



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

<b>DOCKET</b> 07-AFC-4
DATE _____
RECD. <small>SEP 24 2008</small>

APPLICATION FOR CERTIFICATION FOR THE  
CHULA VISTA ENERGY UPGRADE PROJECT

DOCKET No. 07-AFC-4

### EVIDENTIARY HEARING ORDER

Parties wishing to present evidence or cross-examine witnesses at the Evidentiary Hearing scheduled for **Thursday, October 2, 2008, at 10:00 a.m., Chula Vista City Hall, Council Chambers, 276 Fourth Avenue, Chula Vista, CA**, shall be prepared to proceed in accord with this Order.

#### Background

At the Prehearing Conference on September 18, 2008, Applicant, Staff, and Intervenors ("parties") indicated they were ready to proceed with the Evidentiary Hearing.

#### Undisputed Topics

The parties agree that the following topics set forth in the Application for Certification (AFC) and the Final Staff Analysis (FSA) are undisputed and that evidence and testimony on these topics shall be solely by declaration (numbering corresponds to the Witness List, Exhibit A):

1. Executive Summary and Project Description;
2. Cultural Resources;
3. Hazardous Materials Management;
4. Soil and Water Resources;
5. Traffic and Transportation;
6. Transmission Line Safety and Nuisance;
7. Waste Management;
8. Facility Design;
9. Geology and Paleontology;
10. Power Plant Efficiency;
11. General Conditions, Compliance Monitoring and Facility Closure.

#### Disputed Topics

The following topics are disputed by one or more parties and the Committee will receive evidence in the form of written and live testimony, cross-examination and documentary evidence at the Evidentiary Hearing (numbering corresponds to the Witness List, Exhibit A):

12. Air Quality;
13. Public Health;
14. Socioeconomics;
15. Biological Resources;
16. Noise and Vibration;
17. Transmission System Engineering;
18. Power Plant Reliability;

19. Visual Resources; 20. Worker Safety and Fire Protection; 21. Land Use; 22. Alternatives.

Representatives from the **San Diego APCD** are requested to participate at the hearing and provide testimony on Air Quality.

Representatives from the **California Independent System Operator (CAISO)** are requested to participate at the hearing and provide testimony on the letter dated July 24, 2008, from CAISO to Jane Luckhardt, Counsel for Applicant, including but not necessarily limited to the topics, communications and correspondence referenced therein.

Staff and Applicant shall be prepared, and intervenors are invited, to present evidence and testimony on the disputed topics. Testimony, except for rebuttal testimony, shall be limited to those witnesses listed in the Prehearing Conference Statements and any supplemental materials filed as of September 30, 2008. Expert, as opposed to lay, opinion testimony will carry the most weight with the Committee. **Staff, Applicant and Intervenors shall exchange copies of any documentary evidence not already provided in connection with the disputed topics, including, but not necessarily limited to, witness qualifications, no later than 3:00 p.m. on Tuesday, September 30, and provide copies to the Committee, the Hearing Adviser, and those on the Proof of Service and mailing lists.**

Staff is reminded of its obligation, set forth in the Notice of Prehearing Conference, dated August 22, 2008, to exchange, file and serve copies of any Conditions of Certification which have been revised since the publication of the Final Staff Assessment, in a format which clearly shows what revisions have been made, **no later than 3:00 pm. on Tuesday, September 30, 2008.**

This Notice includes the list of witnesses for each topic (***Attachment A***) and the exhibit list (***Attachment B***).

### **Required Filings**

**The parties shall file and serve copies of their supplemental written testimony, revised conditions, additional exhibits, and revised exhibit lists, no later than 3 p.m. on Tuesday, September 30, 2008.**

The parties shall also provide electronic copies of the above-referenced filings to the Proof of Service list and to the Hearing Officer via e-mail.

### **Evidentiary Hearing Procedures**

The purpose of the Evidentiary Hearing is to establish the factual record necessary for a decision on the Project proposal. The record is developed by the presentation of sworn testimony and documentary evidence. Testimony on undisputed topics shall be

submitted by sworn declarations filed under penalty of perjury and offered into evidence by stipulation of the parties.

The Applicant has the burden of presenting sufficient substantial evidence to support the findings and conclusions required for certification of the site and related facilities. [Cal. Code Regs., tit. 20, § 1748(e)].

The Committee will hear testimony by taking topics in the order set forth in the Witness List, Exhibit A. Any requests to change the order of topics should be submitted as soon as possible.

The parties' witnesses who appear in person shall be available for cross-examination. Each party sponsoring a witness shall establish the qualifications of the witness and ask the witness to summarize his or her prepared testimony before moving the testimony and relevant documents into evidence. At the conclusion of direct testimony, the witness may be cross-examined by the parties, followed by redirect and re-cross examination as appropriate. Multiple witnesses may testify as a panel, if warranted.

No time limits on testimony or cross-examination are being established at this time. However, the Committee may, at its discretion, request that testimony or cross-examination be curtailed if it becomes cumulative or in any other way unproductive, in the interest of completing the Evidentiary Hearing on October 2, 2008.

