



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	FEB 18 2011
RECD.	FEB 18 2011

APPLICATION FOR CERTIFICATION FOR THE
MARIPOSA ENERGY PROJECT
MARIPOSA ENERGY, LLC

DOCKET No. 09-AFC-3

NOTICE OF EVIDENTIARY HEARINGS AND EVIDENTIARY HEARING ORDER

Parties wishing to present evidence or cross-examine witnesses at the Evidentiary Hearings scheduled as follows shall be prepared to proceed in accordance with this Order.

The EVIDENTIARY HEARINGS WILL be conducted on:

**THURSDAY, FEBRUARY 24, 2011 and
FRIDAY, FEBRUARY 25, 2011
Beginning at 10:00 a.m.**

**BYRON BETHANY IRRIGATION DISTRICT
7995 BRUNS ROAD
BYRON, CA 94514
(Map Attached)**

The Committee will hear PUBLIC COMMENT at 5:00 p.m. on each of the above Evidentiary Hearing dates.

If necessary, the Committee will conduct additional EVIDENTIARY HEARINGS on:

**MONDAY MARCH 7, 2011
Beginning at 10:00 a.m.**

**California Energy Commission
Hearing Room B
1516 Ninth Street
Sacramento, CA 95814
(Map Attached)**

TELECONFERENCE OPTION: You may participate in the Evidentiary Hearing by telephone and/or by computer via "WebEx" conferencing system. Please see the "Participation through WebEx" section attached to this notice.

Applicant's Motion to Strike Testimony

At the Prehearing Conference on February 7, 2011, the Committee heard argument from Applicant, Staff, and Intervenor, on Applicant, Mariposa Energy Project LLC's Motion to Strike dated January 25, 2011. Rebuttal to the Motion to Strike was submitted by Intervenor Sarvey, Sierra Club and Simpson. The Committee rules on the motion as follows:

The motion to strike Exhibits **403** (Sarvey - Air Quality), **406** (Sarvey - Alternatives), **407** (Sarvey - Worker Safety and Fire Protection), **412** (Sarvey - Air Quality), **701** through **704** [CalPilots - Traffic and Transportation (Aviation)], **901** (Sierra Club California - Air Quality) and **1000** (Simpson – Land Use, Socioeconomics) is **DENIED** because the Applicant has been afforded an opportunity to rebut and cross examine the authors of these documents. The Committee permitted the Applicant to file rebuttal testimony by February 14, 2011.

The motion to strike Exhibits **408** (Sarvey – Alternatives) and **900** (Sierra Club – Land Use) was tentatively granted at the Prehearing Conference because the issue of the need for a power plant was legislatively removed from the Energy Commission's jurisdiction in 1999. [Pub. Res. Code §§ 25523(f), 25524(a).] However, evidence related to need may be relevant to the "no project alternative" in the Alternative analysis and a determination of public necessity in the Land Use analysis. Should the evidence establish a LORS inconsistency or environmental impacts which are incapable of mitigation to insignificant levels, need may also be relevant in a determination whether or not to override the LORS inconsistency or unmitigable significant impact. Therefore, the Committee will allow Exhibits 408 and 900 to be admitted into evidence in those contexts. The motion to strike Exhibits **408** and **900** is **DENIED** without prejudice to the Applicant raising evidentiary objections at the Evidentiary Hearing.

With respect to Applicant's motion to strike Exhibits 405 and 413 (Sarvey – Hazardous Materials), the Committee requested additional briefing regarding the admissibility of evidence relating to potential impacts on natural gas pipelines outside the jurisdiction of the Energy Commission. Upon further consideration and review of these arguments, the Committee finds that while the California Public Utilities Commission has exclusive jurisdiction over existing gas pipelines, the Energy Commission must analyze adverse impacts that are reasonably foreseeable consequences of the project. Therefore, the Committee **DENIES** the motion to strike Exhibits **405** and **413** (Sarvey – Hazardous Materials) without prejudice to the Applicant raising evidentiary objections at the Evidentiary Hearing.

Undisputed Topics

At the Prehearing Conference, the following topics set forth in the Application for Certification (AFC) and the Final Staff Analysis (FSA) were deemed undisputed so that evidence and testimony on these topics shall be entered into the record solely by declaration:

1. **Executive Summary;**
2. **Project Description;**
3. **Cultural Resources;**
4. **Transmission Line Safety and Nuisance;**
5. **Waste Management;**
6. **Facility Design;**
7. **Geology and Paleontology;**
8. **Power Plant Efficiency;**
9. **Power Plant Reliability;**
10. **Noise and Vibration;** and
11. **Transmission System Engineering.**

The Tentative Exhibit List has been sent separately to all parties electronically and will also be made available on the web page for this project at:

<http://www.energy.ca.gov/sitingcases/mariposa>.

Disputed Topics

The following topics may be disputed and the Committee will receive evidence in the form of written and live testimony, cross-examination and documentary evidence at the Evidentiary Hearing:

1. **Air Quality** (App, Staff, Sarvey, Dighe, Singh, Sierra);
2. **Alternatives** (App, Staff, Sarvey, Dighe, Singh, Sierra);
3. **Biological Resources** (App, Staff, Sarvey);
4. **Land Use** (App, Staff, Sarvey, Dighe, Singh, Sierra, Simpson);
5. **Socioeconomics** (App, Staff, Sarvey, Dighe, Singh, Sierra, Simpson);
6. **Soil And Water Resources** (Sarvey Only);
7. **Visual Resources** (Sarvey Only);
8. **Worker Safety** (App, Staff, Sarvey);
9. **Traffic And Transportation (Aviation)** (App, Staff, Cal-Pilots);
10. **Public Health** (Sarvey, Dighe, Singh, Sierra) and
11. **Hazardous Materials** (App, Staff, Sarvey).

Required Filings

Prior to the start of the Evidentiary Hearing on Thursday, February 24, 2011, Applicant, Staff, and Intervenors shall present a CD or DVD of their evidence to the Hearing Officer. Applicant, Staff, and Intervenors shall be prepared to present evidence and

testimony on the disputed topics. **Testimony shall be limited to those witnesses listed in the Prehearing Conference Statements (see attached Witness List). Applicant, Staff and Intervenors shall exchange copies of any documentary evidence not already provided, including, but not limited to, witness qualifications.**

Opening Briefs will be due 10 days after the transcript of the last day of hearings is published and Rebuttal Briefs will be due 7 days after the Opening Briefs.

