



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
**WATSON COGENERATION STEAM AND
 ELECTRICITY RELIABILITY PROJECT**

DOCKET No. 09-AFC-1

EVIDENTIARY HEARING ORDER

Parties wishing to present evidence or cross-examine witnesses at the Evidentiary Hearing shall be prepared to proceed in accordance with the Notice issued September 12, 2011 and with this Order.

The Evidentiary Hearing will take place on:

**Tuesday, November 1, 2011
 Beginning at 1:00 p.m.**

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

DOCKET	
09-AFC-1	
DATE	OCT 21 2011
RECD.	OCT 21 2011

Teleconference Option

Parties and the public may attend the Evidentiary Hearing in person at the above location or by telephone and/or by computer via our “WebEx” web conferencing system. For details on how to participate by WebEx, please see the “**Participation through WebEx**” directions attached to the Notice of Evidentiary Hearing.

Background

At the Prehearing Conference on October 17, 2011, Applicant and Staff (“parties”) indicated they were ready to proceed with the Evidentiary Hearing on all topics set forth in the Application for Certification (AFC) and the Final Staff Analysis (FSA). There remain some unresolved and/or disputed issues in the areas of Air Quality and Soil & Water Resources. Thus, the parties intend to present evidence and testimony on those topics through witnesses and the introduction of documentary evidence. Evidence and testimony on all other topics shall be entered into the record solely by declaration.

Workshop Discussions and Required Filings

Staff and Applicant conducted further discussion of the Soil & Water issues, related to project water supply, at a committee-sponsored workshop on October 17, 2011. After the workshop, the parties indicated that they were nearing a resolution of issues in this area and requested the opportunity for further discussions at a workshop to take place beginning at 12:30 P.M. on November 1, 2011, just before the commencement of the Evidentiary Hearing. To the extent that the discussion that took place at the Prehearing Conference, or the discussions to take place on November 1, 2011, require already-filed evidence or testimony to be amended or supplemented, the parties shall provide copies of such materials to the Committee, the Hearing Officer, and those on the Proof of Service and mailing lists.

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.

Intervenor CURE did not file a Prehearing Conference Statement or provide any documentary or testimonial evidence by the deadlines set forth in the Notice of Prehearing Conference and Evidentiary Hearing issued on September 12, 2011. CURE is therefore presumed not to intend to offer documentary or testimonial evidence, or cross-examine witnesses, at the Evidentiary Hearing. CURE will have the opportunity to provide comment during the public comment portion of the Evidentiary Hearing.

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 Reg., tit. 20, § 1748(d).)

The parties shall arrange to have a representative of the South Coast Air Quality Management District present, or available by telephone, at the Evidentiary Hearing, in connection with the presentation of the District's Determination of Compliance. (Cal. Code Reg., tit. 20, § 1744.5 (c).) If necessary, the parties shall also arrange to have a representative of the United States Environmental Protection Agency present, or available by telephone, at the Evidentiary Hearing in connection with the issue of the PSD Permit.

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.

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

Additional Information

Please see the ***NOTICE OF PREHEARING CONFERENCE and EVIDENTIARY HEARING***, dated September 12, 2011, for further information.

Questions of a legal or procedural nature should be directed to Raoul Renaud, the Hearing Officer, at (916) 651-2020, or e-mail: [\[rrenaud@energy.state.ca.us\]](mailto:rrenaud@energy.state.ca.us).

Technical questions concerning the project should be addressed to Alan Solomon, Energy Commission Project Manager, at (916) 653-8236, or by e-mail: [\[asolomon@energy.state.ca.us\]](mailto:asolomon@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: [\[http://www.energy.ca.gov/sitingcases/watson/index.html\]](http://www.energy.ca.gov/sitingcases/watson/index.html).

Dated: October 21, 2011, at Sacramento, California.



CARLA PETERMAN
Commissioner and Presiding Member
Watson Cogeneration Project
AFC Committee



KAREN DOUGLAS
Commissioner and Associate Member
Watson Cogeneration Project
AFC Committee



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AND ELECTRICITY RELIABILITY PROJECT***

DOCKET NO. 09-AFC-1
PROOF OF SERVICE LIST
(Revised 8/15/11)

APPLICANT

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COUNSEL FOR APPLICANT

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INTERESTED AGENCIES

California ISO
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INTERVENORS

California Unions for Reliable Energy
(CURE)
c/o: Tanya A. Gulesserian
Marc D. Joseph
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**ENERGY COMMISSION –
DECISIONMAKERS**

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**ENERGY COMMISSION – PUBLIC
ADVISER**

Jennifer Jennings
Public Adviser's Office
e-mail service preferred
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*indicates change

DECLARATION OF SERVICE

I, RoseMary Avalos, declare that on, October 21, 2011, I served and filed copies of the attached EVIDENTIARY HEARING ORDER and Proof of Service dated October 21, 2011. The original document, filed with the Docket Unit or the Chief Counsel, as required by the applicable regulation, 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/watson/index.html].

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

(Check all that Apply)

For service to all other parties:

- Served electronically to all e-mail addresses on the Proof of Service list;
- Served by delivering on this date, either personally, or for mailing with the U.S. 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 "e-mail preferred."

AND

For filing with the Docket Unit at the Energy Commission:

- by sending an original paper copy and one electronic copy, mailed with the U.S. Postal Service with first class postage thereon fully prepaid and e-mailed respectively, to the address below (preferred method); **OR**
- by depositing an original and 12 paper copies in the mail with the U.S. Postal Service with first class postage thereon fully prepaid, as follows:

CALIFORNIA ENERGY COMMISSION – DOCKET UNIT
Attn: Docket No. 09-AFC-1
1516 Ninth Street, MS-4
Sacramento, CA 95814-5512
docket@energy.state.ca.us

OR, if filing a Petition for Reconsideration of Decision or Order pursuant to Title 20, § 1720:

- Served by delivering on this date one electronic copy by e-mail, and an original paper copy to the Chief Counsel at the following address, either personally, or for mailing with the U.S. Postal Service with first class postage thereon fully prepaid:

California Energy Commission
Michael J. Levy, Chief Counsel
1516 Ninth Street MS-14
Sacramento, CA 95814
mlevy@energy.state.ca.us

I declare under penalty of perjury under the laws of the State of California 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