

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

01-AFC-7

**DOCKET**  
**06-AFC-6**

DATE MAY 18 2007  
RECD. MAY 18 2007

IN THE MATTERS OF:

PETITION TO AMEND THE COMMISSION DECISION  
APPROVING THE APPLICATION FOR CERTIFICATION  
FOR THE  
RUSSELL CITY ENERGY CENTER

DOCKET No. 01-AFC-7C

AND THE

APPLICATION FOR CERTIFICATION FOR THE  
EASTSHORE ENERGY CENTER IN HAYWARD  
BY TIERRA ENERGY OF TEXAS

DOCKET No. 06-AFC-6

**NOTICE OF COMMITTEE STATUS CONFERENCE**

PLEASE TAKE NOTICE that the two Commissioners assigned to the Committees overseeing the above-captioned cases will conduct a joint Status Conference as follows:

**WEDNESDAY, June 6, 2007**  
**3 pm to 5 pm**  
**Dinner Break**  
**6 pm to 8 pm Public Comment**  
**Hayward City Hall - Conference Room 2A**  
**777 B Street**  
**Hayward, CA 94541**  
**Wheelchair Accessible**  
**(Map Attached**

**Purpose of the Status Conference**

This Status Conference provides a public forum allowing the Applicants, Commission staff, interested parties, governmental agencies, and members of the public to indicate whether case development is progressing satisfactorily, and to bring potential schedule delays or other relevant matters to the Committee's attention. Applicants, Staff, and other parties will also discuss proposed schedules and possible procedural or other issues that may be significant during these proceedings.

**Russell City:** In its May 16 Status Report, the Russell City Applicant has expressed concerns about progress of the Commission staff's review and the potential effect of further delay on its ability to complete the proposed project in the time provided in its power purchase agreement with Pacific Gas and Electric Company (PG&E). It proposes specific dates for the filing of outstanding analysis, the evidentiary hearing, and Commission decision.

To allow the Committee, parties, interested agencies, and the public to prepare to discuss the Applicant's requests, Commission staff shall file a written response on or before **June 1, 2007**. Other parties and agencies may file comments by that same date. At the Status Conference, the Applicant shall describe in greater detail its project schedule and the schedules of the Public Utilities Commission and PG&E, including any adjustments that could be made to mitigate its concern.

**Eastshore:** The Eastshore Applicant asserts that its contract to sell peaking power to PG&E can only be fulfilled by siting the project at the proposed location, 25101 Clawiter Road in Hayward. PG&E has declined to participate at Staff's upcoming May 23, 2007, workshop to address this issue. However, PG&E maintains that its long-term RFO process did not specify the location of any project. (See, *5/9/2007 Letter from PG&E's State Agency Relations Director*.) In view of the Hayward City Council's unanimous finding that the proposed Eastshore project site is inconsistent with the General Plan and in view of the public opposition to the project's location, the Committee seeks more information on this topic. In particular, the Committee is concerned that the schedule may be further delayed if PG&E fails to participate and the Applicant subsequently requests an override. The Committee will consider the timeline and the type of evidence required to establish the basis for an override. We request the City of Hayward to participate in this discussion.

Regarding the Eastshore Applicant's response to our request for an alternatives analysis to consider the potential for locating both the Russell City and Eastshore projects at one site, we invite the Russell City Applicant and the City of Hayward to address the viability of this option.

The parties are directed to initially address these issues in the Status Reports (originally due May 23, 2007) now due **June 1, 2007**. The Status Reports shall also summarize the information discussed at the May 23, 2007, Data Response Workshop.

**Both projects:** Each Applicant shall endeavor to have appropriate representatives of the Public Utilities Commission, the City of Hayward and PG&E attend the Status Conference for the purpose of providing relevant information and responding to questions from the Committee.

### **Public Adviser and Public Participation**

The Energy Commission's 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 1-800-822-6228 or e-mail: [pao@energy.state.ca.us](mailto: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](mailto:lquiroz@energy.state.ca.us)

### **Information**

Technical questions concerning the projects should be addressed to:

**Russell City**—Lance Shaw, Staff Compliance Project Manager, at 916-654-4228 or e-mail at: [lshaw@energy.state.ca.us](mailto:lshaw@energy.state.ca.us)

**Eastshore**—Bill Pfanner, Staff Project Manager, at 916-654-4206 or e-mail at: [bpfanner@energy.state.ca.us](mailto:bpfanner@energy.state.ca.us)

Questions of a legal or procedural nature should be directed to:

