



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 **GWF TRACY COMBINED CYCLE
 POWER PLANT PROJECT**

Docket No. 08-AFC-7

**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 **GWF TRACY COMBINED CYCLE POWER PLANT PROJECT** has scheduled a Prehearing Conference and an Evidentiary Hearing as follows:

The Prehearing Conference will be conducted on:

**TUESDAY, November 17, 2009
 Beginning at 2:00 p.m.**

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

DOCKET	
08-AFC-7	
DATE	<u>NOV 02 2009</u>
RECD.	<u>NOV 03 2009</u>

TELECONFERENCE OPTION: The following toll free phone number will be available at 2:00 p.m. for callers to participate in the hearing:

**Call: 877-546-1568
 Use Passcode: "Tracy"
 Conference Leader: "Raoul Renaud"**

The Evidentiary Hearing will be conducted on:

**MONDAY, November 30, 2009
 Beginning at 2:00 p.m.**

**Tracy City Hall
 Council Chambers
 333 Civic Center Plaza
 Tracy, California 95376
 (Map Attached)**

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

ITEM	DATE
Staff files FSA	Monday, November 2, 2009
Last date to file Petition to Intervene	Tuesday November 17, 2009
Prehearing Conference Statements due	Wednesday, November 11, 2009
Applicant files testimony	Thursday, November 19, 2009

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 (Staff, Applicant, and Intervenor) shall present their respective positions regarding: the substantive topic areas ready for evidentiary hearing; those 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.

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-7" 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 **3 p.m. on November 12, 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. **FAILURE TO FILE A TIMELY PREHEARING CONFERENCE STATEMENT MAY PRECLUDE A PARTY FROM PARTICIPATING AT THIS HEARING.**

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 therefor;
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 lay and expert witness sponsored by each party (**note:** expert 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 and other scheduling matters;
8. For all topics, the parties shall review the proposed Conditions of Certification listed in the Final Staff Assessment (FSA) for enforceability, comprehension, and consistency with the evidence, and submit any proposed modifications.

Formats for Presenting Evidence

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

1. Each exhibit shall be numbered and identified on an **Exhibit List**:
 - Applicant's exhibits shall be numbered consecutively as Exhibits 1 through 199;
 - Staff's exhibits shall be numbered consecutively as Exhibits 200 through 299;
 - Intervenor CURE's exhibits shall be numbered consecutively as Exhibits 300 through 399; and
 - Intervenor Sarvey's exhibits shall be numbered consecutively as Exhibits 400 through 499.

Printed copies of each party's exhibits, including intervenors' exhibits, organized as described above under Format "1," shall be submitted to all

other parties, including intervenors, the Hearing Officer, and the Committee, at or before the Prehearing Conference and supplemented at the Evidentiary Hearing, as necessary.

2. To facilitate the Committee in preparing the Presiding Member's Proposed Decision, printed copies of the exhibits for each topic area shall **also** be compiled in separate file folders, or in a binder with numbered separators, designated by topic with the appropriate Exhibit Number attached to each document within each topic. Exhibits organized in this fashion need be provided only to the Committee and the Hearing Officer.

Petitions to Intervene to Become a Formal Party

The Energy Commission's Decision on the GWF Tracy Combined Cycle Power Plant Project 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 Project 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. An Intervenor 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.

The deadline to file a Petition to Intervene in this case is **Tuesday, November 17, 2009**. (Cal. Code Regs., tit. 20, § 1207.) Time extensions will not be granted for new Intervenors to review case materials.

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: **[publicadvisor@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 Raoul Renaud, the Hearing Officer, at 916-651-2020 or e-mail: rrenaud@energy.state.ca.us

Technical questions concerning the Project should be addressed to Alan Solomon, the Staff Project Manager, at 916-653-8236 or e-mail: asolomon@energy.state.ca.us

Media inquiries should be directed to the office for Media and Public Communications at 916-654-4989 or e-mail: mediaoffice@energy.state.ca.us.

If you have a disability and need assistance to participate at Commission-sponsored events, please contact Lourdes Quiroz at 916-654-5146 or e-mail: lquiroz@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 website at: www.energy.ca.gov/sitingcases/tracyexpansion.

Dated November 2, 2009, at Sacramento, California.



