

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

IN THE MATTER OF:

APPLICATION FOR CERTIFICATION FOR THE
SAN FRANCISCO ELECTRIC RELIABILITY
PROJECT

DOCKET No. 04-AFC-1

NOTICE OF EVIDENTIARY HEARINGS (SECOND SET)

NOTICE IS HEREBY GIVEN that the Committee will conduct formal, public evidentiary hearings on the proposed San Francisco Electric Reliability Project as follows:

Monday, May 22, 2006

Hearing Room A

and, if necessary, on

Wednesday, May 31, 2006

Auditorium

Each Session will begin at 9:00 a.m.
California Public Utilities Commission
505 Van Ness Avenue
San Francisco, California

This Notice includes the list of topics and witnesses scheduled for hearing (Attachment A). The scheduling of these topics and witnesses is based, in part, on discussions which occurred at the conclusion of the April 27, 2006, evidentiary hearing. Any party desiring a modification to the Attachment A listing of witnesses, or any other changes to the hearings as noticed, shall contact Gary Fay, Hearing Officer, at 916-654-3893 no later than Thursday, May 11, 2006.

II. EVIDENTIARY HEARINGS

A. Formal Evidentiary Hearing Procedures

The purpose of formal evidentiary hearings is to establish the factual record necessary to reach a decision in this case. This is done through the taking of written and/or oral testimony, as well as exhibits from the parties. 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)].

Testimony may be presented in the form of a written declaration/affidavit or orally. Declarations/affidavits will suffice only for those topic areas which are undisputed and for which the Committee finds the information adequate. Parties proposing to present oral testimony by sponsoring a witness must also provide a written version of that witness' testimony as well as the witness' qualifications to testify on the appropriate subject matter. In either instance, the final filing date for testimony and any accompanying exhibits for this second set of hearings has been previously established as May 1, 2006.

Declarations/affidavits on uncontested areas will be received into the record upon motion by the sponsoring party. Oral testimony will be presented under oath or affirmation. A party presenting oral testimony shall have its witness briefly establish the witness' qualifications and have the witness orally 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' direct testimony, the Committee will provide the other parties an opportunity for cross-examination, followed by redirect and recross examination as appropriate.

Parties intending to offer documentary exhibits as evidence (other than the Staff Assessment, the Application for Certification document, portions of either, or documents which have been previously docketed and served) shall also include a copy of such materials with their prefiled testimony. *This includes materials for which a party requests administrative notice be taken. Failure to have prefiled and served testimony and exhibits in accordance with prior Committee discretion may result in the materials being denied admission into the evidentiary record.*

If appropriate, parties shall specify the withdrawal/substitution of previously identified witnesses.

FAILURE TO PRESENT WITNESSES AS SCHEDULED, OR TO CROSS-EXAMINE ON THE TOPICS AS SCHEDULED, CAN CONSTITUTE A WAIVER OF THESE RIGHTS.

B. Public Participation

These events are open to the public; interested individuals and governmental agencies are encouraged to attend these hearings, and may offer unsworn public comment upon the matters discussed. These public comments will be entered into the record of the proceeding and the Committee may rely on them 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 any issue.

The Energy Commission's Public Adviser, Margret Kim, is available to provide information or to assist those interested in participating at these hearings. She may be reached at (916) 654-4489 or, toll free, at 1-800-822-6228; or e-mail: pao@energy.state.ca.us

The deadline to file a Petition to Intervene in this proceeding was April 3, 2006.

ADDITIONAL INFORMATION

Technical questions concerning the Project should be addressed to Bill Pfanner, the Staff Project Manager, at (916) 654-4206 or e-mail at: **[bfanner@energy.state.ca.us]**.

Questions of a legal or procedural nature should be directed to Stanley Valkosky or Gary Fay, the Hearing Officers, at (916) 654-3893 or e-mail at: **[gfay@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]**.

If you have a disability and need assistance in order to participate at this hearing, please contact Lou Quiroz at (916) 654-5146 or e-mail at: **[lquiroz@energy.state.ca.us]** at least 5 days in advance of the earliest of these hearings.

Information about the Project, including notices and other relevant documents, is posted on the Energy Commission's Internet web page at: **[www.energy.ca.gov/sitingcases/sanfrancisco]**.

Dated May 5, 2006, at Sacramento, California.

JAMES D. BOYD
Commissioner and Presiding Member
San Francisco Electric Reliability Project AFC Committee

JOHN L. GEESMAN
Commissioner and Associate Member
San Francisco Electric Reliability Project AFC Committee

ATTACHMENT A
TOPICS Scheduled for May 22, 2006
Evidentiary Hearing
(TOPICS may be continued
to the May 31, 2006 hearing day as necessary)

TOPIC	APPLICANT WITNESSES	STAFF WITNESSES	INTERVENOR WITNESSES	CROSS EXAMINATION
1. Biological Resources	Cleckler (15 min.) Rubenstein	Sanders (15 min.)	Smallwood (30 min.)	Applicant (10 min.) Staff (10 min.) Sarvey (10 min.) CARE (30 min.)
2. Waste Management	Parker Kubick Smith (30 min.) DeYoung Lae	Greenberg (30 min.)	CARE: Sarvey (15 min.)	Applicant (1 hr.) Staff (30 min.) CARE (30 min.) Sarvey (20 min.)
3. Soil and Water Resources	Long Smith Kubick (30 min.) DeYoung Franck Lae	Lindley Geronimo (30 min.) Luecking Stevens	Sarvey (15 min.) Lynch Brown (40 min.) Powers	Applicant (1 hr.) Staff (1 hr.) CARE (1 hr.) Sarvey (40 min.)
4. Air Quality	Rubenstein (30 min.)	Ngo (30 min.) BAAQMD	Powers (30 min.) Sarvey	Applicant (1 hr.) Staff (30 min.) Sarvey (2 hr.) CARE (1 hr.)
5. Public Health	Lowe (30 min.) Rubenstein	Greenberg (15 min.)	None	CARE (1 hr.) Sarvey (1 hr.)
6. Environmental Justice	Kubick Rubenstein (30 min.) Hale Eng	Adams (15 min.)	Sarvey (1 hr.) DaCosta Boyd Brown	Applicant (30 min.) Staff (30 min.) CARE (90 min.) Sarvey (60 min.)
7. Alternatives	Hale Rubenstein (30 min.) Kubick Brock Flynn	Lee (15 min.)	None	Sarvey (30 min.) CARE (30 min.)

