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

IN THE MATTER OF:

APPLICATION FOR CERTIFICATION FOR THE PASTORIA ENERGY FACILITY (PEF) 160 MW EXPANSION BY CALPINE CORPORATION	**DOCKET NO. 05-AFC-1**

NOTICE OF PREHEARING CONFERENCE

PLEASE TAKE NOTICE that the Energy Commission has designated a Committee of two Commissioners to conduct proceedings on the Application for Certification of the Pastoria Energy Facility Expansion Project.

The Committee has scheduled a Prehearing Conference as follows:

TUESDAY, January 17, 2006
Beginning at 2 p.m.

First Floor Hearing Room A
California Energy Commission
1516 9th Street
Sacramento, CA
[Wheelchair Accessible]

DOCKET
05-AFC-1
DATE DEC 13 2005
RECD. DEC 14 2005

TELECONFERENCE OPTION: For the convenience of individuals who cannot travel to Sacramento, the following toll free phone number will be available at 2 p.m. to allow callers to participate at the Prehearing Conference:

Call: 1-800-857-5485
Passcode: Pastoria
Conference Leader: Susan Gefter

PLEASE ALSO TAKE NOTICE that the Committee has established the following schedule:

ITEM	*DATE*
➢ Parties file Status Reports #3	January 5, 2006
➢ Prehearing Conference Statements due	January 10, 2006
➢ Last date to file Petitions to Intervene	January 17, 2006

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 certification process. (Cal. Code of Regs., tit. 20, §1718.5.)

At the Prehearing Conference, all parties (Staff, Applicant, and Intervenors) shall 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 at the Prehearing Conference as necessary. (Cal. Code of Regs., tit. 20, § 1714.5.)

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 **5 p.m. on January 10, 2006**. Identify the statements with "Docket No. 05-AFC-1." 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 are complete and ready to proceed to evidentiary hearings;

2. The topic areas that 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 sponsored by each party, the topic area(s) which each witness will present; a brief summary of the 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 (see following *section* on format);

7. Proposals for hearing dates, briefing deadlines, vacation schedules, and other scheduling matters;

8. Specific items required in the Prehearing Conference Statements:

    a. Regarding Biological Resources, Applicant shall describe the status of the existing Pastoria Energy Facility Biological Resources Mitigation Implementation and Monitoring Plan, any overlap with the BRMIMP described in proposed Condition **BIO-6,** and any additional mitigation required for the Expansion Project.

b. Regarding Air Quality, the parties shall provide information on the definition of "peaker" and identify the number of hours per year the Project would operate in conjunction with the proposed AQ Conditions and Condition **EFFIC-1**.

i. The parties shall provide the rationale for identifying this project as a "peaker."

ii. Staff shall correct all references to the PDOC in the FSA and review the AQ Conditions to ensure they reflect the FDOC.

iii. Parties shall provide any USEPA comments on the interpollutant offset calculation methodology used for this Project and any revisions necessary in conjunction with the Air District's most recent *Annual Demonstration Report for Equivalency of Offsets.*

c. Regarding Transmission System Engineering, Applicant shall provide an update on mitigation related to implementation of SCE's Facility Study.

d. Regarding Soil and Water, in addition to the *Facilities-Sharing Agreement* described in proposed Condition **SOIL&WATER-6**, Applicant shall submit "Will Serve" letters from the Wheeler Ridge/Maricopa Water Storage District and the Kern Water Bank to establish a reliable water supply for this Project.

9. For all topics, the parties shall review the proposed Conditions of Certification for enforceability, comprehension, and consistency with the evidence, and submit any proposed modifications.

Format for Presenting Evidence

The parties shall submit written testimonial and documentary evidence in two formats.

1. Each document shall be numbered and identified on an exhibit list. Applicant's exhibits shall be numbered consecutively as Exhibits 1 through 99, as necessary. Staff's exhibits shall be numbered consecutively as Exhibits 100 through 199, as necessary. Printed copies of the exhibits shall be submitted at the Prehearing Conference and supplemented at the Evidentiary Hearing, as necessary.

2. To facilitate the efficient organization and review of the Project, exhibits for each topic area shall also be compiled in separate file folders designated by topic with the appropriate Exhibit Number attached to each document.