### **Public Participation**

The Energy Commission allows members of the public and other interested parties to participate either on an informal basis or by intervening in the proceeding. Both types of participation allow written and oral comments. At the informal participation level, written and oral public comments are considered by the Commissioners and are part of the record, but are not part of the formal evidentiary record. Intervenors have the right to introduce evidence into the evidentiary record and cross-examine the other parties' witnesses.

Pursuant to the Power Plant Site Certification Regulations, California Code of Regulations, Title 20, Chapter 5, Section 1711, **any person wishing to provide public comment in written or electronically recorded form in this proceeding, shall submit such materials to the Public Adviser no later than September 25, 2008.** The Committee will then review the materials and specify such conditions on presentation of the materials as are reasonably necessary for the orderly and expeditious conduct of the proceeding.

The Energy Commission's Public Adviser's Office is available to provide the public with an understanding of a proceeding and to make recommendations for meaningful participation. For assistance, contact Elena Miller, the Public Adviser, at 916-654-4489 or 800-822-6228 or e-mail at: [pao@energy.state.ca.us](mailto:pao@energy.state.ca.us).

**Additional Information**

Please see the **NOTICE OF PREHEARING CONFERENCE and EVIDENTIARY HEARING**, dated August 22, 2008, for further information.

**TELECONFERENCE OPTION:** The following toll free phone number will be available at 5:30 p.m. for callers to participate in the public comment portion of the hearing:

**Call: 1-888-469-1987**  
**Use Passcode: "CHULA VISTA"**  
**Conference Leader: "Raoul Renaud"**

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).

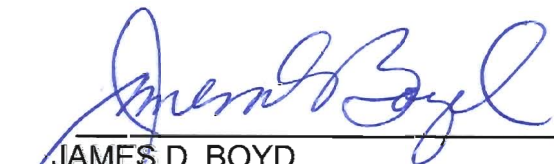
Media inquiries should be directed to the Office of Media and Public Communications at 916-654-4989 or e-mail at: [\[mediaoffice@energy.state.ca.us\]](mailto:mediaoffice@energy.state.ca.us).

If you have a disability and need assistance to participate, please contact Lourdes Quiroz at 916-654-5146 or e-mail at: [\[lquiroz@energy.state.ca.us\]](mailto:lquiroz@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 September 24, 2008, at Sacramento, California.

  
\_\_\_\_\_  
JACKALYNE PFANNENSTIEL  
Chairman and Presiding Member  
Chula Vista Energy Upgrade  
AFC Committee

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

**Proof of Service List filed with original document. Mailed from Sacramento on September 24, 2008**

**ATTACHMENT A**

**CHULA VISTA ENERGY UPGRADE PROJECT  
WITNESS LIST**

<b>TOPIC</b>	<b>WITNESSES DIRECT TESTIMONY</b>	<b>CROSS-EXAMINATION</b>
1. Executive Summary and Project Description	<ul style="list-style-type: none"> <li>• Applicant: Declaration</li> <li>• Staff: Declaration</li> </ul>	<ul style="list-style-type: none"> <li>• Applicant: Harry Scarborough/Doug Davy/Steven Blue</li> <li>• Staff: Chris Meyer</li> <li>• City of Chula Vista</li> <li>• EHC</li> </ul>
2. Cultural Resources	<ul style="list-style-type: none"> <li>• Applicant: Declaration</li> <li>• Staff: Declaration</li> </ul>	<ul style="list-style-type: none"> <li>• Applicant: Clint Helton ( 5 min)</li> <li>• Staff: Jill K. Gardner/Amanda Blosser</li> <li>• City of Chula Vista</li> <li>• EHC</li> </ul>
3. Hazardous Materials Management	<ul style="list-style-type: none"> <li>• Applicant: Declaration</li> <li>• Staff: Declaration</li> <li>• EHC</li> </ul>	<ul style="list-style-type: none"> <li>• Applicant: Sarah Madams</li> <li>• Staff: Alvin J. Greenberg/Rick Tyler</li> <li>• City of Chula Vista</li> <li>• EHC</li> </ul>

<b>TOPIC</b>	<b>WITNESSES DIRECT TESTIMONY</b>	<b>CROSS-EXAMINATION</b>
4. Soil and Water Resources	<ul style="list-style-type: none"> <li>• <b>Applicant:</b> Declaration</li> <li>• <b>Staff:</b></li> <li>• EHC</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Applicant:</b> Steve Long/Steven Blue/Laurel Karren</li> <li>• <b>Staff:</b> Richard Anderson</li> <li>• <b>City of Chula Vista</b></li> <li>• EHC</li> </ul>
5. Traffic and Transportation	<ul style="list-style-type: none"> <li>• <b>Applicant:</b> Declaration</li> <li>• <b>Staff:</b> Declaration</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Applicant:</b> Loren Bloomberg (5 min.)</li> <li>• <b>Staff:</b> Jason Ricks</li> <li>• <b>City of Chula Vista</b></li> <li>• EHC</li> </ul>
6. Transmission Line Safety and Nuisance	<ul style="list-style-type: none"> <li>• <b>Applicant:</b> Declaration</li> <li>• <b>Staff:</b> Declaration</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Applicant:</b> Steven Blue/Doug Davy</li> <li>• <b>Staff:</b> Odoemelam</li> <li>• <b>City of Chula Vista</b></li> <li>• EHC</li> </ul>
7. Waste Management	<ul style="list-style-type: none"> <li>• <b>Applicant:</b> Declaration</li> <li>• <b>Staff:</b> Declaration</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Applicant:</b> Sarah Madams</li> <li>• <b>Staff:</b> Ellie Townsend-Hough</li> <li>• <b>City of Chula Vista</b></li> <li>• EHC</li> </ul>



