

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

**APPLICATION FOR CERTIFICATION FOR THE
TESLA POWER PROJECT
BY FLORIDA POWER AND LIGHT**

DOCKET No. 01-AFC-21
DATA ADEQUATE
JANUARY 9, 2002

TENTATIVE EXHIBIT LIST

- EXHIBIT 1** Application for Certification for the Tesla Power Project, by Midway Power, LLC, dated October 2001. Docketed October 10, 2001. Sponsored by Applicant, and received into evidence on September 18, 2003.
- EXHIBIT 2** Data Adequacy Responses by Applicant, dated December 2001. Docketed January 2, 2002. Sponsored by Applicant, and received into evidence on September 18, 2003.
- EXHIBIT 3** Responses to First Set of CEC Data Requests, dated March 8, 2002. Docketed March 8, 2002. Sponsored by Applicant, and received into evidence on September 18, 2003.
- EXHIBIT 4** Responses to Second Set of CEC Data Requests, dated July 2002. Docketed July 11, 2002. Sponsored by Applicant, and received into evidence on September 18, 2003.
- EXHIBIT 5** Responses to Third Set of CEC Data Requests, dated August 23, 2002. Docketed August 23, 2002. Sponsored by Applicant, and received into evidence on September 18, 2003.
- EXHIBIT 6** Supplemental Responses to Third Set of CEC Data Requests, dated October 31, 2002. Docketed October 31, 2002. Sponsored by Applicant, and received into evidence on September 18, 2003.
- EXHIBIT 7** System Impact/Facilities Study, dated December 20, 2001. Docketed May 22, 2002. Sponsored by Applicant, and received into evidence on September 10, 2003.

- EXHIBIT 8** Supplemental System Impact Study, dated May 10, 2002. Docketed May 22, 2002. Sponsored by Applicant, and received into evidence on September 10, 2003.
- EXHIBIT 9** Supplemental System Impact Study, dated June 20, 2002. Docketed September 8, 2003. Sponsored by Applicant, and received into evidence on September 10, 2003.
- EXHIBIT 10** Supplemental System Impact Study, dated August 30, 2002. Docketed October 3, 2003. Sponsored by Applicant, and received into evidence on September 10, 2003.
- EXHIBIT 11** Supplemental System Impact Study, dated October 4, 2002. Docketed October 3, 2003. Sponsored by Applicant, and received into evidence on September 10, 2003.
- EXHIBIT 12** Supplemental System Impact Study, dated December 6, 2002. Docketed September 8, 2003. Sponsored by Applicant, and received into evidence on September 10, 2003.
- EXHIBIT 13** Cal-ISO Final Interconnection Approval Letter, from Jeffrey Miller, Cal-ISO, to Doug Daniels, PG&E, dated February 18, 2003. Docketed February 20, 2003. Sponsored by Applicant, and received into evidence on September 10, 2003.
- EXHIBIT 14** Draft Biological Mitigation Proposal, dated January 29, 2003. Docketed January 29, 2003. Sponsored by Applicant, and received into evidence on September 11, 2003.
- EXHIBIT 14A** Draft Habitat Management Plan dated September 2003, sponsored by Applicant, and received into evidence on September 11, 2003.
- EXHIBIT 15** Final EIR Buena Vista/Rosedale-Rio Bravo Water Banking and Recovery Program, dated September 2002. Docketed November 15, 2002. Sponsored by Applicant, and received into evidence on September 11, 2003.
- EXHIBIT 16** Letter to Mr. Adolph Martinelli, Alameda County Community Development Agency, from Scott Galati, Grattan & Galati, Regarding Request for Partial Cancellation of the Williamson Act Contract, dated July 30, 2002. Docketed July 30, 2002. Sponsored by Applicant, and received into evidence on September 11, 2003.

- EXHIBIT 17** Alameda County Staff Report Concerning Partial Cancellation of the Williamson Act, dated January 2, 2003. Docketed September 3, 2003. Sponsored by Applicant, and received into evidence on September 11, 2003.
- EXHIBIT 18** Letter from Department of Conservation to Alameda County Community Development Agency, Concerning Partial Cancellation of the Williamson Act Contract, dated January 24, 2003. Docketed January 29, 2003. Sponsored by Applicant, and received into evidence on September 11, 2003.
- EXHIBIT 19** Alameda County Staff Report Concerning Partial Cancellation of the Williamson Act, dated January 31, 2003. Docketed September 3, 2003. Sponsored by Applicant, and received into evidence on September 11, 2003.
- EXHIBIT 20** Alameda County Staff Report, dated March 18, 2003. Docketed September 3, 2003. Sponsored by Applicant, and received into evidence on September 11, 2003.
- EXHIBIT 21** Alameda County Board Resolution Number R-2003-322 Granting the Tentative Partial Cancellation of Williamson Act Contract, dated February 6, 2003. Docketed September 3, 2003. Sponsored by Applicant, and received into evidence on September 11, 2003.
- EXHIBIT 22** Air Quality Mitigation Agreement between the San Joaquin Valley Air Pollution Control District and Midway Power, LLC, Approved by Governing Board on May 16, 2002. Docketed June 5, 2002. Sponsored by Applicant, and received into evidence on September 18, 2003.
- EXHIBIT 23** Final Determination of Compliance (FDOC) Tesla Power Project to BAAQMD, Application 3506, dated February 27, 2003. Docketed March 4, 2003. Sponsored by Applicant, and received into evidence on September 18, 2003.
- EXHIBIT 24** FDOC Errata, dated May 2, 2003. Docketed May 2, 2003. Sponsored by Applicant, and received into evidence on September 18, 2003.
- EXHIBIT 25** BAAQMD Permit Evaluation and Emission Calculations for Altamont Landfill ERC, dated February 10, 2003. Docketed September 3, 2003. Sponsored by Applicant, and received into evidence on September 18, 2003.

