

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

**APPLICATION FOR CERTIFICATION OF  
DUKE ENERGY FOR THE  
MORRO BAY POWER PLANT PROJECT**

**DOCKET No. 00-AFC-12**

**EXHIBIT LIST**

- EXHIBIT 1:** Not offered as evidence.
- EXHIBIT 2:** Not offered as evidence.
- EXHIBIT 3:** Memorandum of Understanding (MOU) between the City of Morro Bay and Duke Energy Morro Bay LLC, executed February 28, 2000. Sponsored by Applicant; admitted into evidence on December 17, 2001.
- EXHIBIT 4:** Application for Certification (AFC) for the Morro Bay Power Plant Project, filed October 23, 2000, Volumes 1A, 1B, 2, 3, and 4. Sponsored by Applicant; portions admitted into evidence on December 17, 2001; January 29, 2002; January 30, 2002; February 5, 2002; March 12, 2002; and, March 13, 2002; June 4, 2002; and June 6, 2002.
- EXHIBIT 5:** Letter from Sierra Research to Robert Carr, SLOAPCD, dated November 1, 2000. Sponsored by Applicant; admitted into evidence on February 5, 2002.
- EXHIBIT 6:** Letter from Sierra Research to EPA, Region IX Re: Application for Prevention of Significant Deterioration Permit, dated November 1, 2000. Sponsored by Applicant; admitted into evidence on February 5, 2002.
- EXHIBIT 7:** Letter from Sierra Research to Magdy Badr, CEC, Re: Confirmation of Meteorological Data, dated November 1, 2000. Sponsored by Applicant; admitted into evidence on February 5, 2002.
- EXHIBIT 8:** Letter from Sierra Research to Robert Carr, SLOAPCD, Re: Isopleth Diagrams, dated November 9, 2000. Sponsored by Applicant; admitted into evidence on February 5, 2002.
- EXHIBIT 9:** Not offered as evidence.
- EXHIBIT 10:** Not offered as evidence.

- EXHIBIT 11:** Not offered as evidence.
- EXHIBIT 12:** Letter from Sierra Research to Gary Willey, SLOAPCD, Re: Additional Information to Address Permit Data Adequacy Issues, dated November 21, 2000. Sponsored by Applicant; admitted into evidence on February 5, 2002.
- EXHIBIT 13:** Not offered as evidence.
- EXHIBIT 14:** Memo from Nancy Mathews, Sierra Research, to Gary Willey, SLOAPCD, Re: Supporting Information on Baseline Emissions for Units 1 through 4, dated November 28, 2000. Sponsored by Applicant; admitted into evidence on February 5, 2002.
- EXHIBIT 15:** Not offered as evidence.
- EXHIBIT 16:** Not offered as evidence.
- EXHIBIT 17:** Not offered as evidence.
- EXHIBIT 18:** Not offered as evidence.
- EXHIBIT 19:** Responses to CEC comments on Data Adequacy for the Morro Bay Power Plant Modernization Project relayed to Air Quality, Land Use, Traffic and Transportation, Visual Resources, Cultural Resources, Socioeconomics, Water Resources, and Transmission System Engineering, docketed December 8, 2000. Sponsored by Applicant; portions admitted into evidence on December 17, 2001; February 5, 2002; March 12, 2002; March 13, 2002; and June 6, 2002.
- EXHIBIT 20:** Not offered as evidence.
- EXHIBIT 21:** Not offered as evidence.
- EXHIBIT 22:** Responses to CEC February 9, 2001 Data Requests (1-5, 22-27, 28-34, 55, 56, 57-59, 60-76, 77-80, 81, 82-93, 94-113, 114-124, 125-127, 177-185) on Air Quality, Alternatives, Biology, Cultural, Efficiency, Geology/Paleontology, Land Use, Noise, Reliability, Socioeconomics, Soil/Water Resources, Traffic, Transmission System Engineering, Waste Management, from Duke Energy, dated March 9, 2001. Sponsored by Applicant; portions admitted into evidence on December 17, 2001; January 29, 2002; January 30, 2002; and February 5, 2002; March 12, 2002, March 13, 2002; and June 6, 2002.

- EXHIBIT 23:** Applicant's responses to Intervenor CAPE's March 9, 2001 Data Requests related to public relations materials distributed May 1999 – October 2000. Sponsored by Applicant; admitted into evidence on March 12, 2002.
- EXHIBIT 24:** Not offered as evidence.
- EXHIBIT 25:** Not offered as evidence.
- EXHIBIT 26:** Letter from Gary Rubenstein, Sierra Research, to Kae Lewis, CEC, Re: Source Test Report, dated March 13, 2001. Sponsored by Applicant; admitted into evidence on February 5, 2002.
- EXHIBIT 27:** Not offered as evidence.
- EXHIBIT 28:** Not offered as evidence.
- EXHIBIT 29:** Applicant's response to CEC February 9, 2001, Data Requests on Visual Resources (218-176), dated April 3, 2001. Sponsored by Applicant; admitted into evidence on February 5, 2002.
- EXHIBIT 30:** Applicant's response to February 9, 2001 Visual Data Request- Graphics, dated April 4, 2001. Sponsored by Applicant; admitted into evidence on March 13, 2002.
- EXHIBIT 31:** Not offered as evidence.
- EXHIBIT 32:** Letter from Nancy Matthews, Sierra Research, to David Nelson, CAPE, Re: Modeling of Input and Output Files Regarding Potential Health Risks, dated April 10, 2001. Sponsored by Applicant; admitted into evidence on February 5, 2002.
- EXHIBIT 33:** Letter from Nancy Matthews, Sierra Research, to Henrietta Groot, CAPE, Re: BAAQMD Letter Regarding Results of Acrolein Source Testing, dated April 10, 2001. Sponsored by Applicant; admitted into evidence on February 5, 2002.
- EXHIBIT 34:** Applicant's responses to Intervenor CAPE's March 9, 2001 Data Requests related to Air Quality, Public Health, Water Resources, Marine Biological Resources, Facility Closure, Alternatives, Land Use, Socioeconomics, Noise, Visual Resources, Transmission Lines, and Community Outreach, docketed April 11, 2001. Sponsored by Applicant; portions admitted into evidence on January 30, 2002; February 5, 2002; March 12, 2002; and March 13, 2002.
- EXHIBIT 35:** Not offered as evidence.

- EXHIBIT 36:** Applicant's responses to CEC February 9, 2001 Data Requests (remaining responses 23, 43, 47, 53, 62, 63, 71, 88-91, 106, 116, 121) related to Alternatives, Cultural Resources, Land Use, Socioeconomics, Soil/Water Resources, and Traffic, docketed April 11, 2001. Sponsored by Applicant; portions admitted into evidence on March 12, 2002; March 13, 2002; June 4, 2002; and June 6, 2002.
- EXHIBIT 37:** Applicant's responses to CEC's April 2, 2001 and February 9, 2001 Data Requests (CEC 149, 99, 128-130, 132, 133, 140, 141, 144, 149, 150, 160, 161, 167, 168, 174, 186-226, and 229) on Air Quality, Alternatives, Cultural, Hazardous Materials, Land Use, Noise, Soil and Water, Transportation, Transmission, Visual Resources, dated April 24, 2001. Sponsored by Applicant; portions admitted into evidence on January 29, 2002; January 30, 2002; February 5, 2002; March 12, 2002; March 13, 2002; and June 4, 2002.
- EXHIBIT 38:** Applicant's responses to the March 9, 2001 Data Requests from Intervenor CAPE, dated April 24, 2001. Sponsored by Applicant; portions admitted into evidence on December 17, 2001; February 5, 2002; March 12, 2002, June 4, 2002; and June 6, 2002.
- EXHIBIT 39:** Not offered as evidence.
- EXHIBIT 40:** Not offered as evidence.
- EXHIBIT 41:** Not offered as evidence.
- EXHIBIT 42:** Letter from Nancy Matthews, Sierra Research, to Magdy Badr, CEC, Re: Cumulative Impact Analysis, dated May 2, 2001. Sponsored by Applicant; admitted into evidence on February 5, 2002.
- EXHIBIT 43:** Not offered as evidence.
- EXHIBIT 44:** Applicant's responses to March 9, 2001 Intervenor CAPE Data Requests (Air Quality Data Requests 67-108 and Data Requests 139, 150, 214, and 215), dated May 3, 2001. Sponsored by Applicant; admitted into evidence on February 5, 2002; March 12, 2002; and June 6, 2002.
- EXHIBIT 45:** Memo from Nancy Matthews, Sierra Research, to Gary Willey, SLOAPCD, Re: Health Risk Assessment, dated May 9, 2001. Sponsored by Applicant; admitted into evidence on February 5, 2002.