Copies must be provided to the Committee, the Hearing Adviser, and those on the Proof of Service and mailing lists and may be filed electronically according to the Committee's November 3, 2010 Committee Order Adopting Filing and Electronic Documents Directives. The briefs shall be received by the other parties and the Commission's Docket Unit, 1516 9th Street, MS 14, Sacramento, California, 95814-5512, **no later than 5:00 p.m. on the due date**. Briefs must contain "**Mariposa Energy Project, Docket No. 09-AFC-3**" in the caption or heading. In addition to providing printed copies, the parties shall e-mail their briefs to the Hearing Officer and to those with e-mail addresses as indicated on the Proof-of-Service list.

The parties shall also provide electronic copies of the above-referenced briefs to the Hearing Officer via e-mail, in Microsoft **Word** format.

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. [20 Cal. Code Regs., § 1748(e).]

The parties' witnesses who appear in person shall be available for cross-examination. Each party sponsoring a witness shall submit the qualifications of the witness into the record by declaration 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, subject to limitation by the Committee.

Time limits on testimony or cross-examination were established at the Prehearing Conference. However, the Committee may, at its discretion, curtail testimony or examination of a witness if it becomes cumulative or in any other way unproductive, in the interest of completing all topics areas at the Evidentiary Hearing efficiently. The Committee intends to proceed according to the following schedule:

MARIPOSA EVIDENTIARY HEARING DAY 1

10: 00	Introductions and Motions and Procedures
11:00	Motions and Procedures – Start Land Use
12:00-12:30	Lunch
12:30	Land Use
2:00	Land Use (finish by 3:00)
3:00	Air Quality and Public Health
4:00	Air Quality and Public Health (finish by 5:00)
5:00	PUBLIC COMMENT
6:00	PUBLIC COMMENT
7:00	Traffic and Transportation (Aviation)
8:00	Traffic and Transportation (Aviation) (finish by 8:30)
9:00	Socioeconomics
10:00	Socioeconomics (finish by 10:00)

MARIPOSA EVIDENTIARY HEARING DAY 2

10: 00	Alternatives
11:00	Alternatives (finish by noon)
12:00-12:30	Lunch
12:30	Biology
2:00	Worker Safety
3:00	Soil and Water
4:00	Visual
5:00	PUBLIC COMMENT
6:00	PUBLIC COMMENT

Public Participation

The Energy Commission invites members of the public and other interested parties to participate on an informal basis in the proceeding by submitting written and oral comments. Public comments are considered by the Commissioners and are part of the record, but are not part of the formal evidentiary record.

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 form in this proceeding, shall submit such materials to the Commission's Docket Unit, 1516 9th Street, MS 14, Sacramento, California 95814-5512. Comments must contain "**Mariposa Energy Project, Docket No. 09-AFC-3**" in the caption or heading. In lieu of providing printed copies, members of the public may e-mail their comments to Jennifer Jennings, the Commission's Public Adviser, at the e-mail address provided below.

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 Jennifer Jennings, the Public Adviser, at (916) 654-4489 or 800-822-6228 or e-mail: [\[publicadviser@energy.state.ca.us\]](mailto:publicadviser@energy.state.ca.us).

If you have a disability and need assistance to participate in this event, contact Lourdes Quiroz well in advance of the hearing at (916) 654-5146 or e-mail: [\[lquiroz@energy.state.ca.us\]](mailto: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: [\[kcelli@energy.state.ca.us\]](mailto: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: [\[choffman@energy.state.ca.us\]](mailto: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: [\[mediaoffice@energy.state.ca.us\]](mailto: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: [\[http://www.energy.ca.gov/sitingcases/mariposa\]](http://www.energy.ca.gov/sitingcases/mariposa). You may also subscribe to receive e-mail notification of all notices at [\[www.energy.ca.gov/listserver\]](http://www.energy.ca.gov/listserver).

Dated: February 18, 2011, at Sacramento, California



KAREN DOUGLAS
Commissioner and Presiding Member
Mariposa Energy Project AFC Committee

**REMOTE ATTENDANCE AND PARTICIPATION IN THE EVIDENTIARY HEARINGS 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 **UNIQUE MEETING NUMBER** to the specific hearing date:
 - **2/24/11** – Evidentiary Hearing #1 meeting number: **927 128 803**
 - **2/25/11** – Evidentiary Hearing #2 meeting number: **921 547 734**
 - **3/7/11**– Evidentiary Hearing #3 meeting number: **498 822 580**

When prompted, enter your information and the **MEETING PASSWORD:** **mariposa#1**

After logging in on the computer, an AUDIO CONFERENCE BOX will offer you the choice of phone connections:

1. **TO HAVE WEBEX CALL YOU BACK:** Type your area code and phone number and click "Call Me"
2. **TO CALL INTO THE TELECONFERENCE:** Use the drop-down box to select "I will call in" and follow the on-screen directions
3. **INTERNATIONAL CALLERS:** Click on the "Global call-in number" link in part (2) above
4. **TO LISTEN OVER THE COMPUTER:** If you have the needed equipment and your computer is configured, click on "Use Computer Headset" and then "Call Using Computer" to use VoIP (Internet phone)

