



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 APR 12 2011

RECD. APR 12 2011

APPLICATION FOR CERTIFICATION FOR THE
OAKLEY GENERATING STATION PROJECT

Docket No. 09-AFC-4

**NOTICE OF AVAILABILITY OF THE PRESIDING MEMBER'S PROPOSED DECISION
AND
NOTICE OF COMMITTEE CONFERENCE
AND
NOTICE OF FULL COMMISSION HEARING**

I. NOTICE OF AVAILABILITY

On April 12, 2011, the Committee issued the Presiding Member's Proposed Decision (PMPD) for the ***OAKLEY GENERATING STATION PROJECT***. The 30-day public comment period on the PMPD ends on May 12, 2011. Copies of the PMPD have been sent to the Proof of Service list. The PMPD may also be viewed on the Commission's internet website at: [www.energy.ca.gov/sitingcases/oakley/index.html].

For a printed copy, call the Energy Commission's Publications Unit at 916-654-5200, and ask for Publication No. **CEC 800-2011-002-PMPD**.

II. NOTICE OF COMMITTEE CONFERENCE

PLEASE TAKE NOTICE that the Committee will hold a Committee Conference on the PMPD as follows:

***Tuesday, May 3, 2011
Beginning at 1 p.m.***

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

TELECONFERENCE OPTION: You may participate in the Committee Conference by telephone and/or by computer via our "WebEx" web conferencing system. For details on how to participate, please see the "Participation through WebEx" directions attached to this Notice.

Comments on the PMPD

The purpose of the Committee Conference is to consider oral and written comments on the PMPD from the parties, governmental agencies, and members of the public.

The parties in this case shall file and serve their written comments on the PMPD to the Proof of Service list and via e-mail **no later than 3 p.m. on April 27, 2011**. This will facilitate an informed discussion of the comments, especially proposed changes to the Conditions of Certification, during the May 3, 2011, Committee Conference. The parties may supplement their comments or respond to others' comments up to the close of the 30-day review period. **Parties shall e-mail their comments to the other parties listed on the current Proof of Service list and mail copies to those whose e-mail addresses are not provided on the POS list.**

Members of the public and governmental agency representatives are encouraged to submit their comments by e-mail **or** US Mail¹ prior to the May 3, 2011, Committee Conference. It is helpful to see significant comments, especially those proposing changes to the Conditions of Certification, prior to the Conference so that the Committee and parties can be prepared to discuss and understand the proposals at the Conference and attempt to resolve any conflicts or inconsistencies. To facilitate those discussions please submit comments on or before **3 p.m. on April 27, 2011**.

Please include your name or organization's name in the subject portion of your e-mail and in the name of the file attached to your e-mail. File attachments should be in either Microsoft Word or Portable Document File (.pdf) formats. Send e-mails to **[docket@energy.state.ca.us]**. Send mailed comments to Energy Commission Docket Unit, 1516 Ninth Street, MS-4, Sacramento, CA 95814. Identify all comments with **"Docket No. 09-AFC-4."** **Governmental agencies and members of the public are encouraged, but not required, to e-mail their comments to the other parties listed on the current Proof of Service list and mail copies to those whose e-mail addresses are not provided on the POS list.**

In order to assure that comments are considered, all comments must be received by the Docket Unit by 4:30 p.m. on Thursday, May 12, 2011, and mailed comments must be physically delivered on or before that time (postmarks do not count).

Following the end of the public comment period, the Committee, if appropriate, will prepare an Errata to the PMPD describing changes to the PMPD recommended by the Committee after its consideration of comments from the parties and the public.

¹ To the extent that the Commission's regulations (Title 20, California Code of Regulations, sections 1209 – 1210) would otherwise require that an e-mailed comment be accompanied by a physical copy of the comment, that requirement is hereby waived under Subsection 1209(c). An e-mailed comment is sufficient by itself.

III. NOTICE OF COMMISSION HEARING

PLEASE TAKE NOTICE the full Commission will consider the PMPD, released on April 12, 2011, on:

Wednesday, May 18, 2011
Beginning at 10 a.m.

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

The purpose of this hearing is to consider whether the Energy Commission should adopt, modify, or reject the PMPD and Errata. Parties and members of the public may participate and offer oral and written comments on the PMPD. Identify all comments with “**Docket No. 09-AFC-4.**”

If the PMPD and Errata are adopted, the Commission will subsequently compile a single document combining the Errata, the PMPD, and any other changes made at the Commission Hearing, for the convenience of the parties and the public. The effective date of the Decision will be the Commission Hearing date.

Participating by Telephone at a Business Meeting

If you want to participate by telephone, call toll free 1-888-823-5065 on Business Meeting days after 10:01 a.m. (PDT). When asked, please answer "Business Meeting and Mr. Jerome Lee" and the operator will connect you into the meeting. Should you want to speak on a specific item, please inform the operator and provide the item number. The Business Meeting is also broadcast via **WebEx**, the Energy Commission's on-line meeting service. To listen to the meeting and view any presentations, please click the following link or paste it into your browser:

<https://energy.webex.com/energy/onstage/g.php?t=a&d=922389569>. You may also go to <https://energy.webex.com/ec> and enter Meeting Number **922 389 569**. The meeting password is “**mtg@10am.**”

Public Participation

The Energy Commission's Public Adviser's Office is available to assist the public in participating in the application review process. For information on how to participate, please contact the Public Adviser's Office at (916) 654-4489 or (800) 822-6228 or by e-mail: **[publicadviser@energy.state.ca.us]**.