TOPIC	WITNESSES DIRECT TESTIMONY	CROSS-EXAMINATION
8. Facility Design	<ul style="list-style-type: none"> <li>• Applicant: Declaration</li> <li>• Staff: Declaration</li> <li>• EHC: Powers (20 min)</li> </ul>	<ul style="list-style-type: none"> <li>• Applicant: Steven Blue</li> <li>• Staff: Erin Bright (5 min)</li> <li>• City of Chula Vista</li> <li>• EHC: Powers</li> </ul>
9. Geology and Paleontology	<ul style="list-style-type: none"> <li>• Applicant: Declaration</li> <li>• Staff: Declaration</li> </ul>	<ul style="list-style-type: none"> <li>• Applicant: Geoffrey Spaulding</li> <li>• Staff: Dal Hunter</li> <li>• City of Chula Vista</li> <li>• EHC</li> </ul>
10. Power Plant Efficiency	<ul style="list-style-type: none"> <li>• Applicant: Declaration</li> <li>• Staff: Declaration</li> <li>• EHC:</li> </ul>	<ul style="list-style-type: none"> <li>• Applicant</li> <li>• Staff: Erin Bright (5 min)</li> <li>• City of Chula Vista</li> <li>• EHC</li> </ul>
11. General Conditions Compliance Monitoring Facility Closure	<ul style="list-style-type: none"> <li>• Applicant:</li> <li>• Staff: Declaration</li> <li>• EHC:</li> </ul>	<ul style="list-style-type: none"> <li>• Applicant:</li> <li>• Staff: Donna Stone</li> <li>• City of Chula Vista</li> <li>• EHC</li> </ul>

<b>TOPIC</b>	<b>WITNESSES DIRECT TESTIMONY</b>	<b>CROSS-EXAMINATION</b>
12. Air Quality	<ul style="list-style-type: none"> <li>• <b>Applicant:</b> Gregory Darvin (45 min.)</li> <li>• <b>Staff:</b> William Walters (45 min.)</li> <li>• <b>EHC:</b> Joy Williams (30 min.) Diane Takvorian (30 min.)</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Applicant:</b> Darwin (10 min.)</li> <li>• <b>Staff:</b></li> <li>• <b>City of Chula Vista</b></li> <li>• <b>EHC</b></li> </ul>
13. Public Health	<ul style="list-style-type: none"> <li>• <b>Applicant:</b> Gregory Darvin (30 min.)</li> <li>• <b>Staff:</b> Obed Odoemelam (30 min.)</li> <li>• <b>EHC:</b> Williams (15 min.) Takvorian (15 min.)</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Applicant:</b> Darwin (5 min.)</li> <li>• <b>Staff:</b> Odoemelam (5 min.)</li> <li>• <b>City of Chula Vista</b></li> <li>• <b>EHC</b></li> </ul>
14. Socioeconomic Resources (including Environmental Justice)	<ul style="list-style-type: none"> <li>• <b>Applicant:</b> Fatuma Ysuf (30 min.)</li> <li>• <b>Staff:</b> Jacob Hawkins (30 min.)</li> <li>• <b>EHC:</b> Diane Takvorian (30 min.) Diana Vera (30 min.)</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Applicant:</b> Ysuf (5 min.)</li> <li>• <b>Staff:</b> Hawkins (5 min)</li> <li>• <b>City of Chula Vista</b></li> <li>• <b>EHC:</b> Takvorian/Vera</li> </ul>
15. Biological Resources	<ul style="list-style-type: none"> <li>• <b>Applicant:</b> Sophia Chang (20 min)</li> <li>• <b>Staff:</b> Susan Sanders (15 min)</li> <li>• <b>EHC:</b></li> </ul>	<ul style="list-style-type: none"> <li>• <b>Applicant:</b> Chang (5 min.)</li> <li>• <b>Staff:</b> Sanders (5 min.)</li> <li>• <b>City of Chula Vista</b></li> <li>• <b>EHC</b></li> </ul>