- EXHIBIT 46:** System Impact/Facilities Study for the Morro Bay Power Plant Modernization Project issued by PG&E on May 4, 2001 and docketed May 10, 2001. Sponsored by Applicant; admitted into evidence on December 17, 2001.
- EXHIBIT 47:** Applicant's responses to Outstanding Visual Data Requests (Michael Clayton Email of 4/30/01); Submittal of Figure 6.11-11A for CEC Data Responses 224; and Submittal of Draft Stormwater Prevention Plan; docketed May 8, 2001. Sponsored by Applicant; admitted into evidence on January 29, 2002; and March 13, 2002.
- EXHIBIT 48:** Letter dated May 11, 2001, from Jeffrey Miller, Cal ISO, to Robert Cochran, Duke Energy, regarding the Cal ISO's review of the System Impact/Facilities Study of the Morro Bay Modernization Project, dated May 4, 2001. Sponsored by Applicant; admitted into evidence on December 17, 2001.
- EXHIBIT 49:** Letter dated May 11, 2001, from Greg Fuz of the City of Morro Bay to Kae Lewis, CEC, enclosing a chart of Duke Energy Morro Bay Modernization Project's consistency with key City policies and regulations applicable to the project. Sponsored by Applicant; admitted into evidence on March 12, 2002; and March 13, 2002.
- EXHIBIT 50:** Letter dated May 14, 2001, from David H. Sulouff, Eleventh Cost Guard District, to Terry Huffman, Huffman-Broadway Group, discussing the proposed construction of a bridge across Morro Creek. Sponsored by Applicant; admitted into evidence on March 13, 2002.
- EXHIBIT 51:** Duke Energy Proposed Conditions of Certification related to the following set of topics: Worker Safety, Transportation, Cultural Resources, Geology, Civil Engineering, Hazardous Materials, Noise, Biology, Paleontology, Structural, Waste Management, Visual Resources, Soil & Water, General, and Electrical, docketed May 15, 2001. Sponsored by Applicant; portions admitted into evidence on December 17, 2001; January 29, 2002; January 30, 2002; March 13, 2002; and June 6, 2002.
- EXHIBIT 52:** Applicant's responses to Intervenor CAPE's April 23, 2001, Data Requests (288-290, 293-309, 310-39, 340-342, 343-353) on Air Quality, Project Description, Engineering, Marine Biology, Water Resources, Alternatives, and Noise, dated May 29, 2001. Sponsored by Applicant; portions admitted into evidence on January 30, 2002; February 5, 2002; March 12, 2002; and June 4, 2002.

- EXHIBIT 53:** Applicant's remaining Data Responses to CEC Staff related to Noise, Transmission System Engineering, Traffic & Transportation, Hazardous Materials, Project Description, Visual Resources, and Cultural Resources, Duke Energy, docketed May 29, 2001. Sponsored by Applicant; portions admitted into evidence on January 30, 2002; March 12, 2002; and March 13, 2002.
- EXHIBIT 54:** Not offered as evidence.
- EXHIBIT 55:** Letter from Sierra Research to Intervenor CAPE, Re: Comparison of Measured and Modeled Ambient Pollutant Concentrations, dated June 7, 2001. Sponsored by Applicant; admitted into evidence on February 5, 2002.
- EXHIBIT 56:** Final Morro Creek Flood Hazard Evaluation, prepared by WEST Consultants, Inc., dated June 12, 2001. Sponsored by Applicant; admitted into evidence on March 13, 2002.
- EXHIBIT 57:** Not offered as evidence.
- EXHIBIT 58:** Response to CEC Outstanding Visual Data Requests (132, 133, 141, 226, 168, 175), dated June 15, 2001, from Paul Curfman. Sponsored by Applicant; portions admitted into evidence with clarification on February 5, 2002; and March 13, 2002.
- EXHIBIT 59:** Letter Re: Construction Staging Areas at Camp San Luis Obispo, from California National Guard to the CEC, docketed June 19, 2001. Sponsored by Applicant; admitted into evidence on March 12, 2002; March 13, 2002; and June 4, 2002.
- EXHIBIT 60:** Not offered as evidence.
- EXHIBIT 61:** Not offered as evidence.
- EXHIBIT 62:** Not offered as evidence.
- EXHIBIT 63:** Not offered as evidence.
- EXHIBIT 64:** Not offered as evidence.
- EXHIBIT 65:** Memorandum dated July 11, 2001, from John Torrey, Duke Energy, to Kae Lewis, CEC, providing Ground Water Extraction Evaluations on the Morro Bay Power Plant Modernization Project, prepared by TRC. Sponsored by Applicant; admitted into evidence on March 13, 2002.

- EXHIBIT 66:** Morro Bay Power Plant Modernization Project 316(b) Resource Assessment Report, Tenera Environmental Services, dated July 10, 2001. Sponsored by Applicant; admitted into evidence on June 6, 2002.
- EXHIBIT 67:** Morro Bay Power Plant Historic Property Evaluation, submitted by Duke Energy & TRC on July 16, 2001. Sponsored by Applicant; admitted into evidence on February 5, 2002.
- EXHIBIT 68:** Not offered as evidence.
- EXHIBIT 69:** Not offered as evidence.
- EXHIBIT 70:** Applicant's responses to Data Requests on Noise, Vibration, Traffic and Transportation, Duke Energy, docketed July 26, 2001. Sponsored by Applicant; portions admitted into evidence on January 30, 2002.
- EXHIBIT 71:** Applicant's response to Technical Working Group – distribution of relevant information on the Gunderboom aquatic filter barrier intake technology and its biological effectiveness, distributed by Brian Waters, Duke Energy, on July 26, 2001. Sponsored by Applicant; admitted into evidence on June 6, 2002.
- EXHIBIT 72:** Not offered as evidence.
- EXHIBIT 73:** Applicant's response to Data Request Re: Hazardous Materials, docketed July 30, 2001. Sponsored by Applicant; admitted into evidence on January 29, 2002.
- EXHIBIT 74:** Applicant's responses to Data Requests: 1) Visual Resources and 2) Report on Construction worker Impacts, docketed July 31, 2001. Sponsored by Applicant; admitted into evidence on March 13, 2002.
- EXHIBIT 75:** Applicant's responses to Data Request for information on Offsite Satellite Parking Area prepared by TRC, dated August 2001. Sponsored by Applicant; admitted into evidence on February 5, 2002; March 12, 2002, June 4, 2002.
- EXHIBIT 76:** Applicant's response to Data Request for information on Land Use, docketed August 1, 2001. Sponsored by Applicant; admitted into evidence on March 12, 2002.
- EXHIBIT 77:** Not offered as evidence.
- EXHIBIT 78:** Not offered as evidence.

- EXHIBIT 79:** Applicant's response to Data Request for Geotechnical Investigation, Perimeter Levees, dated August 8, 2001. Sponsored by Applicant; admitted into evidence on December 17, 2001.
- EXHIBIT 80:** Analysis of Potential Effects of Duke Energy Morro Bay, LLC Ground Water Pumping on Flows in Morro Creek, prepared by TRC, docketed August 8, 2001. Sponsored by Applicant; admitted into evidence on March 13, 2002.
- EXHIBIT 81:** Construction Access Schematic Road Improvements and Proposed Mixed-Use Path Alignment Schematic Plan, submitted by Applicant, dated August 9, 2001. Sponsored by Applicant; admitted into evidence on \_\_\_\_\_.
- EXHIBIT 82:** Morro Bay Planning Commission Resolution on "Dry Air" Cooling, dated August 9, 2001. Sponsored by Applicant; admitted into evidence on June 6, 2002.
- EXHIBIT 83:** Not offered as evidence.
- EXHIBIT 84:** Information items from Applicant – Report on Costs of Gunderboom Option, Duke Energy, docketed August 13, 2001. Sponsored by Applicant; admitted into evidence on June 6, 2002.
- EXHIBIT 85:** Not offered as evidence.
- EXHIBIT 86:** Not offered as evidence.
- EXHIBIT 87:** Various documents: 1) Morro Bay Power Plant Construction Staging Area at Camp San Luis Obispo California National Guard (00-AFC-12) Data Request Response; 2) Cultural Resources – Proposed Staging Area Map; 3) Four letters on Cultural issues at staging area; 4) 442 Page report on Camp SLO Cultural Resources Inventory; 5) 68 page report on Camp SLO Cultural Resources Inventory – Jones & Stokes; 6) 15 page report on Eligibility Determination Studies at select Cultural Resources at Camp SLO. Sponsored by Applicant; admitted into evidence on February 5, 2002; and March 12, 2002.
- EXHIBIT 88:** Applicant's revised Analysis of Air Quality Impacts During Demolition, docketed August 14, 2001. Sponsored by Applicant; admitted into evidence on February 5, 2002.
- EXHIBIT 89:** Confidential Filing. Archeological Testing Report for Tank Farm Area. Sponsored by Applicant; admitted into evidence on \_\_\_\_\_.

