



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

DOCKET

09-AFC-3

DATE OCT 29 2010

RECD. OCT 29 2010

APPLICATION FOR CERTIFICATION FOR THE
MARIPOSA ENERGY PROJECT

DOCKET No. 09-AFC-3

REVISED

COMMITTEE SCHEDULING ORDER

The Project

On June 15, 2009, the California Energy Commission received an Application for Certification (AFC) from Mariposa Energy L.L.C., to construct and operate an electrical generating plant in northeastern Alameda County, California. The proposed Mariposa Energy Project power plant would be a natural gas fired, simple-cycle peaking facility rated at a gross generating capacity of 200 megawatts (MW). The proposed Mariposa Energy Project would be located approximately seven miles northwest of the City of Tracy, seven miles east of Livermore, six miles south of the community of Byron, and approximately 2.5 miles west of the community of Mountain House (located in San Joaquin County). The proposed project site is in an unincorporated area of northeastern Alameda County designated as Large Parcel Agriculture by the Alameda County East County Area Plan.

Procedural Background

The Committee held a Mandatory Status Conference at the Bethany-Byron Irrigation District headquarters near the Community of Byron on October 6, 2010, to discuss the review process and to identify issues that could affect the schedule. On October 12, 2010 the Committee issued a Scheduling Order. The original schedule required the Staff Assessment (SA) to be published on October 20, 2010. On October 19, 2010, Staff informed the parties and the Committee that the SA could not be published on October 20, 2010 due to renewable project priorities. On October 28, 2010, Staff informed the Committee that the SA will be published by 11/10/10.

The attached Revised Committee Schedule contains a list of events that must occur in order to complete the certification process. This schedule covers the period up to and including the Prehearing Conference and Evidentiary Hearing with the balance of the schedule to be determined at the Prehearing Conference. The Committee encourages the parties to consider this schedule an outer boundary and make their best efforts to

complete the milestones ahead of these dates. Some deadlines are contingent upon reviews to be conducted by federal, state, and local agencies.

The Parties shall adhere to the schedule as indicated in the "Required Interval" column of the attached schedule. The dates in the "Date" column are illustrative. In the event that a date is not met, the "Required Interval" shall govern the schedule going forward.

Based on the discussion during the Status Conference, resolution of technical issues regarding air quality, biological resources, land use, soil and water, transmission systems engineering, and traffic and transportation (aviation) is pending. Resolution of these issues shall be addressed during the data exchange process and in public meetings with the parties and interested governmental agencies. Given the complexities involved in resolving the issues, the parties are on notice that the Committee may modify the schedule at any time upon either its own motion or that of a party. [Cal. Code Regs., tit. 20, § 1709.7(c).]

Order re: Status Reports

The current project schedule requires monthly status reports to be submitted by all parties to determine whether case development is progressing satisfactorily and to bring potential schedule delays or other relevant matters to the Committee's attention.

Staff is Ordered to docket and email a Status Report to the Hearing Advisor and the electronic Proof of Service list every Monday beginning November 1, 2010 until the SA and Supplemental Staff Assessment (SSA) are published. Applicant shall, and Intervenor may, serve and file status reports on the first day of each month starting **November 1, 2010**, and continuing until the SSA is published. The reports shall be received by the other parties and the Commission's Docket Unit, 1516 9th Street, MS 4, Sacramento, California 95814-5512, **and must be filed no later than 3:00 p.m.** Status reports must contain "Docket No. 09-AFC-3 Mariposa" in the caption or heading. In addition to providing printed copies to Dockets, the parties shall e-mail their status reports to the Hearing Officer and to those with e-mail addresses as indicated on the Proof-of-Service list.

Public Participation

The Energy Commission Public Adviser is available to assist the public in participating in the application review process. For those individuals who require general information on how to participate, please contact the Public Adviser's Office at (916) 654-4489 or (800) 822-6228 or email: [publicadviser@energy.state.ca.us].

If you have a disability and need assistance to participate in any scheduled event, contact Lourdes Quiroz no less than five days prior to the hearing at 916-654-5146 or e-mail: [lquiroz@energy.state.ca.us].

Information

Questions of a legal or procedural nature should be directed to Kenneth Celli, the Hearing Officer, at (916) 651-8893, or e-mail: **[kcelli@energy.state.ca.us]**.

Technical questions concerning the project should be addressed to Craig Hoffman, Staff Project Manager, at (916) 654-4781, or e-mail: **[choffman@energy.state.ca.us]**.