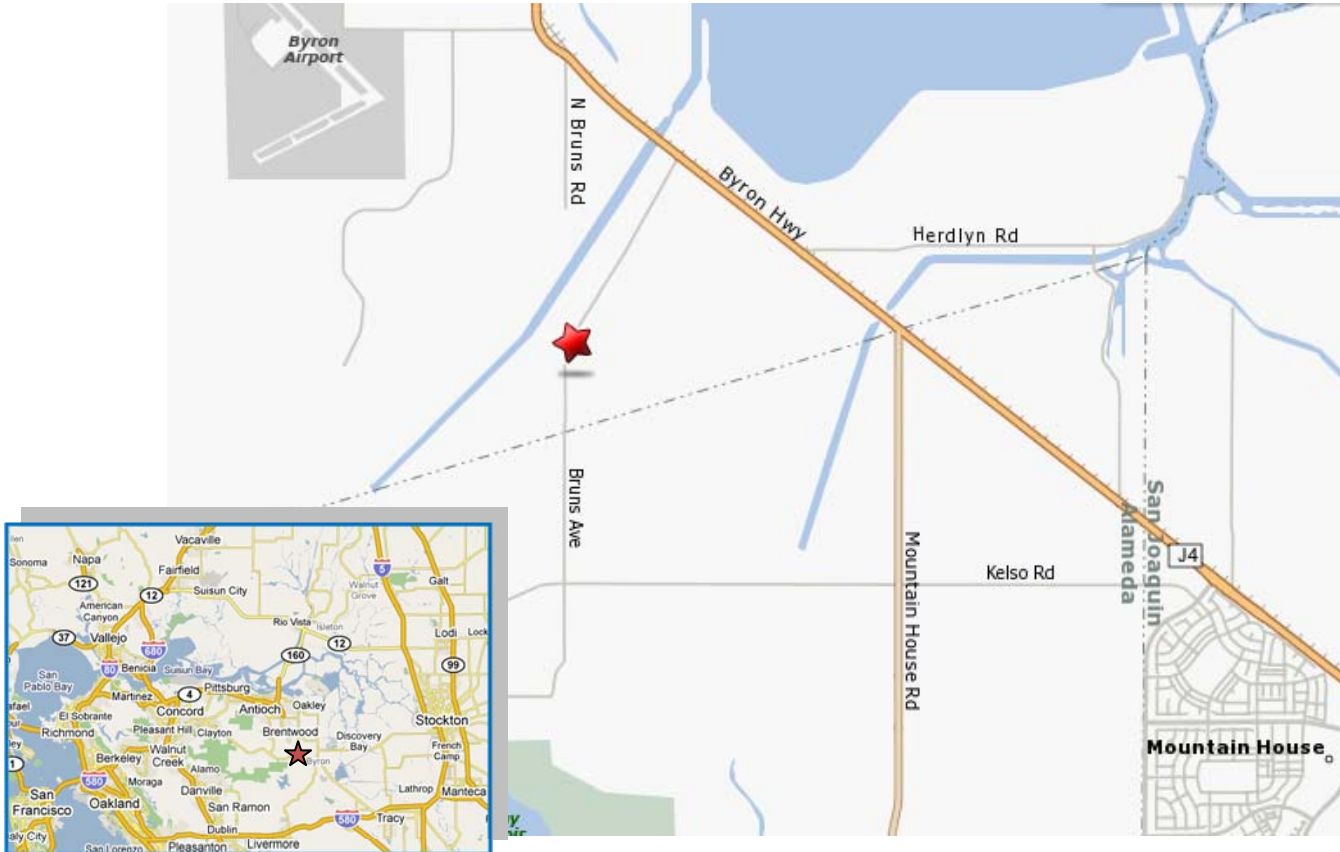
2. TELEPHONE ONLY (NO COMPUTER ACCESS):

- Call **1-866-469-3239** (toll-free in the U.S. and Canada) and when prompted enter the **unique meeting number:**
 - **2/24/11** – Evidentiary Hearing #1 meeting number: **927 128 803**
 - **2/25/11** – Evidentiary Hearing #2 meeting number: **921 547 734**
 - **3/7/11**– Evidentiary Hearing #3 meeting number: **498 822 580**

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>].

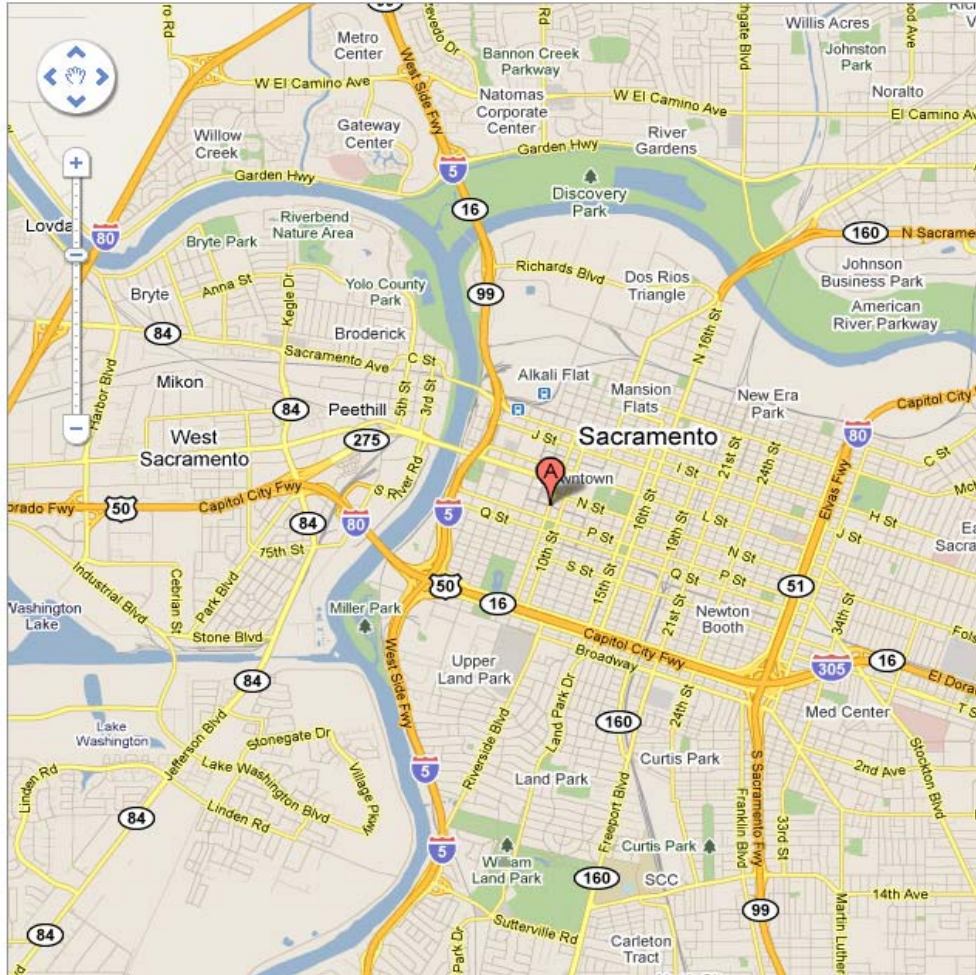
Please be aware that the meeting's WebEx audio and on-screen activity may be recorded.