- EXHIBIT 90:** Applicant's PSA Comments, Set 1 – Air Quality, Cultural Resources, Hazardous Materials, Land Use, Noise, Socioeconomics, Waste Management, Facility Design, submitted by Ellison, Schneider & Harris, dated August 15, 2001. Sponsored by Applicant; portions admitted into evidence on January 29, 2002; January 30, 2002; February 5, 2002, and March 12, 2002.
- EXHIBIT 91:** Applicant's PSA Comments, Set 2 – Alternatives. Submitted by Ellison, Schneider & Harris, dated August 15, 2001. Sponsored by Applicant; admitted into evidence on February 5, 2002.
- EXHIBIT 92:** Applicant's PSA Comments, Set 3, on Biological/Marine Resources, Terrestrial Biology, Soil & Water, submitted by Ellison, Schneider & Harris, dated August 17, 2001. Sponsored by Applicant; admitted into evidence on March 13, 2002; and June 6, 2002.
- EXHIBIT 93:** Revised Analysis of Air Quality Impacts During Construction, prepared by Sierra Research, docketed August 21, 2001. Sponsored by Applicant; admitted into evidence on February 5, 2002.
- EXHIBIT 94:** Not offered as evidence.
- EXHIBIT 95:** August 21, 2001 Agreement to Lease/Agreement Regarding Modernization of the Morro Bay Power Plant between the City and Duke Energy. Sponsored by Applicant; admitted into evidence on December 17, 2001; and March 13, 2002.
- EXHIBIT 96:** Morro Bay City Council Resolution #57-01 Regarding Alternative Cooling Methods Proposed for the MBPP, dated August 31, 2001. Sponsored by Applicant; admitted into evidence on June 6, 2002.
- EXHIBIT 97:** Not offered as evidence.
- EXHIBIT 98:** Not offered as evidence.
- EXHIBIT 99:** Not offered as evidence.
- EXHIBIT 100:** Not offered as evidence.
- EXHIBIT 101:** City's Response to Land Use Comments submitted by Duke on Morro Bay PSA, City of Morro Bay, dated September 21, 2001. Sponsored by Applicant; admitted into evidence on March 13, 2002.
- EXHIBIT 102:** Applicant's response to City of Morro Bay letter, dated September 21, 2001. Sponsored by Applicant; admitted into evidence on March 12, 2002.

- EXHIBIT 103:** Applicant's responses to CEC Committee Ruling Directing Duke Energy to Supply Information Re: Petition of Intervenor Regarding Data Requests 323, 324, 326, 327, 328, 332, 407, 408, and 409, Duke Energy, dated September 24, 2001. Sponsored by Applicant; admitted into evidence on March 13, 2002.
- EXHIBIT 104:** Data Request Responses: MBPP Construction Staging Areas at Camp SLO; Environmental Assessment; docketed September 24, 2001. Sponsored by Applicant; admitted into evidence on February 5, 2002.
- EXHIBIT 105:** Not offered as evidence.
- EXHIBIT 106:** Not offered as evidence.
- EXHIBIT 107:** Technical Data in Response to Requests from the Aspen Group Related to Site Layout, Elevations, Equipment Sizes, Technical Data for Proposed Modernization, Air Cooled and Hybrid Condensing System, Duke Fluor Daniel, dated September 20, 2001 and docketed October 4, 2001. Sponsored by Applicant; admitted into evidence on \_\_\_\_\_.
- EXHIBIT 108:** Letter from PG&E to Romulo Barreno regarding Generator Special Facilities Agreement, dated October 16, 2001. Sponsored by Applicant; admitted into evidence on December 17, 2001.
- EXHIBIT 109:** Letter to Fire Chief Jones from Duke Energy, dated October 17, 2001. Sponsored by Applicant; admitted into evidence on January 29, 2002.
- EXHIBIT 110:** Applicant's Project Description Modifications, Conceptual Plan – Response to City of Morro Bay, dated October 18, 2001. Sponsored by Applicant; admitted into evidence on March 13, 2002; and June 4, 2002.
- EXHIBIT 111:** Not offered as evidence.
- EXHIBIT 112:** Not offered as evidence.
- EXHIBIT 113:** Not offered as evidence.
- EXHIBIT 114:** Supplementary Filing: Informational Package for Exhibits Prepared for the November 5<sup>th</sup> Workshop, submitted by Duke Energy, November 14, 2001. Sponsored by Applicant; admitted into evidence on March 13, 2002.

- EXHIBIT 115:** Final Staff Assessment, Part 1 (November 2001). Sponsored by Staff; portions admitted into evidence on December 17, 2001; January 29, 2002; January 30, 2002; January 31, 2002; and, March 14, 2002.
- EXHIBIT 116:** Errata to Final Staff Assessment, Part 1 (including resumes), dated December 11, 2001. Sponsored by Staff; portions admitted into evidence on December 17, 2001; January 29, 2002; January 31, 2002.
- EXHIBIT 117:** Applicant's testimony on Group I issues, dated December 11, 2001. Sponsored by Applicant; admitted into evidence on December 17, 2001.
- EXHIBIT 118:** Prepared testimony of Rick Algert on behalf of Intervenor City of Morro Bay, dated December 11, 2001. Sponsored by Intervenor City; admitted into evidence on December 17, 2001.
- EXHIBIT 119:** Prepared testimony of Robert Schultz on behalf of Intervenor City of Morro Bay, dated December 11, 2001. Sponsored by Intervenor City; admitted into evidence on December 17, 2001.
- EXHIBIT 120:** Transmission System Reliability testimony from California Independent System Operator, dated November 15, 2001. Sponsored by Staff; admitted into evidence on December 17, 2001.
- EXHIBIT 121:** Declaration of Brian Stacy re: compliance matters, submitted as part of Intervenor CAPE's Group I testimony dated December 10, 2001. Sponsored by Intervenor CAPE; admitted into evidence on December 17, 2001.
- EXHIBIT 122:** Declaration of Jack McCurdy (including FERC policy and five attached newspaper articles), submitted as part of Intervenor CAPE's Group I testimony dated December 10, 2001. Sponsored by Intervenor CAPE; admitted into evidence on December 17, 2001.
- EXHIBIT 123:** Declaration of Don Boatman re: transmission issues, submitted as part of Intervenor CAPE's Group I testimony dated December 10, 2001. Sponsored by Intervenor CAPE; admitted into evidence on December 17, 2001.
- EXHIBIT 124:** Erratum and Additional Testimony to Final Staff Assessment, Part 1, dated December 14, 2001. Sponsored by Staff; admitted into evidence on December 17, 2001.
- EXHIBIT 125:** Applicant's Prehearing Conference Statement dated November 26, 2001. Sponsored by Applicant; admitted into evidence on January 29, 2002; February 5, 2002; March 13, 2002; and June 6, 2002.

