

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

**IN THE MATTER OF:**

**APPLICATION FOR CERTIFICATION FOR THE  
*PANOCHÉ ENERGY CENTER***

**DOCKET No. 06-AFC-5**

**COMMITTEE SCHEDULING ORDER**

On November 8, 2006, the Application for Certification (AFC) was deemed data adequate for the twelve-month review process consistent with Public Resources Code section 25540.6. The Committee conducted a public informational hearing on December 12, 2006, to discuss the schedule and other issues of concern. A Committee Scheduling Order was issued on December 19, 2006.

The Committee Schedule called for the publication of the Staff's Preliminary Staff Assessment (PSA) on March 27, 2007, and Final Staff Assessment (FSA) in late April; the PSA was actually published on June 28, 2007. Staff has proposed revisions to the schedule which would have the United States Fish and Wildlife Service Biological Opinion and United States Environmental Protection Agency Underground Injection Permit filed on August 15, 2007, followed by the FSA on September 14, 2007.

The Applicant, citing the pressure of its contracts with Pacific Gas and Electric, requests a schedule in which the FSA is filed on August 15, 2007, a Prehearing Conference is held on August 20, 2007, and Evidentiary Hearings are held on August 30 and 31, 2007. It argues that the FSA can be prepared without waiting for the Biological Opinion or Injection Permits, noting that the recommended Conditions of Certification only require that those documents be submitted prior to site mobilization activities (PSA, **BIO-8**, p. 4.2-23 and **SOIL & WATER-6**, p. 4.9-24). It fails, however, to note statements in the PSA that the Biological Opinion is necessary for staff to complete its final biological analysis (PSA, pp. 4.2-12-13, 4.2-16).

After considering the parties' status reports, we issue the attached revised Committee Schedule. Noting that a final Biological Opinion is not necessary so long as its expected contents are known with a reasonable degree of certainty, we encourage Staff to publish the FSA as soon as is possible, but no later than the September 14, 2007 date we allow in the schedule. Similarly, unless there is reason to await the Injection Permit that is not expressed in the PSA, we do not believe that its arrival need hold up the FSA's publication.

The Applicant's proposal to hold the Prehearing Conference five days after the FSA is filed and hearings ten days later would not allow the parties, the public or the Committee sufficient time to adequately prepare for the hearings. We've set out appropriate intervals in the schedule; specific dates will be determined at the Prehearing Conference.

We may further modify the schedule at any time upon either our own motion or that of a party. [Cal. Code of Regs., tit. 20, § 1709(c)]. The schedule includes periodic status reports to determine whether case development is progressing satisfactorily, and to bring potential schedule delays or other relevant matters to our attention.

Dated July 12, 2007, at Sacramento, California.

Original Signed by  
JEFFREY D. BYRON  
Commissioner and Presiding Member  
Panoche AFC Committee

Original Signed by  
JAMES D. BOYD  
Vice-Chair and Associate Member  
Panoche AFC Committee

**(REVISED) COMMITTEE SCHEDULE  
FOR THE  
PANOCH ENERGY CENTER PROJECT  
(06-AFC-5)**

<b>DATE</b>	<b>EVENT</b>
November 8, 2006	AFC data adequate
December 12, 2006	Informational Hearing and Site Visit
January 9, 2007	Applicant files responses to Staff data requests
Mid January, 2007	Staff conducts data response/issue resolution workshop
February 27, 2007	Local, State and Federal Agency draft determinations, including air district's Preliminary Determination of Compliance (PDOC) filed
March 2, 2007	Parties file Status Report #1
Mid April 2007	Local, State and Federal Agency final determinations filed
June 28, 2007	Staff files Preliminary Staff Analysis (PSA)
July 15, 2007	Air district's Final DOC filed
July 27, 2007	Staff conducts PSA workshop
August 15, 2007	USFWS Biological Opinion and USEPA Underground Injection Permit filed
September 14, 2007 (or earlier if possible)	Staff files Final Staff Assessment (FSA)
Tbd, approx 2-3 weeks after FSA filed	Prehearing Conference (PHC)
Tbd, approx 2-3 weeks after PHC	Evidentiary Hearings
Tbd	Presiding Member's Proposed Decision (PMPD) issued for 30 day comment period
Tbd (near end of PMPD comment period)	PMPD comment hearing
Tbd	Revised PMPD issued* for 15 day comment period*
Tbd	Energy Commission holds PMPD adoption hearing

Tbd = to be determined  
\* if necessary