

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

APPLICATION FOR CERTIFICATION
OF THE
MAGNOLIA POWER PROJECT
BY SOUTHERN CALIFORNIA PUBLIC POWER AUTHORITY

Docket No. 01-AFC-6
DATA ADEQUATE
SEPTEMBER 25, 2001

NOTICE OF EVIDENTIARY HEARING AND HEARING ORDER

PLEASE TAKE NOTICE THAT the Committee will conduct a formal evidentiary hearing on the proposed Magnolia Power Plant as follows:

MONDAY, NOVEMBER 18, 2002
Beginning at 10 a.m.
CALIFORNIA ENERGY COMMISSION
First Floor Hearing Room B
1516 Ninth Street
Sacramento, CA 95814

(Wheelchair Accessible)

Teleconference: Governmental agencies and members of the public may participate either in person or via teleconference. For the convenience of those who cannot travel to Sacramento, please contact the Public Adviser's Office [916-654-4489, or 1-800-822-6228, or email at: pao@energy.state.ca.us], to reserve a toll-free telephone line and then call the following number by 10 a.m. on the date of the hearing:

The Toll Free Number is 1-888-560-8502
The Conference Leader is: Susan Gefter
The Passcode is: Magnolia

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

BACKGROUND

At the Prehearing Conference (PHC) on October 29, 2002, the Applicant and Staff agreed that (1) there were no disputed issues and (2) they were ready to proceed to evidentiary hearings. Applicant and Staff further proposed to submit testimony by declaration on all topics. Intervenor CURE neither filed a PHC Statement nor appeared at the PHC. Mr. John Yee, representing the South Coast Air Quality Management District (Air District), participated at the Prehearing Conference and indicated that a representative from the Air District would be available to provide testimony at the Evidentiary Hearing (EH or hearing).

The Committee directed Applicant to provide live testimony at the EH on the topic of “project description” to set the context for the project proposal. We also requested the parties to clarify testimony and to revise certain proposed conditions of certification for the topics of air quality, public health, land use, noise, waste management, and hazardous materials. See Attachment B, which sets deadlines for submitting the supplemental testimony.

EVIDENTIARY HEARING PROCEDURES

During the EH, all parties (Applicant, Staff, and Intervenor) shall present evidence consisting of declarations under penalty of perjury or sworn testimony in person, and exhibits on each topic area.

The parties shall submit copies of their prepared testimony, proposed exhibits, and exhibit lists no later than 12 noon on November 12, 2002. Any request for additions/changes/substitutions to the hearing schedule shown in Attachment A should be included in the November 12th filings.

The purpose of evidentiary hearing is to establish the factual record necessary for the Commission to reach a decision on the proposed project. The record is developed by the presentation of oral and written testimony, as well as documentary evidence submitted by the parties.

The rules of evidence pertaining to this hearing may be found at Sections 1212-1213 of the Commission's regulations. [Tit. 20, Cal. Code Regs., §§ 1212, 1213; see also § 1702 (h)]. The regulations can be viewed on the Commission's Internet website at: [<http://www.energy.ca.gov/siting/title20/tofc.html>].

The parties must identify their witnesses and submit their testimony in writing prior to the hearing. Testimony may be submitted by declaration under penalty of perjury and offered into evidence at the hearing. All witnesses who appear in person shall testify under oath or affirmation and will be subject to cross-examination by other parties.

A party sponsoring a witness at the hearing shall briefly establish the expert qualifications of the witness and ask the witness to 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's direct testimony, the Committee will provide the other parties an opportunity for cross-examination, followed by redirect and recross examination as appropriate. Multiple witnesses may testify as a panel, if warranted.

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. [Tit. 20, Cal. Code of Regs., § 1748(e)].

Public Participation

Members of the public are invited to attend the EH and may offer unsworn public comment upon the matters discussed at the hearing. These public comments will be entered into the record of the proceeding and may be used 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 an issue.

The Commission's Public Adviser, Roberta Mendonca, is available to provide information and to assist the public in participating at the hearing. If you have questions about the process or how to participate, contact the Public Adviser at (916) 654-4489 or (800) 822-6228 or email at: [pao@energy.state.ca.us].

Additional Information

For technical questions about the project, contact James Reede, the Project Manager at (916) 653-1245 or email: **[jreede@energy.state.ca.us]**.

Questions of a legal or procedural nature should be directed to Susan Geffer, the Hearing Officer, at (916) 654-3893 or email: **[sgeffer@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 email: **[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 email: **[energia@energy.ca.gov]**.

Notices and other documents concerning this proceeding are posted on the Commission's web site at: **[www.energy.ca.gov/sitingcases/magnolia]**.