- EXHIBIT 126:** Letter from Gary Rubenstein, Sierra Research, to Robert Carr, SLOCAPCD, regarding voluntary surrender of surplus SOx emissions reduction credits, dated May 3, 2001. (Docketed 1/10/02.) Sponsored by Applicant; admitted into evidence on February 5, 2002.
- EXHIBIT 127:** Letter from Nancy Matthews, Sierra Research, to David Nelson, CAPE, Re: Data Request #108 and transmittal of two reports, dated May 3, 2001. (Docketed 1/10/02.) Sponsored by Applicant; admitted into evidence on February 5, 2002.
- EXHIBIT 128:** Letter dated June 14, 2001 from Sierra Research to SLOCAPCD re: short-term ambient NO<sub>2</sub> impacts during turbine startup. (Docketed 1/10/02.) Sponsored by Applicant; admitted into evidence on February 5, 2002.
- EXHIBIT 129:** Letter dated June 14, 2001 from Sierra Research to SLOCAPCD re: comments on Preliminary Determination of Compliance. (Docketed 1/10/02.) Sponsored by Applicant; admitted into evidence on February 5, 2002.
- EXHIBIT 130:** Memo from Gary Rubenstein, Sierra Research, to Larry Allen, SLOCAPCD, Re: Proposed Modeling Assumptions for Refined Analysis of Construction and Demolition Emissions, dated June 19, 2001. (Docketed 1/10/02.) Sponsored by Applicant; admitted into evidence on February 5, 2002.
- EXHIBIT 131:** Not offered as evidence.
- EXHIBIT 132:** Gibson, Robert O. "Ethnogeography of the Salinan People." Master Thesis, California State University, Hayward. 1983. (Docketed 1/16/02.) Sponsored by Applicant; admitted into evidence on February 5, 2002.
- EXHIBIT 133:** Same as Exhibit 75.
- EXHIBIT 134:** Prefiled Testimony of Applicant, filed on January 15, 2002, entitled "Applicants Testimony on Group II Issues." Sponsored by Applicant; portions admitted into evidence on January 30, 2002.
- EXHIBIT 135:** Testimony of John Rohrer. Sponsored by Intervenor City of Morro Bay; admitted into evidence on January 29, 2002.
- EXHIBIT 136:** Corrections to Hazardous Materials Management Testimony and Technical Appendix, docketed January 22, 2002. Marked for identification only. Received into evidence on March 12, 2002.

- EXHIBIT 137:** Testimony of Jeff Jones Re: Hazardous Materials, Worker Safety and Fire. Sponsored by Intervenor City of Morro Bay; admitted into evidence on January 29, 2002.
- EXHIBIT 138:** Testimony of Robert W. Schultz on behalf of the City of Morro Bay Re: Traffic and Transportation. Submitted by Intervenor City of Morro Bay; admitted into evidence on January 30, 2002.
- EXHIBIT 139:** Prefiled Testimony on Traffic and Transportation, Air Quality, and Public Health, offered by Intervenor Coastal Alliance on Plant Expansion on Group II Topics and Sponsored Exhibits. Submitted by Coastal Alliance on Plant Expansion; portions admitted into evidence on January 30, 2002; February 6, 2002; March 12, 2002.
- EXHIBIT 140:** Testimony of Robert W. Schultz on behalf of City of Morro Bay Re Socioeconomics. Submitted by Intervenor City of Morro Bay; admitted into evidence on January 31, 2002.
- EXHIBIT 141:** Testimony of Clay Allen Singer (C. A. Singer and Associates) on Cultural Resources on behalf of the San Luis Obispo County Chumash Council (SLOCCC). Submitted by the SLOCCC; admitted into evidence on February 5, 2002.
- EXHIBIT 142:** Declaration of John W. Burch. Submitted by Intervenor Ms. Patty Dunton; admitted into evidence on February 5, 2002.
- EXHIBIT 143:** Staff Final Staff Assessment (FSA) - Part 2. Submitted by Staff; portions admitted into evidence on February 5, 2002; and, March 13, 2002. Topics: Cultural Resources, Land Use, Soil and Water, Preparation Team List, Declarations and Resumes
- EXHIBIT 144:** Staff's Response to Applicant's Motion to Amend the Schedule and Errata to Cultural Resources Testimony. Attachment B to Staff Response to Applicants Motion, docketed January 24, 2002. Sponsored by Staff; admitted into evidence on February 5, 2002.
- EXHIBIT 145:** Letter from Robert M. Wood, Native American Heritage Commission, to Dorothy Torres. Letter of Primary Concerns and Comments, docketed 3/26/01. Sponsored by Staff; admitted into evidence on February 5, 2002.
- EXHIBIT 146:** Letter from Robert M. Wood, Native American Heritage Commission, to Dorothy Torres. Comments on Preliminary Staff Assessment, docketed 10/5/01. Sponsored by Staff; admitted into evidence on February 5, 2002.

- EXHIBIT 147:** Document entitled "Sources of Uncertainty When Measuring Particulate Matter emissions from Natural Gas-Fired Combustion Turbines," authored by Gary Rubenstein, Sierra Research, and presented to the Air and Waste Management Association on March 30, 2001. Sponsored by Intervenor Coastal Alliance on Plant Expansion (CAPE); marked for identification on February 6, 2002.
- EXHIBIT 148:** Information Items Due from Applicant – Soil & Water Resources. Docketed August 8, 2001 (Docket Transaction No: 21,793). Sponsored by Applicant; portions admitted into evidence on March 13, 2002; and June 6, 2002.
- EXHIBIT 149:** Draft Storm Water Pollution Prevention Plan for Construction of Morro Bay Power Plant Modernization. Docketed June 18, 2001 (Docket Transaction No.: 20,972). Sponsored by Applicant; admitted into evidence on March 13, 2002.
- EXHIBIT 150:** Letter from Roger Briggs (CRWQCB) to William Keese (CEC), dated August 13, 2001 re: Status Regarding National Pollutant Discharge Elimination System Permit for Duke Energy and Request for Site Specific California Environmental Quality Act (CEQA) Alternatives Analysis (Docket Transaction No.: 21,880). Sponsored by Applicant; admitted into evidence on March 13, 2002; and June 6, 2002.
- EXHIBIT 151:** Federal Emergency Management Agency, Flood Insurance Study for City of Morro Bay California, and Federal Insurance Rate Map, dated November 1, 1985. (Docketed on February 20, 2002). Sponsored by Applicant; admitted into evidence on March 13, 2002.
- EXHIBIT 152:** Draft Storm Water Pollution Prevention Plan for the Offsite Construction of Staging Areas Associated with the Morro Bay Power Plant Modernization, Morro Bay California, November, 2001. Docketed November 21, 2001. Sponsored by Applicant; admitted into evidence on March 13, 2002; and June 4, 2002.
- EXHIBIT 153:** Draft Storm Water Pollution Prevention Plan for Construction of a Satellite Offsite Parking Area Associated with the Morro Bay Power Plant Modernization, Morro Bay California, November, 2001. Docketed November 21, 2001. Sponsored by Applicant; admitted into evidence on March 13, 2002; and June 4, 2002.
- EXHIBIT 154:** Duke Energy's Responses to CEC November 6, 2001 Data Requests, dated November 21, 2001. Sponsored by Applicant; admitted into evidence on March 12, 2002.

- EXHIBIT 155:** Letter from the City of Morro Bay to the CEC, dated April 20, 2001 re: initial comments on land use consistency issues concerning Duke Energy proposal to construct a new power plant. Includes Sheppard Mullen April 16, 2001 letter as an Appendix (Docket Transaction No.: 20,108). Sponsored by Applicant; admitted into evidence on March 13, 2002.
- EXHIBIT 156:** Letter from David J. Castanon, Chief, North Coast Section, Department of the Army, Los Angeles District, Corps of Engineers, Ventura Field Office to the Huffman-Broadway Group, Inc., dated September 6, 2001. The letter was submitted as Attachment 13 of the Final Biological Assessment for submission to the U.S. Fish and Wildlife Service and National Marine Fisheries Service, Duke Energy Morro Bay Power Plant Modernization Project, prepared by the Huffman-Broadway Group, Inc., dated November, 2001. Sponsored by Applicant; admitted into evidence on March 13, 2002; and June 6, 2002.
- EXHIBIT 157:** Applicant's Conceptual Plan – Management of Soil/Groundwater during Demolition Activities, dated October 18, 2001 (Docket Transaction No.: 22,747 and 22,748). Sponsored by Applicant; admitted into evidence on March 13, 2002.
- EXHIBIT 158:** E-mail message from Geoff Pratt of ARB, Inc., drilling contractors to Al Heep of Duke-Fluor Daniel providing information related to the boring of the gas pipeline and providing a proposed crossing profile (e-mail dated August 15, 2001). Sponsored by Applicant; admitted into evidence on March 13, 2002.
- EXHIBIT 159:** Duke Energy's Comments on "Cooling Water Intake Analysis, Duke Power Plant - Morro Bay" by Peter Wagner, Docketed December 11, 2001. Sponsored by Applicant; admitted into evidence on March 13, 2002; and June 6, 2002.
- EXHIBIT 160:** Morro Bay Power Plant Modernization Project Thermal Discharge Assessment Report, Docketed July 2, 2001 (Docket Transaction No.: 21,294). Sponsored by Applicant; admitted into evidence on March 13, 2002; and June 6, 2002.
- EXHIBIT 161:** The California Environmental Quality Act Application to Morro Bay Power Plant Modernization Project Cooling Water Intake Structure, Docketed January 7, 2002. Sponsored by Applicant; admitted into evidence on March 13, 2002; and June 6, 2002.
- EXHIBIT 162:** Same as 47.