Petitions to Intervene to Become a Formal Party

The Energy Commission's Decision on the Pastoria Energy Facility Expansion Project will be based on the official evidentiary record developed at the Committee's Evidentiary Hearing, which will be scheduled subsequent to the Prehearing Conference. Only formal parties may present evidence at the Evidentiary Hearing.

Anyone with a legitimate interest in the Pastoria Expansion Project may file a Petition to Intervene and become a formal party. At the Evidentiary Hearing, 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 adjournment of the Prehearing Conference on **January 17, 2006**. Typically, time extensions for new Intervenors to review existing case materials are not granted after the Prehearing Conference since to do so could delay the proceeding.

How to Intervene

The Energy Commission's Public Adviser will assist any person or organization interested in preparing a Petition to Intervene. For assistance in this process, contact Margret J. Kim, the Public Adviser, at 916-654-4489 or 800-822-6228 or e-mail at: **[pao@energy.state.ca.us]**.

Public Participation

Members of the general public are welcome to attend and provide public comment at the Prehearing Conference and the Evidentiary Hearing. It is not necessary to be an Intervenor to participate in the public process. Those desiring information on how to participate may contact the Public Adviser as indicated above.

Additional Information

Technical questions concerning the Project should be addressed to James Reede, the Staff Project Manager, at (916) 653-1245 or e-mail at: **[jreede@energy.state.ca.us]**.

Questions of a legal or procedural nature should be directed to Susan Gefter, the Hearing Officer, at (916) 654-3893 or e-mail at: **[sgefter@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]**.

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]**.

Reports concerning the status of this Project, notices, and other relevant documents are posted on the Energy Commission's Internet web page at: **[www.energy.ca.gov/sitingcases/pastoria2]**.

Dated December 13, 2005, at Sacramento, California.

JOSEPH DESMOND
Chairman and Associate Member
Pastoria Energy Facility Expansion AFC Committee

JAMES D. BOYD
Commissioner and Associate Member
Pastoria Energy Facility Expansion AFC Committee

Mail Lists: POS, 7197, 7198, 7199

Proof of Service List (Revised on 9/13/05) filed with Original Document. Mailed from Sacramento on December 15, 2005).

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

IN THE MATTER OF:	DOCKET NO. 05-AFC-1
APPLICATION FOR CERTIFICATION FOR THE PASTORIA ENERGY FACILITY (PEF) 160 MW EXPANSION BY CALPINE CORPORATION	PROOF OF SERVICE LIST [REVISED 9/13/05]

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
DOCKET UNIT, MS-4
Attn: Docket No. 05-AFC-1
1516 Ninth Street
Sacramento, CA 95814-5512
docket@energy.state.ca.us

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

APPLICANT

Andrew Whittome, Project Mgr.
Pastoria Expansion
Calpine Corporation
4160 Dublin Blvd.
Dublin, CA 94568
awhittome@calpine.com

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Nancy Matthews
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Sacramento, CA 95814
nmatthews@sierraresearch.com

Counsel for Applicant:

Gregg Wheatland, Esq.
Ellison, Schneider and Harris, LLP
2015 H Street
Sacramento, CA 95814
glw@eslawfirm.com

INTERVENORS

No Intervenors to date.

INTERESTED AGENCIES

Thomas Goff, Permit Services Agency
San Joaquin Valley Unified APCD
2700 M Street
Bakersfield, CA 93301
tom.goff@valleyair.org

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

Robert J. Kunde
Bill Taube
Wheeler Ridge- Maricopa
Water Storage District
12109 Highway 166
Bakersfield, CA 93313-9630
rjkunde@wrmwsd.com

DECLARATION OF SERVICE

I, Maggie Read declare that on December 15, 2005 I deposited copies of the attached Notice of Prehearing 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. 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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INTERNAL DISTRIBUTION LIST

FOR YOUR INFORMATION ONLY! Parties **DO NOT** mail to the following individuals. The Energy Commission Docket Unit will internally distribute documents filed in this case to the following:

JOSEPH DESMOND, Chairman
Presiding Member
MS-32

JAMES D. BOYD, Commissioner
Associate Member
MS-34

Susan Gefter
Hearing Officer
MS-9

James W. Reede
Project Manager
MS-15

Kerry Willis
Staff Counsel
MS-14

PUBLIC ADVISER

Margret J. Kim
Public Adviser's Office
1516 Ninth Street, MS-12
Sacramento, CA 95814
pao@energy.state.ca.us