Byron Bethany Irrigation District
7995 Bruns Road
Byron, California 94514



Mailed to Lists: POS, 7356, 7357, 7358, 7359

California Energy Commission
Hearing Room B
1516 Ninth Street
Sacramento, CA 95814



ATTACHMENT A

**MARIPOSA ENERGY PROJECT
09-AFC-3
EVIDENTIARY HEARING
TOPIC AND WITNESS LIST**

TOPIC	WITNESSES (Direct Testimony)	CROSS-EXAMINATION Or Declaration
1. Executive Summary and Project Description	<ul style="list-style-type: none"> • Applicant: Garry Normoyle, Doug Urry • Staff: Craig Hoffman <p align="center">No dispute, testimony by declaration</p>	<ul style="list-style-type: none"> • Applicant: • Staff:
2. Cultural Resources	<ul style="list-style-type: none"> • Applicant: Clint Helton • Staff: Michael D. McGuirt, Amanda Blosser, Beverly E. Bastian <p align="center">No dispute, testimony by declaration</p>	<ul style="list-style-type: none"> • Applicant: • Staff: None
3. Hazardous Materials Management	<ul style="list-style-type: none"> • Applicant: Jerry Salamy, Doug Urry • Staff: Rick Tyler • Rajesh Dighe: Robert Sarvey • Jass Singh: Robert Sarvey • Robert Sarvey 	<ul style="list-style-type: none"> • Applicant: • Staff: • Robert Sarvey: • Sierra Club • Rajesh Dighe • Jass Singh: • Rob Simpson
4. Soil and Water Resources	<ul style="list-style-type: none"> • Applicant: Matthew Franck • Staff: Mark Lindley, Paul Marshall • Rajesh Dighe: Robert Sarvey • Jass Singh: Robert Sarvey • Robert Sarvey 	<ul style="list-style-type: none"> • Applicant: • Staff: • Robert Sarvey: • Rob Simpson
5. Traffic and Transportation Traffic and Transportation	<ul style="list-style-type: none"> • Applicant: Loren Bloomberg, Maly-Ann Bory • Staff: Andrea Koch, Shaelyn Strattan, William Walters • Marshall Graves, Jr., Ronald Hess, Barbara Lichman, Keith McGregor, Douglas Moss, Gary Normoyle, Jerry Salamy, Stephen Shaw, Henry Shiu, Andrew Solberg, Doug Urry, 	<ul style="list-style-type: none"> • Applicant: • Staff: • Robert Sarvey: • Rajesh Dighe • Jass Singh: • CalPilots

<p>- Aviation</p>	<p>C.P. "Case" van Dam, Wesley David Wardall, Barry Yurtis.</p> <ul style="list-style-type: none"> • CalPilots: Clay Bonavito, Randy Howell, Ron Wagner 	<ul style="list-style-type: none"> • Rob Simpson
<p>6. Transmission Line Safety and Nuisance</p>	<ul style="list-style-type: none"> • Applicant: Steve Richards; Scott Busa • Staff: Obed Odoemelum, Ph.D. <p>No dispute, testimony by declaration</p>	<ul style="list-style-type: none"> • Applicant: • Staff:
<p>7. Waste Management</p>	<ul style="list-style-type: none"> • Applicant: Doug Urry • Staff: Ellie Townsend Hough <p>No dispute, testimony by declaration</p>	<ul style="list-style-type: none"> • Applicant: • Staff:
<p>8. Facility Design</p>	<ul style="list-style-type: none"> • Applicant: Steve Richards; Scott Stern; Kenneth Stein, Duane McCloud, Sara Head, Glen King by declaration • Staff: Erin Bright and Steve Baker <p>No dispute, testimony by declaration</p>	<ul style="list-style-type: none"> • Applicant: • Staff:
<p>9. Geology and Paleontology</p>	<ul style="list-style-type: none"> • Applicant: Geoffrey Spaulding • Staff: Dal Hunter, Ph.D., C.E.G. <p>No dispute, testimony by declaration</p>	<ul style="list-style-type: none"> • Applicant: • Staff:
<p>10. Power Plant Efficiency</p>	<ul style="list-style-type: none"> • Applicant: Duane McCloud • Staff: Shahab Khoshmashrab <p>No dispute, testimony by declaration</p>	<ul style="list-style-type: none"> • Applicant: • Staff:
<p>11. Air Quality</p>	<ul style="list-style-type: none"> • Applicant: Keith McGregor, Jerry Salamy • Staff: Brewster Birdsall, Jacquelyn Leyva, Wenjun Qian, Obed Odoemelum, Brenda Cabral, BAAQMD • Rajesh Dighe: Robert Sarvey • Jass Singh: Robert Sarvey • Robert Sarvey 	<ul style="list-style-type: none"> • Applicant: • Staff: • Robert Sarvey • Sierra Club • Robert Simpson • Rajesh Dighe • Jass Singh
<p>12. Public Health</p>	<ul style="list-style-type: none"> • Applicant: Keith McGregor, Jerry Salamy • Staff: Obed Odoemelum, Ph.D. 	<ul style="list-style-type: none"> • Applicant: • Staff: • Sierra Club • Robert Sarvey • Rajesh Dighe

		<ul style="list-style-type: none"> • Jass Singh • Rob Simpson
13. Socioeconomic Resources (including Environmental Justice)	<ul style="list-style-type: none"> • Applicant: Tom Priestley, Fatuma Yusuf • Staff: Kristin Ford • Rajesh Dighe: Robert Sarvey • Jass Singh: Robert Sarvey • Robert Sarvey • Rob Simpson 	<ul style="list-style-type: none"> • Applicant: • Staff: • Robert Sarvey • Rajesh Dighe • Jass Singh • Rob Simpson
14. Biological Resources	<ul style="list-style-type: none"> • Applicant: Todd Ellwood • Staff: Sara Keeler • Robert Sarvey: Shawn Smallwood • Jass Singh: Shawn Smallwood 	<ul style="list-style-type: none"> • Applicant: • Staff: • Robert Sarvey: • Rajesh Dighe • Jass Singh • Rob Simpson
15. Noise and Vibration	<ul style="list-style-type: none"> • Applicant: Mark Bastasch • Staff: Erin Bright and Steve Baker <p>No dispute, testimony by declaration</p>	<ul style="list-style-type: none"> • Applicant.: • Staff:
16. Transmission System Engineering	<ul style="list-style-type: none"> • Applicant: Randal Van Ess • Staff: Sudath Arachchige and Mark Hesters <p>No dispute, testimony by declaration</p>	<ul style="list-style-type: none"> • Applicant: • Staff:
17. Power Plant Reliability	<ul style="list-style-type: none"> • Applicant: Duane McCloud • Staff: Shahab Khoshmashrab <p>No dispute, testimony by declaration</p>	<ul style="list-style-type: none"> • Applicant: • Staff:
18. Visual Resources	<ul style="list-style-type: none"> • Applicant: Joshua Hohn, Tom Priestly • Staff: Mark R. Hamblin 	<ul style="list-style-type: none"> • Applicant: • Staff: • Robert Sarvey: • Rob Simpson
19. Worker Safety and Fire Protection	<ul style="list-style-type: none"> • Applicant: Doug Urry • Staff: Rick Tyler • Rajesh Dighe: Robert Sarvey • Jass Singh: Robert Sarvey • Robert Sarvey 	<ul style="list-style-type: none"> • Applicant: • Staff: • Robert Sarvey: • Rajesh Dighe • Jass Singh: • Rob Simpson