- EXHIBIT 163:** June 7, 2001 Power Point show presented in Visual Workshop. Sponsored by Applicant; admitted into evidence on March 13, 2002.
- EXHIBIT 164:** Exhibits prepared by Duke Energy for the November 5, 2001 Workshop, Docketed November 9, 2001 (Docket Transaction No.: 23,039). Sponsored by Applicant; admitted into evidence on March 13, 2002; and June 6, 2002.
- EXHIBIT 165:** Letter dated November 20, 2001, from Andy Trump, Duke, to Peter Douglas, California Coastal Commission, regarding CCC's visual concerns about the MBPP Modernization Project. Docketed on November 28, 2001 by Ellison, Schneider & Harris. Cover letter from Chris Ellison to Andy Trump attached. Sponsored by Applicant; admitted into evidence on March 13, 2002.
- EXHIBIT 166:** Visual Analysis of Full Enclosure of MBPP, Docketed January 2, 2002. Sponsored by Applicant; admitted into evidence on March 13, 2002.
- EXHIBIT 167:** Duke Energy – Updated Analysis of Alternative Cooling Systems for the Morro Bay Modernization Project, dated January 7, 2002. Only sections pertaining to Visual Impacts. Sponsored by Applicant; admitted into evidence on June 6, 2002.
- EXHIBIT 168:** Duke Energy Morro Bay LLC's comments on Draft Appendix A: Morro Bay Power Plant Cooling Options Report, dated February 15, 2002. Only sections pertaining to Visual Impacts. Sponsored by Applicant; admitted into evidence on June 6, 2002.
- EXHIBIT 169:** Portion of Exhibit 37.
- EXHIBIT 170:** Draft Storm Water Pollution Prevention Plan for Construction of Morro Bay Power Plant Modernization, Morro Bay California, dated November, 2001. Docketed November 21, 2001. Sponsored by Applicant; admitted into evidence on March 13, 2002; and June 4, 2002.
- EXHIBIT 171:** Hydrazidine vs. Carbohydrazide. Testimony of Alvin Greenberg, Ph.D. Docketed March 5, 2002. Sponsored by Staff; admitted into evidence on March 12, 2002.
- EXHIBIT 172:** Soil and Water Resources – Revision. Testimony of Joe Crea, Dominique Brocard, Jack Buckley, Jim Henneforth, Jim Thurber and Mike Krolak. Docketed on March 5, 2002. Sponsored by Staff; admitted into evidence on March 13, 2002.

- EXHIBIT 173:** Testimony of Robert W. Schultz re: Land Use Issues. Docketed on February 27, 2002. Sponsored by the City of Morro Bay; admitted into evidence on March 13, 2002.
- EXHIBIT 174:** Prefiled Testimony of Jon Rohrer re: Soil and Water Resources. Docketed on February 27, 2002. Sponsored by the City of Morro Bay; admitted into evidence on March 13, 2002.
- EXHIBIT 175:** Soil and Water Resources. Testimony of Peter Wagner, Ph.D., dated February 26, 2002. Sponsored by Intervenor CAPE; admitted into evidence on March 13, 2002.
- EXHIBIT 176:** TRC letter to Kae Lewis. Transmittal Information on Carbohydrazide vs. Hydrazine filed by Applicant on February 15, 2002. Sponsored by Applicant; admitted into evidence on March 12, 2002.
- EXHIBIT 177:** Prefiled Testimony: Soil and Water Resources, of witness Robert C. Mason. Sponsored by Applicant; admitted into evidence on March 13, 2002.
- EXHIBIT 178:** Investigation of Artifacts in Condensable Particulate Measurements for Stationary Combustion Source. Sponsored by Intervenor CAPE; admitted into evidence on March 12, 2002.
- EXHIBIT 179:** CAPE Compendium of AFC's Western Midway Sunset, Elk Hills, and Sunrise Cogeneration Power Projects. Vol. 3, Appendices N-X marked for identification; admitted into evidence on March 12, 2002.
- EXHIBIT 180:** Emission Test Report for Emission Compliance of 2 General Electric Frame 7EA Turbines at the Frontera Generation Facility in Hildago, Texas. Previously offered. Sponsored by Intervenor CAPE; admitted into evidence on March 12, 2002.
- EXHIBIT 181:** PM 2.5 Test Goals. Power Point Presentation from CAPE. Offered by CAPE; marked for identification. Sponsored by Intervenor CAPE; admitted into evidence on March 12, 2002.
- EXHIBIT 182:** Modeling the Benefits of Power Plant Emission Controls in Massachusetts. Marked for identification. Offered by CAPE; admitted into evidence on March 12, 2002.
- EXHIBIT 183:** Lung Cancer Cardiopulmonary Mortality and Long-Term Exposure to Fine Particulate Air Pollution by C. Arden Pope III. March 6, 2002, Vol. 287, No. 9. Marked for Identification. Offered by CAPE; admitted into evidence on March 12, 2002.

- EXHIBIT 184:** Review of California Ambient Air Quality Standards for Particulate Matter on Sulfates Report to the Air Quality Advisory Council, dated November 30, 2001. Marked for identification. Sponsored by staff; admitted into evidence on March 12, 2002.
- EXHIBIT 185:** Duke Energy's Land Use Testimony. Witnesses – Marckwald, Van Buskirk, Paul Curfman, Ferber, Mason, and parts of others. Sponsored by Applicant; admitted into evidence on March 12, 2002.
- EXHIBIT 186:** Bar Graphic of Morro Bay Power Plant Flow Comparison (MGD). Sponsored by Applicant; admitted into evidence March 13, 2002; and June 6, 2002.
- EXHIBIT 187:** Memo from the California Regional Water Quality Control Board, Central Coast Region "Duke Energy Morro Bay Power Plant Cooling Water Flow Rates", dated March 11, 2002. Submitted by Applicant, Official Notice of Agency on March 13, 2002; and June 6, 2002.
- EXHIBIT 188:** Table 2-1. Comparison of Generating Loads, Discharge Flows, Temperatures, etc. Sponsored by Intervenor CAPE; admitted into evidence on March 13, 2002.
- EXHIBIT 189:** Cooling Water Intake Analysis – Duke Energy Morro Bay. Rebuttal of D. Wagner Test on Soil and Water. Sponsored by Intervenor CAPE; admitted into evidence on March 13, 2002.
- EXHIBIT 190:** Enlargement of Figure 1-3 of AFC, example 4, showing location of Morro Bay wells. Offered by the City of Morro Bay on March 13, 2002.
- EXHIBIT 191:** Duke Energy's Visual Resources Testimony of David Blau, Paul Curfman, Jeff Ferber, and Russell Poquette. Sponsored by Applicant; admitted into evidence on March 13, 2002.
- EXHIBIT 192:** City of Morro Bay Resolution No. 72-01, dated November 13, 2001. Sponsored by Intervenor City of Morro Bay; marked for identification on March 14, 2002.
- EXHIBIT 193:** Minutes of the November 13, 2001 City Council Meeting. Review of Visual and Aesthetic Issues regarding the MBPP. Marked for identification on March 14, 2002.
- EXHIBIT 194:** Staff Supplemental Visual Resources Testimony, dated February 14, 2002. Sponsored by Staff; admitted into evidence on March 14, 2002.
- EXHIBIT 195:** Applicant's Direct Testimony on Alternatives. Sponsored by Applicant; admitted into evidence on June 4, 2002.