HEARING ORDER

The record shall be closed at the conclusion of the EH on November 18, 2002, unless extended by the Committee. The Presiding Member's Proposed Decision (PMPD) shall be based on the evidentiary record established at the hearing. There is a 30-day comment period on the PMPD during which the parties may file comments and request clarifications. If any party seeks substantive revisions to the PMPD that would require reopening the record, additional evidentiary hearings may be necessary, including at least 10 days notice, additional briefing time, and an additional comment period of 15 days after a Revised PMPD is issued. If revisions are not substantive, the Committee may incorporate such revisions as Errata to the PMPD and present those recommendations to the full Commission without releasing a Revised PMPD.

All filings shall be served upon all parties and the Energy Commission's Docket Unit, 1516 Ninth Street, MS 4, Sacramento, California 95814-5512. Identify each submittal with "Docket No. 01-AFC-6." Each party is responsible for ensuring that its respective submittals are received ***no later than the time and dates indicated in Attachment B.*** Filings shall also be emailed to the Hearing Officer and to the other parties with email addresses on the Proof of Service list.

Dated October 31, 2002, at Sacramento, California.

JOHN L. GEESMAN
Commissioner and Presiding Member
Magnolia AFC Committee

ARTHUR H. ROSENFELD
Commissioner and Associate Member
Magnolia AFC Committee

Mailed to Lists 7070, 7071, 7072

**ATTACHMENT A
TOPIC and WITNESS SCHEDULE**

The parties shall present witnesses in person for topics with asterisks (*); otherwise, the parties may submit sworn declarations.

**MONDAY, NOVEMBER 18, 2002
Beginning at 10:00 a.m.**

Topic	Witnesses
Project Description*	Applicant: Bruce Blowey Staff: James W. Reede, Jr.
Alternatives	Applicant: Bruce Blowey Douglas Hahn Staff: James W. Reede, Jr.
Facility Design	Applicant: Ron Maxwell Charles Shutty Staff: Brian Payne
Power Plant Reliability	Applicant: Ron Maxwell Charles Shutty Staff: S. Khoshmashrab
Power Plant Efficiency	Applicant: Ron Maxwell Charles Shutty Staff: S. Khoshmashrab
Transmission System Engineering	Applicant: Charles Shutty David Larsen Staff: S. Arachchige D. Bucaneg, Jr.
Transmission Line Safety and Nuisance	Applicant: Douglas Hahn David Larsen Staff: Obed Odoemelam
Geological/Paleontological Resources	Applicant: Douglas Hahn Simon Lee Staff: Dr. Dal Hunter
Cultural Resources	Applicant: Douglas Hahn Sally Morgan Staff: Mary Maniery
Hazardous Materials	Applicant: Douglas Hahn Staff: Alvin Greenberg, Ph.D.

Waste Management*	Applicant: Douglas Hahn Staff: Alvin Greenberg, Ph.D.
Traffic and Transportation	Applicant: Douglas Hunter Wilson Lorenz Staff: James Fore
Visual Resources	Applicant: Cindy Poire Staff: William Kanemoto
Compliance and Closure*	Applicant: Bruce Blowey Staff: Jeri Scott
Land Use*	Applicant: Douglas Hahn Cindy Poire Staff: David Flores
Biological Resources	Applicant: Douglas Hahn Anne Knowlton Staff: Natasha Nelson Julie Colyer
Soil and Water Resources*	Applicant: Douglas Hahn Chris Logan Robert Collacot Staff: Richard Sapudar James Schoonmaker John Scroggs Rick Sidor
Air Quality*	Applicant: Joan Heredia Douglas Hahn Staff: Brewster Birdsall Lisa Blewitt William Walters Air District: John Yee
Public Health*	Applicant: Douglas Hahn John Koehler Staff: Alvin Greenberg, Ph.D.
Socioeconomics	Applicant: Cindy Poire Staff: Negar Vahidi
Worker Safety and Fire Protection	Applicant: Douglas Hahn Staff: Alvin Greenberg, Ph.D.
Noise*	Applicant: Douglas Hahn Staff: Fred Greve

**ATTACHMENT B
COMMITTEE SCHEDULE FOR REMAINDER OF PROCEEDING**

The Committee has established the following schedule for filing prepared testimony, exhibits, and post hearing briefs:

COMMITTEE SCHEDULE

<i>EVENT</i>	<i>DATE</i>
All parties file prepared testimony, expert witness qualifications, relevant declarations, and exhibits	November 12, 2002 (Noon)
Applicant submits clarifications requested by the Committee	November 12, 2002 (Noon)
All parties indicate intention to cross-examine another party's witness	November 12, 2002 (Noon)
Staff files supplemental testimony and responses to Applicant's clarifications	November 15, 2002 (5 p.m.)
Evidentiary hearing	November 18, 2002 (10 a.m.)
Applicant files post-hearing brief	November 22, 2002 (5 p.m.)
Staff files reply brief	December 3, 2002 (5 p.m.)
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.