- EXHIBIT 26** White Paper relating to DWR reliability, dated November 15, 2002. Docketed September 3, 2003. Sponsored by Applicant, and received into evidence on September 12, 2003.
- EXHIBIT 27** Engineering Report, Tesla Power Project North-Reach User Impacts, dated March 2003. Docketed September 3, 2003. Sponsored by Applicant, and received into evidence on September 12, 2003.
- EXHIBIT 28** Map of Water Conveyance Facilities, dated March 2003. Docketed September 3, 2003. Sponsored by Applicant, and received into evidence on September 12, 2003.
- EXHIBIT 29** Letter from DWR to CEC concerning White Paper, dated November 26, 2002. Docketed September 3, 2003. Sponsored by Applicant, and received into evidence on September 12, 2003.
- EXHIBIT 30** Letter from Vincent Wong, Alameda County Flood Control and Water Conservation District to Jack Caswell, CEC, Regarding Water Supply, dated August 27, 2003. Docketed August 29, 2003. Sponsored by Applicant, and received into evidence on September 12, 2003.
- EXHIBIT 31** Testimony of Scott Busa and Duane McCloud – Project Purpose and Description. Dated and docketed August 29, 2003. Sponsored by Applicant, and received into evidence on September 10, 2003.
- EXHIBIT 32** Testimony of Zoran Rausavljevich and Duane McCloud – Facility Design, Power Plant Reliability and Efficiency. Dated and docketed August 29, 2003. Sponsored by Applicant, and received into evidence on September 10, 2003.
- EXHIBIT 33** Testimony of Steve Mavis – Transmission System Engineering. Dated and docketed August 29, 2003. Sponsored by Applicant, and received into evidence on September 10, 2003.
- EXHIBIT 34** Testimony of Dwight Mudry – Transmission Line Safety and Nuisance. Dated and docketed August 29, 2003. Sponsored by Applicant, and received into evidence on September 10, 2003.
- EXHIBIT 35** Testimony of Tom Stewart and David Dirkin – Geological and Paleontological Resources. Dated and docketed August 29, 2003. Sponsored by Applicant, and received into evidence on September 10, 2003.

- EXHIBIT 36** Testimony of Andrew Gorman and Stuart Reeve – Cultural Resources. Dated and docketed August 29, 2003. Sponsored by Applicant, and received into evidence on September 10, 2003.
- EXHIBIT 37** Testimony of Lida Moussavian and Duane McCloud – Hazardous Materials. Dated and docketed August 29, 2003. Sponsored by Applicant, and received into evidence on September 10, 2003.
- EXHIBIT 38** Testimony of Lida Moussavian – Waste Management. Dated and docketed August 29, 2003. Sponsored by Applicant, and received into evidence on September 10, 2003.
- EXHIBIT 39** Testimony of Dwight Mudry – Visual Resources. Dated and docketed August 29, 2003. Sponsored by Applicant, and received into evidence on September 10, 2003.
- EXHIBIT 40** Testimony of Thomas Adams – Noise and Vibration. Dated and docketed August 29, 2003. Sponsored by Applicant, and received into evidence on September 10, 2003.
- EXHIBIT 41** Testimony of Dwight Mudry, Scott Busa and Zoran Rausavljevich – Traffic and Transportation. Dated and docketed August 29, 2003. Sponsored by Applicant, and received into evidence on September 12, 2003.
- EXHIBIT 42** Testimony of Scott Busa – Compliance. Dated and docketed August 29, 2003. Sponsored by Applicant, and received into evidence on September 10, 2003.
- EXHIBIT 43** Testimony of Dwight Mudry, Scott Busa and Zoran Rausavljevich – Alternatives. Dated and docketed August 29, 2003. Sponsored by Applicant, and received into evidence on September 10, 2003.
- EXHIBIT 44** Testimony of Lida Moussavian and Scott Busa – Worker Safety and Fire Protection. Dated and docketed August 29, 2003. Sponsored by Applicant, and received into evidence on September 10, 2003.
- EXHIBIT 45** Testimony of Amanda Johnson, Chris Hansmeyer, David Osias, David Jones, and Duane McCloud – Soil and Water Resources. Dated and docketed August 29, 2003. Sponsored by Applicant, and received into evidence on September 12, 2003.
- EXHIBIT 46** Testimony of Dwight Mudry – Biological Resources. Dated and docketed August 29, 2003. Sponsored by Applicant, and received into evidence on September 11, 2003.

