



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  
***OAKLEY GENERATING STATION PROJECT***

Docket No. 09-AFC-4

**NOTICE OF PREHEARING CONFERENCE AND EVIDENTIARY HEARING**

**PLEASE TAKE NOTICE** that the Committee designated by the Energy Commission to conduct proceedings on the Application for Certification (AFC) for the **OAKLEY GENERATING STATION PROJECT** has scheduled the Prehearing Conference and Evidentiary Hearing to take place as follows:

***Tuesday, March 15, 2011***  
**Beginning at 10:00 a.m.**

**Oakley City Hall**  
**3231 Main Street**  
**Oakley, California 94561**  
***(Map Attached)***

**DOCKET**  
**09-AFC-4**

DATE 01/25/11

RECD. 01/25/11

**Teleconference Option**

Members of the public may participate in the Prehearing Conference and Evidentiary Hearing by telephone and/or by computer via our "WebEx" web conferencing system. For details on how to participate, please see the "Participation in the Prehearing Conference and Evidentiary Hearing Through WebEx" section at the end of this Notice.

**Petitions to Intervene to Become a Formal Party**

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

Anyone with an appropriate interest in this project may file a Petition to Intervene and become a formal party. At the Evidentiary Hearing, a formal party may offer testimony and documentary evidence, receive documents filed by other parties, and cross-examine witnesses. However, a formal party must also comply with 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, February 14, 2011.** Petitions filed after that date and time extensions for new Intervenors to review case materials will be granted only upon a showing of good cause. Intervenors will take the case as they find it at the time intervention is granted. For example, if the deadline for filing opening testimony has passed, the newly approved Intervenor will not be allowed to file opening testimony. Persons interested in intervening are therefore encouraged to file their petitions as soon as possible.

### **How to Intervene**

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

Comments made after the Evidentiary Hearing may be discussed in the Presiding Member's Proposed Decision (PMPD) or treated and discussed as comments on the PMPD, at the Committee's discretion.

### **Information**

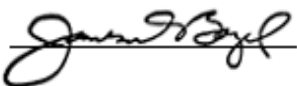
Questions of a legal or procedural nature should be directed to Kourtney Vaccaro, the Hearing Officer, at (916) 654-4328 or e-mail: **[[kvaccaro@energy.state.ca.us](mailto:kvaccaro@energy.state.ca.us)]**.

Technical questions concerning the project should be addressed to Pierre Martinez, the Staff Project Manager, at (916) 651-3765 or e-mail: **[[pmartine@energy.state.ca.us](mailto:pmartine@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](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 Internet web page at: **[[www.energy.ca.gov/sitingcases/oakley/index.html](http://www.energy.ca.gov/sitingcases/oakley/index.html)]**.

Dated: January 25, 2011 at Sacramento, California.



JAMES D. BOYD  
Vice Chair and Presiding Member  
Oakley AFC Committee

PARTICIPATION IN THE PREHEARING CONFERENCE AND EVIDENTIARY HEARING  
THROUGH WEBEX  
THE ENERGY COMMISSION'S ON-LINE MEETING SERVICE

1. COMPUTER LOG-ON WITH A DIRECT PHONE NUMBER:

- Please go to <https://energy.webex.com> and enter the meeting number unique to the specific hearing date:

➤ 3/15/11 - meeting number: **922 772 964**

When prompted, enter your information and the meeting password: **oakley#1**

After you login, a prompt will appear on-screen for you to provide your phone number. In the **Number box**, type your area code and phone number and click OK. **You will receive a call back on your phone for the audio of the meeting.** International callers can use the "Country/Region" button to help make their connection.

