



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  
**ORANGE GROVE POWER  
PLANT PROJECT**

DOCKET No. 08-AFC-4

9-Apr-09

**DOCKET**  
**08-AFC-4**

DATE APR 09 2009

RECD. MAY 18 2009

**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 December 19, 2008. (12/19/08 RT 39:4-5.)
- 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 December 19, 2008. (12/19/08 RT 44:2-5.)
- EXHIBIT 3** Withdrawn by Applicant on 12/1/08.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 December 19, 2008. (12/19/08 RT 156:5-7.)
- 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 December 19, 2008. (12/19/08 RT 156:5-7.)
- 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 December 19, 2008. (12/19/08 RT 89:7-8.)

- 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 December 19, 2008. (12/19/08 RT 44:2-5.)
- 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 December 19, 2008. (12/19/08 RT 156:5-7.)
- 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 December 19, 2008. (12/19/08 RT 156:5-7.)
- 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 December 19, 2008. (12/19/08 RT 44:3-5.)
- EXHIBIT 11** Withdrawn by Applicant on 12/1/08. (12/19/08 RT 157:5-7.)
- 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 December 19, 2008. (12/19/08 RT 62:6-8.)
- 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 December 19, 2008. (12/19/08 RT 44:3-5.)
- 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 December 19, 2008. (12/19/08 RT 89:8-11.)

**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 December 19, 2008. (12/19/08 RT 45:12-13.)

**EXHIBIT 16** (reserved by Applicant, but not used and therefore not received)

**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 December 19, 2008. (12/19/08 RT 62:6-8.)

**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 December 19, 2008. (12/19/08 RT 38: 22-23, 39:4-5.)
- b) Declaration of Doug Murray, regarding Air Quality, dated November, 17, 2008. Sponsored by Applicant; received into evidence on December 19, 2008. (12/19/08 RT 62:6-8.)
- 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 \_ December 19, 2008. (12/19/08 RT 44:3-5.)
- d) Declaration of Thomas Jackson, Wendy Tinsley, and Joseph Stenger, regarding Cultural Resources, dated November, 17, 2008. Sponsored by Applicant; received into evidence on December 19, 2008. (12/19/08 RT 45:12-13.)
- e) Declaration of Todd Stanford and Joseph Stenger, regarding Hazardous Materials, dated November, 17, 2008. Sponsored by Applicant; received into evidence on December 19, 2008. (12/19/08 RT 57:17-19.)

- f) Declaration of Robert Prohaska and Joseph Stenger, regarding Land Use, dated November, 17, 2008. Sponsored by Applicant; received into evidence on December 19, 2008. (12/19/08 RT 46:1.)
- g) Declaration of Robert Mantey, regarding Noise and Vibration, dated November, 17, 2008. Sponsored by Applicant; received into evidence on December 19, 2008. (12/19/08 RT 58:13-14.)
- h) Declaration of Doug Murray and Karen Vetrano, regarding Public Health, dated November, 17, 2008. Sponsored by Applicant; received into evidence on December 19, 2008. (12/19/08 RT 46:18-19.)
- i) Declaration of Joseph Stenger, regarding Socioeconomic Resources, dated November, 17, 2008. Sponsored by Applicant; received into evidence on December 19, 2008. (12/19/08 RT 47:9.)
- 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 December 19, 2008. (12/19/08 RT 89:9-11.)
- k) Declaration of Ruth Davis and, Joseph Stenger, regarding Traffic and Transportation, dated November, 17, 2008. Sponsored by Applicant; received into evidence on December 19, 2008. (12/19/08 RT 156:5-7.)
- l) Declaration of Joseph Stenger, regarding Visual Resources, dated November, 17, 2008. Sponsored by Applicant; received into evidence on December 19, 2008. (12/19/08 RT 48:12-13.)
- m) Declaration of Joseph Stenger, regarding Waste Management, dated November, 17, 2008. Sponsored by Applicant; received into evidence on December 19, 2008. (12/19/08 RT 48:20-21, 49:5.)
- n) Declaration of Joseph Stenger and Michael Jones, dated November, 17, 2008, regarding Worker Safety. Sponsored by Applicant; received into evidence on December 19, 2008. (12/19/08 RT 49: 19.)
- 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 December 19, 2008. (12/19/08 RT 50:7-8.)

- p) Declaration of Joseph Stenger, regarding Engineering Assessment: Geology and Paleontology, dated November, 17, 2008. Sponsored by Applicant; received into evidence on December 19, 2008. (12/19/08 RT 50:23-24.)
- q) Declaration of Michael Jones, Stephen Thome, and Joseph Stenger, regarding Alternatives, dated November, 17, 2008. Sponsored by Applicant; received into evidence on December 19, 2008. (12/19/08 RT 53:24, 54:1-3.)
- r) Declaration of Joseph Stenger and Michael Jones dated November, 17, 2008, regarding Conditions of Certifications. Sponsored by Applicant; received into evidence on December 19, 2008. (12/19/08 RT 54:17-21.)