- EXHIBIT 47** Testimony of David Stein – Air Quality. Dated and docketed August 29, 2003. Sponsored by Applicant, and received into evidence on September 18, 2003.
- EXHIBIT 48** Testimony of David Stein – Public Health. Dated and docketed August 29, 2003. Sponsored by Applicant, and received into evidence on September 18, 2003.
- EXHIBIT 49** Testimony of Dwight Mudry and Scott Busa - Socioeconomics. Dated and docketed August 29, 2003. Sponsored by Applicant, and received into evidence on September 18, 2003.
- EXHIBIT 50** Testimony of Dwight Mudry and Scott Busa – Land Use. Dated and docketed August 29, 2003. Sponsored by Applicant, and received into evidence on September 11, 2003.
- EXHIBIT 51** Final Staff Assessment, Tesla Power Project, docketed April 8, 2003. Sponsored by Staff, and received into evidence on September 18, 2003.
- EXHIBIT 52** First Staff Addendum to the Final Staff Assessment Addendum Reclaimed Water Supply Pipeline, Tesla Power Project, docketed July 18, 2003. Sponsored by Staff, and received into evidence on September 18, 2003.
- EXHIBIT 53** Second Addendum to the Staff's Final Staff Assessment, Tesla Final Staff Assessment Addendum #2 Pre-hearing Conference Response, dated and docketed August 29, 2003. Sponsored by Staff, and received into evidence on September 18, 2003.
- EXHIBIT 54** Staff's Supplemental Sponsored Testimony and Rebuttal Testimony, dated September 5, 2003. Docketed September 5, 2003. Sponsored by Staff, and received into evidence on September 18, 2003.
- EXHIBIT 55A** Prepared Testimony of Steven G. Bayley, City of Tracy, dated and docketed on September 5, 2003. Sponsored by Staff, and received into evidence on September 12, 2003.
- EXHIBIT 55B** Prepared Testimony of Susan P. Jones, U.S. Fish and Wildlife Service, dated and docketed on September 5, 2003. Sponsored by Staff, and received into evidence on September 18, 2003.

- EXHIBIT 56** Staff Responses to Sarvey Air Quality Data Requests, dated and docketed on March 4, 2003. Sponsored by Staff, and received into evidence on September 18, 2003.
- EXHIBIT 57** Data Request No. 1 from Intervener Robert Sarvey, dated on February 16, 2003. Docketed on February 18,, 2003. Sponsored by Staff. ***Same as Exhibit 81.***
- EXHIBIT 58** Status of the Buena Vista Lake Shrew (Sorex ornatus relictus). Report prepared for the US Bureau of Reclamation Status of the Buena Vista Lake Shrew-Final Report in Partial Fulfillment of the Central Valley Project Improvement Act Section 3406(B)(1), dated October 29, 2001. Docketed December 26, 2001. Sponsored jointly by Staff and Applicant, and received into evidence on September 18, 2003.
- EXHIBIT 59** Letter to Jan C. Knight, U.S. Fish and Wildlife Service, from the United States Environmental Protection Agency, Request for Formal Consultation under section 7 of the Federal Endangered Species Act for the Proposed Tesla Power Plant Project, dated February 21, 2002. Docketed February 28, 2003. Sponsored by Staff, and received into evidence on September 18, 2003.
- EXHIBIT 60** Letter to Gerardo C. Rios, USEPA, from the United States Department of the Interior Fish and Wild Life Service subject: Receipt of Formal Consultation for the Proposed Tesla Power Plant. Dated March 1, 2002, and docketed March 2, 2002. Sponsored by Staff, and received into evidence on September 18, 2003.
- EXHIBIT 61** Tesla Power Plant Biological Assessment prepared by Foster Wheeler Environment Corporation. Dated December 2001 and docketed March 28, 2002. Sponsored by Applicant, and received into evidence on September 18, 2003.
- EXHIBIT 62** E-mail, dated July 1, 2002, from Nancy Pau to Andrea Erichsen CEC, and Susan P. Jones re: Meeting Notes from June 28, 2002. Docketed on July 2, 2002. Sponsored by Staff and received into evidence on September 18, 2003.
- EXHIBIT 63** Letter to Jack Caswell, CEC, from United States Department of the Interior, Fish and Wildlife Service, re Water Supply for the Tesla Power Plant, dated August 25, 2003 and docketed August 29, 2003. Sponsored by Staff, and received into evidence on September 18, 2003.