TOPIC	WITNESSES DIRECT TESTIMONY	CROSS-EXAMINATION
16. Noise and Vibration	<ul style="list-style-type: none"> <li>• <b>Applicant:</b> David Baker (30 min.) Steven Blue (30 min.)</li> <li>• <b>Staff:</b> Steve Baker (10 min.)</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Applicant:</b> Baker (5 min.) Blue (5 min.)</li> <li>• <b>Staff:</b> Baker (5 min.)</li> <li>• <b>City of Chula Vista</b></li> <li>• <b>EHC</b></li> </ul>
17. Transmission System Engineering	<ul style="list-style-type: none"> <li>• <b>Applicant:</b> Steven Blue</li> <li>• <b>Staff :</b> Laiping Ng (20 min.)/ Mark Hesters (15 min.)</li> <li>• <b>EHC:</b> Bill Powers (2 hrs.)</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Applicant:</b> Blue</li> <li>• <b>Staff:</b> Ng/Hesters</li> <li>• <b>City of Chula Vista</b></li> <li>• <b>EHC:</b> Powers</li> </ul>
18. Power Plant Reliability	<ul style="list-style-type: none"> <li>• <b>Applicant:</b></li> <li>• <b>Staff:</b> Erin Bright</li> <li>• <b>EHC:</b> ?</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Applicant:</b></li> <li>• <b>Staff:</b> Erin Bright (5 min)</li> <li>• <b>City of Chula Vista</b></li> <li>• <b>EHC</b></li> </ul>
19. Visual Resources	<ul style="list-style-type: none"> <li>• <b>Applicant:</b> Maria Elena Conserva (30 min.)</li> <li>• <b>Staff:</b> Martha Goodavish (30 min)</li> <li>• <b>EHC:</b></li> </ul>	<ul style="list-style-type: none"> <li>• <b>Applicant:</b> Conserva (5 min)</li> <li>• <b>Staff:</b> Goodavish (5 min)</li> <li>• <b>City of Chula Vista</b></li> <li>• <b>EHC</b></li> </ul>

<b>TOPIC</b>	<b>WITNESSES DIRECT TESTIMONY</b>	<b>CROSS-EXAMINATION</b>
20. Worker Safety and Fire Protection	<ul style="list-style-type: none"> <li>• <b>Applicant:</b> Sarah Madams (30 min)</li> <li>• <b>Staff:</b> Alvin Greenberg (30 min) Rick Tyler (30 min.)</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Applicant:</b> Madams ( 5 min)</li> <li>• <b>Staff:</b> Greenberg/Tyler (5 min.)</li> <li>• <b>City of Chula Vista</b></li> <li>• <b>EHC</b></li> </ul>
21. Land Use	<ul style="list-style-type: none"> <li>• <b>Applicant:</b> Greta Kirschenbaum (30 min) Jennifer Scholl (30 min.)</li> <li>• <b>Staff:</b> Negar Vahidi (30 min)</li> <li>• <b>EHC:</b> Joy Williams/Diane Takvorian/Diana Vera</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Applicant:</b> Kirschenbaum/Scholl (5 min)</li> <li>• <b>Staff:</b> Vahidi (5 min)</li> <li>• <b>City of Chula Vista</b></li> <li>• <b>EHC</b></li> </ul>
22. Alternatives	<ul style="list-style-type: none"> <li>• <b>Applicant:</b> Sarah Madams (30 min.)</li> <li>• <b>Staff:</b> Christopher Meyers (20 min.)</li> <li>• <b>EHC:</b> Diane Takvorian (20 min.) Diana Vera (30 min.) Bill Powers (20 min.)</li> </ul>	<ul style="list-style-type: none"> <li>• <b>Applicant :</b> Madams (5 min)</li> <li>• <b>Staff:</b> Meyer (5 min)</li> <li>• <b>City of Chula Vista</b></li> <li>• <b>EHC:</b> Takvorian/Vera/Powers</li> </ul>

## ATTACHMENT B



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

### TENTATIVE EXHIBIT LIST

#### APPLICANT'S EXHIBITS

- EXHIBIT 1** Application for Certification – Chula Vista Energy Upgrade Project. Sponsored by Applicant, and received into evidence on \_\_\_\_\_.
- EXHIBIT 2** Supplement in Response to Data Adequacy Comments on the Application for Certification for the Supplement to AFC – Response to Data Adequacy Review, dated September 24, 2007, and docketed September 24, 2007. Sponsored by Applicant, and received into evidence on \_\_\_\_\_.
- EXHIBIT 3** Response to Energy Commission's Data Request 1-47 and Workshop Query 1, dated December 7, 2007, and docketed December 7, 2007. Sponsored by Applicant, and received into evidence \_\_\_\_\_.
- EXHIBIT 4** Response to Energy Commission's Data Requests 2-5 and 25, dated January 25, 2008, and docketed January 25, 2008. Sponsored by Applicant, and received into evidence \_\_\_\_\_.
- EXHIBIT 5** Response to Environmental Health Coalition's Data Requests 1-35, dated February 6, 2008, docketed February 6, 2008. Sponsored by Applicant, and received into evidence on \_\_\_\_\_.
- EXHIBIT 6** Response to Energy Commission's Data Request 6, dated March 7, 2008, docketed March 7, 2008. Sponsored by Applicant, and received into evidence on \_\_\_\_\_.

