



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
CHULA VISTA ENERGY UPGRADE PROJECT

DOCKET No. 07-AFC-4

**NOTICE OF PREHEARING CONFERENCE and EVIDENTIARY HEARING
and PREHEARING CONFERENCE ORDER**

PLEASE TAKE NOTICE that the Committee designated by the Energy Commission to conduct proceedings on the Application for Certification for the **CHULA VISTA ENERGY UPGRADE PROJECT** has scheduled a Prehearing Conference and an Evidentiary Hearing as follows:

The Prehearing Conference will be conducted on:

**THURSDAY, September 18, 2008
Beginning at 3:00 p.m.**

**Chula Vista City Hall
Council Chambers
276 4th Avenue
Chula Vista, CA 91940**

(Map Attached)

TELECONFERENCE OPTION: The following toll free phone number will be available at 3:00 p.m. for callers to participate in the hearing:

Call: 1-888-469-1987

**Use Passcode: "CHULA VISTA"
Conference Leader: "Raoul Renaud"**

DOCKET	
07-AFC-4	
DATE	AUG 22 2008
RECD.	AUG 22 2008

The Evidentiary Hearing will be conducted on:

THURSDAY, October 2, 2008
Beginning at 3:00 p.m.

Chula Vista City Hall
Council Chambers
276 4th Avenue
Chula Vista, CA 91940

Public comment period will begin after the Evidentiary Hearing, but will conclude no earlier than 5:30 p.m. so that all interested members of the public will have an opportunity to address the Committee.

TELECONFERENCE OPTION: The following toll free phone number will be available at 3:00 p.m. for callers to participate in the hearing:

Call: 1-888-469-1987

Use Passcode: "**CHULA VISTA**"
Conference Leader: "**Raoul Renaud**"

PLEASE TAKE NOTICE that the Committee has established the following schedule:

ITEM	DATE
Last date to file Petition to Intervene	Monday, September 1, 2008
Prehearing Conference Statements Due	Tuesday, September 16, 2008

Purpose of Prehearing Conference

The Prehearing Conference is a public forum where the Committee will assess the parties' readiness for an evidentiary hearing, identify areas of agreement or dispute, and determine the remaining schedule and procedures necessary to conclude the review of the application for certification. (Cal. Code Regs., tit. 20, § 1718.5.)

At the Prehearing Conference, all parties (Staff, Applicant, and Intervenors) shall be prepared to present their respective positions regarding which substantive topic areas are ready for evidentiary hearing; which require further analysis, including the nature of,

and timeframe for, any such analysis; which have been resolved; and which are disputed and require adjudication. The parties shall also be prepared to identify proposed witnesses, as well as the time required for direct testimony and/or cross-examination, based upon the other parties' Prehearing Conference Statements (discussed below).

Local, state, and federal governmental agencies may participate at the Prehearing Conference and Evidentiary Hearing, as necessary. (Cal. Code Regs., tit. 20, § 1714.5.) Elected officials and members of the public may present public comments at these events and/or submit written comments to the Energy Commission's Docket Unit. Please include "Docket No. 07-AFC-4" on any written comments.

PREHEARING CONFERENCE ORDER

Prehearing Conference Statements

Each party (Staff, Applicant, and Intervenors) is required to serve and file a **Prehearing Conference Statement**. The statements shall be received by the other parties and the Commission's Docket Unit, 1516 9th Street, MS 15, Sacramento, California 95814, **no later than 5:00 p.m. on September 16, 2008**. The parties shall e-mail their statements to the Hearing Officer as well as to the Docket Unit and the parties as indicated on the Proof-of-Service list.

Each party's Prehearing Conference Statement shall set forth:

1. The topic areas that are complete and ready to proceed to evidentiary hearing;
2. The topic areas that are not complete and not yet ready to proceed to evidentiary hearing, and the reasons therefor;
3. The topic areas that remain disputed and require adjudication, and the precise nature of the dispute for each topic;
4. The identity of each witness sponsored by each party (***note***: witnesses must have professional expertise in the discipline of their testimony); the topic area(s) which each witness will present; a brief summary of the testimony to be offered by each witness; qualifications of each witness; and the time required to present direct testimony by each witness;
5. Topic areas upon which a party desires to cross-examine witnesses, a summary of the scope of each such cross-examination, and the time desired for each such cross-examination;

6. A list identifying exhibits and declarations that each party intends to offer into evidence and the technical topics to which they apply (**see** following section on formats);
7. Proposals for briefing deadlines, impact of vacation schedules, and other scheduling matters; and
8. For all topics, any proposed modifications to the proposed Conditions of Certification listed in the Final Staff Assessment (FSA) based upon enforceability, ease of comprehension, and consistency with the evidence.

Formats for Presenting Evidence

At the Evidentiary Hearing each party shall be prepared to present evidence on each of the topic areas addressed in the FSA, in the sequence established in the FSA.

No later than September 10, 2008, the Applicant shall provide copies of its written testimonial evidence, and a summary of each live witness' oral testimony to the extent not covered in the written testimonial evidence, including supporting exhibits, to all parties.

At the Prehearing Conference, all parties shall provide copies of all documentary and written testimonial evidence in the following two formats to all parties, the Committee and the Hearing Adviser. Sacramento delivery of these copies is acceptable if authorized in advance by the recipient. Staff shall also provide copies of the Conditions of Certification as set forth in paragraph 3 below.