- EXHIBIT 64A** Letter from CEC to Adolph Martinelli, Alameda County Community Development Agency, re Proposed Tesla Power Plant Consistency with Alameda County General Plan and Williamson Act Contract, dated February 4, 2002, and docketed on February 5, 2002. Sponsored by Staff, and received into evidence on September 11, 2003.
- EXHIBIT 64B** Letter from Alameda County (Martinelli) in response to CEC staff (Haussler), re Consistency with General Plan and Williamson Act Contract. Dated and docketed April 30, 2002. Sponsored by Staff, and received into evidence on September 11, 2003.
- EXHIBIT 64C** Letter from Grattan & Galati (Galati) to Alameda County (Martinelli), re Request for Williamson Act Rescission and Creation of Agricultural Conservation Easement, dated May 20, 2002, and docketed June 18, 2002. Sponsored by Staff, and received into evidence on September 11, 2003.
- EXHIBIT 64D** Letter to Mr. Adolph Martinelli, Alameda County Community Development Agency, from Scott Galati, Grattan & Galati, Regarding Request for Partial Cancellation of the Williamson Act Contract, dated and docketed July 30, 2002. Sponsored by Staff. **Same as Exhibit 16.**
- EXHIBIT 64E** Letter from Stroup, Bakerink, and McCusker, to California Department of Conservation, re Request by Midway Power LLC., Partial Cancellation of Land Conservation Contract, dated January 27, 2003. Sponsored by Staff, and received into evidence on September 11, 2003.
- EXHIBIT 64F** Alameda County Board Resolution Number R-2003-322 Granting the Tentative Partial Cancellation of Williamson Act Contract, dated February 6, 2003. Docketed September 3, 2003. Sponsored by Staff. **Same as Exhibit 21.**
- EXHIBIT 64G** Letter dated September 3, 2003, from Alameda County Development Agency to Eileen Allen, CEC, re Tentative Findings Related to hypothetical Conditional Use Permit for the Proposed Tesla Power Plant. Dated September 3, 2003, and docketed September 4, 2003. Sponsored by Staff, and received into evidence on September 11, 2003.
- EXHIBIT 65** Letter from the City of Tracy to Scott Busa, Manager, Florida Power and Light re: Recycled Water for the Tesla Power Project. Dated January 28, 2003, docketed on January 30, 2003.

Sponsored by Staff, and received into evidence on September 12, 2003.

EXHIBIT 66 Tracy Waste Water Treatment Plant Expansion Final Environmental Impact Report. Dated September 2002 and docketed September 8, 2003. Sponsored by Staff, and received into evidence on September 12, 2003.

EXHIBIT 67A Websites - Reports reviewed by CEC staff for water analysis. Bulletin 160-98: California Water Plan, November 1998 <<http://rubicon.water.ca.gov/pdfs/b16098fulldoc.pdf>>.

California Water Plan Update 2003.
<<http://www.waterplan.water.ca.gov/b160/indexb160.html>>.

State Water Project Delivery Reliability Report: News Release (8/20/02).
<<http://wwwowe.water.ca.gov/newsreleases/2002/08-20-02swpdelivery.doc>>.

Sponsored by Staff. **Included in Exhibit 51.**

EXHIBIT 67B Colorado River Board of California
California's Colorado River Water Use Plan
<<http://www.crb.ca.gov/CalifPlan%20May%2011%20Draft.pdf>>.

Sponsored by Staff. **Included in Exhibit 51.**

EXHIBIT 67C EPA US Climate Action Report (U.S. Department of State, May 2002) <<http://www.epa.gov/globalwarming/publications/car/>>.

Sponsored by Staff. **Included in Exhibit 51.**

EXHIBIT 67D USBR 2003 Water Order Approvals dated December 27, 2002.
<<http://www.lc.usbr.gov/pao/2003orders/pressrelease.pdf>>.

Sponsored by Staff. **Included in Exhibit 51.**

EXHIBIT 67E Knowles and Cayan Potential effects of global warming on the Sacramento/San Joaquin watershed and the San Francisco estuary.
<http://tenaya.ucsd.edu/~knowles/papers/knowles_GRL1.pdf>.