- EXHIBIT 7** Response to Environmental Health Coalition's Data Requests 36-54, dated February 29, 2008, docketed February 29, 2008. Sponsored by Applicant, and received into evidence on \_\_\_\_\_.
- EXHIBIT 8** Response to Environmental Health Coalition's Data Requests 55, 56, dated April 2, 2008, docketed April 2, 2008. Sponsored by Applicant, and received into evidence on \_\_\_\_\_.
- EXHIBIT 9** Appendix 3A – System Impact Study, dated March 21, 2007, docketed August 10, 2007. Sponsored by Applicant, and received into evidence on \_\_\_\_\_.
- EXHIBIT 10** MMC Fact Sheet for the Chula Vista Energy Upgrade Project (English and Spanish Version), dated August 2007 (English) and March 2008 (Spanish), docketed March 21, 2008. Sponsored by Applicant, and received into evidence on \_\_\_\_\_.
- EXHIBIT 11** Appendices A – D, referenced in the CA-ISO Interconnection Facilities Study and MMC Comment Letter, 3/28/08, dated March 31, 2008, docketed March 31, 2008. Sponsored by Applicant, and received into evidence on \_\_\_\_\_.
- EXHIBIT 12** Air Modeling Files, dated August 10, 2007, docketed August 10, 2007. Sponsored by Applicant, and received into evidence on \_\_\_\_\_.
- EXHIBIT 13** MMC's objection to Energy Commission Staff Data Request No. 40. Sponsored by Applicant, and received into evidence on \_\_\_\_\_.
- EXHIBIT 14** Letter from Downey Brand Re: Application for Confidential Designation of Confidential Cultural Resources Reports Provided in Response to Data Request 36, dated August 20, 2007, docketed August 21, 2007. Sponsored by Applicant, and received into evidence on \_\_\_\_\_.
- EXHIBIT 15** Letter Approving Confidentiality for Cultural Resources, dated August 30, 2007, docketed August 31, 2007. Sponsored by Applicant, and received into evidence on \_\_\_\_\_.
- EXHIBIT 16** Response to South West Chula Vista Civic Association Flyer, dated January 10, 2008, docketed January 10, 2008. Sponsored by Applicant, and received into evidence on \_\_\_\_\_.
- EXHIBIT 17** CA-ISO Interconnection Facilities Study and MMC Comment Letter, dated March 27, 2008, docketed March 28, 2008. Sponsored by Applicant, and received into evidence on \_\_\_\_\_.

- EXHIBIT 18** MMC Energy, Inc.'s Preliminary Comments on the Preliminary Staff Assessment – Chula Vista Energy Upgrade Project, dated May 7, 2008, docketed May 8, 2008. Sponsored by Applicant, and received into evidence on \_\_\_\_\_.
- EXHIBIT 19** MMC Energy, Inc.'s Final Comments on the Preliminary Staff Assessment, dated June 6, 2008, docketed June 6, 2008. Sponsored by Applicant, and received into evidence on \_\_\_\_\_.
- EXHIBIT 20** Letter CA – ISO Re: Reliability Must-Run Status, dated July 24, 2008, docketed July 25, 2008. Sponsored by Applicant, and received into evidence on \_\_\_\_\_.
- EXHIBIT 21** Agreement with the City of Chula Vista on Mitigation and Consistency of the Project with the Chula Vista General Plan, dated August 4, 2008, docketed August 6, 2008. Sponsored by Applicant, and received into evidence on \_\_\_\_\_.
- EXHIBIT 22** Form DPR523 for the Lorenzo Anderson House and Finding of Effect Memorandum, dated August 22, 2008, docketed August 22, 2008. Sponsored by Applicant, and received into evidence on \_\_\_\_\_.
- EXHIBIT 23** Declarations and Testimony, dated September 2008, docketed, September 12, 2008. Sponsored by Applicant, and received into evidence on \_\_\_\_\_.
- EXHIBIT 24** List of Power Plants in I-L Equivalent Zones. Sponsored by Applicant, and received into evidence on \_\_\_\_\_.

**ENERGY COMMISSION STAFF'S EXHIBITS**

- EXHIBIT 200** Final Staff Assessment for the Chula Vista Energy Upgrade Project, dated August 2008, docketed August 28, 2008. Sponsored by Staff; received into evidence on \_\_\_\_\_.
- EXHIBIT 201** Preliminary Determination of Compliance submitted by the San Diego Air Pollution Control District. Sponsored by Staff; received into evidence on \_\_\_\_\_.
- EXHIBIT 202** Final Determination of Compliance submitted by the San Diego Air Pollution Control District. Sponsored by Staff; received into evidence on \_\_\_\_\_.
- EXHIBIT 203** The Chula Vista Elementary School District's Independent Air Quality Analysis. Sponsored by Staff; received into evidence on \_\_\_\_\_.
- EXHIBIT 204** Letter from the City of Chula Vista to C. Meyer regarding CVEUP compliance with LORS. Sponsored by Staff; received into evidence on \_\_\_\_\_.



