

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 EVIDENTIARY HEARING AND HEARING ORDER

NOTICE IS HEREBY GIVEN that the Committee will conduct a formal evidentiary hearing on the proposed Pastoria Energy Facility Expansion Project as follows:

WEDNESDAY, MARCH 29, 2006

Beginning at 1:30 p.m.
First Floor Hearing Room A
California Energy Commission
1516 9th Street
Sacramento, California

DOCKET 05-AFC-1
DATE FEB - 6 2006
RECD. FEB - 7 2006

TELECONFERENCE OPTION: For the convenience of individuals who cannot travel to Sacramento, the following toll free phone number will be available at 1:30 p.m. to allow callers to participate in the evidentiary hearing:

Call: 1-888-552-9191
Passcode: Pastoria
Conference Leader: Susan Geffer

This Notice includes the list of witnesses for each topic (*Attachment A*) and the remaining schedule for the proceeding (*Attachment B*).

BACKGROUND

At the Prehearing Conference on January 17, 2006, Applicant and Staff ("parties") indicated they were ready to proceed with the evidentiary hearing. With the exceptions of air quality, transmission system engineering, efficiency, water resources, hazardous materials, and worker safety/fire protection, the majority of technical topics are undisputed and may be submitted by sworn declarations at the evidentiary hearing.

Applicant shall present oral testimony on “project description” to set the context for the proposal and to provide an opportunity for Committee questions. In addition, the parties shall submit supplemental testimony and revised conditions, where pertinent, on the topics of air quality, transmission system engineering, efficiency, water resources, hazardous materials, and worker safety/fire protection.

Regarding the topics of air quality and efficiency, the parties shall provide supplemental written and oral testimony on the “peaker” status of the Project in response to Committee concerns discussed at the Prehearing Conference. Deadlines for submitting supplemental testimony, revised conditions, exhibits, and qualifications of expert witnesses are shown in *Attachment B*.

Representatives from the San Joaquin APCD are requested to participate at the hearing and provide testimony on air quality. Representatives from the water agencies affected by the water supply proposal are also encouraged to participate at the hearing. A representative from the Kern County Fire Department is also requested to participate on the topic of Worker Safety/Fire Protection.

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 testimony and documentary evidence. Testimony on undisputed topics may be submitted by declarations filed under penalty of perjury. These declarations may be offered into evidence by stipulation of the parties.

The parties’ witnesses who appear in person or participate by phone shall testify under oath or affirmation and shall be available for cross-examination.

Each party sponsoring a witness shall establish the expert qualifications of the witness and ask the witness to summarize the prepared testimony before moving the testimony into evidence. At the conclusion of direct testimony, the witness may be cross-examined, followed by redirect and recross examination as appropriate. Multiple witnesses may testify as a panel, if warranted.

REQUIRED FILINGS

The parties shall file and serve copies of their supplemental written testimony, revised conditions, additional exhibits, and revised exhibit lists no later than 5 p.m. on March 17, 2006.

The parties shall also provide electronic copies of their written testimony, revised conditions, and exhibit lists to the Proof of Service list and to the Hearing Officer via e-mail. Any request for additions, changes, or substitutions to the hearing schedule shown in *Attachment A* must be included in the **March 17th** filings.

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

PUBLIC PARTICIPATION

Members of the public may participate at the evidentiary hearing by providing oral or written comments on the Project. For information on how to participate, contact Margret J. Kim, the Energy Commission's Public Adviser, at 916-654-4489 or 1-800-822-6228 or email at: [**pao@energy.state.ca.us**] If you have a disability and need assistance in order to participate, contact Ms. Kim at the above telephone number or email address at least 5 days prior to the proceeding.

The deadline to file a Petition to Intervene in this proceeding was January 17, 2006. There were no petitions filed.

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**].

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 about the Project, including notices and other relevant documents are posted on the Energy Commission's Internet web page at: [\[www.energy.ca.gov/sitingcases/pastoria2\]](http://www.energy.ca.gov/sitingcases/pastoria2).

IT IS SO ORDERED.

Dated February 6, 2006, at Sacramento, California.