- EXHIBIT 196:** Duke's Evaluation of Alternative Sites Identified by CEC Staff Morro Bay Power Plant Modernization Project - docketed on April 17, 2002 (Docket #25,333). Sponsored by Applicant; admitted into evidence on June 4, 2002.
- EXHIBIT 197:** Final Staff Assessment, Part 3 (April 2002). Sponsored by Staff; portions admitted into evidence on June 4, 2002, June 4, 2002, and June 6, 2002.
- EXHIBIT 198:** Staff's Rebuttal Testimony. Sponsored by Staff; portions admitted into evidence on June 4, 2002, June 4, 2002, and June 6, 2002.
- EXHIBIT 199:** Applicant's Errata to Direct Testimony on Terrestrial Biology. Sponsored by Applicant; admitted into evidence on June 4, 2002.
- EXHIBIT 200A:** Applicant's Rebuttal Testimony to CAPE – Rebuttal to Mr. Naficy. Sponsored by Applicant; admitted into evidence on June 6, 2002.
- EXHIBIT 200B:** Applicant's Rebuttal Testimony to CAPE – Rebuttal to Wagner and Laurie. Sponsored by Applicant; admitted into evidence on June 6, 2002.
- EXHIBIT 200C:** Applicant's Rebuttal Testimony to CAPE – Rebuttal to Dr. Stephens. Sponsored by Applicant; admitted into evidence on June 6, 2002.
- EXHIBIT 200D:** Applicant's Rebuttal Testimony to CAPE – Rebuttal to Henderson on FSA Part IV, Marine Biology. Sponsored by Applicant; admitted into evidence on June 6, 2002.
- EXHIBIT 200E:** Applicant's Rebuttal Testimony to CAPE – Rebuttal to Powers Testimony on Cooling Options Technologies. Sponsored by Applicant; admitted into evidence on June 6, 2002.
- EXHIBIT 200F:** Applicant's Rebuttal Testimony to CAPE – Rebuttal to Henderson Testimony on Gunderboom. Sponsored by Applicant; admitted into evidence on June 6, 2002.
- EXHIBIT 200G:** Applicant's Rebuttal Testimony to the City of Morro Bay. Sponsored by Applicant; Admitted into evidence on June 6, 2002?
- EXHIBIT 201:** Addendum to March 29,2001 letter report from Brian Walton, Predatory Bird Research Group, University of California, Santa Cruz, to the Huffman-Broadway Group, dated June 6, 2001, regarding peregrine falcons. Sponsored by Applicant; admitted into evidence on June 4, 2002.

- EXHIBIT 202:** Responses to California Energy Commission November 6, 2001 Data Requests on Project Modifications, Dated October 19, 2001, Biological Resources Section only. Sponsored by Applicant; admitted into evidence on June 4, 2002.
- EXHIBIT 203:** Final Biological Assessment for Submission to the United States Fish and Wildlife Service and National Marine Fisheries Service, Duke Energy Morro Bay Power Plant Modernization Project, prepared by the Huffman-Broadway Group, Inc., November 2001. Sponsored by Applicant; admitted into evidence on June 4, 2002.
- EXHIBIT 204:** Letter to Ms. Diane Noda, U.S. Fish and Wildlife Service from the Huffman Broadway Group, March 6, 2002, submitting additional data. Sponsored by Applicant; admitted into evidence on June 4, 2002.
- EXHIBIT 205:** Letter and attachments to Mr. Mark Sims, U.S Environmental Protection Agency, dated December 6, 2001, transmitting Attachments 16, 17, 18, 19, 20, 29 of the Final Biological Assessment. (Coastal Dune Restoration Plan, Stream Protection Plan, Schematic Planting Plan and Plant Species List, O'Connor Way Culvert Improvement Assessment, Draft Storm Water Pollution Prevention Plan for MBPP Modernization, Draft Biological Resources Mitigation Implementation and Monitoring Plan). Sponsored by Applicant; admitted into evidence on June 4, 2002.
- EXHIBIT 206:** Stream Protection Plan Associated with the Morro Bay Power Plant Modernization Project, Morro Bay, California, The Huffman-Broadway Group, Inc. November 2001 [Docket No. 23258]. Sponsored by Applicant; admitted into evidence on June 4, 2002.
- EXHIBIT 207:** Coastal Dune Restoration Plan, Duke Energy Morro Bay Power Plant Modernization Project, The Huffman-Broadway Group, Inc. November 2001 [Docket No. 23245]. Sponsored by Applicant; admitted into evidence on June 4, 2002.
- EXHIBIT 208:** Letter to Mr. Richard Anderson from Terry Huffman of the Huffman-Broadway Group, re: Morro Bay Power Plant Modernization Project (dated April 4, 2002) transmitting calculation of acreage of riparian habitat within 150' of MBPP and acreage of wooded area between plant and boatyard. Sponsored by Applicant; admitted into evidence on June 4, 2002.
- EXHIBIT 209:** Wildlife Surveys for Burrowing Owl, California Horned Lizard, Western Spadefoot Toad, Coast Range Newt, Two-striped garter Snake and Western Pond Turtle, January to August, 2001, Morro Bay Power Plant, Morro Bay, Ca, Frances Villablanca, Ph.D., October 15, 2001. Sponsored by Applicant; admitted into evidence on June 4, 2002.

- EXHIBIT 210:** Addendum to Wildlife Surveys for Burrowing Owl, California Horned Lizard, Western Spadefoot Toad, Coast Range Newt, Two-striped Garter Snake and Western Pond Turtle, January to August, 2001, Morro Bay Power Plant, Morro Bay, CA, Francis Villablanca, Ph.D., April 19, 2002. Sponsored by Applicant; admitted into evidence on June 4, 2002.
- EXHIBIT 211:** Morro Shoulderband Snail Survey Results for Camp San Luis Obispo and Surrounding Areas, Morro Group, April 8, 2002. Sponsored by Applicant; admitted into evidence on June 4, 2002.
- EXHIBIT 212:** Morro Shoulderband Snail Initial Study, Montana de Oro State Park and the Elfin Forest, Final Report, Prepared by Adams, Mary S., E. Reeves, V.L. Holland, T Richards, June 2000. Sponsored by Applicant; admitted into evidence on June 4, 2002.
- EXHIBIT 213:** Habitat and Distribution of the Morro Shoulderband Snail, *Helminthoglypta walkeriana*, , Final Report prepared for the California Department of Parks and Recreation, E. Reeves, May 2000. Sponsored by Applicant; admitted into evidence on June 4, 2002.
- EXHIBIT 214:** Monarch Butterfly Winter Roosting Habitat Evaluation, Duke Energy's Morro Bay Power Plant, Morro Bay, CA, Entomological Consulting Services, Ltd., January 23, 2002. Sponsored by Applicant; admitted into evidence on June 4, 2002.
- EXHIBIT 215:** Rare Plant Survey, Morro Bay Power Plant, Morro Bay CA, V.L. Holland, Ph.D., August 30, 2001. Sponsored by Applicant; admitted into evidence on June 4, 2002.
- EXHIBIT 216:** Report on Status Surveys and Habitat Assessment for Four Sensitive Invertebrates, Duke Energy Power Plant in Morro Bay, CA, Entomological Consulting Services, Ltd., November 27, 2001. Sponsored by Applicant; admitted into evidence on June 4, 2002.
- EXHIBIT 217:** California Red-legged Frog Survey and Habitat Assessment Report for Morro Creek, San Luis Obispo County, CA, Julie Schneider, Small Planet Environmental Consulting Institute, August 23, 2000. Sponsored by Applicant; admitted into evidence on June 4, 2002.
- EXHIBIT 218:** Camp San Luis Obispo Training Site, San Luis Obispo County CA, Integrated Natural Resources Management Plan, Draft II, December 2000 For Plan Period FY 2002-2006, California Army National Guard. Sponsored by Applicant; admitted into evidence on June 4, 2002.