1. Each document shall be numbered and identified on an **Exhibit List**:
 - Applicant's documents shall be numbered consecutively as Exhibits 1 -199.
 - Staff's documents shall be numbered consecutively as Exhibits 200 - 399.
 - Intervenor CURE's documents shall be numbered consecutively as 400 - 599.
 - Intervenor EHC's documents shall be numbered consecutively as 600 – 799.
 - Intervenor City of Chula Vista's documents shall be numbered consecutively as 800 – 999.
2. Copies of the exhibits for each topic area shall **also** be compiled in separate file folders identified by topic area with the appropriate Exhibit Number marked on each document, and the file folders placed in sequence corresponding to the sequence of topics in the FSA.
3. Separate and apart from its documentary evidence, which may include the proposed Conditions of Certification, Staff shall provide a complete set of all proposed Conditions of Certification with all changes made since the publication of the FSA shown in underline and strikeout format. The Conditions of Certification shall be

provided in printed format to all parties, the Committee and the Hearing Adviser. The Conditions of Certification shall also be provided electronically, in Word format, to the Hearing Adviser. The Word format version shall also contain a clean, final version without underline and strikeout markings. Any Conditions of Certification which are still in dispute shall be shown in red, accompanied by a brief description of the dispute and the latest suggested language from each party.

Petitions to Intervene to Become a Formal Party

The Energy Commission's Decision on the Chula Vista Energy Upgrade Project will be based on the official evidentiary record developed at the Evidentiary Hearing. Only formal parties (Applicant, Staff, and Intervenors) may present evidence and cross-examine witnesses at the Evidentiary Hearing.

Anyone with an appropriate interest in the Chula Vista Energy Upgrade Project may file a Petition to Intervene and become a formal party. At the Evidentiary Hearing, the formal parties may offer testimony and documentary evidence, receive documents filed by other parties, and cross-examine witnesses. However, a formal party must also comply with all Committee orders, procedures, and filing requirements, and is subject to discovery and having its own witnesses cross-examined by other parties.

The deadline to file a Petition to Intervene in this case is **Monday, September 1, 2008**. (Cal. Code Regs., tit. 20, § 1207.) Time extensions will not be granted for new Intervenors to review case materials.

How to Intervene

The Energy Commission Public Adviser's office will assist any person or organization interested in preparing a Petition to Intervene. For assistance in this process, contact Elena Miller, the Public Adviser, at 916-654-4489 or 800-822-6228 or e-mail at: **[pao@energy.state.ca.us]**.

Public Participation

Members of the public are welcome to attend and offer comments at the Prehearing Conference and the Evidentiary Hearing. It is not necessary to be an Intervenor to participate in the public process. Anyone desiring information on how to participate may contact the Public Adviser's office as indicated above.

If you have a disability and need assistance to participate, please contact Lourdes Quiroz at 916-654-5146 or e-mail at: **[lquiroz@energy.state.ca.us]**.

Energy Commission Information


Questions of a legal or procedural nature should be directed to Raoul Renaud, the Hearing Officer, at 916-651-2020 or e-mail at [\[rrenaud@energy.state.ca.us\]](mailto:rrenaud@energy.state.ca.us).

Technical questions concerning the Project should be addressed to Christopher Meyer, the Energy Commission Project Manager, at 916-653-1639 or e-mail at: [\[cmeyer@energy.state.ca.us\]](mailto:cmeyer@energy.state.ca.us).

Media inquiries should be directed to the Office of Media and Public Communications at 916-654-4989 or e-mail at: [\[mediaoffice@energy.state.ca.us\]](mailto:mediaoffice@energy.state.ca.us).

Information concerning the status of the Project, as well as notices and other relevant documents, may be viewed on the Energy Commission's website at: [\[http://www.energy.ca.gov/sitingcases/chulavista\]](http://www.energy.ca.gov/sitingcases/chulavista).

Dated August 22, 2008, at Sacramento, California.



JACKALYNE PFANNENSTIEL
Commissioner and Presiding Member
Chula Vista AFC Committee



JAMES D. BOYD
Vice Chair and Associate Member
Chula Vista AFC Committee

Mailed to Lists: POS, 7250, 7251, 7252, 7253



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Application for Certification
For the **CHULA VISTA ENERGY
UPGRADE PROJECT**

Docket No. 07-AFC-4

PROOF OF SERVICE
(Revised: 7/14/08)

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. 07-SPPE-1
1516 Ninth Street, MS-15
Sacramento, CA 95814-5512
docket@energy.state.ca.us

APPLICANT

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Bakersfield, CA 93311
hscarborough@mmcenergy.com

APPLICANTS CONSULTANT

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APPLICANTS ENGINEER

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COUNSEL FOR APPLICANT

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INTERESTED AGENCIES

*California ISO
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e-recipient@caiso.com

INTERVENORS

California Unions for Reliable Energy
(CURE)
c/o Marc D. Joseph
Gloria Smith
Suma Peesapati
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speesapati@adamsbroadwell.com

City of Chula Vista, California
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Environmental Health Coalition
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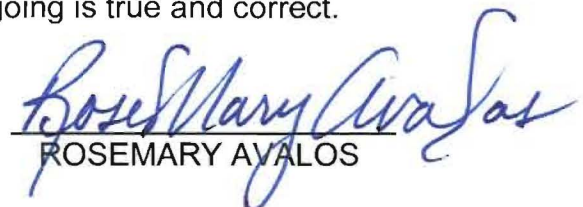
DECLARATION OF SERVICE

I, RoseMary Avalos, declare that on August 22, 2008, I deposited copies of the attached Notice of Prehearing Conference and Evidentiary Hearing and Prehearing Conference Order 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