<p>20. Land Use</p>	<ul style="list-style-type: none"> • Applicant: David Blackwell, James Gwerder, Joshua Hohn, Adolph Martinelli • Staff: Lisa Worrall • Rajesh Dighe: Dick Schneider, Robert Sarvey • Sierra Club: Dick Schneider • Robert Sarvey: Dick Schneider • Jass Singh: Dick Schneider 	<ul style="list-style-type: none"> • Applicant: • Staff: • Robert Sarvey: • Sierra Club • Jass Singh: • CalPilots • Rajesh Dighe • Rob Simpson
<p>21. Alternatives</p>	<ul style="list-style-type: none"> • Applicant: Doug Urry • Staff: David Vidaver (by telephone), Craig Hoffman • Rajesh Dighe: Bill Powers PE, Robert Sarvey • Sierra Club: Edward Mainland • Robert Sarvey: Bill Powers PE, Robert Sarvey • Jass Singh: Bill Powers PE, Robert Sarvey 	<ul style="list-style-type: none"> • Applicant : • Staff: • Robert Sarvey: • Sierra Club: • Rajesh Dighe • Jass Singh • Rob Simpson



Docket Number: 09-AFC-03

Project Name: Mariposa Energy Project

TENTATIVE EXHIBIT LIST

Applicant's Exhibits 1 - 299

Exhibit	Docket Transaction Number	Brief Description	Offered	Refused	Admitted
1	51974	Mariposa Energy Project Application for Certification (AFC); dated and docketed June 15, 2009. (a) Project Description (b) Electric Transmission (c) Air Quality (d) Biological Resources (e) Cultural Resources (f) Geologic Hazards and Resources (g) Hazardous Materials Handling (h) Land Use (i) Noise and Vibration (j) Paleontological Resources (k) Public Health (l) Socioeconomics (m) Soils (n) Traffic and Transportation (o) Traffic and Transportation - Aviation (p) Visual Resources (q) Waste Management (r) Water Resources (s) Worker Health and Safety (t) Alternatives	1-25-11		
2	51995	Mariposa Energy Project AFC Air Quality Dispersion Modeling Files; dated and docketed on June 15, 2009. (a) Air Quality	1-25-11		

3	51998	Mariposa Energy Project AFC Health Risk Assessment Files; dated and docketed on June 15, 2009. (a) Public Health	1-25-11		
4	59313	Applicant's Declarations and Testimony; dated and docketed on December 20, 2010. (a) Project Description (b) Electric Transmission (c) Air Quality (d) Biological Resources (e) Cultural Resources (f) Geologic Hazards and Resources (g) Hazardous Materials Handling (h) Land Use (i) Noise and Vibration (j) Paleontological Resources (k) Public Health (l) Socioeconomics (m) Soils (n) Traffic and Transportation (o) Traffic and Transportation - Aviation (p) Visual Resources (q) Waste Management (r) Water Resources (s) Worker Health and Safety (t) Alternatives	1-25-11		
5	52651	Supplement A – Data Adequacy Responses; dated and docketed on July 31, 2009. (a) Project Description (b) Electric Transmission (c) Air Quality (d) Biological Resources (e) Cultural Resources (f) Geologic Hazards and Resources (g) Land Use (h) Traffic and Transportation	1-25-11		

6	55797	<p>Applicant's Supplement B - Additional Laydown Area Analysis; dated March 5, 2010 and docketed on March 8, 2010.</p> <ul style="list-style-type: none"> (a) Project Description (b) Air Quality (c) Biological Resources (d) Cultural Resources (e) Geologic Hazards and Resources (f) Hazardous Materials Handling (g) Land Use (h) Noise and Vibration (i) Paleontological Resources (j) Public Health (k) Socioeconomics (l) Soils (m) Traffic and Transportation (n) Traffic and Transportation - Aviation (o) Visual Resources (p) Waste Management (q) Water Resources (r) Worker Health and Safety 	1-25-11		
7	54287	<p>Data Response Set 1A & 1B, Responses to CEC Staff Data Requests 1 through 68; dated and docketed on November 30, 2009.</p> <ul style="list-style-type: none"> (a) Electric Transmission (b) Air Quality (c) Biological Resources (d) Cultural Resources (e) Geologic Hazards and Resources (f) Soils (g) Traffic and Transportation (h) Traffic and Transportation – Aviation (i) Waste Management (j) Alternatives 	1-25-11		
8	55375	<p>Data Response Set 1C, Responses to CEC Staff Data Requests 2, 5, 8, 9, 48, 56, 59, 61, & 65; dated and docketed on February 12, 2010.</p> <ul style="list-style-type: none"> (a) Electric Transmission 	1-25-11		

