

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

**APPLICATION FOR CERTIFICATION OF THE
GWF TRACY PEAKER PROJECT
IN SAN JOAQUIN COUNTY**

(GWF ENERGY LLC)

DOCKET No. 01-AFC-16

**APPLICATION COMPLETE
(DATA ADEQUATE)
OCTOBER 17, 2001**

TENTATIVE EXHIBIT LIST

- EXHIBIT 1: Application for Certification, dated, August 2001 – Sections 1, 2, 3, 3.5, 4, 5, 6, 7, 8.1, 8.2, 8.3, 8.4 (including 5 figures 8.4-1 through 8.4-5), 8.5, 8.6, 8.8, 8.10, 8.11, 8.12, 8.13, 8.14, 8.15 & 8.16; and Appendices A, B, C, E, F, I, J, K & L, and remainder of all AFC sections. Sponsored by Applicant; portions admitted into evidence on March 6, 7, and 8, 2002.
- EXHIBIT 2: Application for Certification Supplement, dated, October 2001 – Sections 3.1, 3.2, 3.3, 3.4, 3.6, 3.8, 3.10, 3.11, 3.12, 3.13, 3.14, 5, 8.2, 8.4, 8.5 & 8.14; and Appendices D & E, and remainder of all AFC Supplement sections. Sponsored by Applicant; portions admitted into evidence on March 6, 7, and 8, 2002.
- EXHIBIT 3: Comments by GWF Energy LLC on CEC Staff Report – dated, January 2002. Sponsored by Applicant; admitted into evidence on March 6, 2002.
- EXHIBIT 4: CEC Staff Assessment, dated, December 2001. Sponsored by CEC staff; admitted into evidence on March 6, 2002.
- EXHIBIT 5: California Installed Capacity with Heat Rate Greater than 11,890 Btu/kWh (diagram). Sponsored by Applicant; admitted into evidence on March 6, 2002.
- EXHIBIT 6: California Installed Capacity with Heat Rate Greater than 11,890 Btu/kWh (table). Sponsored by Applicant; admitted into evidence on March 6, 2002.
- EXHIBIT 7: 1998 California Peaking and Intermediate Plan NOx Emission Rates (diagram). Sponsored by Applicant; admitted into evidence on March 6, 2002.

- EXHIBIT 8: 1998 California Peaking and Intermediate Plan NOx Emission Rates (table). Sponsored by Applicant; admitted into evidence on March 6, 2002.
- EXHIBIT 9: Applicant's Initial System Impact Study – submitted August 2001 Sponsored by Applicant; admitted into evidence on March 6, 2002.
- EXHIBIT 10: Revision 1 to Applicant's System Impact/Facilities Study – submitted on August 2001. Sponsored by Applicant; admitted into evidence on March 6, 2002.
- EXHIBIT 11: Data Response 38, dated, November 9, 2001. Sponsored by Applicant; admitted into evidence on March 6, 2002.
- EXHIBIT 12: Wet Weather Construction Contingency Plan, Sections 2.1 & 2.5 & Appendices A, D & E, dated, December 10, 2001, and remainder of all plan sections. Sponsored by Applicant; admitted into evidence on March 6, 2002.
- EXHIBIT 13: Sarvey's 3-page Combined Cycle Technology document. Admitted as administrative hearsay. Submitted by Intervenor Sarvey; admitted as evidence on March 6, 2002.
- EXHIBIT 14: Data Responses 14-15, dated, November 9, 2001. Sponsored by Applicant; admitted into evidence on March 6, 2002.
- EXHIBIT 15: Data Responses 83-84, dated, November 28, 2001. Sponsored by Applicant; admitted into evidence on March 6, 2002.
- EXHIBIT 16: Minutes of the October 25, 2001 Meeting of the San Joaquin Council of Governments Board of Directors approving covering under SJMSCP provided for record by CEC staff. Sponsored by Applicant; admitted into evidence on March 6, 2002
- EXHIBIT 17: Supplement to Staff Assessment. Sponsored by staff; admitted into evidence on March 6, 2002.
- EXHIBIT 18: Additional Sarvey testimony dated, February 13, 2002. Admitted as administrative hearsay. Submitted by Intervenor Sarvey; admitted as evidence on March 6, 2002.
- EXHIBIT 19: Data Responses 68-81 and attachments. Sponsored by Applicant; admitted into evidence on March 6, 2002.

