



**CALIFORNIA
ENERGY
COMMISSION**

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

<h2 style="margin: 0;">NOTICE OF HEARING ON PROPOSED DECISION and EVIDENTIARY HEARING</h2>
<p style="margin: 0;">WALNUT CREEK ENERGY PARK APPLICATION FOR CERTIFICATION DOCKET NO. 05-AFC-2</p>

**Presiding Member's
Proposed Decision**

On August 15, 2007, the Committee assigned to the above-captioned matter released its Presiding Member's Proposed Decision (PMPD) on the Walnut Creek Energy Park (WCEP), a 500 megawatt (MW) simple-cycle power plant in the City of Industry, California. The Proposed Decision recommends granting the Application for Certification with conditions that mitigate potential environmental and community impacts.

Printed copies of the Presiding Member's Proposed Decision are available from the Commission's Publications Unit, 1516 9th Street, MS-13 Sacramento, CA 95814. You may also telephone the Publications unit at (916) 654-5200 and refer to Publication No. CEC-800-2007-002-PMPD. The PMPD may also be viewed on the Commission's Internet Web Site at

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

The Committee will conduct a public hearing to receive comments on the Presiding Member's Proposed Decision and to supplement the evidentiary record on September 12, 2007, beginning at 2:00 p.m., at the Energy Commission Headquarters, 1516 Ninth Street, Sacramento, California.

Public Comment Period

The parties, public, and interested agencies are encouraged to make comments on the PMPD. Oral comments may be made in person during the public hearing on September 12, 2007, or by calling the toll-free number below. Written comments can be submitted to the Energy Commission, Docket Unit (05-AFC-2), 1516 - 9th Street, Sacramento, CA 95814. The public comment period ends **September 17, 2007**.

Whether made at the evidentiary hearing or submitted in writing, public comments will be entered into the record of the proceeding and may be used to supplement or explain the evidence in the record. Public comments by themselves, however, are not sufficient to support a finding of fact or a decision on an issue.

**Evidentiary Hearing -
Date & Place:**



**Wednesday, September 12, 2007
Beginning at 2:00 p.m.
California Energy Commission
1516 Ninth Street, Hearing Room A
Sacramento, CA 95814**



As a convenience, parties and members of the public who cannot attend the hearing in person may participate by calling the toll-free number for the proceeding: 1-800-988-9679 (Passcode: "Walnut Creek" Leader: "Garret Shean.")

DOCKET	
05-AFC-2	
DATE	AUG 17 2007
RECD.	AUG 17 2007

**Evidentiary Hearing –
Purpose:**

The purpose of the evidentiary hearing is to supplement the factual record upon which this case will be decided through the taking of oral, written, or documentary evidence from the official parties to the proceeding on the topics identified by the Committee following the preparation of the Presiding Member's Proposed Decision.

In the PMPD, the Committee stated that the evidence in our record shows that the Applicant characterized the WCEP as a "3,500-hour project," but has expressed its anticipation of possibly exceeding its currently proposed operating scenario in response to electricity demand. Further, the Staff predicts economic dispatch would likely induce project operation in excess of that allowed by the current number of offsets.

Therefore, the Committee seeks confirmation through supplementary testimony by the Staff and Applicant that the CEQA review submitted to our record is sufficiently comprehensive to include operation of the project up to the seasonal and annual capacity factors predicted by the Electricity Analysis Office testimony. In addition, the Committee seeks information about the regulatory mechanisms which would have to be employed by the Applicant to allow for operation exceeding the proposed level.

The Staff's Final Staff Assessment and the Applicant's Application for Certification do not discuss in sufficient depth for the purposes of the record for the PMPD the use of geothermal energy as an alternative to the project. The Committee directs that this information be provided through supplemental testimony.

On August 3, 2007, the South Coast Air Quality Management District adopted its Rule 1309.1 which affects the review of this project. Applicant and/or Staff shall update the evidentiary record through supplemental testimony the status of the project in light of the adoption of the Rule.

Any party may offer supplemental testimony to support comments on any other relevant matter at the hearing.

**Evidentiary Hearing –
Procedures:**

Witnesses may appear by declaration instead of in person if the topic is uncontested. If a topic is contested, a witness must appear in person to testify under oath and may be subject to cross-examination by other parties. A party sponsoring an expert witness, either by declaration or in person, shall establish the witness' qualifications.

