

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

**APPLICATION FOR CERTIFICATION FOR THE
HUMBOLDT BAY REPOWERING PROJECT
BY PACIFIC GAS AND ELECTRIC COMPANY**

**DOCKET NO. 06-AFC-7
(AFC ACCEPTED 11/08/06)**

DOCKET 06-AFC-7	
DATE	NOV 06 2007
RECD.	NOV 07 2007

AFFIRMATION OF SCHEDULING ORDER

I. BACKGROUND

In our initial Scheduling Order (January 3, 2007), we directed Commission staff to file its Preliminary Staff Assessment (PSA) within 30 days of the issuance of the Preliminary Determination of Compliance (PDOC) by the North Coast Unified Air Quality Management District (District). The District issued the PDOC on October 24, 2007.

In its "Status Report Number 4" (October 24, 2007) Applicant requests, among other things, that we require Staff to issue the PSA by November 21, 2007 (p.4). We directed Staff to respond to Applicant's request in our October 26, 2007 Order.

Staff filed its "Status Report 4" and responded to Applicant's request on October 31, 2007. In that document, Staff summarizes various concerns it has with the PDOC and the information thus far submitted by Applicant, as well as other factors which Staff believes will prevent it from filing the PSA until December 19, 2007 (p.4). In addition, Staff anticipates it could not file the Final Staff Assessment (FSA) until nearly 60 days after the District issues its Final Determination of Compliance (FDOC).

Applicant replied to Staff's characterizations of the case on November 2, 2007. In Applicant's estimation, Staff is in possession of much of the information Staff identifies as needed, including responses to Data Requests sent on October 31, 2007. Moreover, Applicant notes that the Staff's proposed filings of the PSA and FSA would make conclusion of this case impossible in time to begin construction in the Spring of 2008 (p.2). Applicant therefore requests we direct Staff to file the PSA by November 26, 2007, and

provide a 30 day period between issuance of the FDOC and publication of the FSA (pp. 1, 5). These reflect the periods provided in our original Scheduling Order.

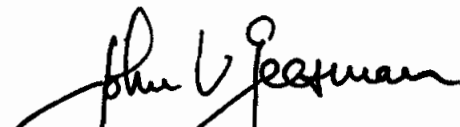
II. DISCUSSION

After considering all factors contained in the relevant filings, we are persuaded by Applicant's arguments. It has apparently responded promptly to requests for additional data and, as Applicant points out, workshops and negotiations can take place after release of the PSA. There is simply no convincing reason to delay publication of the PSA past November 26, 2007. Furthermore, there is simply no reason to provide more than 30 days between issuance of the FDOC and publication of the FSA. We therefore reaffirm our original Scheduling Order in these respects.


III. ORDER

Staff shall publish its complete PSA in this case not later than November 26, 2007. Furthermore, there is no apparent reason to delay publication of the FSA more than 30 days following issuance of the District's FDOC.

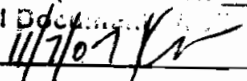
Dated November 6, 2007, at Sacramento, California.



JOHN L. GEESMAN
Commissioner and Presiding Member
Humboldt AFC Committee



JEFFREY D. BYRON
Commissioner and Associate Member
Humboldt AFC Committee

Proof of Service List (Revised on _____)
filed with Original Document(s) _____ from _____
Sacramento on 11/7/07 ).

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**Docket No. 06-AFC-7
PROOF OF SERVICE
(Revised 10/25/07)**

INSTRUCTIONS: All parties shall 1) send an original signed document plus 12 copies OR 2) mail one original signed copy AND e-mail the document to the web address below, AND 3) all parties shall also send a printed OR electronic copy of the documents that shall include a proof of service declaration to each of the individuals on the proof of service:

**CALIFORNIA ENERGY COMMISSION
Attn: Docket No. 06-AFC-07
1516 Ninth Street, MS-4
Sacramento, CA 95814-5512
docket@energy.state.ca.us**

APPLICANT

**Jon Maring
PGE
245 Market Street
San Francisco, CA 94105
J8m4@pge.com**

**Susan Strachan
Environmental Manager
Strachan Consulting
P.O. Box 1049
Davis, CA 95617
strachan@dcn.org**

APPLICANT'S CONSULTANTS

***Gregory Lamberg
Project Manager,
Radback Energy
P.O. Box 1690
Danville, CA 94526
Greg.Lamberg@Radback.com**

**Douglas M. Davy, Ph.D.
CH2M HILL Project Manager
2485 Natomas Park Drive, Suite 600
Sacramento, CA 95833
ddavy@ch2m.com**

COUNSEL FOR APPLICANT

**Scott Galati, Project Attorney
GALATI & BLEK, LLP
555 Capitol Mall, Suite 600
Sacramento, CA 95814
sgalati@gb-llp.com**

INTERESTED AGENCIES

**Tom Luster
California Coastal Commission
45 Fremont, Suite 2000
San Francisco, CA 94105-2219
tluster@coastal.ca.gov**

Paul Didsayabutra
Ca. Independent System Operator
151 Blue Ravine Road
Folsom, CA 95630
PDidsayabutra@caiso.com

Electricity Oversight Board
770 L Street, Suite 1250
Sacramento, CA 95814
esaltmarsh@eob.ca.gov

INTERVENORS

ENERGY COMMISSION

JEFFREY D. BYRON
Associate Member
jbyron@energy.state.ca.us

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

Gary Fay
Hearing Officer
gfay@energy.state.ca.us

John Kessler
Project Manager
jkessler@energy.state.ca.us

Lisa DeCarlo
Staff Counsel
ldecarlo@energy.state.ca.us

Mike Monasmith
Public Adviser's Office
pao@energy.state.ca.us

DECLARATION OF SERVICE

I, Kate Nicholls, declare that on November 6, 2007, I deposited copies of the attached Affirmation of Scheduling Order 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 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.



Kate Nicholls