



**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
HUMBOLDT BAY REPOWERING PROJECT
BY PACIFIC GAS AND ELECTRIC COMPANY**

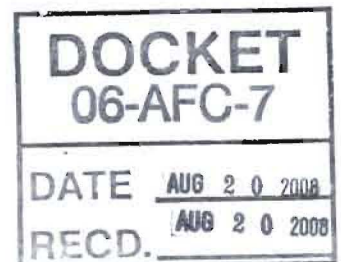
DOCKET NO. 06-AFC-7

**ORDER GRANTING MOTION TO REOPEN THE EVIDENTIARY RECORD
AND
NOTICE OF EVIDENTIARY HEARING**

On August 13, 2008, Pacific Gas & Electric Company (PG&E or Applicant) filed its Motion to Reopen the Humboldt Bay Repowering Project (HBRP) Evidentiary Record (Motion). This order 1) finds that Applicant has demonstrated good cause for reopening the evidentiary record, 2) grants Applicant's Motion, and 3) gives notice of an evidentiary hearing to take place as follows:

**TUESDAY, SEPTEMBER 16, 2008
*Beginning at 1:00 p.m.***

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



Background

PG&E's Motion states that since the June 17, 2008 close of the evidentiary record in the Humboldt proceeding, Applicant has learned that the North Coast Regional Water Quality Control Board (NCRWQCB) has required PG&E to modify the project as a requirement to obtain a water permit. The modification requires a new feature including a low impact bioretention pond to capture storm water runoff from the project site. PG&E describes the change as a "minimal project modification." The original plan for handling storm water, as described in the Application for Certification, was to use a traditional oil-water separator (OWS) to clean up storm water runoff. In its Motion, PG&E requests the evidentiary record be opened to allow filing of written material describing the proposed project modifications and to allow Staff to file its analysis of Applicant's proposal.

Discussion

In its Motion, Applicant states that after the close of the evidentiary record, and pursuant to the Clean Water Act, PG&E pursued a 401 Water Quality Certification with the NCRWQCB. At that time, staff of the NCRWQCB informed Applicant that the project's storm water filtration techniques must be modified to decrease the amount of impervious surface and to increase on-site storm water filtration. On August 13, 2008, PG&E filed its Bioretention Area Submittal with the Commission, describing the required modification to the HBRP.

Order

In its Motion, PG&E has demonstrated that the requirement for new required information related to storm water management was reasonably unforeseen by Applicant. Furthermore, Applicant has demonstrated good cause for the committee to reopen the evidentiary record in this case for the limited purpose of receiving evidence related to the storm water management changes.

Therefore, the Committee **GRANTS** PG&E's Motion and **ORDERS** the Energy Commission staff to analyze PG&E's proposed storm water management changes and file its written analysis **no later than noon on Wednesday, September 10, 2008**. On September 16, 2008, Applicant and Staff shall also be prepared to discuss whether Applicant's proposed modification, if adopted by the Committee, would require publication of a Revised Presiding Member's Proposed Decision pursuant to Title 20 section 1753.

Dated August 20, 2008, at Sacramento, California.



JEFFREY D. BYRON
Commissioner and Presiding Member
Humboldt Bay Repowering Project AFC Committee



KAREN DOUGLAS
Commissioner and Associate Member
Humboldt Bay Repowering Project AFC Committee



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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

1516 Ninth Street, MS-15

Sacramento, CA 95814-5512

docket@energy.state.ca.us

APPLICANT

Jon Maring

PG&E

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

COUNSEL FOR APPLICANT

Scott Galati, Project Attorney

GALATI & BLEK, LLP

555 Capitol Mall, Suite 600

Sacramento, CA 95814

sgalati@gb-llp.com

INTERESTED AGENCIES

Douglas M. Davy, Ph.D.

CH2M HILL Project Manager

2485 Natomas Park Drive, Suite 600

Sacramento, CA 95833

ddavy@ch2m.com

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

INTERVENORS

ENERGY COMMISSION

JEFFREY D. BYRON
Commissioner and Presiding Member
jbyron@energy.state.ca.us

KAREN DOUGLAS
Commissioner and Associate Member
kldougl@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

Public Adviser
pao@energy.state.ca.us

DECLARATION OF SERVICE

I, RoseMary Avalos, declare that on August 20, 2008, I deposited copies of the attached Order Granting Motion To Reopen The Evidentiary Record and Notice of Evidentiary Hearing in the United States mail at Sacramento, CA 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.


ROSEMARY AVALOS