**INTERVENOR CURE EXHIBITS**

**EXHIBIT 400**

**EXHIBIT 401**

**EXHIBIT 402**

**EXHIBIT 403**

**EXHIBIT 404**

**INTERVENOR ENVIRONMENTAL HEALTH COALITION (EHC) EXHIBITS**

- EXHIBIT 600** Environmental Health Coalition, Comments Re: Preliminary Staff Assessment for the Chula Vista Energy Upgrade Project (07-AFC-4) (with attachments), Technical Topics: Air Quality, Land Use, Environmental Justice, Alternatives. Sponsored by Intervenor EHC; received into evidence on \_\_\_\_\_.
- EXHIBIT 601** Declaration of Joy Williams, Technical Topics: Public Health, Environmental Justice. Sponsored by Intervenor EHC; received into evidence on \_\_\_\_\_.
- EXHIBIT 602** Testimony of Joy Williams Re: CVEUP Public Health Impacts, Public Health, Technical Topics: Environmental Justice. Sponsored by Intervenor EHC; received into evidence on \_\_\_\_\_.
- EXHIBIT 603** References Cited in Testimony of Joy Williams Re: CVEUP Public Health Impacts, Technical Topics: Public Health, Environmental Justices. Sponsored by Intervenor EHC; received into evidence on \_\_\_\_\_.
- EXHIBIT 604** Testimony of Joy Williams Re: Mapping of Generation Infrastructure Distribution San Diego County, Technical Topics: Socioeconomics, Environmental Justice. Sponsored by Intervenor EHC; received into evidence on \_\_\_\_\_.
- EXHIBIT 605** Map: Megawatts per 10,000 People, by Metropolitan Statistical Area, Natural Gas & Landfill Gas Facilities Only (2000 Census, Technical Topics: Socioeconomics, Environmental Justice. Sponsored by Intervenor EHC; received into evidence on \_\_\_\_\_.
- EXHIBIT 606** Map: Megawatts Per 10,000 People, by Metropolitan Statistical Area, Natural Gas & Landfill Gas Facilities Only (2007 Population Estimate), Technical Topics: Socioeconomics, Environmental Justice. Sponsored by Intervenor EHC; received into evidence on \_\_\_\_\_.
- EXHIBIT 607** Declaration of Diane Takvorian, Technical Topics: Socioeconomics, Environmental Justice. Sponsored by Intervenor EHC; received into evidence on \_\_\_\_\_.
- EXHIBIT 608** Testimony of Diane Takvorian, Technical Topics: Socioeconomics, Environmental Justice. Sponsored by Sponsored by Intervenor EHC; received into evidence on \_\_\_\_\_.
- EXHIBIT 609** References Cited in Testimony of Diane Takvorian, Technical Topics: Socioeconomics, Environmental Justice. Sponsored by Intervenor EHC; received into evidence on \_\_\_\_\_.

- EXHIBIT 610** Declaration of Diana Vera, Technical Topics: Land Use, Environmental Justice. Sponsored by Intervenor EHC; received into evidence on \_\_\_\_\_.
- EXHIBIT 611** Testimony of Diana Vera, Technical Topics: Land Use, Environmental Justice. Sponsored by Intervenor EHC; received into evidence on \_\_\_\_\_.
- EXHIBIT 612** City of Chula Vista, Letter to Residents Re: “Free Energy and Water Home Conservation Program” (Aug. 18, 2008) (cited in Testimony of Diana Vera), Technical Topics: Land Use, Environmental Justice. Sponsored by Intervenor EHC; received into evidence on \_\_\_\_\_.
- EXHIBIT 613** Declaration of Laura Hunter, Technical Topics: Socioeconomics, Environmental Justice. Sponsored by Intervenor EHC; received into evidence on \_\_\_\_\_.
- EXHIBIT 614** Community Statements of Opposition to CVEUP (referenced in Declaration of Laura Hunter), Technical Topics: Socioeconomics, Environmental Justice. Sponsored by Intervenor EHC; received into evidence on \_\_\_\_\_.
- EXHIBIT 615** Declaration of Bill Powers, P.E., Technical Topic: Alternatives. Sponsored by Intervenor EHC; received into evidence on \_\_\_\_\_.
- EXHIBIT 616** Testimony of Bill Powers, P.E., Technical Topic: Alternatives. Sponsored by Intervenor EHC; received into evidence on \_\_\_\_\_.
- EXHIBIT 617** Attachments to Testimony of Bill Powers, P.E., Technical Topic: Alternatives. Sponsored by Intervenor EHC; received into evidence on \_\_\_\_\_.
- EXHIBIT 618** California Air Resources Board, The Carl Moyer Program Guidelines (Rev. 2008) (excerpts), Technical Topic: Air Quality. Sponsored by Intervenor EHC; received into evidence on \_\_\_\_\_.
- EXHIBIT 619** City of Chula Vista General Plan (excerpts), Technical Topic: Land Use. Sponsored by Intervenor EHC; received into evidence on \_\_\_\_\_.
- EXHIBIT 620** City of Chula Vista Zoning Ordinance (excerpts), Technical Topic: Land Use. Sponsored by Intervenor EHC; received into evidence on \_\_\_\_\_.
- EXHIBIT 621** City of Chula Vista, Letter to Christopher Meyer, Cal. Energy Comm’n, Re: Chula Vista Energy Upgrade Project (Jan. 31, 2008), Technical Topic:

Land Use. Sponsored by Intervenor EHC; received into evidence on \_\_\_\_\_.

**EXHIBIT 622** City of Chula Vista, Letter to Christopher Meyer, Cal. Energy Comm'n, Re: Chula Vista Energy Upgrade Project (June 13, 2008), Technical Topic: Land Use. Sponsored by Intervenor EHC; received into evidence on \_\_\_\_\_.

