



**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

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 the Notice issued November 2, 2009 and with this Order.

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

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

DOCKET	
08-AFC-7	
DATE	<u>NOV 18 2009</u>
RECD.	<u>NOV 18 2009</u>

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

**Call: 800-369-1712
Use Passcode: "Tracy"
Conference Leader: "Raoul Renaud"**

Background

At the Prehearing Conference on November 17, 2009, Applicant and Staff ("parties") indicated they were ready to proceed with the Evidentiary Hearing on all topics set forth in the Application for Certification (AFC) and the Final Staff Analysis (FSA). Evidence and testimony on these topics shall be entered into the record solely by declaration.

Required Filings

Staff and Applicant provided oral comment at the Prehearing Conference concerning the Applicant's November 11, 2009 letter setting forth Applicant's comments on the FSA (Docket No. 08-AFC-7, Document No. 54059). There was further discussion regarding other factual issues, notably Air Quality, Greenhouse Gases, and Visual Resources. To

the extent that the discussion and comments provided at the Prehearing Conference require already-filed evidence or testimony to be amended or supplemented, the parties shall file such amendments and supplements **no later than 10:00 a.m. on Monday, November 23, 2009**, and copies must be provided to the Committee, the Hearing Adviser, and those on the Proof of Service and mailing lists, in Word format.

Responses to such amendments or supplements, if any, must be filed no later than 10:00 a.m. on Wednesday, November 25, 2009 and copies must be provided to the Committee, the Hearing Adviser, and those on the Proof of Service and mailing lists, in Word format.

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 all topics shall be submitted by sworn declarations filed under penalty of perjury and offered into evidence by stipulation of the Applicant and the Staff.

Neither Intervenor filed a Prehearing Conference Statement or provided any documentary or testimonial evidence by the deadlines set forth in the Notice of Prehearing Conference and Evidentiary Hearing issued on November 2, 2009. These parties are therefore presumed not to intend to offer documentary or testimonial evidence, or cross-examine witnesses, at the Evidentiary Hearing. They will have the opportunity to provide comment during the public comment portion of the Evidentiary Hearing.

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(d).]

The parties shall make arrangements to have a representative of the San Joaquin Valley Air Pollution Control District present, or available by telephone, at the Evidentiary Hearing, in connection with the presentation of the District's Determination of Compliance. [20 Cal. Code Regs., § 1744.5 (c).]

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 10:00 a.m. on November**

23, 2009. 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 Loreen McMahon, the Public Adviser, at (916) 654-4489 or 800-822-6228, or e-mail: [\[publicadviser@energy.state.ca.us\]](mailto:publicadviser@energy.state.ca.us).

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

Additional Information

Please see the **REVISED NOTICE OF PREHEARING CONFERENCE and EVIDENTIARY HEARING**, dated November 2, 2009, for further information.

Questions of a legal or procedural nature should be directed to Raoul Renaud, the Hearing Officer, at (916) 651-2020, or e-mail: [\[rrenaud@energy.state.ca.us\]](mailto:rrenaud@energy.state.ca.us).

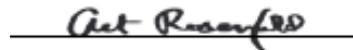
Technical questions concerning the project should be addressed to Alan Solomon, Energy Commission Project Manager, at (916) 653-8236, or by e-mail: [\[asolomon@energy.state.ca.us\]](mailto:asolomon@energy.state.ca.us).

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: [\[http://www.energy.ca.gov/sitingcases/sentinel\]](http://www.energy.ca.gov/sitingcases/sentinel).

Dated: November 18, 2009, at Sacramento, California.



