golf Road, Suite 1030
Schaumburg, IL 60173
mdubois@jpowerusa.com

APPLICANT CONSULTANT

Joe Stenger, PG. REA
TRC
2666 Rodman Drive
Los Osos CA 93402
jstenger@trcsolutions.com

COUNSEL FOR APPLICANT

*Jane Luckhardt
Downey Brand, LLP
621 Capitol Mall, 18th Floor
Sacramento, CA 95814
jluckhardt@downeybrand.com

Wayne Song
Morgan, Lewis & Bockius LLP
300 S Grand Avenue, 22nd Floor
Los Angeles, CA 90071
wsong@morganlewis.com

INTERESTED AGENCIES

California ISO
e-recipient@caiso.com

Steve Taylor
San Diego Gas & Electric
8306 Century Park Court
San Diego, CA 92123
srtaylor@semprautilities.com

INTERVENORS

Anthony J. Arand
219 Rancho Bonito
Fallbrook, CA 92028
tony@envirepel.com

Alliance for a Cleaner Tomorrow (ACT)
c/o Arthur S. Moreau, Klinedinst, PC
501 West Broadway, Suite 600
San Diego, CA 92101
amoreau@klinedinstlaw.com

Archie D. McPhee
40482 Gavilan Mountain Road
Fallbrook, CA 92028
archied1@earthlink.net

ENERGY COMMISSION

JAMES D. BOYD
Commissioner and Presiding Member
jboyd@energy.state.ca.us

ARTHUR ROSENFELD
Commissioner and Associate Member
pflint@energy.state.ca.us

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

Felicia Miller
Project Manager
fmiller@energy.state.ca.us

Jared Babula
Staff Counsel
jbabula@energy.state.ca.us

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

DECLARATION OF SERVICE

I, RoseMary Avalos, declare that on December 5, 2008, I deposited copies of the attached Evidentiary Hearing 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.

RoseMary Avalos

Attachments