KAREN DOUGLAS
Chairman and Presiding Member
GWF Tracy AFC Committee



ARTHUR H. ROSENFELD
Commissioner and Associate Member
GWF Tracy AFC Committee

Mailed to Lists: POS, 7312, 7313, 7314, 7315

DIRECTIONS TO TRACY CITY HALL
333 Civic Center Plaza, Tracy
(209) 831-6000/ 831-6113

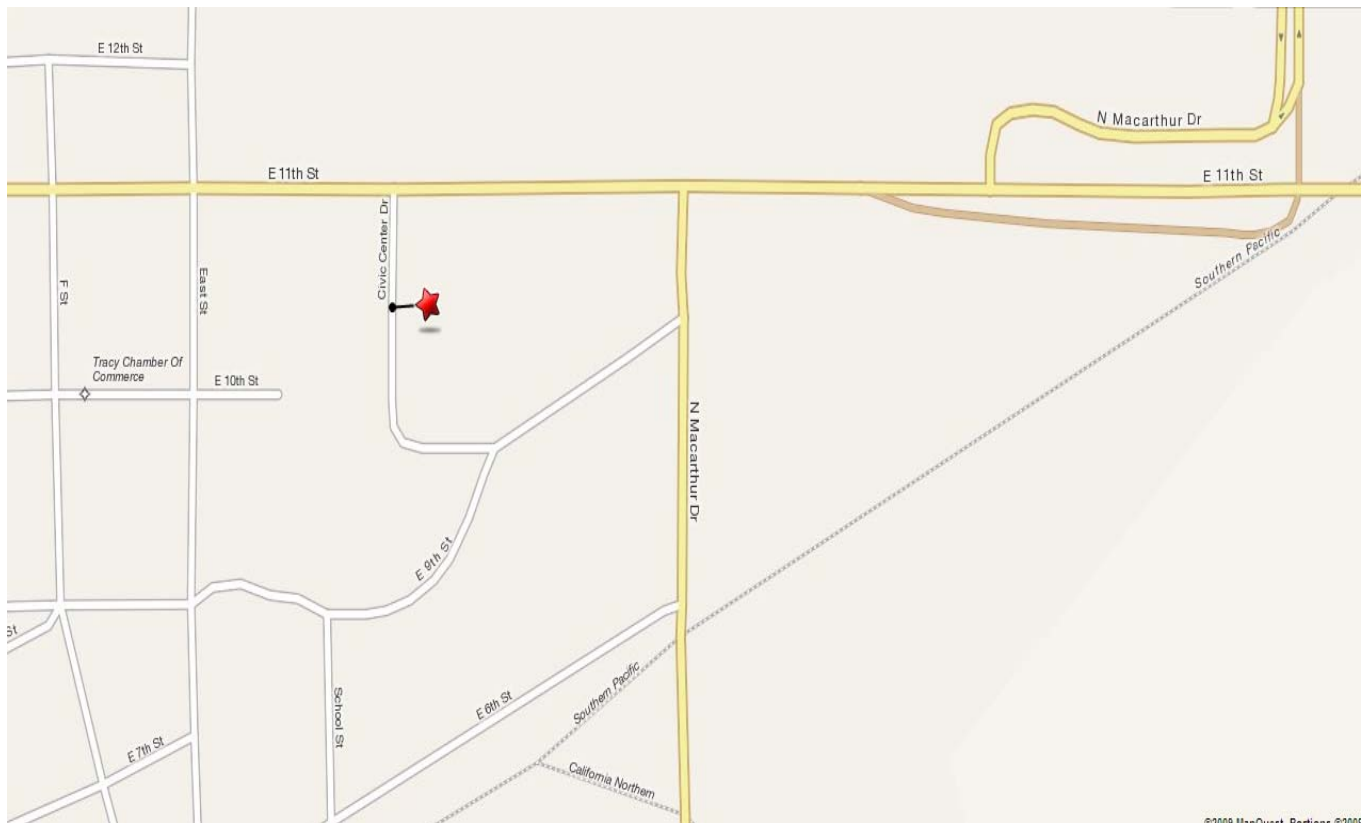
From San Francisco Bay Area (Livermore, Pleasanton, San Ramon, Dublin):

Take Interstate 580 east to I-205 east.
Take the 11th Street exit & continue east to Civic Center Drive.
Turn right onto Civic Center Drive.
City Hall is on the west corner of Civic Center Drive and 11th Street.

From the Central Valley (Sacramento, Elk Grove, Lodi, Manteca, Lathrop):

Take Interstate 5 south to the Tracy exit (458A).
Continue west on 11th Street to Civic Center Drive.
Turn left onto Civic Center Drive.

Parking: There is a parking lot on 11th Street on the North side of City Hall.
You may also park in the lot behind the Police Station on Civic Center Drive across the street from the East side of City Hall.





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1-800-822-6228 – WWW.ENERGY.CA.GOV**

**APPLICATION FOR CERTIFICATION
FOR THE *GWF TRACY COMBINED CYCLE
POWER PLANT PROJECT***

**Docket No. 08-AFC-7
PROOF OF SERVICE**

(Revised 2/25/2009)

APPLICANT

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INTERESTED AGENCIES

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INTERVENORS

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ENERGY COMMISSION

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publicadviser@energy.state.ca.us

DECLARATION OF SERVICE

I, Maggie Read, declare that on November 3, 2009, I served and filed copies of the attached Notice of Prehearing Conference and Evidentiary Hearing, dated November 2, 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/tracyexpansion/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:

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

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:

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-7
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: _____
Maggie Read