KAREN DOUGLAS
Chairman and Presiding Member
GWF Tracy AFC Committee



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

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

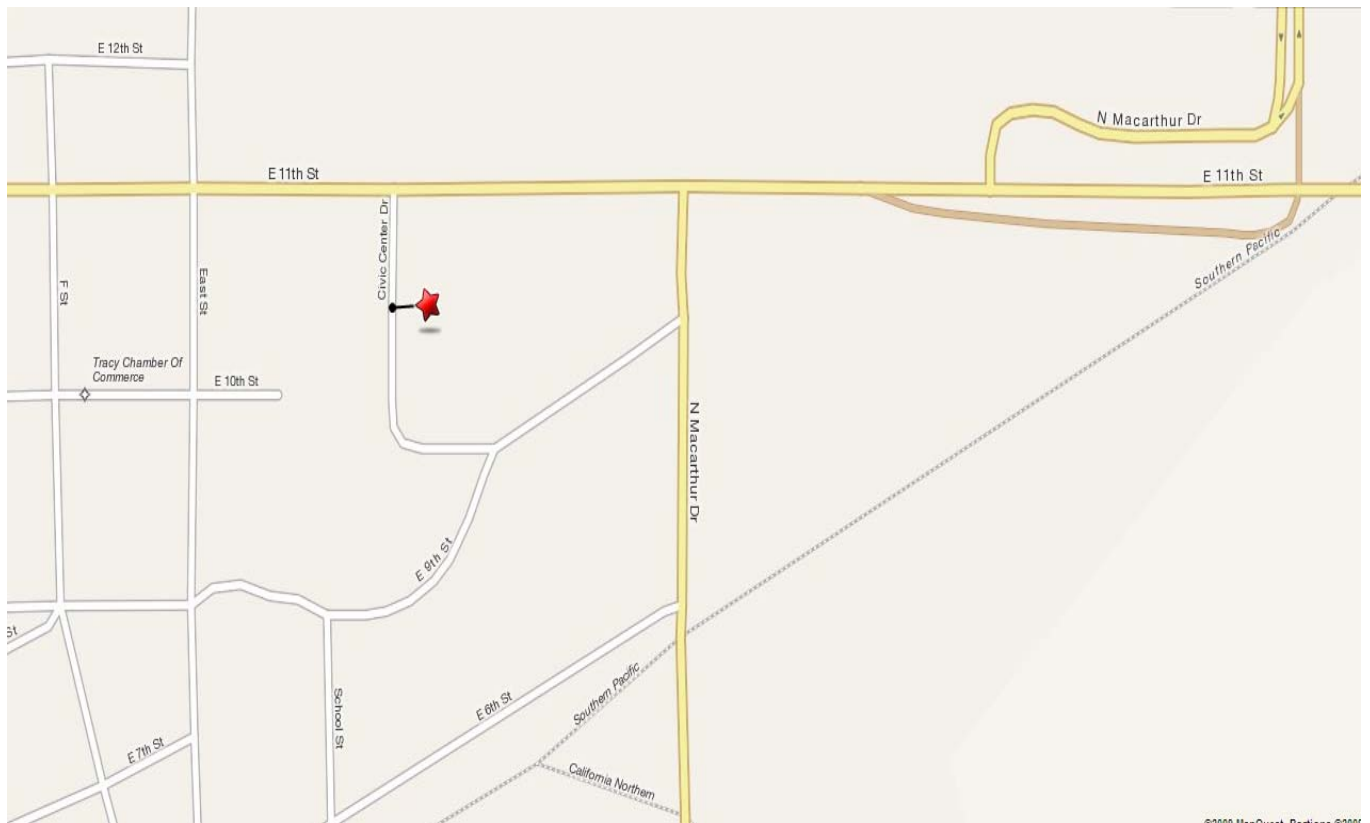
From San Francisco Bay Area (Livermore, Pleasanton, San Ramon, Dublin):

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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Application for Certification
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TENTATIVE EXHIBIT LIST