If you have a disability and need assistance to participate in this event, contact Lourdes Quiroz at (916) 654-5146 or e-mail: **[lquiroz@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]**.

Questions of a legal or procedural nature should be directed to Kourtney Vaccaro, the Hearing Officer, at (916) 654-4328 or e-mail: **[kvaccaro@energy.state.ca.us]**.

Technical questions concerning the project should be addressed to Pierre Martinez, Staff Project Manager, at (916) 651-3765, or e-mail: **[pmartine@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/ oakley/index.html]**.

Dated: April 12, 2011, at Sacramento, California.

Original Signed By:
JAMES D. BOYD
Vice Chair and Presiding Member
Oakley AFC Committee

Original Signed By:
CARLA PETERMAN
Commissioner and Associate Member
Oakley AFC Committee

Mailed to Lists: POS, 7207, 7208, 7209, 7210

PARTICIPATION IN THE OAKLEY COMMITTEE CONFERENCE ON THE PMPD THROUGH WEBEX
THE ENERGY COMMISSION'S ON-LINE MEETING SERVICE

1. COMPUTER LOG-ON WITH A DIRECT PHONE NUMBER:

- Please go to <https://energy.webex.com> and enter the meeting number *unique* to the specific hearing date:
 - *Committee Conference* unique meeting number: **927 323 085**
- When prompted, enter your information and the MEETING PASSWORD: **oakley#1**

After you login, a prompt will appear on-screen for you to provide **your** phone number. In the **Number box**, type your area code and phone number and click OK. **You will receive a call back on your phone for the audio portion of the meeting.** International callers can use the "Country/Region" button to help make their connection.

2. COMPUTER LOG-ON FOR CALLERS WITH AN EXTENSION PHONE NUMBER, ETC:

- Please go to <https://energy.webex.com> and enter the unique meeting number and the meeting password (above).
- *After you login, a prompt will ask for your phone number. Click "CANCEL."*
- *Instead call 1-866-469-3239 (toll-free in the U.S. and Canada). When prompted, enter the meeting number above and your unique Attendee ID number which is listed in the top left area of your computer screen after you login.*

3. TELEPHONE ONLY (NO COMPUTER ACCESS):

- *Call 1-866-469-3239 (toll-free in the U.S. and Canada) and when prompted enter the meeting number *unique* to the specific hearing date:*

➤ *Committee Conference* meeting number: **927 323 085**

If you have difficulty joining the meeting, please call the WebEx Technical Support number at 1-866-229-3239. To see if your computer is compatible, visit <http://support.webex.com/support/system-requirements.html>].

Please be aware that the meeting's WebEx audio and on-screen activity may be recorded.



**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 *OAKLEY GENERATING STATION***

**Docket No. 09-AFC-4
PROOF OF SERVICE
(Revised 4/5/2011)**

APPLICANT

Greg Lamberg, Sr. Vice President
RADBACK ENERGY
145 Town & Country Drive, #107
Danville, CA 94526
Greg.Lamberg@Radback.com

APPLICANT'S CONSULTANTS

Douglas Davy
CH2M HILL, Inc.
2485 Natomas Park Drive, Suite 600
Sacramento, CA 95833
ddavy@ch2m.com

COUNSEL FOR APPLICANT

Scott Galati
Marie Mills
Galati & Blek, LLP
455 Capitol Mall, Suite 350
Sacramento, CA 95814
sgalati@gb-llp.com
mmills@gb-llp.com

INTERESTED AGENCIES

California ISO
E-mail Preferred
e-recipient@caiso.com

Maifiny Vang
CA Dept. of Water Resources
State Water Project Power and
Risk Office
3310 El Camino Avenue,
RM. LL90
Sacramento, CA 95821
mvang@water.ca.gov

INTERVENORS

Robert Sarvey
501 W. Grantline Road
Tracy, CA 95376
Sarveybob@aol.com

ENERGY COMMISSION

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

Sarah Michael
Adviser to Vice Chair Boyd
smichael@energy.state.ca.us

CARLA PETERMAN
Commissioner and Associate Member
cpeterma@energy.state.ca.us

Jim Bartridge
Adviser to Commissioner Peterman
jbartrid@energy.state.ca.us

*Kathleen McDonnell
Executive Assistant to
Commissioner Peterman
Kmcdonne@energy.state.ca.us

Kourtney Vaccaro
Hearing Officer
kvaccaro@energy.state.ca.us

Pierre Martinez
Siting Project Manager
pmartine@energy.state.ca.us

Kevin W. Bell
Staff Counsel
kwbell@energy.state.ca.us

Jennifer Jennings
Public Adviser
E-mail preferred
publicadviser@energy.state.ca.us

DECLARATION OF SERVICE

I, RoseMary Avalos, declare that on April 12, 2011, I served and filed copies of the attached PRESIDING MEMBER'S PROPOSED DECISION and NOTICE of AVAILABILITY of PRESIDING MEMBER'S PROPOSED DECISION and NOTICE of COMMITTEE CONFERENCE and NOTICE of FULL COMMISSION HEARING, dated April 12, 2011. 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:

[\[http://www.energy.ca.gov/sitingcases/oakley/index.html\]](http://www.energy.ca.gov/sitingcases/oakley/index.html).

The documents have 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;
☒ by delivering on this date, for mailing with the United States Postal Service with first-class postage thereon fully prepaid, to the name and address of the person served, for mailing that same day in the ordinary course of business; that the envelope was sealed and placed for collection and mailing on that date 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, that I am employed in the county where this mailing occurred, and that I am over the age of 18 years and not a party to the proceeding.

Original Signed By:

RoseMary Avalos
Hearing Adviser's Office