		(b) Air Quality (c) Cultural Resources			
9	55522	Robert Sarvey Data Response Set 1, Responses to Data Requests 1 through 8; dated and docketed on February 18, 2010. (a) Air Quality (b) Land Use	1-25-11		
10	55798	Rajesh Dighe Data Response Set 1, Responses to Data Requests 1 to 4; dated and docketed on March 8, 2010. (a) Worker Health and Safety (b) Alternatives			
11	56125	Applicant's Data Response Set 1D, Responses to CEC Staff and Data Request 56; dated March 29, 2010 and docketed on April 1, 2010. (a) Project Description (b) Electric Transmission (c) Air Quality (d) Biological Resources (e) Cultural Resources (f) Geologic Hazards and Resources (g) Hazardous Materials Handling (h) Land Use (i) Noise and Vibration (j) Paleontological Resources (k) Public Health (l) Socioeconomics (m) Soils (n) Traffic and Transportation (o) Traffic and Transportation - Aviation (p) Visual Resources (q) Waste Management (r) Water Resources (s) Worker Health and Safety	1-25-11		
12	56213	Data Response Set 2A, Responses to CEC Staff Data Requests 1 to 4; dated and docketed on April 12, 2010. (a) Land Use (b)	1-25-11		

13	56543	Rajesh Dighe Data Response Set 2, Responses to Data Requests 5 to 14; dated and docketed on May 4, 2010. (a) Air Quality (b) Land Use (c) Socioeconomics	1-25-11		
14	56639	Robert Sarvey Data Response Set 2, Responses to Data Requests 9 to 37 and 39 to 44; dated and docketed on May 12, 2010. (a) Air Quality (b) Water Resources (c) Worker Health and Safety (d) Alternatives	1-25-11		
15	37232	Applicant's Staff Queries Set 1, Addenda to CEC Staff Data Request 52, Responses to Keith Frietas E-mail, CCC ALUC Letter, Hal Yeager Letter, and Contra Costa County Board of Supervisors Letter; dated and docketed on June 18, 2010. (a) Public Health (b) Traffic and Transportation - Aviation	1-25-11		
16	57970	Applicant's Staff Queries Set 2, Responses to Andrea Koch E-mail; dated and docketed on August 9, 2010. (a) Traffic and Transportation - Aviation	1-25-11		
17	58129	BBID Recycled Water Feasibility Study - Draft Dated July 2001; dated July 2001 and docketed on August 23, 2010. (a) Water Resources	1-25-11		
18	58128	BBID Recycled Water Policy - October 2001; dated October 12, 2001 and docketed on August 23, 2010. (a) Water Resources	1-25-11		
19	57282	Alameda County 2002 Letter RE East Altamont Energy Center Consistency with Alameda County General Plan; dated April 26, 2002 and docketed on June, 22, 2010. (a) Land Use	1-25-11		
20	52434	Letters from the California Department of Conservation to Mariposa Energy, LLC. Discussing the Williamson Act; dated and docketed on July 6, 2009. (a) Land Use (b)	1-25-11		

21	52866	Letter to A. Soloman Completion of Preliminary Review of Determination of Compliance / Authority to Construct; dated August 10, 2009 and docketed on August 13, 2009. (a) Air Quality	1-25-11		
22	53173	CEC Response to Application for Confidentiality - Emission Reduction Credits; dated September 3, 2009 and docketed on September 10, 2009. (a) Air Quality	1-25-11		
23	53180	Transition Cluster Phase I Interconnection Study; dated September 8, 2009 and docketed on September 9, 2009. (a) Electric Transmission	1-25-11		
24	53456	Request for Waters of the U.S. Jurisdictional Determination; dated and docketed on September 29, 2009. (a) Biological Resources	1-25-11		
25	54037	Email Regarding Data Response 56; dated November 9, 2009 and docketed on November 10, 2009. (a) Electric Transmission	1-25-11		
26	54080	Notice of Need for Additional Time to Answer Staff Data Requests; dated and docketed on November 12, 2009. (a) Electric Transmission (b) Cultural Resources	1-25-11		
27	54252	Letter from Byron Bethany Irrigation District RE Background Information on the District; dated November 23, 2009 and docketed on November 24, 2009. (a) Water Resources	1-25-11		
28	54380	USACE Wetland Delineation Amendment; dated and docketed on December 3, 2009. (a) Biological Resources	1-25-11		
29	59013	U.S. Army Corps of Engineers Preliminary Determination; dated January 7, 2010 and docketed on November 16, 2010. (a) Biological Resources	1-25-11		
30	54953	Report of Conversation (ROC) - Cultural Resources Survey of CEC 50-Foot Buffer Area; dated and docketed on January 15, 2010. (a) Cultural Resources	1-25-11		

31	55420	Comments Regarding United States Army Corps of Engineers Wetland Delineation Amendment; dated and docketed on February 16, 2010. (a) Biological Resources	1-25-11		
32	55518	Objection to Data Request 4 of Robert Sarvey; dated and docketed February 18, 2010. (a) Land Use	1-25-11		
33	56009	Additional Modeling Files Submitted to the BAAQMD for Comparison; dated and docketed on March 22, 2010. (a) Air Quality	1-25-11		
34	56114	Applicant's Objections to Robert Sarvey Data Request Set 2; dated April 2, 2010 and docketed on April 5, 2010. (a) Air Quality	1-25-11		
35	56441	Letter from Contra Costa Planning Commission; dated April 6, 2010 and docketed on April 28, 2010. (a) Traffic and Transportation – Aviation	1-25-11		
36	58578	Clean Water Act Section 401 Water Quality Certification Application; dated April 7, 2010 and docketed on September 21, 2010. (a) Biological Resources	1-25-11		
37	56233	Mariposa Energy, LLC Letter to CEC re MHCSD Resolution R-MMX-4 Opposing the Project; dated and docketed on April 8, 2010. (a) Air Quality (b) Public Health	1-25-11		
38	56472	ROC Between B. Jensen of Alameda County Planning Dept. & L. Worrall re Projects Proposed in MEP Site Vicinity; dated April 15, 2010 and docketed on April 29, 2010. (a) Visual Resources	1-25-11		
39	56408	DOD Letter to US Fish & Wildlife Services Regarding an Initiate Consultation; dated and docketed April 20, 2010. (a) Biological Resources	1-25-11		
40	56415	Biological Assessment Transmittal to USFWS from CH2M Hill; dated and docketed April 20, 2010. (a) Biological Resources	1-25-11		