- EXHIBIT 1** AFC Section 1.0 – Executive Summary, Docket No. 47105, dated 7/10/08; Project Description Air Quality. Sponsored by Applicant and received into evidence on _____.
- EXHIBIT 2** AFC Section 2.0 – Project Description; Docket No. 47105; dated 7/10/08; Project Description; Facility Design; Power Plant Efficiency; Power Plant Reliability. Sponsored by Applicant and received into evidence on _____.
- EXHIBIT 3** AFC Section 3.0 – Electric Transmission Interconnection; Docket No. 47105; dated 7/10/08; Transmission Line Safety and Nuisance Transmission System Engineering, Facility Design. Sponsored by Applicant and received into evidence on _____.
- EXHIBIT 4** AFC Section 4.0 – Natural Gas Supply; Docket No. 47105; dated 7/10/08; Project Description. Sponsored by Applicant and received into evidence on _____.
- EXHIBIT 5** Intentionally omitted
- EXHIBIT 6** AFC Section 5.1 – Air Quality; Docket No. 47105; 7/10/08. Sponsored by Applicant and received into evidence on _____.
- EXHIBIT 7** AFC Section 5.2 – Biological Resources; Docket No. 47105; dated 7/10/08. Sponsored by Applicant and received into evidence on _____.
- EXHIBIT 8** AFC Section 5.3 – Cultural Resources; Docket No. 47105; dated 7/10/08. Sponsored by Applicant and received into evidence on _____.

- EXHIBIT 9** AFC Section 5.4 – Geologic Hazards and Resources; Docket No. 47105; dated 7/10/08. Sponsored by Applicant and received into evidence on _____.
- EXHIBIT 10** AFC Section 5.5 – Hazardous Materials Handling; Docket No. 47105; dated 7/10/08. Sponsored by Applicant and received into evidence on _____.
- EXHIBIT 11** AFC Section 5.6 – Land Use; Docket No. 47105; dated 7/10/08. Sponsored by Applicant and received into evidence on _____.
- EXHIBIT 12** AFC Section 5.7 – Noise; Docket No. 47105; dated 7/10/08; Noise and Vibration. Sponsored by Applicant and received into evidence on _____.
- EXHIBIT 13** AFC Section 5.8 – Paleontological Resources; Docket No. 47105; dated 7/10/08; Sponsored by Applicant and received into evidence on _____.
- EXHIBIT 14** AFC Section 5.9 – Public Health; Docket No. 47105; dated 7/10/08. Sponsored by Applicant and received into evidence on _____.
- EXHIBIT 15** AFC Section 5.10 – Socioeconomics; Docket No. 47105; dated 7/10/08. Sponsored by Applicant and received into evidence on _____.
- EXHIBIT 16** AFC Section 5.11 – Soils; Docket No. 47105; dated 7/10/08. Soil and Water Resources. Sponsored by Applicant and received into evidence on _____.
- EXHIBIT 17** AFC Section 5.12 – Traffic and Transportation; Docket No. 47105; dated 7/10/08. Sponsored by Applicant and received into evidence on _____.
- EXHIBIT 18** AFC Section 5.13 – Visual Resources; Docket No. 47105; dated 7/10/08. Sponsored by Applicant and received into evidence on _____.
- EXHIBIT 19** AFC Section 5.14 – Waste Management; Docket No. 47105; dated 7/10/08. Sponsored by Applicant and received into evidence on _____.