**Russell City**—Paul Kramer, the Hearing Officer, at 916-654-5103 or e-mail at: [pkramer@energy.state.ca.us](mailto:pkramer@energy.state.ca.us)

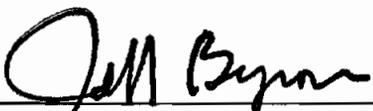
**Eastshore**—Susan Geffer, the Hearing Officer, at 916-654-3893 or e-mail at: [sgeffer@energy.state.ca.us](mailto:sgeffer@energy.state.ca.us)

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](mailto: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/russelcity](http://www.energy.ca.gov/sitingcases/russelcity) -and- [www.energy.ca.gov/sitingcases/eastshore](http://www.energy.ca.gov/sitingcases/eastshore)

Dated May 18, 2007, at Sacramento, California.

  
\_\_\_\_\_  
JOHN L. GEESMAN  
Commissioner and Presiding Member  
Energy Commission Siting Committee and  
Associate Member, Eastshore AFC Committee

  
\_\_\_\_\_  
JEFFREY D. BYRON  
Commissioner and Associate Member  
Energy Commission Siting Committee and  
Presiding Member, Eastshore AFC Committee

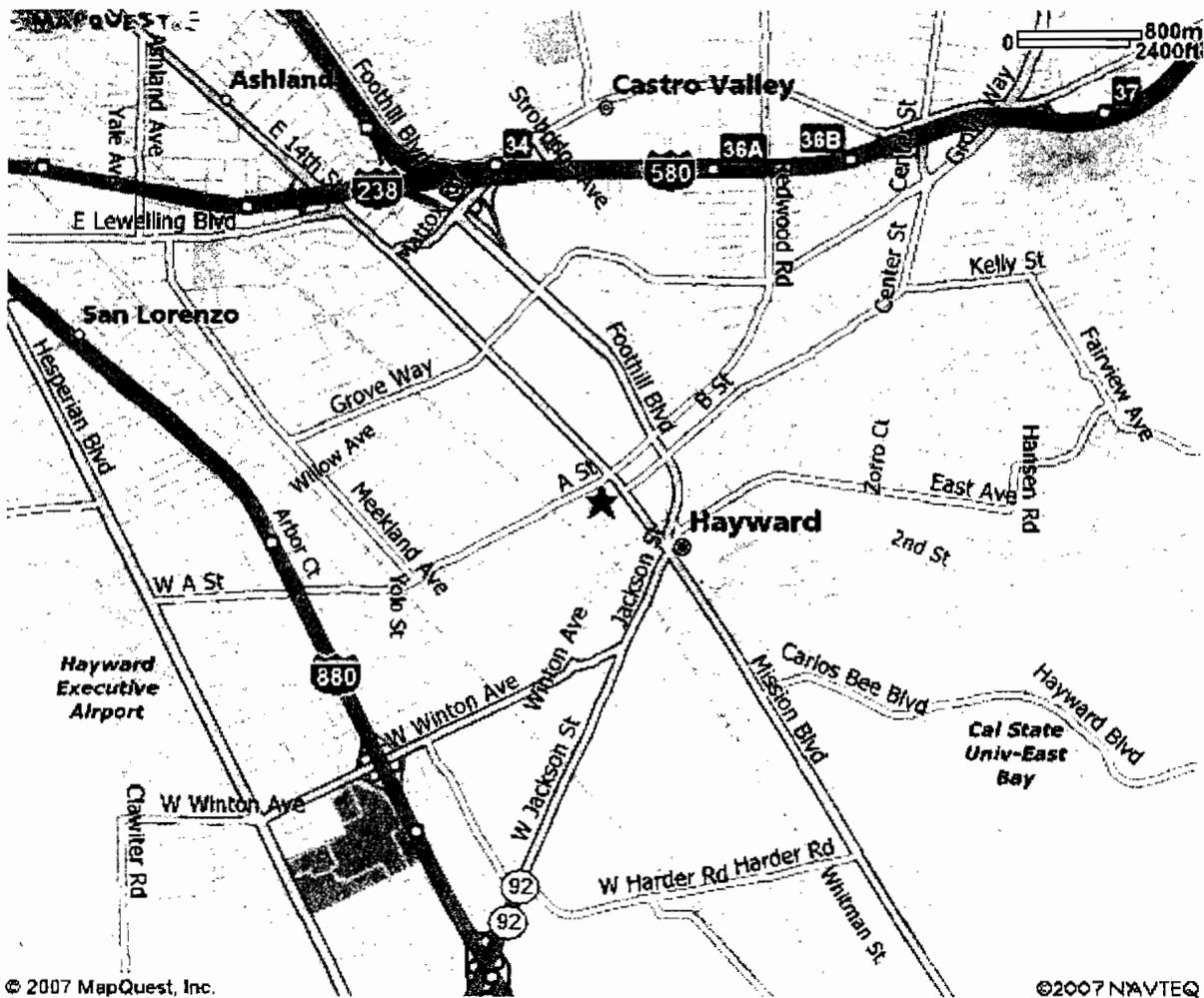
Mailed to Lists: POS, 7071, 7072, 7073, 7078, 7079, 7080



