

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

IN THE MATTER OF:

APPLICATION FOR CERTIFICATION FOR THE  
SAN FRANCISCO ELECTRIC RELIABILITY  
PROJECT

DOCKET No. 04-AFC-1

**NOTICE OF EVIDENTIARY HEARINGS (SECOND SET)**

**NOTICE IS HEREBY GIVEN** that the Committee will conduct formal, public evidentiary hearings on the proposed San Francisco Electric Reliability Project as follows:

**Monday, May 22, 2006**

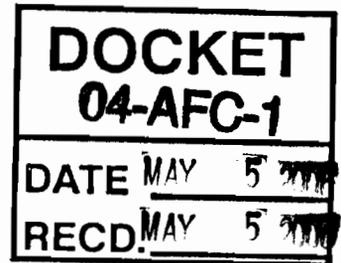
Hearing Room A

**and, if necessary, on**

**Wednesday, May 31, 2006**

Auditorium

Each Session will begin at 9:00 a.m.  
California Public Utilities Commission  
505 Van Ness Avenue  
San Francisco, California



This Notice includes the list of topics and witnesses scheduled for hearing (Attachment A). The scheduling of these topics and witnesses is based, in part, on discussions which occurred at the conclusion of the April 27, 2006, evidentiary hearing. Any party desiring a modification to the Attachment A listing of witnesses, or any other changes to the hearings as noticed, shall contact Gary Fay, Hearing Officer, at 916-654-3893 no later than Thursday, May 11, 2006.

**II. EVIDENTIARY HEARINGS**

**A. Formal Evidentiary Hearing Procedures**

The purpose of formal evidentiary hearings is to establish the factual record necessary to reach a decision in this case. This is done through the taking of written and/or oral testimony, as well as exhibits from the parties. The rules of evidence pertaining to these hearings are found at Sections 1212 – 1213 of the Commission's regulations. [Cal. Code Regs., tit 20, §§ 1212, 1213; see also § 1702 (h)]. The Applicant has the burden of presenting sufficient substantial

**Proof of Service List (Revised on 2/17/06)**  
**filed with Original Document. Mailed from**  
**Sacramento on MAY 5, 2006).**

evidence to support the findings and conclusions required for certification of the site and related facilities. [Cal. Code Regs., tit 20, § 1748(e)].

Testimony may be presented in the form of a written declaration/affidavit or orally. Declarations/affidavits will suffice only for those topic areas which are undisputed and for which the Committee finds the information adequate. Parties proposing to present oral testimony by sponsoring a witness must also provide a written version of that witness' testimony as well as the witness' qualifications to testify on the appropriate subject matter. In either instance, the final filing date for testimony and any accompanying exhibits for this second set of hearings has been previously established as May 1, 2006.

Declarations/affidavits on uncontested areas will be received into the record upon motion by the sponsoring party. Oral testimony will be presented under oath or affirmation. A party presenting oral testimony shall have its witness briefly establish the witness' qualifications and have the witness orally summarize the prepared testimony before requesting that the testimony be moved into evidence. Relevant exhibits may be offered into evidence at that time as well. At the conclusion of a witness' direct testimony, the Committee will provide the other parties an opportunity for cross-examination, followed by redirect and recross examination as appropriate.

Parties intending to offer documentary exhibits as evidence (other than the Staff Assessment, the Application for Certification document, portions of either, or documents which have been previously docketed and served) shall also include a copy of such materials with their prefiled testimony. *This includes materials for which a party requests administrative notice be taken. Failure to have prefiled and served testimony and exhibits in accordance with prior Committee discretion may result in the materials being denied admission into the evidentiary record.*

If appropriate, parties shall specify the withdrawal/substitution of previously identified witnesses.

**FAILURE TO PRESENT WITNESSES AS SCHEDULED, OR TO CROSS-EXAMINE ON THE TOPICS AS SCHEDULED, CAN CONSTITUTE A WAIVER OF THESE RIGHTS.**

**B. Public Participation**

These events are open to the public; interested individuals and governmental agencies are encouraged to attend these hearings, and may offer unsworn public comment upon the matters discussed. These public comments will be entered into the record of the proceeding and the Committee may rely on them to supplement or explain the evidence of record. Public comments by themselves, however, are not sufficient to support a finding of fact or a decision on any issue.

The Energy Commission's Public Adviser, Margret Kim, is available to provide information or to assist those interested in participating at these hearings. She may be reached at (916) 654-4489 or, toll free, at 1-800-822-6228; or e-mail: [pao@energy.state.ca.us](mailto:pao@energy.state.ca.us)

The deadline to file a Petition to Intervene in this proceeding was April 3, 2006.

