



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	
09-AFC-4	
DATE	<u>NOV 23 2009</u>
RECD.	<u>NOV 23 2009</u>

**Application for Certification
 for the *OAKLEY GENERATING STATION*
*PROJECT***

Docket No. 09-AFC-4

COMMITTEE SCHEDULING ORDER

On September 23, 2009, the Application for Certification (AFC) was deemed data adequate for the twelve-month review process prescribed in Public Resources Code, section 25540.6. The Committee conducted a public Informational Hearing on November 9, 2009, to discuss the schedule and other issues of concern. The attached Committee Schedule is based upon Staff’s proposed schedule and the related discussion at the Informational Hearing.

The attached Committee Schedule provides dates for the period leading up to the publication of the Final Staff Assessment/Final Environmental Impact Statement (FSA/FEIS) and formulas for the time intervals between subsequent events. We encourage the parties to consider this schedule an outer boundary and make their best efforts to complete the milestones ahead of these dates. Depending on the degree of controversy and number of contested issues, the intervals following the FSA/FEIS publication may be compressed or lengthened.

As Staff notes in its October 27, 2009 Issues Identification report, the Commission is currently facing heavy workloads in the power plant siting process. Thus, the events in the schedule may not occur as quickly as the schedule provides.

We may modify the schedule at any time upon either our own motion or that of a party. [Cal. Code Regs., tit. 20, § 1709.7(c).] The schedule includes periodic status reports to determine whether case development is progressing satisfactorily, and to bring potential schedule delays or other relevant matters to our attention.

Pursuant to California Code of Regulations, title 20, sections 1209 and 1209.5, the parties are directed, when they choose to file and serve documents by email, to create the electronic copies in a format which allows electronic searching of the text, such as a commonly used word processing file format or a .pdf (Portable Document Format) file. If using the .pdf format, the document shall be printed or otherwise saved to a .pdf file from the word processing program rather than created by optically scanning a printed copy. For Microsoft Word formatted word processing files, the older .doc file format is preferred over the newer .docx format because older programs cannot read .docx files.

This directive does not apply to documents or attachments that are not generated under the control of the party or its agents or where it is otherwise infeasible to comply.

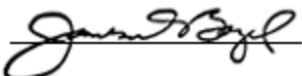
Signatures may be indicated on the electronic copy by "Original Signed By" or similar words. The original signed physical copy shall be filed with the Energy Commission's Dockets Unit.

Providing documents in this form will also allow persons with visual disabilities to more easily read them and make them easier to read on portable devices such as smart phones.

Our regulations, California Code of Regulations, title 20, section 1210 require, in addition to any electronic service, that a paper copy be served in person or by first class mail except where a party requests to receive an electronic copy when one is available. Individuals and groups on the Proof of Service list who prefer to receive filings by e-mail and do not require a paper copy in addition to an electronic copy shall inform the Hearing Officer. The Proof of Service list for this matter will delineate those individuals and groups and it is sufficient to serve those individuals with an e-mailed copy only¹. Those not so delineated must be served with a paper copy in addition to any emailed copy that the filing party chooses to provide.

Questions about the above formatting and filing directives may be addressed to Paul Kramer, the Hearing Officer in this matter.

Dated: November 23, 2009, at Sacramento, California.



JAMES D. BOYD
Vice Chair and Presiding Member
Oakley AFC Committee



KAREN DOUGLAS
Chairman and Associate Member
Oakley AFC Committee

¹ The California Independent System Operator (CAISO) has informed us that it does not wish to receive paper copies and will be so marked on the Proof of Service list.

COMMITTEE SCHEDULE
 FOR THE
OAKLEY GENERATING STATION POWER PLANT PROJECT
 (09-AFC-4)

<i>DATE</i>	<i>EVENT</i>
September 23, 2009	AFC Data Adequate
November 9, 2009	Site Visit and Informational Hearing
December 21, 2009	Data Response and Issue Resolution Workshop
December 29, 2009	Staff files data request set 2 (if necessary)
December 30, 2009	Local, State, and Federal Agency Draft Determinations, including Air District's Preliminary Determination of Compliance (PDOC) filed
January 6, 2010 and every five (5) weeks thereafter until the FSA is filed	Parties file Status Reports
January 15, 2010	Applicant Files Data Responses required by Staff to complete its preliminary analysis
February 19, 2010	Staff publishes Preliminary Staff Assessment (PSA)
Mid March, 2010	Staff conducts PSA workshop
March 19, 2010	Local, State, and Federal Agency Final Comments and Determinations, including Air District's Final DOC filed
4 - 5 weeks after PSA published	Committee Conference
April 19, 2010	Staff publishes Final Staff Assessment (FSA)
Late April, 2010	Staff conducts FSA workshop
FSA + 4 weeks	Applicant's opening testimony and preliminary identification of contested issues filed and served
FSA + 6 weeks	Staff and other parties file and serve opening testimony (other than FSA/FEIS) and Prehearing Conference Statements; Applicant files Prehearing Conference Statement
FSA + 7 weeks	All parties file rebuttal testimony
FSA + 7 weeks	Prehearing Conference
FSA + 8 weeks	Evidentiary Hearings
3 weeks after Evidentiary Hearings close	Post Hearing Briefs filed*
6 - 7 weeks after Evidentiary Hearings close	Presiding Member's Proposed Decision (PMPD) issued for 30-day comment period
Approx. 25 days after PMPD issued	PMPD comment hearing
35 days after PMPD issued	Revised PMPD issued* for 15-day (30 days if significant environmental information added) review period*
To be determined	Energy Commission Final Decision Adoption Hearing

* if necessary

Issued: November 23, 2009



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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 *OAKLEY GENERATING STATION***

**Docket No. 09-AFC-4
PROOF OF SERVICE
(Established 10/8/2009)**

APPLICANT

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INTERESTED AGENCIES

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INTERVENORS

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DECLARATION OF SERVICE

I, Maggie Read, declare that on December 23, 2009, I served and filed copies of the attached, Committee Scheduling Order. 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:

[\[http://www.energy.ca.gov/sitingcases/contracosta/index.html\]](http://www.energy.ca.gov/sitingcases/contracosta/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. 09-AFC-4
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