

August 13, 2008

Ms. Angela Hockaday
California Energy Commission
Docket Unit, MS-4
1516 Ninth Street
Sacramento, CA 95814-5512

DOCKET 06-AFC-7	
DATE	AUG 13 2008
RECD.	AUG 13 2008

Re: **HUMBOLDT BAY REPOWERING PROJECT**
PACIFIC GAS & ELECTRIC COMPANY'S
MOTION TO REOPEN THE EVIDENTIARY RECORD
DOCKET NO. (06-AFC-7)

Dear Ms. Hockaday:

Enclosed for filing with the California Energy Commission are one (1) original and twelve (12) copies of **PACIFIC GAS & ELECTRIC COMPANY'S MOTION TO REOPEN THE EVIDENTIARY RECORD**, for the Humboldt Bay Repowering Project (HBRP) (06-AFC-7).

Sincerely,



David L. Wiseman
Counsel to Applicant
GalatiBlek

Scott A. Galati
David Wiseman
GALATI & BLEK
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(916) 441-6575

STATE OF CALIFORNIA

Energy Resources
Conservation and Development Commission

In the Matter of:

Application for Certification for the
Humboldt Bay Repowering Project
Power Plant

DOCKET NO. 06-AFC-7

**PACIFIC GAS AND ELECTRIC
COMPANY'S MOTION TO REOPEN
THE EVIDENTIARY RECORD**

PACIFIC GAS AND ELECTRIC COMPANY (PG&E) hereby petitions the Commission to reopen the Humboldt Bay Repowering Project (HBRP) evidentiary record for the limited purpose of allowing additional testimony and evidence in the areas of Project Description, Biological Resources and Soil and Water.

PROCEDURAL HISTORY

The Final Staff Assessment (FSA) issued by CEC Staff on May 15, 2008, correctly states the HBRP will require a 401 Water Quality Certification. This permit is required by the Clean Water Act and administered by the North Coast Regional Water Quality Control Board (NCRWQCB). In addition, the Water Quality Certification is also required under the California Coastal Act administered by the California Coastal Commission.

On June 17, 2008, the Committee held and concluded evidentiary hearings on the HBRP, and closed the evidentiary record.

BASIS OF MOTION

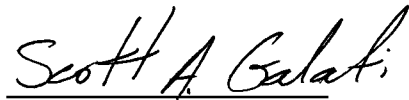
In accordance with Title 20 section 1754 of the California Code of Regulations the evidentiary record may be reopened upon the Commission's adoption of a motion to reopen or if due process requires, and upon fair and reasonable notice to all parties. PG&E hereby files this motion to reopen the evidentiary record and in addition to which believes due process requires the record to be reopened due to additional available information, reasonably unforeseen by PG&E requiring minimal project modifications. Since the close of the evidentiary record PG&E has worked to secure the requisite Water Quality Certification. In doing so the NCRWQCB has requested PG&E modify the project to include additional project features including a low impact bioretention pond to capture storm water run off. PG&E hereby requests the evidentiary record be opened to allow filing of written material describing and evaluating the proposed modifications which will be submitted by PG&E under separate cover. PG&E also requests the record to remain open to receive Staff's response to the material filed by PG&E.

CONCLUSION

PG&E hereby requests this motion be adopted by the Commission and the evidentiary record be reopened for the limited purposes described above.

Dated: August 13, 2008

Respectfully Submitted,


Scott A. Galati

Scott A. Galati
Counsel to PG&E

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
PROOF OF SERVICE
(Revised 7/24/2008)

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
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DECLARATION OF SERVICE

I, David L. Wiseman, declare that on August 13, 2008, I deposited copies of the attached **PACIFIC GAS & ELECTRIC COMPANY'S MOTION TO REOPEN THE EVIDENTIARY RECORD** 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.



David L. Wiseman
Counsel to Applicant
GalatiBlek