

From: Garret Shean
To: Commission Docket Unit; Davy, Douglas; DeCarlo, Lisa; Galati, Scott; Geesman, John; Gloria D. Smith, CURE; Graber, Cathy; Jack Caswell; Joseph, CURE, Marc; Kostrzewa, Lawrence; McCabe, Thomas; Morris, Jenifer; Pfannenstiel, Jackalyne; Public Advisor's Office; Shean, Garret; Victor Yamade, Mission Energy; WEBWORK, WEBWORK
Date: 4/23/2007 3:14:35 PM
Subject: Walnut Creek Prehearing Conference

TO ALL PARTIES & INTERESTED PERSONS:

Attached is the Committee's Notice of Prehearing Conference for May 15th. Note that teleconferencing capability is available.

Also, the Electronic Proof of Service List is attached, with a change of Staff Project Manager highlighted. Please update your list accordingly.

Thank you,

Garret Shean
Hearing Officer

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|-----------------|-------------|
| DOCKET | |
| 05-AFC-2 | |
| DATE | APR 23 2007 |
| RECD. | APR 23 2007 |

CC: Bruce Johnston, Chemtreat; Dan Horan, Three Valley MWD; Dick Simmons, Los Angeles County; Donald Sachs, Industry Chamber of Commerce; Fred Diamond, RUSD; Guillermo Arreola, City of Puente; Jennifer Wu, URS Corporation; Ken Coats, AQMD; Ken Deck, Rowland Water District; Mae Chu, Hsi Lai Temple/B.L.I.A; Mike Coniglio, Puretec; Milton Howard, Panoche Energy Center; Raoul Renaud; Ronald Whitemore, Industry MFRS Council; Tim Smith, Wellhead Electric Company



**CALIFORNIA
ENERGY
COMMISSION**

1516 Ninth Street
Sacramento, CA 95814-5512
800-822-6228
www.energy.ca.gov

NOTICE OF PREHEARING CONFERENCE

WALNUT CREEK ENERGY PARK
APPLICATION FOR CERTIFICATION
DOCKET NO. 05-AFC-2

**Important Notice to
Public & Agencies:**

**Prehearing Conference
topics:**

- Air Quality
- Alternatives
- Biology
- Compliance
- Cultural Resources
- Efficiency
- Facility Design
- Geology
- Hazardous Materials
- Land Use
- Noise
- Public Health
- Reliability
- Socioeconomics
- Traffic and Transportation
- Transmission Line Safety
- Transmission System
Engineering
- Waste Management
- Water Quality & Soils
- Water Resources
- Worker Safety
- Visual Resources

A California Energy Commission Committee is reviewing an Application for Certification (AFC) by Walnut Creek Energy, LLC (WCE), a wholly-owned subsidiary of Edison Mission Energy (EME), to construct and operate a 500 megawatt (MW) simple-cycle power plant, the Walnut Creek Energy Park (WCEP), in the City of Industry.

The Committee's Prehearing Conference will address all topics listed in the side bar. **The parties, public, and interested agencies are encouraged to attend and make comments on these topics.** Written comments on the topics can be submitted to the Energy Commission, Docket Unit (05-AFC-2), 1516 - 9th Street, Sacramento, CA 95814 on or before May 14, 2007.

Documents: The Staff of the Energy Commission has published an independent analysis evaluating potential project impacts, mitigation, and proposed conditions of certification. That document is the Final Staff Assessment (FSA) which is available in a printed version, as well as viewing on the Energy Commission Web Site:

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

You can obtain a printed copy of the Final Staff Assessment by contacting Project Manager, Jack Caswell, at 916-653-0062 or e-mail at: [\[jcaswell@energy.state.ca.us\]](mailto:jcaswell@energy.state.ca.us). The Applicant's information concerning the potential project impacts is found in its AFC and data responses, which are available for viewing on the Energy Commission Web Site or by contacting the Commission's Public Adviser.

**Prehearing Conference
Date & Place:**

**Tuesday, May 15, 2007
Beginning at 4:00 p.m.
California Energy Commission
1516 Ninth Street, Hearing Room A
Sacramento, CA 95814**



Teleconference:



As a convenience, parties and members of the public who cannot attend the Prehearing Conference in person may participate by calling the toll-free number for the proceeding: **1-888-790-1868**. (Passcode: "Walnut Creek" Leader: "Garret Shean.")

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**Proof of Service List (Revised on _____)
filed with Original Document. Mailed from
Sacramento on 4/23/07 MR**

**Prehearing Conference
– Purpose &
Procedures:**

The Committee will conduct a Prehearing Conference to assess the parties' readiness for evidentiary hearings, to identify areas of agreement and dispute, and discuss procedures for the evidentiary hearing. To present evidence that will become part of the record upon which the Proposed Decision is based, a person group or agency must become an intervenor, also known as a "party" to the proceeding. (See below) **All Petitions to Intervene must be submitted no later than the date of the Prehearing Conference.**

During the Prehearing Conference, the Hearing Officer will review the topics (See Appendix A) with the parties including, among other things, an indication of whether any party requests an opportunity to present evidence or cross-examine a witness on any topic and the nature of the expected testimony.

**Prehearing Conference
Statements:**

Any party intending to present a witness at the evidentiary hearing shall file and serve a statement identifying the issue to be presented and the name of the witness(es) on or before May 11, 2007. The statement shall include a description of any potential legal issue and a description of any factual evidence potentially in dispute and the nature of the party's intended testimony.