### **ADDITIONAL INFORMATION**

Technical questions concerning the Project should be addressed to Bill Pfanner, the Staff Project Manager, at (916) 654-4206 or e-mail at: [\[bfanner@energy.state.ca.us\]](mailto:bfanner@energy.state.ca.us).

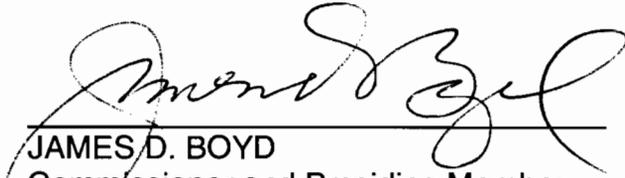
Questions of a legal or procedural nature should be directed to Stanley Valkosky or Gary Fay, the Hearing Officers, at (916) 654-3893 or e-mail at: [\[gfay@energy.state.ca.us\]](mailto:gfay@energy.state.ca.us).

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).

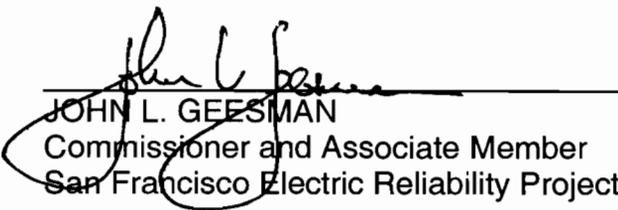
If you have a disability and need assistance in order to participate at this hearing, please contact Lou Quiroz at (916) 654-5146 or e-mail at: [\[lquiroz@energy.state.ca.us\]](mailto:lquiroz@energy.state.ca.us) at least 5 days in advance of the earliest of these hearings.

Information about the Project, including notices and other relevant documents, is posted on the Energy Commission's Internet web page at: [\[www.energy.ca.gov/sitingcases/sanfrancisco\]](http://www.energy.ca.gov/sitingcases/sanfrancisco).

Dated May 5, 2006, at Sacramento, California.



JAMES D. BOYD  
Commissioner and Presiding Member  
San Francisco Electric Reliability Project AFC Committee



JOHN L. GEESMAN  
Commissioner and Associate Member  
San Francisco Electric Reliability Project AFC Committee

**ATTACHMENT A**  
**TOPICS Scheduled for May 22, 2006**  
**Evidentiary Hearing**  
**(TOPICS may be continued**  
**to the May 31, 2006 hearing day as necessary)**

<b>TOPIC</b>	<b>APPLICANT WITNESSES</b>	<b>STAFF WITNESSES</b>	<b>INTERVENOR WITNESSES</b>	<b>CROSS EXAMINATION</b>
1. Biological Resources	Cleckler Rubenstein  (15 min.)	Sanders  (15 min.)	Smallwood  (30 min.)	Applicant Staff Sarvey CARE (10 min.) (10 min.) (10 min.) (30 min.)
2. Waste Management	Parker Kubick Smith DeYoung Lae  (30 min.)	Greenberg  (30 min.)	CARE: Sarvey  (15 min.)	Applicant Staff CARE Sarvey (1 hr.) (30 min.) (30 min.) (20 min.)
3. Soil and Water Resources	Long Smith Kubick DeYoung Franck Lae  (30 min.)	Lindley Geronimo Luecking Stevens  (30 min.)	Sarvey Lynch  Brown Powers  (40 min.)	Applicant Staff CARE Sarvey (1 hr.) (1 hr.) (1 hr.) (40 min.)
4. Air Quality	Rubenstein  (30 min.)	Ngo BAAQMD  (30 min.)	Powers Sarvey  (30 min.)	Applicant Staff Sarvey CARE (1 hr.) (30 min.) (2 hr.) (1 hr.)
5. Public Health	Lowe Rubenstein  (30 min.)	Greenberg  (15 min.)	None  (15 min.)	CARE Sarvey  (1 hr.) (1 hr.)
6. Environmental Justice	Kubick Rubenstein Hale Eng  (30 min.)	Adams  (15 min.)	Sarvey DaCosta Boyd Brown  (1 hr.)	Applicant Staff CARE Sarvey (30 min.) (30 min.) (90 min.) (60 min.)
7. Alternatives	Hale Rubenstein Kubick Brock Flynn  (30 min.)	Lee  (15 min.)	None  (15 min.)	Sarvey CARE  (30 min.) (30 min.)