41	56771	Consistency with Alameda County General Plan and Williamson Act Contracts; dated May 20, 2010 and docketed on May 21, 2010. (a) Land Use	1-25-11		
42	56876	E-mail to B. Jensen on Land Use Clarification; dated and docketed on May 27, 2010. (a) Land Use	1-25-11		
43	57216	Clarification from B. Jensen on Maximum Building Intensity in the LPA Land Use Designation; dated and docketed June 18, 2010. (a) Land Use	1-25-11		
44	58577	Responses to Information Requests for Formal Consultation; dated July 2, 2010 and docketed September 22, 2010. (a) Biological Resources	1-25-11		
45	57464	Alameda Co. 2002 Letter RE Tesla Power Plan Consistency with Alameda Co. General Plan & Williamson Act Contracts; dated April 30, 2002 and docketed on July 6, 2010. (a) Land Use	1-25-11		
46	58077	Preliminary Determination of Compliance; dated and docketed on August 18, 2010. (a) Air Quality	1-25-11		
47	58446	Biological Resources Mitigation Supplemental Information; dated September 9, 2010 and docketed September 14, 2010. (a) Air Quality	1-25-11		
48	58547	Wetland Clarifications from Doug Urry; dated September 17, 2010 and docketed September 20, 2010. (a) Air Quality	1-25-11		
49	58582	Alameda County Letter - MEP Consistency with Alameda County General Plan; dated September 17, 2010 and docketed September 22, 2010. (a) Land Use	1-25-11		
50	58576	Email Regarding MEP Noise Levels - Distance to 60 dBA; dated September 21, 2010 and docketed September 22, 2010. (a) Noise and Vibration	1-25-11		

51	58920	Transition Cluster Phase II Interconnection Study Report - Greater Bay Area; dated September 22, 2010 and docketed November 1, 2010. (a) Electric Transmission	1-25-11		
52	58674	Applicant's Comments on the Preliminary Determination of Compliance; dated September 27, 2010 and docketed September 28, 2010. (a) Air Quality	1-25-11		
53	58638	Potential Bird Avoidance or Attraction to Exhaust Stacks and Thermal Plumes; dated July 27, 2010 and docketed September 28, 2010. (a) Biological Resources	1-25-11		
54	58754	Contra Costa County Comment Letter on Proposed Mariposa Energy Plant; dated October 4, 2010 and docketed October 12, 2010. (a) Biological Resources	1-25-11		
55	58718	Letter Regarding Clarification of Water Supply with BBID; dated and docketed October 6, 2010. (a) Water Resources	1-25-11		
56	59180	Email from Heather Beeler Regarding Golden Eagle Nests; dated October 13, 2010 and docketed December 7, 2010. (a) Biological Resources	1-25-11		
57	58850	Applicant's Response to Public Comments Received on Preliminary Determination of Compliance; dated and docketed October 19, 2010. (a) Air Quality	1-25-11		
58	59239	Updated MEP Biological Assessment Project Description and Conservation Measures and California Tiger Salamander and California Red-Legged Frog Relocation Plan; dated October 22, 2010 and docketed December 15, 2010. (a) Biological Resources	1-25-11		
59	58986	Applicant's Response to Public Comments Received on Mariposa PDOC; dated November 4, 2010 and docketed November 8, 2010. (a) Air Quality	1-25-11		

60	59088	MEP Burrowing Owl Survey Report; dated November 23, 2010 and docketed November 24, 2010. (a) Biological Resources	1-25-11		
61	59083	Applicant's Comments on the CEC Staff Assessment; dated and docketed November 24, 2010. (a) Electric Transmission (b) Air Quality (c) Biological Resources (d) Hazardous Materials Handling (e) Land Use (f) Noise and Vibration (g) Public Health (h) Socioeconomics (i) Traffic and Transportation (j) Traffic and Transportation - Aviation (k) Visual Resources (l) Water Resources	1-25-11		
62	59081	Bay Area Air Quality Management District Final Determination of Compliance; dated November 24, 2010 and docketed November 30, 2010. (a) Air Quality (b) Public Health	1-25-11		
63	59069	Byron Bethany Irrigation District's Comments on Mariposa Staff Assessment; dated and docketed November 28, 2010. (a) Water Resources	1-25-11		
64	59119	Project Description Update for Proposed Water Supply and Natural Gas Pipelines; dated and docketed December 1, 2010. (a) Project Description (b) Water Resources	1-25-11		
65	59222	Responses to Staff Assessment Workshop Request for Data; dated and docketed December 7, 2010. (a) Air Quality	1-25-11		
66	59197	Applicant's Proposed Addition to the Project Description to Include Water Conservation; dated December 9, 2010 and docketed December 13, 2010. (a) Project Description (b) Water Resources	1-25-11		

67	59518	Applicant's Rebuttal Testimony; dated and docketed January 21, 2011. (a) Land Use (b) Socioeconomics	1-25-11		
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Project Name: Mariposa Energy Project (MEP)

Staff's Exhibits 300-399

Exhibit	Docket Transaction Number	Brief Description	Offered	Refused	Admitted
300	58976	Staff Assessment for the Mariposa Energy Project, dated November 8, 2010 and docketed November 8, 2010, <u>includes only the following sections:</u> <ul style="list-style-type: none"> - Executive Summary - Introduction - Cultural Resources - Waste Management - Facility Design - Geology and Paleontology - Power Plant Efficiency - Power Plant Reliability - General Conditions 	1-25-11		
301	59256	Supplemental Staff Assessment for the Mariposa Energy Project, dated December 16, 2010 and docketed December 16, 2010. <ul style="list-style-type: none"> - Executive Summary - Project Description - Air Quality - Biological Resources - Hazardous Materials - Land Use - Noise and Vibration - Public Health - Socioeconomic Resources - Soil and Water Resources - Traffic and Transportation 	1-25-11		

		<ul style="list-style-type: none"> - Transmission Line Safety and Nuisance - Visual Resources - Worker Safety - Transmission System Engineering - Alternatives 			
302	59081	Bay Area Air Quality Management District Final Determination of Compliance, dated November 24, 2010 and docketed on November 30, 2010.	1-25-11		



Project Name: Mariposa Energy Project (MEP)