**EXHIBIT 19** Withdrawn December 19, 2008. (12/19/08 RT 54:14-16.)

**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 December 19, 2008. (12/19/08 RT 44:3-5.)

**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 December 19, 2008. (12/19/08 RT 156:6-7.)

**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 December 19, 2008. (12/19/08 RT 44:4-5.)

**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 December 19, 2008. (12/19/08 RT 89:9-11.)

- 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 December 19, 2008. (12/19/08 RT 50:7-8.)
- EXHIBIT 25** Reserved by Applicant, but not used therefore not received.
- EXHIBIT 26** Reserved by Applicant, but not used therefore not received.
- EXHIBITS 27 through 49** reserved by Applicant, but not used therefore not received.
- 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 December 19, 2008. (12/19/08 RT 53:11-15.)
- 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 December 19, 2008. (12/19/08 RT 89:9-10.)
- 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 December 19, 2008. (12/19/08 RT 89:10-11.)
- 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 December 19, 2008. (12/19/08 RT 44:4-5.)
- 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 December 19, 2008. (12/19/08 RT 49:18-19.)

- 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 December 19, 2008. (12/19/08 RT 44:4-5.)
- 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 December 19, 2008. (12/19/08 RT 89:10-11.)
- EXHIBIT 57** Reserved by Applicant, but not used therefore not received.
- EXHIBIT 58** Reserved by Applicant, but not used therefore not received.
- 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 December 19, 2008. (12/19/08 RT 44:4-5.)
- EXHIBIT 60** San Diego Air Pollution Control District Final Determination of Compliance, Orange Grove Project; dated December 4, 2008, and docketed December 4, 2008. Topic: Air Quality. Sponsored by Applicant, and received into evidence on December 19, 2008. (12/19/08 RT 62:8.)
- EXHIBIT 61** Orange Grove Energy Project Water Haul Routes, dated December 19, 2008. Topic: Traffic and Transportation. Sponsored by Applicant, and received into evidence on December 19, 2008. (12/19/08 RT 156:6-7.)
- EXHIBITS 62** Reserved by Applicant, but not used therefore not received.
- EXHIBIT 63** Testimony of Richard Jones Regarding Land Use. Sponsored by Applicant, and received into evidence on March 16, 2009. (3/16/09 RT )
- EXHIBIT 64** Testimony of Joseph Stenger Regarding Soil and Water Resources. Sponsored by Applicant, and received into evidence on March 16, 2009. (3/16/09 RT )

- EXHIBIT 65** Applicant's comments to the Presiding Member's Proposed Decision. Sponsored by Applicant, received into evidence on March 16, 2009. (3/16/09 RT )
- EXHIBIT 66** Testimony of Joseph Stenger Regarding Traffic and Transportation. Sponsored by Applicant, and received into evidence on March 16, 2009. (3/16/09 RT )

**ENERGY COMMISSION STAFF'S EXHIBITS**

- EXHIBIT 200** Amended Staff Assessment, dated December 2008, and docketed December 11, 2008. Sponsored by Staff; received into evidence on December 19, 2008. (12/19/08 RT 182:17-18.)
- EXHIBIT 201** Documents in support of stipulation to allow Will Walters to testify by telephone. Sponsored by Staff; received into evidence on December 19, 2008. (12/19/08 RT 182:17-18.)
- EXHIBIT 202** New Condition **TRANS-4** Language. December 19, 2008. (12/19/08 RT 189:4-10.)
- EXHIBIT 203** Staff's response to Committee's Questions and Comments on Presiding Member's Proposed Decision. Sponsored by Staff, received into evidence on on March 16, 2009. (3/16/09 RT )
- EXHIBIT 204** Declaration of Suzanne L. Phinney. Sponsored by Staff, received into evidence on March 16, 2009. (3/16/09 RT.)
- EXHIBIT 205** Declaration of Felicia Miller. Sponsored by Staff, received into evidence on March 16, 2009. (3/16/09 RT )
- EXHIBIT 206** Letter dated January 7, 2009 from County of San Diego to Stephen Thome regarding Subdivision Map Act. Sponsored by Staff, received into evidence on March 16, 2009. (3/16/09 RT )
- EXHIBIT 207** Declaration of James Adams. Sponsored by Staff, received into evidence on March 16, 2009. (3/16/09 RT )
- EXHIBIT 208** Declaration of Robert Morris and Order No. 91-39 Waste Discharge Requirements for Fallbrook Sanitary District by the California Regional Water Quality Control Board, San Diego Region and.



Addendum Nos. 1-3 to Order 91-39. Sponsored by Staff, received into evidence on March 16, 2009. (3/16/09 RT )

**EXHIBIT 209** Declaration of Jared Babula. Sponsored by Staff, received into evidence on March 16, 2009. (3/16/09 RT )

**EXHIBIT 210** Staff's comments and corrections to the Presiding Member's Proposed Decision. Sponsored by Staff, received into evidence on March 16, 2009. (3/16/09 RT)

**INTERVENOR ANTHONY ARAND'S EXHIBITS**

**EXHIBIT 300** Eight page document consisting of a table of Estimated Emissions for the Granite Asphalt Plant; a two 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. Not offered nor received.

**INTERVENOR ALLIANCE FOR A CLEANER TOMORROW'S EXHIBITS**

None

**INTERVENOR ARCHIE D. MCPHEE'S EXHIBITS**

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