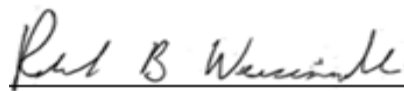
Media inquiries should be directed to the Office of Media and Public Communications at (916) 654-4989 or e-mail: **[mediaoffice@energy.state.ca.us]**.

Information concerning the status of this project, as well as notices and other relevant documents pertaining to this proceeding, may be viewed on the Energy Commission's Internet web page at: **[<http://www.energy.ca.gov/sitingcases/mariposa>]**.

Dated: October 29, 2010 at Sacramento, California.

A handwritten signature in cursive script, reading "Jeff Byron", is written over a horizontal line.

JEFFREY D. BYRON
Commissioner and Presiding Member
Mariposa AFC Committee

A handwritten signature in cursive script, reading "Rob B Weisenmiller", is written over a horizontal line.

ROBERT B. WEISENMILLER
Commissioner and Associate Member
Mariposa AFC Committee

REVISED COMMITTEE SCHEDULE
FOR THE
MARIPOSA ENERGY PROJECT POWER PLANT

Staff is Ordered to file a Status Report every Monday until the
SA and SSA are published.

<u>EVENT</u>	<u>DATE</u>	<u>REQUIRED INTERVAL</u>
Status Report	11/1/10	First of every month
Staff files Staff Assessment (SA)	11/10/10	0
SA Workshop	Week of 11/22/10	2 weeks from the SA publication date
Final Determination of Compliance published	Mid-November	TBD by BAAQMD
Status Report	12/1/10	First of every month
Supplemental SA (SSA)	12/13/10	5 weeks from the SA publication date
Applicant Files Testimony	12/20/10	6 weeks from the SA publication date
Last Day to File Petition to Intervene	1/3/11	30 days prior to the Evidentiary Hearing
Intervenors File Testimony	12/29/11	7 weeks from the SA publication date
All Parties File Rebuttal Testimony	1/12/11	9 weeks from the SA publication date
All Parties File Prehearing Conference Statements	1/19/11	10 weeks from the SA publication date
Prehearing Conference and Evidentiary hearings	2/3/11-2/4/11	12 weeks from the SA publication date
All Parties File Opening Briefs	2/11/11	1 week from the close of evidentiary hearings

<u>EVENT</u>	<u>DATE</u>	<u>REQUIRED INTERVAL</u>
All Parties File Reply Briefs	2/18/11	1 week from the filing of Opening Briefs
Presiding Members Proposed Decision (PMPD)	3/18/11	6 weeks from the close of evidentiary hearings
Committee Hearing on PMPD	4/12/11	Prior to 30 days from PMPD publication date
Close of public comment period on PMPD	4/18/11	30 days from PMPD publication date
Addendum/Revised PMPD (if necessary)	TBD	At least 15 days after the close of the public comment period for the PMPD
Final Adoption Hearing	TBD	At least 15 days after the close of the public comment period for the PMPD

TBD = To Be Determined,

October 27, 2010



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APPLICATION FOR CERTIFICATION
FOR THE **MARIPOSA ENERGY PROJECT**
(MEP)

Docket No. 09-AFC-3

PROOF OF SERVICE
(Revised 10/20/2010)

APPLICANT

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ENERGY COMMISSION

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

INTERESTED AGENCIES

California ISO
E-mail Service Preferred
e-recipient@caiso.com

ROBERT B. WEISENMILLER
Commissioner and Associate Member
rweisenm@energy.state.ca.us

INTERVENORS

Mr. Robert Sarvey
501 W. Grantline Road
Tracy, California 95376
Sarveybob@aol.com

Kenneth Celli
Hearing Officer
kcelli@energy.state.ca.us

Kristy Chew
Advisor to Commissioner Byron
E-Mail Service preferred
kchew@energy.state.ca.us

DECLARATION OF SERVICE

I, Maggie Read, declare that on October 29, 2010, I served and filed copies of the attached Revised Committee Scheduling Order. 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:

[\[http://www.energy.ca.gov/sitingcases/mariposa/index.html\]](http://www.energy.ca.gov/sitingcases/mariposa/index.html).

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:

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

by personal delivery;

by delivering on this date, for mailing with the United States Postal Service with first-class postage thereon fully prepaid, to the name and address of the person served, for mailing that same day in the ordinary course of business; that the envelope was sealed and placed for collection and mailing on that date 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. 09-AFC-3

1516 Ninth Street, MS-4

Sacramento, CA 95814-5512

docket@energy.state.ca.us

I declare under penalty of perjury that the foregoing is true and correct, that I am employed in the county where this mailing occurred, and that I am over the age of 18 years and not a party to the proceeding.

Original signed by: _____

Maggie Read

Hearing Adviser's Office