BEFORE THE ENERGY RESOURCES CONSERVATION AND DEVELOPMENT COMMISSION OF THE STATE OF CALIFORNIA

IN THE MATTER OF: **MODIFICATION OF THE APPLICATION FOR CERTIFICATION FOR THE RUSSELL CITY ENERGY CENTER**	**DOCKET NO. 01-AFC-7C**

[REVISED]

NOTICE OF PREHEARING CONFERENCE AND EVIDENTIARY HEARING

PLEASE TAKE NOTICE that the Energy Commission Siting Committee overseeing the above-captioned case will conduct a Prehearing Conference and Evidentiary Hearing as follows:

DOCKET
01-AFC-7 C
DATE JUN 28 2007
RECD. JUN 28 2007

THURSDAY, July 19, 2007
Prehearing Conference begins at 4:30 p.m.
Evidentiary Hearing begins at 6:00 p.m.

Hayward City Hall - Conference Room 2A
777 B Street
Hayward, CA 94541
Wheelchair Accessible
(Map Attached)

The Siting Committee is reviewing an application to amend the previously approved Russell City Energy Center by moving the project approximately 1300 feet northwest of its approved location. The new location would be southwest of the intersection of Depot Road and Cabot Boulevard.

These events are open to the public; interested individuals and government agencies are encouraged to attend.

Purpose of Prehearing Conference

The Prehearing Conference is a public forum where the Committee will assess the parties' readiness for evidentiary hearings, identify areas of agreement or dispute, and discuss the remaining schedule and procedures necessary to conclude the amendment process. At the Prehearing Conference, all parties (Commission staff, Applicant, and Intervenors) will present their respective positions regarding: the substantive topic areas

ready for evidentiary hearings; those that require further analysis, including the nature of, and timeframe for, any such analysis; the topic areas that have been resolved; and the topic areas that are disputed and require adjudication. The parties shall also identify proposed witnesses, as well as the time required for direct testimony and/or cross-examination.

Local, state, and federal governmental agencies may participate as necessary.

Prehearing Conference Statements

To facilitate the process, each party shall serve and file a Prehearing Conference Statement. The statements shall be received by the other parties and the Commission's Docket Unit, 1516 9th Street, MS 4, Sacramento, California 95814-5512, ***no later than 3:00 p.m. on ~~July 3~~ July 16, 2007***. Identify the statements with "Docket No. 01-AFC-7C." In addition to providing printed copies, the parties shall e-mail their statements to the Hearing Officer and to those with e-mail addresses as indicated on the Proof-of-Service list.

Each statement shall specify:

1. The topic areas that a party believes are complete and ready to proceed to evidentiary hearings;

2. The topic areas that a party believes are not complete and not yet ready to proceed to evidentiary hearings, and the reasons therefor;

3. The topic areas that remain disputed and require adjudication, and the precise nature of the dispute for each topic;

4. The identity of each witness a party intends to sponsor; the topic area(s) upon which each witness will present testimony; a brief summary of the substantive testimony to be offered by each witness; qualifications of each witness; and the time required to present direct testimony by each witness;

5. Topic areas upon which a party desires to cross-examine witness(es), a summary of the scope of such cross-examination, and the time desired for such cross-examination;

6. A list identifying exhibits and declarations that each party intends to offer into evidence and the technical topics to which they apply (the Applicant shall number its exhibits with "1 - 99" and Staff shall use numbers "100 - 200");

7. Proposals for additional hearing dates (if necessary), briefing deadlines, vacation schedules, and other scheduling matters; and

8. For all topics identified as ready for hearing, the parties shall review the proposed Conditions of Certification contained in the Staff Assessment (expected to be published on or before June 29) and describe any proposed modifications.

Evidentiary Hearing

Following the Prehearing Conference, the Siting Committee will conduct an Evidentiary Hearing on those topics that are ready to proceed to hearing. The parties shall be prepared to proceed on all topics which are so identified in the Prehearing Conference Statements. The public will be afforded an opportunity to comment on each topic.

Petitions to Intervene to Become a Formal Party

The Energy Commission's Decision on the Russell City Energy Center amendment will be based on the official evidentiary record developed at the Evidentiary Hearings. These will be scheduled subsequent to the Prehearing Conference.

Anyone with a legitimate interest in this matter may file a Petition to Intervene and become a formal party. Only 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.

Petitions to Intervene in this case shall be filed ***no later than July 3, 2007***. Typically, time extensions for new Intervenors to review existing case materials are not granted since to do so could delay the proceeding.

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 at: **[pao@energy.state.ca.us]**.

Public Adviser and Public Participation

Members of the general public are welcome to attend and provide public comment at the Prehearing Conference and at the Evidentiary Hearings. It is not necessary to be an Intervenor to participate in the public process. The Energy Commission's Public Adviser's Office 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 1-800-822-6228 or e-mail: **[pao@energy.state.ca.us]**.

If you have a disability and need assistance to participate in this event, contact Lourdes Quiroz at 916-654-5146 or e-mail at: **[lquiroz@energy.state.ca.us]**.

Information

Technical questions concerning the projects should be addressed to Lance Shaw, Staff Compliance Project Manager, at 916-654-4228 or e-mail at: **[lshaw@energy.state.ca.us]**.

Questions of a legal or procedural nature should be directed to Paul Kramer, the Hearing Officer, at 916-654-5103 or e-mail at: **[pkramer@energy.state.ca.us]**.

Media inquiries should be directed to Claudia Chandler, Assistant Executive Director for Media and Public Communications at 916-654-4989 or e-mail at: **[mediaoffice@energy.state.ca.us]**.

Information concerning the status of the projects, 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/russellcity_amendment].

Dated June 28, 2007, at Sacramento, California.

JOHN L. GEESMAN
Commissioner and Presiding Member
Energy Commission Siting Committee

JEFFREY D. BYRON
Commissioner and Associate Member
Energy Commission Siting Committee

Proof of Service List (Revised on _____)
filed with Original Document. Mailed from
Sacramento on 6/28/07 _____).

Mailed to Lists: 7078, 7079, 7080

BEFORE THE ENERGY RESOURCES CONSERVATION AND DEVELOPMENT COMMISSION OF THE STATE OF CALIFORNIA

Amendment to the APPLICATION FOR CERTIFICATION OF THE RUSSELL ENERGY CENTER POWER PLANT PROJECT	**Docket No. 01-AFC-7C PROOF OF SERVICE (Revised 6/6/07)**

INSTRUCTIONS: All parties shall 1) send an original signed document plus 12 copies OR 2) mail one original signed copy AND e-mail the document to the web address below, AND 3) all parties shall also send a printed OR electronic copy of the documents that shall include a proof of service declaration to each of the individuals on the proof of service:

CALIFORNIA ENERGY COMMISSION
Attn: Docket No. 01-AFC-7C
1516 Ninth Street, MS-4
Sacramento, CA 95814-5512
docket@energy.state.ca.us

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DECLARATION OF SERVICE

I, Maggie Read, declare that on June 28, 2007, I deposited copies of the attached Notice of Prehearing Conference and Evidentiary Hearing in the United States mail at Sacramento, California with first-class postage thereon fully prepaid and addressed to those identified on the Proof of Service list above.

OR

Transmission via electronic mail was consistent with the requirements of California Code of Regulations, title 20, sections 1209, 1209.5, and 1210. All electronic copies were sent to all those identified on the Proof of Service list above.

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

Maggie Read