**EXHIBIT 623** Pub. Res. Code 25305 (2002) (repealed), Technical Topic: Alternatives. Sponsored by Intervenor EHC; received into evidence on \_\_\_\_\_.

**EXHIBIT 624** Stats.2002, c. 568 (SB 1389), Technical Topic: Alternatives. Sponsored by Intervenor EHC; received into evidence on \_\_\_\_\_.

**EXHIBIT 625** MMC Energy, Inc., Form 10-Q (Aug. 11, 2008) (excerpts), Technical Topic: Power Plant Reliability. Sponsored by Intervenor EHC; received into evidence on \_\_\_\_\_.

**EXHIBIT 626** Declaration of Stephen Padilla (with attachments), Technical Topic: Land Use. Sponsored by Intervenor EHC; received into evidence on \_\_\_\_\_.

**EXHIBIT 627** Declaration of Sharon Ward, Technical Topic: Land Use, Environmental Justice. Sponsored by Intervenor EHC; received into evidence on \_\_\_\_\_.

**EXHIBIT 628** Testimony of Sharon Ward, Technical Topic: Land Use, Environmental Justice. Sponsored by Intervenor EHC; received into evidence on \_\_\_\_\_.

**INTERVENOR CITY OF CHULA VISTA EXHIBITS**

**EXHIBIT 800** Jones & Stokes Letter, Chula Vista Elementary School Consultant. Sponsored by Intervenor City of Chula Vista; received into evidence on \_\_\_\_\_.

**EXHIBIT 801** CAISO, California Independent System Operator Letter to Jane Luckhardt, dated July 24, 2008. Sponsored by Intervenor City of Chula Vista; received into evidence on \_\_\_\_\_.

**EXHIBIT 802** RAMCO, Special Use Permit-Existing Facility. Sponsored by Intervenor City of Chula Vista; received into evidence on \_\_\_\_\_.

**EXHIBIT 803** MMC/City Agreement & Recommendations for Additional Conditions of Approval. Sponsored by Intervenor City of Chula Vista; received into evidence on \_\_\_\_\_.



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**

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

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**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-AFC-4  
1516 Ninth Street, MS-15  
Sacramento, CA 95814-5512  
[docket@energy.state.ca.us](mailto:docket@energy.state.ca.us)

**APPLICANT**

Harry Scarborough  
Vice President  
MMC Energy Inc.  
11002 Ainswick Drive  
Bakersfield, CA 93311  
[hscarborough@mmcenergy.com](mailto:hscarborough@mmcenergy.com)

**APPLICANTS ENGINEER**

Steven Blue  
Project Manager  
Worley Parsons  
2330 E. Bidwell, Suite 150  
Folsom, CA 95630  
[Steven.blue@worleyparsons.com](mailto:Steven.blue@worleyparsons.com)

**APPLICANTS CONSULTANT**

Douglas M. Davy, Ph.D.  
Senior Project Manager  
CH2M Hill  
2485 Natomas Park Drive, Suite 600  
Sacramento, CA 95833  
[ddavy@ch2m.com](mailto:ddavy@ch2m.com)

**COUNSEL FOR APPLICANT**

Jane Luckhardt, Esq.  
Downey Brand Law Firm  
555 Capitol Mall, 10th Floor  
Sacramento, CA 95814  
[jluckhardt@downeybrand.com](mailto:jluckhardt@downeybrand.com)

**INTERESTED AGENCIES**

\*California ISO  
P.O. Box 639014  
Folsom, CA 95763-9014  
[e-recipient@caiso.com](mailto:e-recipient@caiso.com)



**INTERVENORS**

California Unions for Reliable Energy  
(CURE)  
c/o Marc D. Joseph  
Gloria Smith  
Suma Peesapati  
Adams Broadwell Joseph & Cardozo  
601 Gateway Boulevard, Suite 1000  
South San Francisco, CA 94080  
[mdjoseph@adamsbroadwell.com](mailto:mdjoseph@adamsbroadwell.com)  
[gsmith@adamsbroadwell.com](mailto:gsmith@adamsbroadwell.com)  
[speesapati@adamsbroadwell.com](mailto:speesapati@adamsbroadwell.com)

City of Chula Vista, California  
c/o Charles H. Pomeroy  
Caren J. Dawson  
McKenna, Long & Aldridge, LLP  
444 South Flower Street  
Los Angeles, CA 90071  
[cpomeroy@mckennalong.com](mailto:cpomeroy@mckennalong.com)  
[cdawson@mckennalong.com](mailto:cdawson@mckennalong.com)

Environmental Health Coalition  
Diane Takvorian & Leo Miras  
401 Mile of Cars Way, Suite 310  
National City, CA 91950  
[DianeT@environmentalhealth.org](mailto:DianeT@environmentalhealth.org)  
[LeoM@environmentalhealth.org](mailto:LeoM@environmentalhealth.org)

**ENERGY COMMISSION**

Jackalynne Pfannenstiel, Chair  
Commissioner and Presiding Member  
[jpfannen@energy.state.ca.us](mailto:jpfannen@energy.state.ca.us)