**Hayward City Hall:** 510-583-4000  
777 B St  
Hayward CA  
94541 US

**Notes:**

Meeting will be held in  
Conference Room 2A



© 2007 MapQuest, Inc.

©2007 NAVTEQ

All rights reserved. Use Subject to License/Copyright

This map is informational only. No representation is made or warranty given as to its content. User assumes all risk of use. MapQuest and its suppliers assume no responsibility for any loss or delay resulting from such use.

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 5/1/07)

**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](mailto:docket@energy.state.ca.us)

**APPLICANT**

Michael A. Argentine, PE  
Director, Project Development  
Calpine Corporation  
104 Woodmere Road  
Folsom, CA 95630  
[margentine@calpine.com](mailto:margentine@calpine.com)

Marianna Isaacs,  
Administrative Manager  
Calpine Corporation  
3875 Hopyard Road, Suite. 345  
Pleasanton, CA 94588  
[misaacs@calpine.com](mailto:misaacs@calpine.com)

**Counsel for Applicant:**

Gregg L. Wheatland, Esq.  
Ellison, Schneider & Harris L.L.P.  
2015 H Street  
Sacramento, CA 95814-3109  
[glw@eslawfirm.com](mailto:glw@eslawfirm.com)

**CONSULTANT TO APPLICANT**

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

**INTERESTED AGENCIES**

Larry Tong  
East Bay Regional Park District  
2950 Peralta Oaks Court  
Oakland, CA 94605-0381  
[Ltong@ebparks.org](mailto:Ltong@ebparks.org)

Weyman Lee, PE  
Bay Area AQMD  
939 Ellis Street  
San Francisco, CA 94109  
[weyman@baaqmd.gov](mailto:weyman@baaqmd.gov)

Mark Taylor, Field Supervisor  
East Bay Regional Park District  
3050 West Winton Avenue.  
Hayward, CA 94545  
[hayward@ebparks.org](mailto:hayward@ebparks.org)

Alex Ameri, P.E.  
Deputy Director of Public Works  
777 B Street  
Hayward, CA 94541-5007  
[alexa@ci.hayward.ca.us](mailto:alexa@ci.hayward.ca.us)

Larry Tobias  
CA. Independent System Operator  
151 Blue Ravine Road  
Folsom, CA 95630  
[LTobias@caiso.com](mailto:LTobias@caiso.com)

Bob Nishimura  
Bay Area AQMD.  
939 Ellis Street  
San Francisco, CA 94109  
[bnishimura@baaqmd.gov](mailto:bnishimura@baaqmd.gov)

Electricity Oversight Board  
770 L Street, Suite 1250  
Sacramento, CA 95814  
[esaltmarsh@eob.ca.gov](mailto:esaltmarsh@eob.ca.gov)

**INTERESTED PARTICIPANTS**

CURE c/o Marc D. Joseph  
Adams Broadwell Joseph & Cardozo  
601 Gateway Boulevard, Suite 1000  
South San Francisco, CA 94080  
[mdjoseph@adamsbroadwell.com](mailto:mdjoseph@adamsbroadwell.com)

Parker Ventures, LLC  
c/o Reneon & Roberts  
Ten Almaden Boulevard, Suite 550  
San Jose , CA 95113

**ENERGY COMMISSION**

JEFFREY D. BYRON  
Associate Member  
[jbyron@energy.state.ca.us](mailto:jbyron@energy.state.ca.us)

JOHN L. GEESMAN  
Presiding Member  
[jgeesman@energy.state.ca.us](mailto:jgeesman@energy.state.ca.us)

Paul Kramer  
Hearing Officer  
[pkramer@energy.state.ca.us](mailto:pkramer@energy.state.ca.us)

Lance Shaw  
Project Manager  
[lshaw@energy.state.ca.us](mailto:lshaw@energy.state.ca.us)

Dick Ratliff  
Staff Counsel  
[dratliff@energy.state.ca.us](mailto:dratliff@energy.state.ca.us)

Public Adviser  
[pao@energy.state.ca.us](mailto:pao@energy.state.ca.us)

**DECLARATION OF SERVICE**

I, Cate Hillhouse, declare that on May 18, 2007, I deposited copies of the attached Notice of Committee Status Conference in the United States mail at Sacramento, CA 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.