Deadline: 5/11/07

**Becoming an
"Intervenor:"**

Anyone with a legitimate interest relevant to the siting of the proposed power plant may file a Petition to Intervene and become a formal party to this proceeding. Party status provides the rights to present independent evidence, receive pertinent documents, and cross-examine witnesses; it also imposes the duty to comply with various orders, procedures, and filing requirements, as well as be subject to cross-examination by other parties.

Intervention deadline:

In this proceeding, a Petition to Intervene shall be filed **no later than the date of the Prehearing Conference.** The Energy Commission, through its Public Adviser's Office, will assist anyone interested in preparing a Petition to Intervene. Contact the Public Adviser, at 916-654-4489 or toll-free 800-822-6228 or by e-mail at [pao@energy.state.ca.us].

Public Participation:

Members of the public may participate in all phases of the licensing process in a variety of ways. If you need information concerning public participation, please contact the Energy Commission's Public Adviser, at 916-654-4489 or, toll free in California, at 800-822-6228, or by e-mail at: [pao@energy.state.ca.us]. Persons requiring special assistance contact the Public Adviser five days prior to the Prehearing Conference.

800-822-6228
(toll free in California)

916-654-4489

Information concerning the status of the project, notices, and other relevant documents are available on the Commission's Web Site at:

[www.energy.ca.gov/sitingcases/walnutcreek]

Contacts:

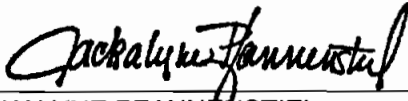
Technical questions concerning the project should be addressed to the Energy Commission Staff's Project Manager, Jack Caswell, at 916-653-0062 or e-mail at: [jcaswell@energy.state.ca.us].

Questions of a legal or procedural nature should be directed to Garret Shean, the Hearing Officer, at 916-654-3893 or e-mail at: [gshean@energy.state.ca.us].

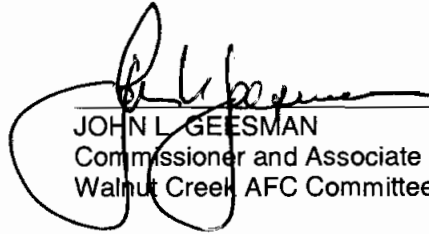
Media inquiries should be directed to Claudia Chandler, Assistant Executive Director for Media and Public Communications, at 916-654-4989 or by e-mail at: [energia@energy.ca.gov].

Dated: April 23, 2007

**ENERGY RESOURCES CONSERVATION AND
DEVELOPMENT COMMISSION**



JACKALYNE PFANNENSTIEL
Commissioner and Presiding Member
Walnut Creek AFC Committee



JOHN L. GEESMAN
Commissioner and Associate Member
Walnut Creek AFC Committee

Mailed to Lists: 7096, 7097 & 7098

ORDER OF TOPICS

PREHEARING CONFERENCE
May 15, 2007

| TOPIC | HEARING REQUESTED? EXPLAIN ISSUE |
|------------------------|---|
| Air Quality | |
| Biology | |
| Cultural Resources | |
| Geology | |
| Hazardous Materials | |
| Land Use | |
| Noise | |
| Public Health | |
| Socioeconomics | |
| Traffic/Transportation | |
| Visual Resources | |
| Water Resources | |
| Water Quality & Soils | |
| Waste Management | |
| Alternatives | |
| Alternatives | |
| Facility Design | |
| Efficiency | |
| Reliability | |
| Trans. Line Safety | |
| Trans. Sys. Eng. | |
| Worker Safety | |
| Compliance | |
| Compliance | |

**BEFORE THE ENERGY RESOURCES CONSERVATION AND DEVELOPMENT COMMISSION
OF THE STATE OF CALIFORNIA**

**APPLICATION FOR CERTIFICATION
FOR THE WALNUT CREEK ENERGY PARK
(WCEP)**

DOCKET No. 05-AFC-2

(Revised 3/16/07)

INSTRUCTIONS: All parties shall either (1) send an original signed document plus 12 copies or (2) mail one original signed copy AND e-mail the document to the address for the Docket as shown below, AND (3) all parties shall also send a printed or electronic copy of the document, which includes a proof of service declaration to each of the individuals on the proof of service list shown below:

CALIFORNIA ENERGY COMMISSION

**Attn: Docket No. 05-AFC-2
1516 Ninth Street, MS-4
Sacramento, CA 95814-5512
docket@energy.state.ca.us**

APPLICANT

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INTERESTED AGENCIES

No agencies to date.

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INTERVENORS

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(CURE)
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Public Adviser
pao@energy.state.ca.us

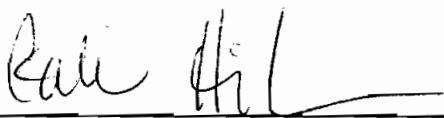
DECLARATION OF SERVICE

I, Cate Hillhouse, declare that on April 23, 2007, I deposited copies of the attached Notice of Prehearing Conference in the United States mail at Sacramento, California with first-class postage thereon fully prepaid and addressed to those identified on the Proof of Service list above.

OR

Transmission via electronic mail was consistent with the requirements of the California Code of Regulations, title 20, sections 1209, 1209.5, and 1210. All electronic copies were sent to all those identified on the Proof of Service list above.

I declare under penalty of perjury that the foregoing is true and correct.



[signature]