Sponsored by Staff. **Included in Exhibit 51.**

- EXHIBIT 68** Alameda County Fire Department's Comments on the Revised PMPD dated June 2, 2003. Docketed on June 2, 2003 in the East Altamont Energy Center file (01-AFC-4). Sponsored by Staff, and received into evidence on September 10, 2003.
- EXHIBIT 69** Declaration of Donna Jordan, Grid Planning Engineer for Cal-ISO, dated and docketed September 8, 2003. Sponsored by Staff, and received into evidence on September 10, 2003.
- EXHIBIT 70** Letter from Contra Costa Water District to Jack Caswell, CEC Staff, re recycled water, dated August 27, 2003. Docketed August 29, 2003. Sponsored by Intervenor Sarvey, and received into evidence on September 12, 2003.
- EXHIBIT 71A** Letter from the City of Tracy to the CEC, Statement of Concern re GWF, Tesla and Calpine Energy Plants, dated September 9, 2002. Docketed August 29, 2003. Sponsored by Intervenor Sarvey, and received into evidence on September 18, 2003.
- EXHIBIT 71B** Letter from the City of Tracy to the CEC, Request for Mitigation, dated July 10, 2003, and docketed August 29, 2003. Sponsored by Intervenor Sarvey, and received into evidence on September 18, 2003.
- EXHIBIT 71C** Letter from MHCSO to CEC requesting Mitigation for Service Impacts, re East Altamont Energy Center (01-AFC-4), dated December 14, 2001, and docketed August 29, 2003. Sponsored by Intervenor Sarvey, and received into evidence on September 18, 2003.
- EXHIBIT 71D** Letter from Tracy Fire Dept. to CEC re "Mutual Aid Agreement does not cover Energy Plants", dated September 30, 2002. Docketed August 29, 2003. Sponsored by Intervenor Sarvey, and received into evidence on September 18, 2003.
- EXHIBIT 71E** Letter from Tracy Fire Dept. to the CEC, Response to Proposed Decision on the EAEC, dated February 20, 2003. Docketed August 29, 2003. Sponsored by Intervenor Sarvey. ***Objection sustained and not received.***
- EXHIBIT 71F** Newspaper article from the Stockton Record, "Sleepy Roads Fall Victim to Choking Traffic" dated June 21, 2003. Docketed August 29, 2003. Sponsored by Intervenor Sarvey, and received into evidence on September 18, 2003.

- EXHIBIT 72A** Newspaper article from the Miami Herald “FPL Workers Put Out Transformer Fire, Dania Beach” dated April 9, 2000. Docketed August 29, 2003. Sponsored by Intervenor Sarvey. **Objection sustained and not received.**
- EXHIBIT 72B** Newspaper article “Leak Causes FPL Plant Blast”, dated September 10, 2002. Docketed on August 29, 2003. Sponsored by Intervenor Sarvey. **Objection sustained and not received.**
- EXHIBIT 72C** Newspaper Articles, Palm Beach Post, “FPL Probe Obviously Didn’t go Far Enough” dated March 4, 2002, and “FPL Fumbles Again,” dated March 3, 2002. Docketed August 29, 2003. Sponsored by Intervenor Sarvey. **Objection sustained and not received.**
- EXHIBIT 72D** Newspaper Articles Sun Sentivile “Judges Order FPL to Pay \$10 Million in Lawsuit Related to Power Outage” dated May 23, 2002. Docketed August 29, 2003. Sponsored by Intervenor Sarvey. **Objection sustained and not received.**
- EXHIBIT 72E** Newspaper Article Sun Sentinel “U.S. Says Plotters Aimed at FPL” dated May 18,, 2002. Docketed August 29, 2003. Sponsored by Intervenor Sarvey. **Objection sustained and not received.**
- EXHIBIT 73A** Newspaper Article S.F. Chronicle ”Gas Explosion Sends Up Fireball at Fairfield Plant” dated October 18, 2002. Docketed August 29, 2003. Sponsored by Intervenor Sarvey. **Objection sustained and not received.**
- EXHIBIT 73B** Newspaper Article S. F. Chronicle “Calpine Contractor Dies in Geothermal Blast” dated July 22, 2003. Docketed August 29, 2003. Sponsored by Intervenor Sarvey. **Objection sustained and not received.**
- EXHIBIT 74A** Sierra Club Resolution Opposing Midway Tesla Power Plant, dated February 10, 2003. Docketed August 29, 2003. Sponsored by Intervenor Sarvey, and received into evidence on September 11, 2003.
- EXHIBIT 74B** Resolution Opposing the East Altamont Energy Center Sierra Club, dated October 14, 2002. Docketed August 29, 2003. Sponsored by Intervenor Sarvey, and received into evidence on September 11, 2003.