- EXHIBIT 20** AFC Section 5.15 – Water Resources; Docket No. 47105; dated 7/10/08. Sponsored by Applicant and received into evidence on _____.
- EXHIBIT 21** AFC Section 5.16 – Worker Health and Safety; Docket No. 47105; dated 7/10/08; Worker Safety. Sponsored by Applicant and received into evidence on _____.
- EXHIBIT 22** AFC Section 6.0 – Alternatives; Docket No. 47105; dated 7/10/08; Alternatives. Sponsored by Applicant and received into evidence on _____.
- EXHIBIT 23** AFC Appendix 1A – TPP Licensing Materials; Docket No. 47105; dated 7/10/08; Project Description Various. Sponsored by Applicant and received into evidence on _____.
- EXHIBIT 24** AFC Appendix 1B – Property Owner Information; Docket No. 47105; dated 7/10/08; Project Description; Various. Sponsored by Applicant and received into evidence on _____.
- EXHIBIT 25** AFC Appendix 1C – Persons Who Prepared the AFC; Docket No. 47105; dated 7/10/08; Project Description Various. Sponsored by Applicant and received into evidence on _____.
- EXHIBIT 26** AFC Appendix 2A – Engineering; Docket No. 47105; dated 7/10/08; Facility Design. Sponsored by Applicant and received into evidence on _____.
- EXHIBIT 27** AFC Appendix 2A.1 – Foundation and Civil Engineering Design Criteria; Docket No. 47105; dated 7/10/08; Facility Design. Sponsored by Applicant and received into evidence on _____.
- EXHIBIT 28** AFC Appendix 2A.2 – Structural and Seismic Engineering Design Criteria; Docket No. 47105; dated 7/10/08; Facility Design. Sponsored by Applicant and received into evidence on _____.
- EXHIBIT 29** AFC Appendix 2A.3 – Mechanical Engineering Design Criteria; Docket No. 47105; dated 7/10/08; Facility Design. Sponsored by Applicant and received into evidence on _____.
- EXHIBIT 30** AFC Appendix 2A.4 – Control Engineering Design Criteria; Docket No. 47105; dated 7/10/08; Facility Design. Sponsored by Applicant and received into evidence on _____.

- EXHIBIT 31** AFC Appendix 2A.5 – Electrical Engineering Design Criteria; Docket No. 47105; dated 7/10/08; Facility Design. Sponsored by Applicant and received into evidence on _____.
- EXHIBIT 32** AFC Appendix 3A – System Impact Study ; Docket No. 47105; dated 7/10/08; Facility Design Transmission System Engineering. Sponsored by Applicant and received into evidence on _____.
- EXHIBIT 33** AFC Appendix 5.1A – Construction Emission Estimates; Docket No. 47105; dated 7/10/08. Sponsored by Applicant and received into evidence on _____.
- EXHIBIT 34** AFC Appendix 5.1B – Calculation of Maximum Hourly, Daily, and Annual Emissions; Docket No. 47105; dated 7/10/08. Sponsored by Applicant and received into evidence on _____.
- EXHIBIT 35** AFC Appendix 5.1C – Dispersion Modeling and Climate Information; Docket No. 47105; dated 7/10/08. Sponsored by Applicant and received into evidence on _____.
- EXHIBIT 36** AFC Appendix 5.1D – SJVAPCD Authority to Construct Forms; Docket No. 47105; dated 7/10/08. Sponsored by Applicant and received into evidence on _____.
- EXHIBIT 37** AFC Appendix 5.1E – Evaluation of Best Available Control Technology; Docket No. 47105; dated 7/10/08. Sponsored by Applicant and received into evidence on _____.
- EXHIBIT 38** AFC Appendix 5.2A – Resumes of Biological Resources Staff; Docket No. 47105; dated 7/10/08. Sponsored by Applicant and received into evidence on _____.
- EXHIBIT 39** AFC Appendix 5.2B – Special-Status Species List; Docket No. 47105; dated 7/10/08. Sponsored by Applicant and received into evidence on _____.
- EXHIBIT 40** AFC Appendix 5.3A – Agency Consultation Letters; Docket No. 47105; dated 7/10/08. Sponsored by Applicant and received into evidence on _____.
- EXHIBIT 41** AFC Appendix 5.3B – TPP AFC Cultural Resources Assessment – CONFIDENTIAL; Docket No. 47105; dated 7/10/08. Sponsored by Applicant and received into evidence on _____.