  
\_\_\_\_\_  
[signature]

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

APPLICATION FOR CERTIFICATION  
FOR THE EASTSHORE ENERGY CENTER  
IN HAYWARD  
BY TIERRA ENERGY OF TEXAS

Docket No. 06-AFC-6

PROOF OF SERVICE  
(Revised 5/1/07)

**INSTRUCTIONS:** All parties shall either (1) send an original signed document plus 12 copies or (2) mail one original signed copy AND e-mail the document to the address for the Docket as shown below, AND (3) all parties shall also send a printed or electronic copy of the document, which includes a proof of service declaration to each of the individuals on the proof of service list shown below:

CALIFORNIA ENERGY COMMISSION  
Attn: Docket No. 06-AFC-6  
1516 Ninth Street, MS-4  
Sacramento, CA 95814-5512  
[docket@energy.state.ca.us](mailto:docket@energy.state.ca.us)

**APPLICANT**

Greg Trewitt, Vice President  
Tierra Energy  
710 S. Pearl Street, Suite A  
Denver, CO 80209  
[greg.trewitt@tierraenergy.com](mailto:greg.trewitt@tierraenergy.com)

Harry Rubin, Executive Vice President  
RAMCO Generating Two  
1769 Orvietto Drive  
Roseville, CA 95661  
[hmrenergy@msn.com](mailto:hmrenergy@msn.com)

**APPLICANT'S CONSULTANTS**

David A. Stein, PE  
Vice President  
CH2M HILL  
155 Grand Avenue, Suite 1000  
Oakland, CA 94612  
[dstein@ch2m.com](mailto:dstein@ch2m.com)

Jennifer Scholl  
Senior Program Manager  
CH2M HILL  
610 Anacapa Street, Suite B5  
Santa Barbara, CA 93101  
[jscholl@ch2m.com](mailto:jscholl@ch2m.com)

**COUNSEL FOR APPLICANT**

Theodore Matula, Esq.  
Vice President and General Counsel  
Tierra Energy  
7000 North Mopac, Suite 475  
Austin, Texas 78731  
[theodore.matula@tierraenergy.com](mailto:theodore.matula@tierraenergy.com)

Jane Luckhardt, Esq.  
Downey Brand Law Firm  
555 Capitol Mall, 10th Floor  
Sacramento, CA 95814  
[jluckhardt@downeybrand.com](mailto:jluckhardt@downeybrand.com)

## **INTERESTED AGENCIES**

Larry Tobias  
CA Independent System Operator  
151 Blue Ravine Road  
Folsom, CA 95630  
[ltobias@caiso.com](mailto:ltobias@caiso.com)

Electricity Oversight Board  
770 L Street, Suite 1250  
Sacramento, CA 95814  
[esaltmarsh@eob.ca.gov](mailto:esaltmarsh@eob.ca.gov)

Jesus Armas, City Manager  
City of Hayward  
777 B Street  
Hayward, California 94541  
[jesus.armas@hayward-ca.gov](mailto:jesus.armas@hayward-ca.gov)  
[michael.sweeney@hayward-ca.gov](mailto:michael.sweeney@hayward-ca.gov)

## **INTERVENORS**

Paul N. Haavik  
25087 Eden Avenue  
Hayward, CA 94545  
[lindampaulh@msn.com](mailto:lindampaulh@msn.com)

## **ENERGY COMMISSION**

Jeffrey D. Byron  
Presiding Member  
[jbyron@energy.state.ca.us](mailto:jbyron@energy.state.ca.us)

John L. Geesman  
Associate Member  
[jgeesman@energy.state.ca.us](mailto:jgeesman@energy.state.ca.us)

Susan Gefter  
Hearing Officer  
[sgefter@energy.state.ca.us](mailto:sgefter@energy.state.ca.us)

Bill Pfanner  
Project Manager  
[bpfanner@energy.state.ca.us](mailto:bpfanner@energy.state.ca.us)

Caryn Holmes  
Staff Counsel  
[cholmes@energy.state.ca.us](mailto:cholmes@energy.state.ca.us)

Public Adviser  
[pao@energy.state.ca.us](mailto:pao@energy.state.ca.us)

## **DECLARATION OF SERVICE**

I, Cate Hillhouse, declare that on May 18, 2007, I deposited copies of the attached Notice of Committee Status Conference in the United States mail at Sacramento, CA 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 the 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.

  
[signature]