- EXHIBIT 75A** Measure D “Save Agriculture and Open Space Initiative,” dated October 7, 2000. Docketed August 29, 2003. Sponsored by Intervenor Sarvey, and received into evidence on September 11, 2003.
- EXHIBIT 75B** Declaration, Testimony, and Qualifications of Richard A. Schneider on the topic of Land Use and Measure D policies, dated August 28, 2003. Docketed August 29, 2003. Sponsored by Intervenor Sarvey, and received into evidence on September 11, 2003.
- EXHIBIT 76** E-Mail and Report of Conversation of RWQCB John Kessler, dated July 11, 2002. Docketed July 15, 2003. Sponsored by Intervenor Sarvey and received into evidence on September 18, 2003.
- EXHIBIT 77** Letter to Paul Richins, CEC, from Michael Aceituno, NMFS Support Recycled Water, dated May 23, 2003. Docketed June 2, 2003. Sponsored by Intervenor Sarvey, and received into evidence on September 12, 2003.
- EXHIBIT 78** Letter from Contra Costa Water District to Jack Caswell, CEC, dated March 13, 2003. Docketed March 14, 2003. Sponsored by Intervenor Sarvey, and received into evidence on September 18, 2003.
- EXHIBIT 79A** Email from Janice Gan California Dept. of Fish and Game to Andrea Erichsen, re recycled water route, dated June 11, 2003. Docketed June 11, 2003. Sponsored by Intervenor Sarvey, and received into evidence on September 18, 2003.
- EXHIBIT 79B** Letter to Jack Caswell, CEC, from United States Department of the Interior, Fish and Wildlife Service, re Water Supply for the Tesla Power Plant, dated August 25, 2003 and docketed August 29, 2003. Sponsored by Intervenor Sarvey. **Same as Exhibit 63.**
- EXHIBIT 80** Letter from Sue Orloff to Andrea Erichsen, CEC Staff, dated September 30, 2002. Docketed 8/29/03. Sponsored by Intervenor Sarvey, and received into evidence on September 11, 2003.
- EXHIBIT 81** Data Request by Intervenor Sarvey, dated February 16, 2003. Docketed February 17, 2003. Sponsored by Intervenor Sarvey, and received into evidence on September 18, 2003.

- EXHIBIT 82** Motion to Compel response to Data Request, dated April 3, 2003. Docketed April 4, 2003. Sponsored by Intervenor Sarvey, and received into evidence on September 18, 2003.
- EXHIBIT 83** Letter from Assemblymember Barbara Matthews to Chairman William Keese, CEC, dated October 11, 2002. Docketed August 29, 2003. Sponsored by Intervenor Sarvey, and received into evidence on September 18, 2003.
- EXHIBIT 84** Newspaper Article Tracy Press “Good, Bad News About Plant Emissions,” quotes of Matt Haber, dated June 13, 2003. Docketed August 29, 2003. Sponsored by Intervenor Sarvey. **Objection sustained and not received.**
- EXHIBIT 85** Letter from the SJVUAPCD to City of Tracy, Tracy Hills Specific Plan Environmental Impact, dated March 24, 1997. Docketed August 29, 2003. Sponsored by Intervenor Sarvey. **Objection sustained and not received.**
- EXHIBIT 86** Letter from the SJVUAPCD to City of Tracy, Emission Summary, and Isopleth, dated June 5, 2002. Docketed August 29, 2003. Sponsored by Intervenor Sarvey. **Objection sustained and not received.**
- EXHIBIT 87** Letter from SJVUAPCD to City of Tracy, South Schulte Specific Plan Environmental Impact, dated May 14, 1997, and Isopleth. Docketed August 29, 2003. Sponsored by Intervenor Sarvey. **Objection sustained and not received.**
- EXHIBIT 88** Mountain House Emission Summary from Mountain House EIR, dated September 1, 1994, and Isopleth. Docketed August 29, 2003. Sponsored by Intervenor Sarvey. **Objection sustained and not received.**
- EXHIBIT 89** CEC Staff FSA on East Altamont Energy Center (01-AFC-4). Docketed August 29, 2003. Sponsored by Intervenor Sarvey. **Objection sustained and not received.**
- EXHIBIT 90** PM₁₀ and Ozone Violations San Joaquin Valley from 2002 Almanac. Docketed August 29, 2003. Sponsored by Intervenor Sarvey and received into evidence on September 18, 2003.
- EXHIBIT 91** Federal PM₁₀ Design Values (SJVUAPCD) Draft PM₁₀ Attainment Plan 2002. Docketed August 29, 2003. Sponsored by Intervenor Sarvey, and received into evidence on September 18, 2003.