- EXHIBIT 42** AFC Appendix 5.3C – GWF Tracy CHRIS Literature Search Results – CONFIDENTIAL; Docket No. 47105; dated 7/10/08. Sponsored by Applicant and received into evidence on _____.
- EXHIBIT 43** AFC Appendix 5.3D – Resume of Cultural Resources Staff; Docket No. 47105; dated 7/10/08. Sponsored by Applicant and received into evidence on _____.
- EXHIBIT 44** AFC Appendix 5.3E – Cultural Resource Figures 5.3E1a – 5.3E1d – CONFIDENTIAL; Docket No. 47105; dated 7/10/08. Sponsored by Applicant and received into evidence on _____.
- EXHIBIT 45** AFC Appendix 5.5A – EDR Offsite Receptor Report; Docket No. 47105; dated 7/10/08. Sponsored by Applicant and received into evidence on _____.
- EXHIBIT 46** AFC Appendix 5.7A – Tracy Peaker Plant 2003 Noise Study; Docket No. 47105; dated 7/10/08. Sponsored by Applicant and received into evidence on _____.
- EXHIBIT 47** AFC Appendix 5.9A – Sensitive Receptors; Docket No. 47105; dated 7/10/08. Sponsored by Applicant and received into evidence on _____.
- EXHIBIT 48** AFC Appendix 5.9B – HARP Modeling; Docket No. 47105; dated 7/10/08. Sponsored by Applicant and received into evidence on _____.
- EXHIBIT 49** AFC Appendix 5.10A – Screening-level Environmental Justice Analysis; Docket No. 47105; dated 7/10/08. Sponsored by Applicant and received into evidence on _____.
- EXHIBIT 50** AFC Appendix 5.10B – Records of Conversation; Docket No. 47105; dated 7/10/08. Sponsored by Applicant and received into evidence on _____.
- EXHIBIT 51** AFC Appendix 5.11A – Draft Construction SWPPP; Docket No. 47105; dated 7/10/08. Sponsored by Applicant and received into evidence on _____.
- EXHIBIT 52** AFC Appendix 5.13A – Evaluation of Potential Impacts to Visual Resources; Docket No. 47105; dated 7/10/08. Sponsored by Applicant and received into evidence on _____.
- EXHIBIT 53** AFC Appendix 5.14A – Phase 1 ESA; 47109; dated 7/10/08; Waste Management. Sponsored by Applicant and received into evidence on _____.

- EXHIBIT 54** Public Health Modeling Files; Docket No. 47106; dated 7/18/08. Sponsored by Applicant and received into evidence on _____.
- EXHIBIT 55** Air Quality Modeling Files; Docket No. 47107; dated 7/18/08. Sponsored by Applicant and received into evidence on _____.
- EXHIBIT 56** Application for Confidential Designation - Paleontological Resources Report (including application for confidential designation); Docket No. 47469; dated 8/06/08; Geology and Paleontology. Sponsored by Applicant and received into evidence on _____.
- EXHIBIT 57** Application for Confidential Designation - Cultural Resources Reports (including application for confidential designation); Docket No. 47486; dated 8/06/08. Sponsored by Applicant and received into evidence on _____.
- EXHIBIT 58** Response to Data Adequacy Review; Air Quality, Biological Resources, Cultural Resources, Geology and Paleontology, Traffic and Transportation, Transmission System Engineering, Various; Docket No. 47928; dated 9/08. Sponsored by Applicant and received into evidence on _____.
- EXHIBIT 59** Application for Confidential Designation - Paleontological Figures PAL-1 and PAL-2 (including application for confidential designation); Geology and Paleontology; Docket No. 47997; dated 9/08/08. Sponsored by Applicant and received into evidence on _____.
- EXHIBIT 60** Application for Confidential Designation - Cultural Resources Reports (including application for confidential designation); Docket No. 48040; dated 9/15/08. Sponsored by Applicant and received into evidence on _____.
- EXHIBIT 61** Responses to Data Requests 1 through 37 (Data Response Set 1); Docket No. . 49055; dated 11/19/08; Air Quality, Biological Resources, Cultural Resources, Geology and Paleontology, Soil and Water Resources, Public Health, Transmission System Engineering, Various. Sponsored by Applicant and received into evidence on _____.
- EXHIBIT 62** E-mail with Estimate Air-Cooled Condenser Mass Flow & Operating Data from Jerry Salamy; Docket No. 49662. Sponsored by Applicant and received into evidence on _____.