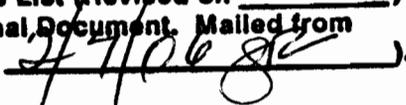


JOSEPH DESMOND
Chairman and Associate Member
Pastoria Energy Facility Expansion AFC Committee



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 _____)
filed with Original Document. Mailed from
Sacramento on 2/7/06 

ATTACHMENT A

TOPIC and WITNESS SCHEDULE (Topics not completed may be continued to another hearing day)

Topic	Witnesses	Time*
Project Purpose and Description	Applicant: Whittome, Scholl Staff: Reede	20 min
Air Quality	Applicant: Rubenstein Staff: Walters SJVAPCD: Karrs, Scandura	30 min
Power Plant Efficiency	Applicant: Whittome, Tetzloff, Rubenstein Staff: Baker	20 min
Transmission System Engineering	Applicant: Whittome, Tetzloff, Rubenstein Staff: Hesters	30 min
Soil and Water Resources	Applicant: Whittome, Argentine, Scholl Staff: Bond	10 min
Worker Safety and Fire Protection	Applicant: Whittome, Scholl Staff: Greenberg	10 min
Hazardous Materials	Applicant: Whittome, McBride Staff: Greenberg	10 min
Alternatives	Applicant: Whittome, Scholl Staff: Reede	Declarations
Facility Design	Applicant: Whittome, Scholl Staff: Baker	Declarations
Power Plant Reliability	Applicant: Whittome, Scholl Staff: Baker	Declarations
Transmission Line Safety and Nuisance	Applicant: Whittome, Scholl Staff: Odoemelum	Declarations

ATTACHMENT A

TOPIC and WITNESS SCHEDULE (Topics not completed may be continued to another hearing day)

Topic	Witnesses	Time*
Geological/Paleontological Resources	Applicant: Whittome, Scholl Staff: Hunter	Declarations
Cultural Resources	Applicant: Whittome, Scholl Staff: Torres	Declarations
Biological Resources	Applicant: Whittome, Scholl, Kokx Staff: Sanders	Declarations
Waste Management	Applicant: Whittome, Scholl Staff: Greenberg	Declarations
Public Health	Applicant: Whittome, Scholl, Lague Staff: Greenberg	Declarations
Noise and Vibration	Applicant: Whittome, Scholl Staff: Baker	Declarations
Traffic and Transportation	Applicant: Whittome, Scholl Staff: Flores	Declarations
Socioeconomics	Applicant: Whittome, Scholl Staff: Diamond	Declarations
Land Use	Applicant: Whittome, Scholl Staff: Stennick	Declarations
Visual Resources	Applicant: Whittome, Scholl Staff: Adams	Declarations
Compliance	Applicant: Whittome, Scholl Staff: Lewis	Declarations

*Includes direct testimony and cross-examination; parties may yield time.

ATTACHMENT B

COMMITTEE SCHEDULE FOR REMAINDER OF PROCEEDING

EVENT	DATE 2006
Parties file supplemental testimony, relevant declarations, and exhibit lists	March 17
Parties file rebuttal testimony, if necessary	March 24
Evidentiary hearing	March 29
Parties file opening briefs	10 days after transcript receipt
Parties file reply briefs on contested issues	10 days after receipt of opening briefs
Committee issues Presiding Member's Proposed Decision (PMPD) and Notice of Committee Conference (30-day review)	<i>To Be Scheduled*</i>
Parties file written comments on PMPD	<i>To Be Scheduled</i>
Committee Conference on PMPD; parties submit errata or other clarifications	<i>To Be Scheduled</i>
Close of comment period on PMPD	<i>To Be Scheduled</i>
Commission consideration of PMPD	<i>To Be Scheduled</i>

* These events will be noticed separately.

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BY CALPINE CORPORATION**

**DOCKET No. 05-AFC-1
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**

**Rick Thomas, Director
Project Development
Calpine Corporation
4160 Dublin Blvd.
Dublin, CA 94568
rickt@calpine.com**

**Rick Tetzloff
Project Engineer
Calpine Corporation
700 NE Multnomah, Suite 870
Portland, OR 97232
rtetzloff@calpine.com**

Applicant's Consultants

**Jennifer Scholl
URS Corporation
130 Robin Hill Road, Suite 100
Goleta, CA 93117
jennifer_scholl@urscorp.com**

**Nancy Matthews
Sierra Research
1801 J Street
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

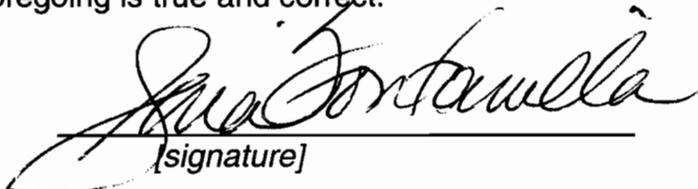
Donna Jordan
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Robert J. Kunde
Bill Taube
Wheeler Ridge- Maricopa
Water Storage District
12109 Highway 166
Bakersfield, CA 93313-9630
rjkunde@wrmwsd.com

DECLARATION OF SERVICE

I, Gina Fontanilla, declare that on February 7, 2006, I deposited copies of the attached Notice of Evidentiary Hearing and Hearing Order 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]

* * * *

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 Geffer
Hearing Officer
MS-9

James W. Reede
Project Manager
MS-15

Kerry Willis
Staff Counsel
MS-14

PUBLIC ADVISER

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