- EXHIBIT 92** Pm₁₀ Annual Arithmetic Average (SJVUAPCD) PM₁₀ Plan 2002. Docketed August 29, 2003. Sponsored by Intervenor Sarvey and received into evidence on September 18, 2003.
- EXHIBIT 93** Letter from David Stein to BAAQMD, "Tesla Power Project- Revisions to 24-Hour Average PM₁₀ Emission Rates, dated May 2, 2003. Docketed May 6, 2003. Sponsored by Intervenor Sarvey, and received into evidence on September 18, 2003. ***[Pending filing of entire document.]***
- EXHIBIT 94** Letter from David Stein to BAAQMD "Tesla Power Project," dated October 31, 2002. Docketed on October 31, 2003. Sponsored by Intervenor Sarvey, and received into evidence on September 18, 2003.
- EXHIBIT 95** Memo from John Seitz EPA to Dave Howekamp Pre 1990 ERCs, dated August 24, 1994. Docketed August 29, 2003. Sponsored by Intervenor Sarvey and received into evidence on September 18, 2003.
- EXHIBIT 96** CARB Memo to Pollution Control Officers on Road Paving Credits, dated June 16, 2000. Docketed March 26, 2002. (Included in Ex. 51, Air Quality section.) Sponsored by Intervenor Sarvey. ***Same as Exhibit 51.***
- EXHIBIT 97** Air Quality Mitigation Agreement between the San Joaquin Valley Air Pollution Control District and Midway Power, LLC Approved by Governing Board on May 16, 2002. Docketed June 5, 2002. Sponsored by Intervenor Sarvey. ***Same as Exhibit 22.***
- EXHIBIT 98** Massachusetts Dept. of Environmental Protection (DEP) News, article downloaded from the internet entitled "FPL Energy Systems Delayed Notification to DEP," dated March 1, 2001. Not docketed. Sponsored by Intervenor Sarvey. ***Objection sustained and not received.***
- EXHIBIT 99** U. S. Environmental Protection Agency Enforcement & Compliance History Online downloaded from the internet entitled "Detailed Facility Report" re compliance history of FPL power plant facilities, downloaded September 8, 2003. Not docketed. ***Objection sustained and not received.***
- EXHIBIT 100** Binder entitled Cumulative Air Quality Studies, PM₁₀ Cumulative Impacts, dated September 18, 2003, Compiled by Intervenor Sarvey. Sponsored by Intervenor Sarvey and received into the record on September 18, 2003.

- EXHIBIT 101** Show Cause Concerning Gaming And/Or Anomalous Market Behavior against FP&L Energy in FERC Docket No. EL03-155-000 (103 FERC 61,345) re Compliance with LORS, dated June 25, 2003. Included in CARE's Prehearing Conference Statement docketed July 22, 2003. Sponsored by Intervenor Boyd.
Objection sustained and not received.
- EXHIBIT 102** Testimony and Declaration of Intervenor Robert Sarvey re Air Quality, Hazardous Materials Management, Fire Protection, and Worker Safety, dated August 4, 2003. Docketed September 3, 2003. Sponsored by Intervenor Boyd, and received into evidence on September 18, 2003.
- EXHIBIT 103** Expert Testimony and Declaration of K. Shawn Smallwood PhD. Re Biological Resources, dated August 29, 2003. Docketed September 3, 2003. Sponsored by Intervenor Boyd, and received into evidence on September 11, 2003.
- EXHIBIT 104** Expert Testimony and Declaration of Bill Powers re dry cooling technology, dated September 1, 2003. Docketed September 3, 2003. Sponsored by Intervenor Boyd, and received into evidence on September 11, 2003.
- EXHIBIT 105** Page 4 of the draft 2003 PM10 Plan of the San Joaquin Unified Valley Air Pollution Control District. Docketed September 19, 2003. Sponsored by Intervenor Sarvey and received into evidence on September 18, 2003.
- EXHIBIT 106** California Air Resources Board's (CARB) "Highest 4 Daily PM10 Measurements, downloaded from CARB website on September 17, 2003. Docketed September 19, 2003. Sponsored by Intervenor Sarvey, and received into the record on September 18, 2003.
- EXHIBIT 107** San Joaquin Valley Unified Air Pollution Control District "Notice to Comply", to Posdef Power Company, dated November 12, 2002. Docketed September 19, 2003. Sponsored by Intervenor Sarvey, and received into the record on September 18, 2003.
- EXHIBITS 108-119 intentionally left blank**
- EXHIBIT 120** Testimony of Steve Baker, Power Plant Efficiency and Gas Supply, dated September 9, 2003. Docketed September 10, 2003. Sponsored by Staff, and received into evidence on September 10, 2003.