- EXHIBIT 219:** Aerial photo of portion of Camp San Luis Obispo showing locations of sensitive plant species, Source: California Army National Guard. Sponsored by Applicant; admitted into evidence on June 4, 2002.
- EXHIBIT 220:** Same as Exhibit 158.
- EXHIBIT 221:** Updated Morro shoulderband snail survey results for Camp San Luis Obispo, Morro Bay Power Plant and the proposed San Bernardo Creek Road Satellite Parking Area, Morro Group, Inc., April 29, 2002. Sponsored by Applicant; admitted into evidence on June 4, 2002.
- EXHIBIT 222:** Letter to Carol Tyson, U.S. Fish and Wildlife Service, from The Huffman-Broadway Group, Inc., dated December 13, 2001, Endangered Species Act Section 7 Consultation for the Morro Bay Power Plant Modernization Project [Docket No. 23482]. Sponsored by Applicant; admitted into evidence on June 4, 2002.
- EXHIBIT 223:** Letter to Mr. Rodney McInnis, National Marine Fisheries Service, from The Huffman-Broadway Group, Inc., dated February 28, 2002, responding to request for additional information (flows in Morro Creek). Sponsored by Applicant; admitted into evidence on June 4, 2002.
- EXHIBIT 224:** J. Lilien, Personal Communication with Mr. Vincent Cicero Regarding Western Snowy Plover Nesting on Southern Morro Strand Beach. May 9, 2002, Memorandum to the File. Sponsored by Applicant; admitted into evidence on June 4, 2002.
- EXHIBIT 225:** J. Lilien Personal Communication with Dr. Antony Orme Regarding the Effects of Construction Access Road on Sand Transport. May 9, 2002 Memorandum to the File. Sponsored by Applicant; admitted into evidence on June 4, 2002.
- EXHIBIT 226:** City of Morro Bay Local Coastal Land Use Plan. Sponsored by City of Morro Bay; admitted into evidence on June \_\_, 2002.
- EXHIBIT 227:** City of Morro Bay Certified Zoning Map. Sponsored by City of Morro Bay; admitted into evidence on June \_\_, 2002.
- EXHIBIT 228:** Applicant's Direct Testimony on Aquatic Biological Resources, Appendix D, Response to the California Energy Commission Staff's Appendix A: Morro Bay Power Plant Cooling Options Report. Sponsored by Applicant; admitted into evidence on June 6, 2002.
- EXHIBIT 229:** Blank.

- EXHIBIT 230:** Morro Bay Power Plant Project (00-AFC-12) – Ambient Air Temperature Study. Dated May 28, 2002. Sponsored by Staff; admitted into evidence on June \_\_, 2002.
- EXHIBIT 231:** Staff Report entitled “Morro Bay Cooling System Modifications Visual Analysis. Prepared by Michael Clayton. Dated April 4, 2002. Sponsored by Staff; admitted into evidence on June \_\_, 2002.
- EXHIBIT 232:** PowerPoint Presentation on Alternative Cooling Options used by Applicant during Group 4 Hearing in Morro Bay. Sponsored by Applicant; admitted into evidence on June 5, 2002.
- EXHIBIT 233:** Testimony on Cooling Options for Proposed Morro Bay Power Plant offered by Bill Powers on behalf of Intervenor CAPE. Sponsored by Intervenor CAPE; admitted into evidence on June 5, 2002.
- EXHIBIT 234:** Direct Testimony Offered by Intervenor CAPE on Group IV Topics and Sponsored Exhibits prepared by Babak Naficy. Sponsored by Intervenor CAPE; admitted into evidence on June 5, 2002.
- EXHIBIT 235:** Rebuttal Testimony Offered by Intervenors CAPE, prepared by Babak Naficy. Sponsored by Intervenor CAPE; admitted into evidence on June 5, 2002.
- EXHIBIT 236:** Staff’s Response to interrogatories from CAPE on Air Quality. Dated September 13, 2001. Sponsored by Intervenor CAPE; admitted into evidence on June 5, 2002.
- EXHIBIT 237:** Copy of Brochure entitled Particulate Matter Air Pollution. Dated January 1997. Sponsored by Intervenor CAPE; admitted into evidence on June 5, 2002.
- EXHIBIT 238:** Testimony of Bill Dohn on behalf of the City of Morro Bay in regard to Aquatic Biological Resources Appendix “A”. Sponsored by City of Morro Bay; admitted into evidence on June \_\_, 2002.
- EXHIBIT 239:** Testimony of Robert W. Shultz on behalf of the City of Morro Bay in regard to Aquatic Biological Resources Appendix “A”. Sponsored by City of Morro Bay; admitted into evidence on June \_\_, 2002.
- EXHIBIT 240:** Testimony of Gary R. Clay. Ph.D. on behalf of the City of Morro Bay in regard to Aquatic Biological Resources Appendix “A”. Sponsored by City of Morro Bay; admitted into evidence on June \_\_, 2002.

- EXHIBIT 241:** Rebuttal Testimony of Gary R. Clay. Ph.D. on behalf of the City of Morro Bay in regard to Aquatic Biological Resources Appendix "A". Sponsored by City of Morro Bay; admitted into evidence on June \_\_, 2002.
- EXHIBIT 242:** Planning Commission Resolution 01-01. Sponsored by City of Morro Bay; admitted into evidence on June \_\_, 2002.
- EXHIBIT 243:** June 29, 2001, Letter to Roger Briggs from Wayne Hoffman Re: Morro Bay Power Plant Thermal Discharge (Docket # 21,297). Sponsored by Applicant; admitted into evidence on June 6, 2002.
- EXHIBIT 244:** Letter dated September 11, 2001, from Jeff Harris (Duke Energy) to Roger Briggs (CCRWQCB) regarding the August 16, 2001 Status Conference meeting with Mr. Hubner re Site Specific CEQA Analysis & NPDES Permit Schedule. (Docket # 22,463). Sponsored by Applicant; admitted into evidence on June 6, 2002.
- EXHIBIT 245:** Letter from Chris Ellison to CEC Docket Re: Proposed Marine Biology Conditions for Morro Bay Power Plant Modernization (MBPP). (Contains 8 Conditions and chart showing relationship between entrainment and habitat enhancement funding), November 21, 2001. (Docket # 23,153). Sponsored by Applicant; admitted into evidence on June 6, 2002.
- EXHIBIT 246:** Letter dated November 27, 2001, from Wayne Hoffman (Duke Energy) to Roger Briggs (CCRWQCB) RE: Proposed Marine Biology Conditions of Certification for MBPP Modernization. Sponsored by Applicant; admitted into evidence on June 6, 2002.
- EXHIBIT 247:** Duke Energy Comments on Letter "MBPP NPDES Permit" by Tom Laurie, dated December 21, 2001. (Docket # 23,642, #23,700). Sponsored by Applicant; admitted into evidence on June 6, 2002.
- EXHIBIT 248:** Duke Energy – January 24, 2002 Letter from Andrew Trump (Duke Energy) to Paul Richins (CEC) and Roger Briggs (CCRWQCB) RE: Preliminary Evaluation of CEC and Tetra Tech Alternative Cooling Reports. (Docket # 24179). Sponsored by Applicant; admitted into evidence on June 6, 2002.
- EXHIBIT 249:** Letter dated February 15, 2002, from Andrew McCuster (Gunderboom) to Kae Lewis (CEC) providing review of CEC Staff's Draft Power Plant Cooling Options Report. (Docket # 24,627). Sponsored by Applicant; admitted into evidence on June 6, 2002.

- EXHIBIT 250:** Letter dated February 18, 2002, from Bob Dove (Gunderboom) to Kae Lewis (CEC) summarizing the effectiveness of Gunderboom's MLES technology. (Docket # 24,731). Sponsored by Applicant; admitted into evidence on June 6, 2002.
- EXHIBIT 251:** Intervenor City of Morro Bay's Staff Report and Resolution 20-02 RE: Findings in Opposition to the California Energy Commission's Draft Power Plant Cooling Options Report for the MBPP Project. Dated March 11, 2002. (Docket # 24,985). Sponsored by Applicant; admitted into evidence on June 6, 2002.
- EXHIBIT 252:** Assessment of Intervenor Arguments vs. Gunderboom MLES Technology for the Proposed Bowline Unit 3 Project. (Docketed 3/12/02). Sponsored by Applicant; admitted into evidence on June 6, 2002.
- EXHIBIT 253:** Letter dated March 13, 2002, from Andrew Trump (Duke Energy) to Roger Briggs (CCRWQCB) RE: NPDES Permit- Habitat Enhancement Program Proposal. Sponsored by Applicant; admitted into evidence on June 6, 2002.
- EXHIBIT 254:** Duke Energy's presentation at the March 20, 2002 workshop (Docket # 25,469). Sponsored by Applicant; admitted into evidence on June 6, 2002.
- EXHIBIT 255:** Transmittal dated March 29, 2002, from Marc Pryor (CEC) to docket containing an unsolicited submittal from a representative of Gunderboom Inc. enclosing a March 29, 2002 State of New York Decision on BTA for the NY State Pollutant Discharge Elimination System permit for Mirant Bowline, LLC's Bowline Power Plant. (Docket # 25,084). Sponsored by Applicant; admitted into evidence on June 6, 2002.
- EXHIBIT 256:** Letter dated April 4, 2002, from Andrew Trump (Duke Energy) to Roger Briggs (CCRWQCB) RE: MBPP Modernization Project NPDES Permit-Habitat Enhancement Program Proposal. (Docket # 25,207). Sponsored by Applicant; admitted into evidence on June 6, 2002.
- EXHIBIT 257:** Entrainment Mortality and the Morro Bay Power Plant Modernization Project: Technical Comments and Ecological Context, Jim Cowan, April 9, 2000 (Docket # 25,264). Sponsored by Applicant; admitted into evidence on June 6, 2002.
- EXHIBIT 258:** MBPP, Summary of Morro Bay Circulation Issues, Prof. David Jay, April, 2002 (Docketed, April 18, 2002). Sponsored by Applicant; admitted into evidence on June 6, 2002.