2. COMPUTER LOG-ON FOR CALLERS WITH AN EXTENSION PHONE NUMBER, ETC:

- Please go to <https://energy.webex.com> and enter the unique meeting number.
- 3/15/11 - meeting number: **922 772 964**

When prompted, enter your information and the meeting password: **oakley#1**

*After you login, a prompt will ask for your phone number. Click "CANCEL."*

- ***Instead** call 1-866-469-3239 (toll-free in the U.S. and Canada). When prompted, enter the meeting number above and your unique Attendee ID number which is listed in the top left area of your screen after you login.*

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3. TELEPHONE ONLY (NO COMPUTER ACCESS):

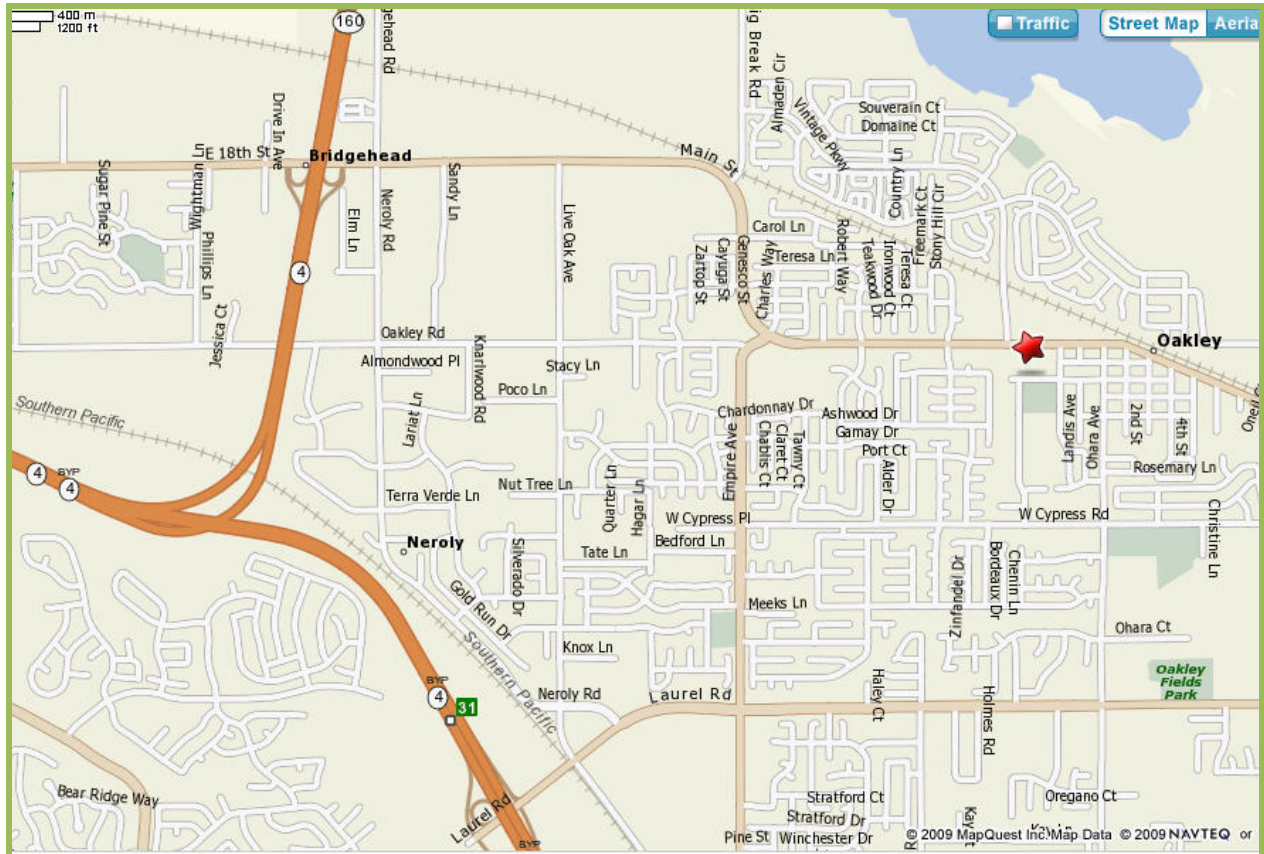
- *Call 1-866-469-3239 (toll-free in the U.S. and Canada) and when prompted enter the meeting number:*
- 3/15/11 - meeting number: **922 772 964**

If you have difficulty joining the meeting, please call the WebEx Technical Support number at 1-866-229-3239. To see if your computer is compatible, visit [<http://support.webex.com/support/system-requirements.html>].