- EXHIBIT 63** Applicant's Data Responses Set 1A; Docket No. 49700; dated 1/12/09; Air Quality, Public Health. Sponsored by Applicant and received into evidence on _____.
- EXHIBIT 64** Workshop Data Responses Set 1; Docket No. 49841; dated 1/23/09; Biological Resources, Various. Sponsored by Applicant and received into evidence on _____.
- EXHIBIT 65** Applicant's Interconnection System Impact Re-study-Interconnection Facilities Study Report; Facility Design, TSE; Docket No. 52006; dated 6/15/09. Sponsored by Applicant and received into evidence on _____.
- EXHIBIT 66** FAA Determination of No Hazard and GWF Tracy FAA Form 7460-1; Facility Design; Docket No. 52065; dated 6/17/09. Sponsored by Applicant and received into evidence on _____.
- EXHIBIT 67** Applicant's Comments on the Preliminary Staff Assessment; Air Quality Public Health Various; Docket No. 52355; dated 7/09/09. Sponsored by Applicant and received into evidence on _____.
- EXHIBIT 68** Applicant's Preliminary Staff Assessment (PSA) Workshop Response to Public Comments Various; Docket No. 52542; dated 7/23/09. Sponsored by Applicant and received into evidence on _____.
- EXHIBIT 69** Appendices to the System Impact Study - Facility Design Transmission System Engineering; Docket No. 52548; dated 7/23/09. Sponsored by Applicant and received into evidence on _____.
- EXHIBIT 70** Declaration of Doug Wheeler regarding Project Description Project Description; dated 11/17/09. Sponsored by Applicant and received into evidence on _____.
- EXHIBIT 71** Declaration of Jerry Salamy regarding Air Quality Air Quality; dated 11/17/09. Sponsored by Applicant and received into evidence on _____.
- EXHIBIT 72** Declaration of Marjorie Eisert regarding Biological Resources Biological Resources; dated 11/17/09. Sponsored by Applicant and received into evidence on _____.
- EXHIBIT 73** Declaration of Clint Helton regarding Cultural Resources Cultural Resources; dated 11/17/09. Sponsored by Applicant and received into evidence on _____.

- EXHIBIT 74** Declaration of Sarah Madams regarding Hazardous Materials Hazardous Materials; dated 11/17/09. Sponsored by Applicant and received into evidence on _____.
- EXHIBIT 75** Declaration of Jennifer Scholl regarding Land Use Land Use; dated 11/17/09. Sponsored by Applicant and received into evidence on _____.
- EXHIBIT 76** Declaration of Mark Bastasch regarding Noise and Vibration; dated 11/17/09. Sponsored by Applicant and received into evidence on _____.
- EXHIBIT 77** Declaration of Jerry Salamy regarding Public Health; dated 11/17/09. Sponsored by Applicant and received into evidence on _____.
- EXHIBIT 78** Declaration of Fatuma Yusuf regarding Socioeconomic Resources; dated 11/17/09. Sponsored by Applicant and received into evidence on _____.
- EXHIBIT 79** Declaration of Steve Long regarding Soil and Water Resources; dated 11/17/09. Sponsored by Applicant and received into evidence on _____.
- EXHIBIT 80** Declaration of Matt Franck regarding Soil and Water Resources; dated 11/17/09. Sponsored by Applicant and received into evidence on _____.
- EXHIBIT 81** Declaration of Loren Bloomberg regarding Traffic and Transportation; dated 11/17/09. Sponsored by Applicant and received into evidence on _____.
- EXHIBIT 82** Declaration of Doug Wheeler regarding Transmission Line Safety and Nuisance; dated 11/17/09. Sponsored by Applicant and received into evidence on _____.
- EXHIBIT 83** Declaration of Joshua Hohn regarding Visual Resources; dated 11/17/09. Sponsored by Applicant and received into evidence on _____.
- EXHIBIT 84** Declaration of Sarah Madams regarding Waste Management; dated 11/17/09. Sponsored by Applicant and received into evidence on _____.
- EXHIBIT 85** Declaration of Richard Cavil regarding Worker Safety; dated 11/17/09. Sponsored by Applicant and received into evidence on _____.