- EXHIBIT 259:** Larval Entrainment Impacts of the Morro Bay Power Plant: Distinguishing Total Intake Flow (TIF) and Effective Incremental Intake Flow (EIIF), Prof. David Jay, April, 2002 (Docketed April 18, 2002). Sponsored by Applicant; admitted into evidence on June 6, 2002.
- EXHIBIT 260:** Letter dated May 1, 2002, from Andrew Trump (Duke Energy) to Roger Briggs (CCRWQCB) and Steve Larson (CEC) RE: Morro Bay Power Plant Modernization Project NPDES Permit – Habitat Enhancement Program Proposal. (Docket # 25,478). Sponsored by Applicant; admitted into evidence on June 6, 2002.
- EXHIBIT 261:** Turning the Tide, Executive Summary, Comprehensive Conservation and Management Plan. MBNEP, July 2000 (Docketed May 10, 2002).
- EXHIBIT 262:** Nearshore Fishery Management Plan (NFMP) California Department of Fish & Game, 2002, Figure 2.2-2, October 9, 2001 (Docketed May 10, 2002). Sponsored by Applicant; admitted into evidence on June 6, 2002.
- EXHIBIT 263:** April 6, 2001 NPDES permit application amendment, Duke Energy (Docketed May 10, 2002). Sponsored by Applicant; admitted into evidence on June 6, 2002.
- EXHIBIT 264:** Habitat Characterization and Assessment Study. Prepared for MBNEP by Tetra Tech, March 10, 1999 (Docketed May 13, 2002). Sponsored by Applicant; admitted into evidence on June 6, 2002.
- EXHIBIT 265:** Letter dated September 17, 2001 from Roger Briggs (CCRWQCB) to William Keese (CEC) RE: Duke Energy Morro Bay Power Plant Project: Site Specific CEQA Analysis and NPDES Permit Schedule. (Docket #22,397). Sponsored by Applicant; admitted into evidence on June 6, 2002.
- EXHIBIT 266:** Applicant's Direct Testimony on Aquatic Biological Resources (Marine and Estuarine Resources. Dated May 13, 2002. Includes Appendix A – Resumes; Appendix B – Exhibit List; and Appendix C – LORS. Sponsored by Applicant; admitted into evidence on June 6, 2002.
- EXHIBIT 267:** Staff Report prepared by the Central Coast Regional Water Quality Control Board Staff entitled "Status Report on Duke Energy's Proposal to Modernize the Morro Bay Power Plant and Renew their NPDES permit. Request for Direction from the Regional Board." Dated May 9, 2002. Sponsored by Applicant; admitted into evidence on June 6, 2002.

- EXHIBIT 268:** Letter from Andrew Trump (Duke Energy) to Roger Briggs (CCRWQCB) Re: Information for the Board and containing information on proposed Habitat Enhancement Program. Dated May 23, 2002 and contained as attachment to Applicant's Rebuttal Testimony to CAPE. Sponsored by Applicant; admitted into evidence on June 6, 2002.
- EXHIBIT 269:** Applicant's Rebuttal Testimony to CCRWQCB Staff Report (Exhibit 267). Contained as attachment to Applicant's Rebuttal Testimony to CAPE. Sponsored by Applicant; admitted into evidence on June 6, 2002.
- EXHIBIT 270:** Applicant's PowerPoint Presentation Water Resources (Mayer and Cowan) used during June 6, 2002 hearings in Morro Bay. Sponsored by Applicant; admitted into evidence on June 6, 2002.
- EXHIBIT 271:** Applicant's Map with grid depicting MBPP site. Map and Grid were used during Group 4 hearing on alternative cooling technologies. Sponsored by Applicant; admitted into evidence on June 6, 2002.
- EXHIBIT 272:** Review of Dr. James Cowan's Report for Duke Energy, titled "Entrainment Mortality and the Morro Bay Power Plant Modernization Project: Technical Comments and Ecological Context" by Dr. Peter Raimondi, Ph.D., University of Santa Cruz, dated May 21, 2002. Sponsored by Staff; admitted into evidence on June 6, 2002.
- EXHIBIT 273A:** PowerPoint presentation used by Dr. Raimondi: Estimation of Impacts Due to Use of Cooling Water at Morro Bay Power Plant Entrainment. Sponsored by Staff; admitted into evidence on June 6, 2002.
- EXHIBIT 273B:** PowerPoint presentation used by Dr. Raimondi Main Disagreements with the Duke-Cowan Report. Sponsored by Staff; admitted into evidence on June 6, 2002.
- EXHIBIT 274:** Testimony of Peter Wagner, Ph.D. and Tom Laurie on FSA Part IV, Aquatic Biological Resources, on behalf of Intervenor CAPE. Sponsored by Intervenor CAPE; admitted into evidence on June 6, 2002.
- EXHIBIT 275:** Testimony and Comments of Dr. Stephens, Jr. Ph.D. Regarding the MBPP on behalf of Intervenor CAPE. Sponsored by Intervenor CAPE; admitted into evidence on June 6, 2002.
- EXHIBIT 276:** Testimony of Dr. Peter Henderson on FSA Part IV, Marine Biology on behalf of Intervenor CAPE. Sponsored by Intervenor CAPE; admitted into evidence on June 6, 2002.

- EXHIBIT 277:** “Comments on applicant’s testimony on group IV issues to the Energy Resources Conservation and Development Commission” by P.A. Henderson, Pisces Conservation Ltd. Dated May 27, 2002. Sponsored by Intervenor CAPE; admitted into evidence on June 6, 2002.
- EXHIBIT 278:** Rebuttal Testimony of Peter Wagner on Duke Energy Morro Bay LLC, Aquatic Biological Resources Testimony. Sponsored by Intervenor CAPE; admitted into evidence on June 6, 2002.
- EXHIBIT 279:** Testimony of Dr. Peter Henderson on Gunderboom (99-F-1164) on behalf of Intervenor CAPE. Sponsored by Intervenor CAPE; admitted into evidence on June 6, 2002.
- EXHIBIT 280:** “The use and abuse of density-dependent models for the assessment of the impact of power station cooling water intakes on fish populations” dated February 2001. Prepared by Dr. P.A. Henderson. Sponsored by Intervenor CAPE; admitted into evidence on June 6, 2002.
- EXHIBIT 281:** Letter dated May 11, 2002, from Joseph Giannini to CEC providing personal experience with Morro Bay. Sponsored by Intervenor CAPE; admitted into evidence on June 6, 2002.
- EXHIBIT 282:** “Observations of Biodiversity and Abundance in Morro Bay Estuary June 1981 – May 2002” by Richard F. Smith, Ph.D. on behalf of Intervenor CAPE. Sponsored by Intervenor CAPE; admitted into evidence on June 6, 2002.
- EXHIBIT 283:** “Gunderboom Fouling Studies in Bowline Pond – July 2001” by P.A. Henderson et al, Pisces Conservation Ltd. Sponsored by Intervenor CAPE; admitted into evidence on June 6, 2002.
- EXHIBIT 284:** CCMP for Morro Bay. Sponsored by the City of Morro Bay; admitted into evidence on June 6, 2002.