Please be aware that the meeting's WebEx audio and on-screen activity may be recorded.

**Tuesday, March 15, 2011**

Oakley City Hall  
3231 Main Street  
Oakley, California 94561  
(925) 625-7000



From West (Sacramento): Take I-5 South, Take exit 485 towards Rio Vista; Merge onto CA-12/State Route 12 continue to follow CA-12; Turn left at CA-160/River Road continue to follow CA-160; Take the exit towards Brentwood/CA-4/Stockton; Turn Right at E 18<sup>th</sup> Street/CA-4 (signs for Brentwood/Stockton/CA-4/Oakley/Bethel Is.); continue to follow CA-4 (destination will be on the right).

From East: Take Hwy 680 towards Concord Sacramento; Keep left at the fork to continue toward I-680 N and merge onto I-680 N; Slight right at CA-242 N (signs Pittsburg/CA-242/Concord); Take exit 3C to merge onto CA-4 E towards Pittsburg/Stockton; Take CA-4 to exit toward Stockton/Brentwood; Turn right at CA-4/Main St. (signs for Oakley/Bethel Is. destination will be on the right).

From South: Take CA-4; Turn right at Brentwood Blvd.; continue on Main St. (destination will be on the left).



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**APPLICATION FOR CERTIFICATION  
FOR THE *OAKLEY GENERATING STATION***

**Docket No. 09-AFC-4  
PROOF OF SERVICE  
(Revised 1/25/2011)**

**APPLICANT**

Greg Lamberg, Sr. Vice President  
RADBACK ENERGY  
145 Town & Country Drive, #107  
Danville, CA 94526  
[Greg.Lamberg@Radback.com](mailto:Greg.Lamberg@Radback.com)

**APPLICANT'S CONSULTANTS**

Douglas Davy  
CH2M HILL, Inc.  
2485 Natomas Park Drive, Suite 600  
Sacramento, CA 95833  
[ddavy@ch2m.com](mailto:ddavy@ch2m.com)

**COUNSEL FOR APPLICANT**

Scott Galati  
Marie Mills  
Galati & Blek, LLP  
455 Capitol Mall, Suite 350  
Sacramento, CA 95814  
[sgalati@gb-llp.com](mailto:sgalati@gb-llp.com)  
[mmills@gb-llp.com](mailto:mmills@gb-llp.com)

**INTERESTED AGENCIES**

California ISO  
*E-mail Preferred*  
[e-recipient@caiso.com](mailto:e-recipient@caiso.com)

**INTERVENORS**

Robert Sarvey  
501 W. Grantline Road  
Tracy, CA 95376  
[Sarveybob@aol.com](mailto:Sarveybob@aol.com)

**ENERGY COMMISSION**

JAMES D. BOYD  
Vice Chair and Presiding Member  
[jboyd@energy.state.ca.us](mailto:jboyd@energy.state.ca.us)

Kourtney Vaccaro  
Hearing Officer  
[kvaccaro@energy.state.ca.us](mailto:kvaccaro@energy.state.ca.us)

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Jennifer Jennings  
Public Adviser  
*E-mail preferred*  
[publicadviser@energy.state.ca.us](mailto:publicadviser@energy.state.ca.us)

### DECLARATION OF SERVICE

I, RoseMary Avalos, declare that on January 25, 2011, I served and filed copies of the attached NOTICE OF PREHEARING CONFERENCE and EVIDENTIARY HEARING, dated January 25, 2011. 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/oakley/index.html>].

The documents have 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-4  
1516 Ninth Street, MS-4  
Sacramento, CA 95814-5512  
[docket@energy.state.ca.us](mailto: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:

RoseMary Avalos  
Hearing Adviser's Office