- EXHIBIT 86** Declaration of Doug Wheeler regarding Facility Design; dated 11/17/09. Sponsored by Applicant and received into evidence on _____.
- EXHIBIT 87** Declaration of Thomas Lae regarding Geology and Paleontology; dated 11/17/09. Sponsored by Applicant and received into evidence on _____.
- EXHIBIT 88** Declaration of Geoff Spalding regarding Geology and Paleontology; dated 11/17/09. Sponsored by Applicant and received into evidence on _____.
- EXHIBIT 89** Declaration of Doug Wheeler regarding Power Plant Efficiency; dated 11/17/09. Sponsored by Applicant and received into evidence on _____.
- EXHIBIT 90** Declaration of Doug Wheeler regarding Power Plant Reliability; dated 11/17/09. Sponsored by Applicant and received into evidence on _____.
- EXHIBIT 91** Declaration of Hal Moore regarding Transmission System Engineering; dated 11/17/09. Sponsored by Applicant and received into evidence on _____.
- EXHIBIT 92** Declaration of Jerry Salamy regarding Alternatives; dated 11/17/09. Sponsored by Applicant and received into evidence on _____.
- EXHIBIT 93** Applicant's Comments on the Final Staff Assessment Air Quality Cultural Resources, Public Health; dated 11/11/09. Sponsored by Applicant and received into evidence on _____.
- EXHIBIT 94** Declaration of Jerry Salamy regarding Various dated 11/17/09. Sponsored by Applicant and received into evidence on _____.
- EXHIBIT 95** Declaration of Jerry Salamy regarding Project Description; dated 11/17/09. Sponsored by Applicant and received into evidence on _____.
- EXHIBIT 96** Declaration of Hal Moore regarding Facility Design; dated 11/17/09. Sponsored by Applicant and received into evidence on _____.
- EXHIBIT 97** Declaration of Hal Moore regarding Transmission Line Safety and Nuisance; dated 11/17/09. Sponsored by Applicant and received into evidence on _____.

EXHIBIT 98 Declaration of Hal Moore regarding Power Plant Efficiency; dated 11/17/09. Sponsored by Applicant and received into evidence on _____.

STAFF'S EXHIBITS 200-299

EXHIBIT 200 The Final Staff Assessment, dated October 30, 2009. Sponsored by Staff and received into evidence on _____.

INTERVENORS TUSOS' EXHIBITS 300- 399

NONE

INTERVENOR SARVEY'S EXHIBITS – 400 -499

NONE



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POWER PLANT PROJECT***

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

(Revised 2/25/2009)

APPLICANT

Doug Wheeler, Vice President
GWF Energy, LLC
4300 Railroad Avenue
Pittsburg, CA 94565
dwheeler@gwfpower.com

APPLICANT'S CONSULTANTS

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Senior Project Manager, CH2M HILL
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Sacramento, CA 95833
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COUNSEL FOR APPLICANT

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Costa Mesa, CA 92626-1925
michael.carroll@lw.com

INTERESTED AGENCIES

California ISO
e-recipient@caiso.com

INTERVENORS

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Tracy, California 95376
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ENERGY COMMISSION

KAREN DOUGLAS
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kldougla@energy.state.ca.us

ARTHUR H. ROSENFELD
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arosenfe@energy.state.ca.us

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Kerry Willis
Staff Counsel
kwillis@energy.state.ca.us

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

DECLARATION OF SERVICE

I, RoseMary Avalos, declare that on November 18, 2009, I served and filed copies of the attached Evidentiary Hearing Order and Tentative Exhibit List, dated November 18, 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: _____
RoseMary Avalos