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

APPLICATION FOR CERTIFICATION  
FOR THE SAN FRANCISCO ELECTRIC  
RELIABILITY PROJECT

Docket No. 04-AFC-01  
PROOF OF SERVICE  
*\*Revised 2/17/06*

**DOCKET UNIT**

*Instructions: Send an original signed document plus 12 copies or an electronic copy plus one original paper copy to the address below:*

**CALIFORNIA ENERGY COMMISSION**  
Attn: Docket No. 04-AFC-01  
**DOCKET UNIT, MS-4**  
1516 Ninth Street  
Sacramento, CA 95814-5512

*Also send a printed or electronic copy of all documents to each of the following:*

**APPLICANT**

Barbara Hale, Power Policy Manager  
San Francisco Public Utilities  
Commission  
1155 Market Street, 4<sup>th</sup> Floor  
San Francisco, CA 94102  
**BHale@sfgov.org**

Applicant Project Manager  
Karen Kubick  
SF Public Utilities Commission  
1155 Market St., 8th Floor  
San Francisco, CA 94103  
**kkubick@sfgov.org**

**APPLICANT'S CONSULTANTS**

Steve De Young  
De Young Environmental Consulting  
4155 Arbolado Drive  
Walnut Creek, CA 94598  
**steve4155@astound.net**

John Carrier  
CH2MHill  
2485 Natomas Park Drive, Suite 600  
Sacramento, CA 95833-2943  
**jcarrier@ch2m.com**

**COUNSEL FOR APPLICANT**

Jeanne Sole  
San Francisco City Attorney  
City Hall, Room 234  
1 Dr. Carlton B. Goodlet Place  
San Francisco, CA 94102-4682  
**Jeanne.sole@sfgov.org**

**INTERESTED AGENCIES**

Emilio Varanini III  
Special Counsel  
California Power Authority  
717 K Street, Suite 217  
Sacramento, CA 95814  
**drp.gene@spcglobal.net**

Electricity Oversight Board  
770 L Street, Suite 1250  
Sacramento, CA 95814

Donna Jordan  
CA Independent System Operator  
151 Blue Ravine Road  
Folsom, CA 95630  
djordan@caiso.com

Dept. of Water Resources  
SERS  
Dave Alexander  
3301 El Camino Avenue, Ste. 120  
Sacramento, CA 95821-9001

### **INTERVENORS**

**\* Jeffrey S. Russell**  
**VP West Region Operations**  
**Mirant California, LLC**  
**P.O. Box 192**  
**Pittsburg, California 94565**  
**Jeffrey.russell@mirant.com**

**\* Mark Osterholt**  
**Mirant California, LLC**  
**P.O. Box 192**  
**Pittsburg, California 94565**  
**mark.osterholt@mirant.com**

Michael J. Carroll  
Latham & Watkins LLP  
650 Town Center Drive, Suite 2000  
Costa Mesa, CA 92626  
 **michael.carroll@lw.com**

Potrero Boosters Neighborhood  
Association  
Dogpatch Neighborhood Association  
Joseph Boss  
934 Minnesota Street  
San Francisco, CA 94107  
**joeboss@joeboss.com**

San Francisco Community Power  
c/o Steven Moss  
2325 Third Street # 344  
San Francisco, CA 94107  
 **steven@sfpower.org**

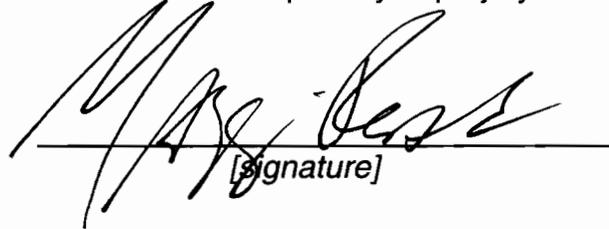
Californians for Renewable Energy, Inc.  
(CARE)  
Michael E. Boyd, President  
5439 Soquel Drive  
Soquel, California 95073  
 **michaelboyd@sbcglobal.net**

Lynne Brown – Member, CARE  
Resident, Bayview Hunters Point  
24 Harbor Road  
San Francisco, California 94124  
 **L\_brown123@yahoo.com**

Robert Sarvey  
501 West Grantline Road  
Tracy, CA 95376  
 **sarveyBob@aol.com**

**DECLARATION OF SERVICE**

I, Maggie Read, declare that on May 4, 2006, I deposited copies of the attached Notice of Evidentiary Hearings (Second Set) and Hearing Order, 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. Transmission via electronic mail was consistent with the requirements of California Code of Regulations, title 20, sections 1209, 1209.5, and 1210. I declare under penalty of perjury that the foregoing is true and correct.

  
[signature]

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CEC INTERNAL  
DISTRIBUTION LIST ONLY

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Parties DO NOT mail to the following individuals. The Energy Commission Docket Unit will internally distribute documents filed in this case to the following:

JAMES D. BOYD, Commissioner  
Presiding Member  
MS-34

JOHN L. GEESMAN, Commissioner  
Associate Member  
MS-31

Stan Valkosky  
Hearing Officer  
MS-9

Bill Pfanner  
Project Manager  
MS-15

Dick Ratliff  
Staff Counsel  
MS-14

Margret J. Kim  
Public Adviser  
MS-12