**Deadline for Filing and
Service of
Supplemental Written
Testimony:
September 10, 2007**

Prepared supplemental written testimony shall be filed and served on or before September 10, 2007. Rebuttal testimony, if any, shall be oral, and thus not prepared in writing in advance of the Evidentiary Hearing.



Public Participation:

800-822-6228
(toll free in California)

916-654-4489

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: [\[pao@energy.state.ca.us\]](mailto:pao@energy.state.ca.us).

If you have a disability and need assistance in order to participate at this hearing, please contact Lou Quiroz at (916) 654-5146 at least 5 days in advance of the hearing.

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

[\[www.energy.ca.gov/sitingcases/walnutcreek\]](http://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: [\[jcaswell@energy.state.ca.us\]](mailto: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: [\[gshean@energy.state.ca.us\]](mailto:gshean@energy.state.ca.us).

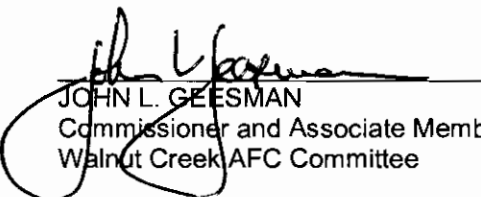
Media inquiries should be directed to Claudia Chandler, Assistant Executive Director for Media and Public Communications, at 916-654-4989 or by e-mail at: [\[energia@energy.ca.gov\]](mailto:energia@energy.ca.gov).

Dated: August 17, 2007

**ENERGY RESOURCES CONSERVATION AND
DEVELOPMENT COMMISSION**



JACKALYNE PFANNENSTIEL
Chairman and Presiding Member
Walnut Creek AFC Committee



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

Mailed to Lists: 7096, 7097 & 7098

**Proof of Service List (Revised on 6/6/07)
filed with Original Document, Mailed from
Sacramento on August 17, 2007).**

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 6/6/07)

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

Lawrence Kostrzewa, Project Director
Edison Mission Energy
18101 Von Karman Avenue, Suite 1700
Irvine, CA 92612-1046
lkostrzewa@EdisonMission.Com

Jenifer Morris
NJ Resources, LLC
7240 Heil Avenue
Huntington Beach, CA 92647
jenifer@njr.net

Victor Yamada, Project Manager
Edison Mission Energy
18101 Von Karman Avenue, Suite 1700
Irvine, CA 92612-1046
vyamada@EdisonMission.Com

COUNSEL FOR APPLICANT

Scott Galati
Galati & Blek, LLP
555 Capitol Mall, Suite 600
Sacramento, CA 95814
sgalati@gb-llp.com

Thomas McCabe
Edison Mission Energy
18101 Von Karman Ave., Suite 1700
Irvine, CA 92612-1046
tmccabe@edisonmission.com

INTERESTED AGENCIES

No agencies to date.

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

INTERVENORS

California Unions for Reliable Energy
(CURE)
C/O Marc D. Joseph
Gloria D. Smith
Adams Broadwell Joseph & Cardozo
601 Gateway Boulevard, Suite 1000
South San Francisco, CA 94080
mdjoseph@adamsbroadwell.com
gsmith@adamsbroadwell.com

JOHN L. GEESMAN
Associate Member
jgeesman@energy.state.ca.us

GARRET SHEAN
Hearing Officer
gshean@energy.state.ca.us

JACK CASWELL
Project Manager
jcaswell@energy.state.ca.us

ENERGY COMMISSION

JACKALYNE PFANNENSTIEL
Chairman & Presiding Member
jpfannen@energy.state.ca.us

LISA DECARLO
Staff Counsel
ldecarlo@energy.state.ca.us

Public Adviser
pao@energy.state.ca.us

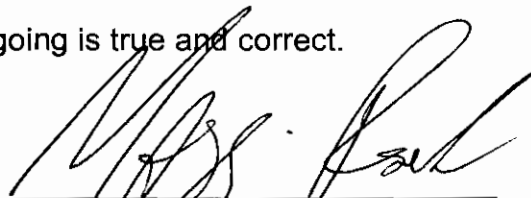
DECLARATION OF SERVICE

I, Maggie Read, declare that on August 17, 2007 I deposited copies of the attached Notice of Availability of the Presiding Member's Proposed Decision and Notice of Evidentiary Hearing on the Proposed Decision 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.



Maggie Read