- EXHIBIT 121** City of Tracy Resolution 2002-488 Supporting Use of Recycled Water for the Tesla Power Project, dated December 3, 2002. Docketed July 22, 2003 as part of Staff's Prehearing Conference Statement. Sponsored by Staff, and received into the record on September 12, 2003.
- EXHIBIT 122** City of Tracy Staff Report 10.B - Discussion of Recycled Water Agreement for Tesla Power Project, dated January 21, 2003. Docketed July 22, 2003 as part of Staff's Prehearing Conference Statement. Sponsored by Staff, and received into the record on September 12, 2003.
- EXHIBIT 123** CEC Staff's Revised Air Quality Conditions on Construction Mitigation, dated September 18, 2003. Docketed September ---, 2003. Sponsored by Staff, and received into evidence on September 18, 2003.
- EXHIBIT 124** CEC Staff Testimony in Response to Committee Questions, dated November 3, 2003. Docketed November 3, 2003. Sponsored by Staff, and received into evidence on -----.
- EXHIBIT 125** Testimony of Donna Jordan, Grid Planning Engineer, Cal-ISO, re: Transmission System Reliability, dated May 5, 2003. Docketed May 7, 2003. Sponsored by Staff, and received into evidence on -----.
- EXHIBITS 126-150 intentionally left blank**
- EXHIBIT 151** Status of the Buena Vista Lake Shrew (Sorex ornatus relictus). Report prepared for the US Bureau of Reclamation Status of the Buena Vista Lake Shrew-Final Report in Partial Fulfillment of the Central Valley Project Improvement Act Section 3406(B)(1), dated October 29, 2001. Docketed December 26, 2001. Sponsored by Applicant. **Same as Exhibit 58.**
- EXHIBIT 152** Letter from Applicant's attorneys Chris Hansmeyer, Allen Matkins, to Fred Diaz, City of Tracy, regarding Recycled Water for the Tesla Power Plant, dated February 6, 2003. Docketed September 5, 2003. Sponsored by Applicant, and received into evidence on September 12, 2003.
- EXHIBIT 153** Letter from Applicant's attorneys Chris Hansmeyer, Allen Matkins, to Fred Diaz, City of Tracy, regarding Recycled Water for the Tesla Power Plant, dated March 26, 2003. Docketed September

5, 2003. Sponsored by Applicant, and received into evidence on September 12, 2003.

- EXHIBIT 154** Table prepared by Applicant's attorneys David Osias and Allen Matkins regarding negotiations for recycled water for the Tesla Power Plant, dated May 21, 2003. Docketed September 5, 2003. Sponsored by Applicant, and received into evidence on September 12, 2003.
- EXHIBIT 155** Rebuttal Testimony of Dwight Mudry -- Biological Resources, dated September 5, 2003. Docketed September 5, 2003. Sponsored by Applicant, and received into evidence on September 11, 2003.
- EXHIBIT 156** Rebuttal Testimony of Dwight Mudry, Zoran Rausavljevich, and Scott Busa --Traffic and Transportation, dated September 5, 2003. Docketed September 5, 2003. Sponsored by Applicant, and received into evidence on September 12, 2003.
- EXHIBIT 157** Buena Vista/Rosedale-Rio Bravo Water Banking and Recovery Program, Powerpoint presentation, dated September 11, 2003. Docketed September 19, 2003. Sponsored by Applicant, and received into evidence on September 11, 2003.
- EXHIBIT 157A** Abbreviated Version of Buena Vista/Rosedale-Rio Bravo Water Banking and Recovery Program, Powerpoint presentation, dated September 18, 2003. Sponsored by Applicant, and received into evidence on September 18, 2003.
- EXHIBIT 158** Letter from the Buena Vista Water Storage District to Susan Jones, U.S. Fish and Wildlife Service, re the Buena Vista shrew, dated September 10, 2003. Docketed September 15, 2003. Sponsored by Applicant, and received into evidence on September 18, 2003.
- EXHIBIT 159** Letter from Dennis Jang, Bay Area Air Quality Management District to CEC Hearing Officer, re compliance with Public Resources Code § 25523(d)(2), dated September 17, 2003. Docketed September 19, 2003. Sponsored by Applicant, and received into evidence on September 18, 2003.
- EXHIBIT 160** Draft Agreement for Water Supply Service between the Alameda County Flood Control and Water Conservation District – Zone 7 and Midway Power LLC, dated January 17, 2003. Docketed September 19, 2003. Sponsored by Applicant, and received into evidence on September 18, 2003.

- EXHIBIT 161** Draft Agreement by and between the Rosedale-Rio Bravo Water Storage District, the Buena Vista Water Storage District, and Midway, LLC, dated March 20, 2003. Docketed September 19, 2003. Sponsored by Applicant, and received into evidence on September 18, 2003.
- EXHIBIT 162** Letter from FPL to Nick Pinhey, Director of Public Works for City of Tracy, re offer of \$600,000 for local air quality enhancement programs, dated April 14, 2003. Docketed April 16, 2003. Sponsored by Applicant, and received into evidence on September 18, 2003.
- EXHIBIT 163** Supplemental Air Quality Testimony of David Stein, dated October 27, 2003. Docketed October 30, 2003. Sponsored by Applicant, and received into evidence on -----.
- EXHIBIT 164** Letter from U.S. Dept. of the Interior Fish and Wildlife Service, Wayne White, Field Supervisor, to Jack Caswell, CEC, re Clarification of USFWS Testimony re Water Supply for the TPP, dated September 25, 2003. Docketed October 9, 2003. Sponsored by Applicant, and received into evidence on -----.
- EXHIBIT 165** Letter from Buena Vista Water Storage District to U.S. Dept. of the Interior Fish and Wildlife Service re Buena Vista/Rosedale-Rio Bravo Banking and Recovery Program, dated November 3, 2003. Docketed November 6, 2003. Sponsored by Applicant, and received into evidence on -----