James D. Boyd, Vice Chair  
Commissioner and Associate Member  
[jboyd@energy.state.ca.us](mailto:jboyd@energy.state.ca.us)

Raoul Renaud  
Hearing Officer  
[rrenaud@energy.state.ca.us](mailto:rrenaud@energy.state.ca.us)

Chris Meyer  
Project Manager  
[cmeyer@energy.state.ca.us](mailto:cmeyer@energy.state.ca.us)

Kevin Bell  
Staff Counsel  
[kwbell@energy.state.ca.us](mailto:kwbell@energy.state.ca.us)

Public Adviser's Office  
[pao@energy.state.ca.us](mailto:pao@energy.state.ca.us)

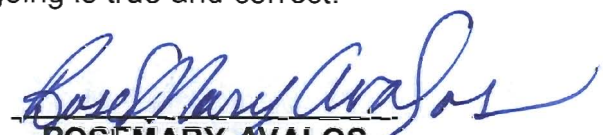
**DECLARATION OF SERVICE**

I, RoseMary Avalos, declare that on September 24, 2008, I deposited copies of the attached Evidentiary Hearing 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**



BEFORE THE ENERGY RESOURCES CONSERVATION AND DEVELOPMENT  
COMMISSION OF THE STATE OF CALIFORNIA  
1516 NINTH STREET, SACRAMENTO, CA 95814  
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**APPLICANT**

Harry Scarborough  
Vice President  
MMC Energy Inc.  
11002 Ainswick Drive  
Bakersfield, CA 93311  
[hscarborough@mmcenergy.com](mailto:hscarborough@mmcenergy.com)

**APPLICANTS ENGINEER**

Steven Blue  
Project Manager  
Worley Parsons  
2330 E. Bidwell, Suite 150  
Folsom, CA 95630  
[Steven.blue@worleyparsons.com](mailto:Steven.blue@worleyparsons.com)

**APPLICANTS CONSULTANT**

Douglas M. Davy, Ph.D.  
Senior Project Manager  
CH2M Hill  
2485 Natomas Park Drive, Suite 600  
Sacramento, CA 95833  
[ddavy@ch2m.com](mailto:ddavy@ch2m.com)

**COUNSEL FOR APPLICANT**

Jane Luckhardt, Esq.  
Downey Brand Law Firm  
555 Capitol Mall, 10th Floor  
Sacramento, CA 95814  
[jluckhardt@downeybrand.com](mailto:jluckhardt@downeybrand.com)

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\*California ISO  
P.O. Box 639014  
Folsom, CA 95763-9014  
[e-recipient@caiso.com](mailto:e-recipient@caiso.com)

**INTERVENORS**

California Unions for Reliable Energy  
(CURE)  
c/o Marc D. Joseph  
Gloria Smith  
Suma Peesapati  
Adams Broadwell Joseph & Cardozo  
601 Gateway Boulevard, Suite 1000  
South San Francisco, CA 94080  
[mdjoseph@adamsbroadwell.com](mailto:mdjoseph@adamsbroadwell.com)  
[gsmith@adamsbroadwell.com](mailto:gsmith@adamsbroadwell.com)  
[speesapati@adamsbroadwell.com](mailto:speesapati@adamsbroadwell.com)

City of Chula Vista, California  
c/o Charles H. Pomeroy  
Caren J. Dawson  
McKenna, Long & Aldridge, LLP  
444 South Flower Street  
Los Angeles, CA 90071  
[cpomeroy@mckennalong.com](mailto:cpomeroy@mckennalong.com)  
[cdawson@mckennalong.com](mailto:cdawson@mckennalong.com)

Environmental Health Coalition  
Diane Takvorian & Leo Miras  
401 Mile of Cars Way, Suite 310  
National City, CA 91950  
[DianeT@environmentalhealth.org](mailto:DianeT@environmentalhealth.org)  
[LeoM@environmentalhealth.org](mailto:LeoM@environmentalhealth.org)

**ENERGY COMMISSION**

Jackalyne Pfannenstiel, Chair  
Commissioner and Presiding Member  
[jpffannen@energy.state.ca.us](mailto:jpffannen@energy.state.ca.us)

James D. Boyd, Vice Chair  
Commissioner and Associate Member  
[jboyd@energy.state.ca.us](mailto:jboyd@energy.state.ca.us)

Raoul Renaud  
Hearing Officer  
[rrenaud@energy.state.ca.us](mailto:rrenaud@energy.state.ca.us)

Chris Meyer  
Project Manager  
[cmeyer@energy.state.ca.us](mailto:cmeyer@energy.state.ca.us)

Kevin Bell  
Staff Counsel  
[kwbell@energy.state.ca.us](mailto:kwbell@energy.state.ca.us)

Public Adviser's Office  
[pao@energy.state.ca.us](mailto:pao@energy.state.ca.us)

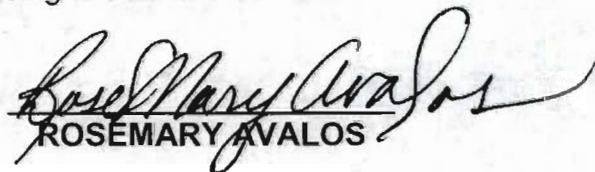
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