

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 TESLA POWER PROJECT BY PG&E

DOCKET No. 01-AFC-21C

CERTIFIED 6/16/04

# POST-HEARING BRIEFING SCHEDULE

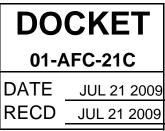
On July 20, 2009, the Siting Committee conducted an evidentiary hearing on PG&E's request for a 5-year extension of the Tesla Power Plant license. At the hearing, the Committee directed the parties to file post-hearing briefs by August 3, 2009. This schedule confirms the briefing deadline and specifies the issues that should be addressed in the briefs.

The parties shall file post-hearing briefs no later than 5 p.m. on Monday, August **3**, **2009**. All individuals and entities listed on the Proof of Service list, governmental agencies, and members of the public are welcome to file briefs and/or comments no later than August 3, 2009, and to present oral comments at the full Commission hearing on this matter, which is scheduled on Wednesday, September 9, 2009.

The post hearing briefs shall address the following issues:

1. Section 1720.3 of the Commission's regulations sets a 5-year deadline for the "commencement of construction," but it does not establish a limit on the extension timeframe. When a project owner requests a license extension under section 1720.3, what is a reasonable time to extend a license? Could the Commission grant an extension for 5 years, 10 years, 20 years?

2. If PG&E's position on section 1720.3 is correct, the license would not expire even if construction did not commence within 5 years unless the Commission acted affirmatively to terminate the license. What are the implications of allowing certification to last in perpetuity?



3. PG&E has identified the reasons for requesting the license extension. What general factors should the Commission consider in determining "good cause" for a license extension?

4. If a project owner applies for another license extension when an existing extension expires, when should the request be filed and what time period would be appropriate for a second extension?

5. If the Commission decides to grant PG&E's request for an extension of the Tesla Power Plant license, what conditions should be attached to such an order?

6. Any other issues that the parties believe were not adequately addressed at the evidentiary hearing.

Dated July 21, 2009, at Sacramento, California.

<u>Original signed by:</u> GARY FAY Chief Hearing Officer



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 **Tesla Power Project**

DOCKET No. 01-AFC-21C

PROOF OF SERVICE

### APPLICANT'S COUNSEL

Scott Galati Galati-Blek LLP 455 Capitol Mall, Ste. 350 Sacramento, CA 95814 sqalati@gb-llp.com

#### **INTERESTED AGENCIES**

Central Valley Regional Water Quality Control Board Attn: Micheal Kummer 3443 Routier Road, Suite A Sacramento, CA 95827-3098 kummerm@rb5s.swrcb.ca.gov

Bay Area Air Qualify Management District Attn: Dennis Jang 939 Ellis Street San Francisco, CA 94109 <u>djang@baagmd.gov</u>

Alameda County Community Development Agency, Planning Department Attn: Bruce H. Jensen, Planner 399 Elmhurst Street, Room 136 Hayward, CA 94544 Bruce.Jensen@acgov.org

City of Tracy City Manager: Leon Churchill, Jr. City of Tracy, City Attorney: Daniel Sodergren 333 Civic Center Plaza Tracy, CA 95376 <u>leon.churchill@ci.tracy.ca.us</u> <u>daniel.sodergren@ci.tracy.ca.us</u>

#### **INTERVENORS**

Robert Sarvey 501 W. Grantline Road Tracy, CA 95376 SarveyBob@aol.com

#### <u>CURE</u>

Attn: Marc D. Joseph, Esq. Adams Broadwell et al 601 Gateway Blvd., Suite 1000 South San Francisco, CA 94080 mdjoseph@adamsbroadwell.com

Californians for Renewable Energy (CARE) Attn: Michael Boyd 5439 Soquel Drive Soquel, CA 95073 <u>MichaelBoyd@sbcglobal.net</u>

San Joaquin Valley Air Pollution Control District Attn: Dave Warner Director of Permit Services 1990 E. Gettysburg Ave. Fresno, CA 93726-0244 Seyed.Sadredin@valleyair.org Rupi.gill@valleyair.org

#### **INTERESTED PARTICIPANTS**

Ellison, Schneider & Harris, LLP Attn: Gregg Wheatland, Counsel 2600 Capitol Avenue, Suite 400 Sacramento, CA 95816 <u>glw@eslawfirm.com</u>

Independent Energy Producers Attn: Steven Kelly 1215 K Street Sacramento, CA 95814 <u>steven@iepa.com</u>

#### ENERGY COMMISSION

JEFFREY D. BYRON Presiding Member Siting Committee jbyron@energy.state.ca.us

KAREN DOUGLAS Associate Member Siting Committee kdouglas@energy.state.ca.us

Gary Fay Chief Hearing Officer <u>gfay@energy.state.ca.us</u>

Steve Munro Compliance Project Manager <u>smunro@energy.state.ca.us</u>

Jonathan Blees Assistant Chief Counsel iblees@energy.state.ca.us

Kevin W. Bell Staff Counsel <u>kwbell@energy.state.ca.us</u>

Elena Miller Public Adviser publicadviser@energy.state.ca.us

## **DECLARATION OF SERVICE**

I, <u>Maggie Read</u>, declare that on <u>July 21, 2009</u>, I served and filed copies of the attached <u>Post-Hearing Briefing</u> <u>Schedule</u>, dated <u>July 21, 2009</u>. The original document, filed with the Docket Unit, is accompanied by a copy of the most recent Proof of Service list, located on the web page for this project at: [www.energy.ca.gov/sitingcases/tesla].

The document has been sent to both the other parties in this proceeding (as shown on the Proof of Service list) and to the Commission's Docket Unit, in the following manner:

## (Check all that Apply)

### FOR SERVICE TO ALL OTHER PARTIES:

x sent electronically to all email addresses on the Proof of Service list;

by personal delivery or by depositing in the United States mail at \_\_\_\_\_\_with first-class postage thereon fully prepaid and addressed as provided on the Proof of Service list above to those addresses **NOT** marked "email preferred."

AND

### FOR FILING WITH THE ENERGY COMMISSION:

\_\_\_\_ sending an original paper copy and one electronic copy, mailed and emailed respectively, to the address below (*preferred method*);

OR

\_\_\_\_depositing in the mail an original and 12 paper copies, as follows:

## CALIFORNIA ENERGY COMMISSION

Attn: Docket No. 01-AFC-21C 1516 Ninth Street, MS-4 Sacramento, CA 95814-5512 <u>docket@energy.state.ca.us</u>

I declare under penalty of perjury that the foregoing is true and correct.

<u>Original signed by:</u> Maggie Read