TENTATIVE EXHIBIT LIST

Robert Sarvey Exhibits 400-499

Exhibit	Docket Transaction Number	Brief Description	Offered	Refused	Admitted
400	59449	Robert Sarvey socioeconomics	1-10-11		
401		Biology Testimony of Shawn Samllwood (will be submitted after issuance of BO)			
402	59448	Land Use Testimony of Richard Schneider	1-10-11		
403	59556	Air quality Testimony of Robert Sarvey	1-21-11		
404	59566	Alameda County MEP Cooperation Agreement	1-21-11		
405	59554	Hazardous Materials Testimony Robert Sarvey	1-21-11		
406	59564	Alternatives Testimony of Bill Powers			
407	59555	Worker Safety and fire Protection Testimony of Robert	1-21-11		
408	59557	Alternatives testimony of Robert Sarvey	1-21-11		
409			1-21-11		
410	59565	Compensation award in A. 09-09-021	1-21-11		
411	59560	Mulqueeny Ranch Pump Storage FERC	1-21-11		
412	59559	PSD Increment Consumption Status Report April 16, 2008 BAAQMD AQ	1-21-11		
413	59558	CPUC Proceeding PG&E Data Response , Pages 0296, 297, 300 Socioeconomics	1-21-11		
414	59564	East County Area Plan Land Use	1-21-11		



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

Project Name: Mariposa Energy Project (MEP)

TENTATIVE EXHIBIT LIST

Mountain House Community Services Board – Morgan K. Groover – Exhibits 500-599

Exhibit	Docket Transaction Number	Brief Description	Offered	Refused	Admitted
		None			



Project Name: Mariposa Energy Project (MEP)

TENTATIVE EXHIBIT LIST

Rajesh Dighe – Exhibits 600-699

Exhibit	Docket Transaction Number	Brief Description	Offered	Refused	Admitted
600	59044	Rajesh Dighe- Effects of Mariposa on Mountain House Community	Nov 22 2010		
601	59174	Jon Rubin Comments on Staff Assessment	Dec 8 2010		
602	59178	Kishore Bhatt Comments on Staff Assessment	Dec 8 2010		
603		New Home Buyer Comments	Jan 7 2011		
604	58876	San Ramon Mayor Abram Wilson Opposing Proposed site of Mariposa	Oct 26 2011		
605	55298	Rajesh Dighe Data Request – 1-4	Feb 08 2010		
606		Rajesh Dighe Data Request 5-14	Feb 28 2010		
607	59044	NY Time Article on Foreclosure - Mentioned in Exhibit 600			
608		Mountain House haunted town- CBS video	Jan 07 2011		
609	59450	Rajesh Dighe-Opening Testimony	Jan 07- 2011		



Project Name: Mariposa Energy Project (MEP)

TENTATIVE EXHIBIT LIST

Intervener California Pilots Association Exhibits 700-799

Exhibit	Docket Transaction Number	Brief Description	Offered	Refused	Admitted
700	59441	CALPILOTS Opening Testimony (Docketed)	1/7/11		
701	59541	Declaration of Clay Bonavito of Aerosprot, Inc., a Byron Airport Tenant operating the parachute skydiving operation	1/25/11		
702	59541	Declaration of Rand Howell of Patriots Jet Team a Byron Airport Tenant and pilot operating the Patriots Jet Team	1/25/11		
703	59541	Declaration of Ron Wagner, Byron Airport Tenant and Pilot	1/25/11		



Project Name: Mariposa Energy Project (MEP)

TENTATIVE EXHIBIT LIST

Jass Singh Exhibits 800-899

Exhibit	Docket Transaction Number	Brief Description	Offered	Refused	Admitted
800	59568	Discovery Document	1/10/11		
801	59563	Environmental Justice for Racial Minorities	1/21/11		
802					
803	59563	Census track 5203	1/21/11		



Project Name: Mariposa Energy Project (MEP)

TENTATIVE EXHIBIT LIST

Sierra Club California Exhibits 900-999

Exhibit	Docket Transaction Number	Brief Description	Offered	Refused	Admitted
900	59513	Testimony of Ed Mainland – Need	1-21-11		
901	59548	Testimony of Dick Schneider - CAP	1-21-11		



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

Project Name: Mariposa Energy Project (MEP)

TENTATIVE EXHIBIT LIST

Robert Simpson Exhibits 1,000 -1,999

Exhibit	Docket Transaction Number	Brief Description	Offered	Refused	Admitted
1000	59567	Testimony of Robert Simpson	1-21-11		



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 *MARIPOSA ENERGY PROJECT*
(MEP)**

Docket No. 09-AFC-3

PROOF OF SERVICE
(Revised 2/8/2011)

APPLICANT

Bo Buchynsky
Diamond Generating Corporation
333 South Grand Avenue, #1570
Los Angeles, California 90071
b.buchynsky@dgc-us.com

Edward A. Mainland
Sierra Club California
1017 Bel Marin Keys Blvd.
Novato, CA 94949
emainland@comcast.net

ENERGY COMMISSION

*KAREN DOUGLAS
Commissioner and Presiding Member
KLDougla@energy.state.ca.us

APPLICANT'S CONSULTANTS

Doug Urry
2485 Natomas Park Dr #600
Sacramento, CA 95833-2975
Doug.Urry@CH2M.com

Rob Simpson
27126 Grandview Avenue
Hayward CA. 94542
Rob@redwoodrob.com

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

COUNSEL FOR APPLICANT

Gregg Wheatland
Ellison, Schneider & Harris L.L.P.
2600 Capitol Avenue, Suite 400
Sacramento, CA 95816-5905
glw@eslawfirm.com

California Pilots Association
c/o Andy Wilson
31438 Greenbrier Lane
Hayward, CA 94544
andy_psi@sbcglobal.net

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

*Galen Lemei
Advisor to Commissioner Douglas
E-Mail Service preferred
glemei@energy.state.ca.us

INTERESTED AGENCIES

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

Rajesh Dighe
395 W. Conejo Avenue
Mountain House, California 95391
dighe.rajesh@gmail.com

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

INTERVENORS

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

Morgan K. Groover
Development Director
Mountain House Community
Services District
230 S. Sterling Drive, Suite 100
Mountain House, CA 95391
mgroover@sigov.org

Craig Hoffman
Siting Project Manager
choffman@energy.state.ca.us

Mr. Jass Singh
291 N. Altadena Street
Mountain House, California 95391
jass.singh2000@gmail.com

Kerry Willis
Staff Counsel
kwillis@energy.state.ca.us

Jennifer Jennings
Public Adviser
E-mail Service Preferred
publicadviser@energy.state.ca.us

DECLARATION OF SERVICE

I, Maggie Read, declare that on February 18, 2011, I served and filed copies of the attached Notice of Evidentiary Hearings and Evidentiary Hearing Order, dated February 18, 2011. The original document, filed with the Docket Unit, are 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