- EXHIBIT 20: Will Serve Letter from Plainview Water District – submitted on July 31, 2001. Sponsored by Applicant; admitted into evidence on March 6, 2002.
- EXHIBIT 21: Site Option Agreement – submitted on July 10, 2001. Sponsored by Applicant; admitted into evidence on March 6, 2002.
- EXHIBIT 22: Phiney declaration. Submitted by Intervenor City of Tracy; admitted into evidence on March 6, 2002.
- EXHIBIT 23: Data Response Number 27. Sponsored by Applicant; admitted into evidence on March 6, 2002.
- EXHIBIT 24: Real Property Value Assessment Study – submitted on January 11, 2002. Sponsored by Applicant; admitted into evidence on March 6, 2002.
- EXHIBIT 25: Data Responses 1-13, dated, November 9, 2001. Sponsored by Applicant; admitted into evidence on March 7, 2002.
- EXHIBIT 26: Supplement to First Set of Data Responses 2A, 2D, 9, 10, 13 & 82 dated, November 28, 2001. Sponsored by Applicant; admitted into evidence on March 7, 2002.
- EXHIBIT 27: Supplement to First Set of Data Responses – submitted on November 28, 2001. Sponsored by Applicant; admitted into evidence on March 7, 2002.
- EXHIBIT 28: Determination of Compliance Application and included Certificate of Compliance – submitted on August 17, 2001. Sponsored by Applicant; admitted into evidence on March 7, 2002.
- EXHIBIT 29: Air Quality and Public Health Modeling Files – submitted on August 16, 2001. Sponsored by Applicant; admitted into evidence on March 7, 2002.
- EXHIBIT 30: Cumulative Air Impacts Study – submitted on March 4, 2002. Sponsored by Applicant; admitted into evidence on March 7, 2002.
- EXHIBIT 31: Response to Data Request re: Cumulative Air Quality analysis from Robert Sarvey, dated February 3, 2002 – submitted on February 13, 2002. Sponsored by Applicant; admitted into evidence on March 7, 2002.

- EXHIBIT 32: Response to Data Request re: Air Quality from Robert Sarvey, dated, February 3, 2002 (February 13, 2002). Sponsored by Applicant; admitted into evidence on March 7, 2002.
- EXHIBIT 33: Response to Data Request - 3 from Irene Sundberg, dated, February 3, 2002 – (February 13, 2002). Sponsored by Applicant; admitted into evidence on March 7, 2002.
- EXHIBIT 34: Final Determination of Compliance on Air Quality. Sponsored by staff; admitted into evidence on March 7, 2002.
- EXHIBIT 35: Staff Modeling Diagrams (1-8) used as visual aids in Air Quality. Sponsored by staff; admitted into evidence on March 7, 2002.
- EXHIBIT 36: Testimony of Phiney & Reed. Submitted by Intervenor City of Tracy; admitted into evidence on March 7, 2002.
- EXHIBIT 37: “Non-expert” testimony of Mike Boyd. Submitted by Intervenor Sarvey; admitted into evidence on March 7, 2002.
- EXHIBIT 38: “Non-expert” testimony of Dario Marengo. Submitted by Intervenor Sundberg; admitted into evidence on March 7, 2002.
- EXHIBIT 39: Data Response 26, dated, November 9, 2001. Sponsored by Applicant; admitted into evidence on March 8, 2002.
- EXHIBIT 40: South Shulte & Tracy Hills Specific Plans. Submitted by Intervenor Sarvey; admitted into evidence on March 8, 2002.
- EXHIBIT 41: Data Response 26, dated, November 9, 2001. Sponsored by Applicant; admitted into evidence on March 8, 2002. (same as exhibit 39)
- EXHIBIT 42: Data Response to Intervenor Irene Sundberg, dated, February 6, 2002. Sponsored by Applicant; admitted into evidence on March 8, 2002.
- EXHIBIT 43: Data Response 67, dated, November 9, 2001. Sponsored by Applicant; admitted into evidence on March 8, 2002.
- EXHIBIT 44: Construction Demolition Debris Diversion Plan & Solid Waste Operation Plan. Sponsored by Applicant; admitted into evidence on March 8, 2002.
- EXHIBIT 45: Data Responses 28-37, dated, November 9, 2001. Sponsored by Applicant; admitted into evidence on March 8, 2002.

- EXHIBIT 46: Data Response 25, dated, November 9, 2001. Sponsored by Applicant; admitted into evidence on March 8, 2002.
- EXHIBIT 47: Data Responses 17-24 and attachments. Sponsored by Applicant; admitted into evidence on March 8, 2002.
- EXHIBIT 48: Suggested additional Air Quality Conditions requested by CEC staff. Sponsored by Applicant; admitted into evidence on March 13, 2002.
- EXHIBIT 49: Data Responses 39-66, dated, November 9, 2001. Sponsored by Applicant; admitted into evidence on March 13, 2002.
- EXHIBIT 50: Data Response 58 of the Supplement to the First Set of Data Responses, dated, November 28, 2001. Sponsored by Applicant; admitted into evidence on March 13, 2002.
- EXHIBIT 51: Landscape Plan and Additional Visual Simulations, dated, January 10, 2002. Sponsored by Applicant; admitted into evidence on March 13, 2002.
- EXHIBIT 52: Letter from US Fish and Wildlife Service to CEC regarding Landscaping, dated, January 8, 2002. Sponsored by Applicant; admitted into evidence on March 13, 2002.
- EXHIBIT 53: Attached Revised Landscaping Plan along with Visuals of Key Observation Points 1, 9 & 10, respectively, for the Tracy Peaker Project, docketed, March 1, 2002. Sponsored by Applicant; admitted into evidence on March 13, 2002.
- EXHIBIT 54: Memorandum on Supplemental Ambient Noise Measurements in the Vicinity of the Proposed Tracy Peaker Project. Admitted as administrative hearsay. Sponsored by Applicant; admitted into evidence on March 13, 2002.
- EXHIBIT 55: Location of 39 Dba contour and 42 Dba contour, docketed in March 2002. Sponsored by Applicant; admitted into evidence on March 13, 2002.
- EXHIBIT 56: Applicant's Land Use Testimony of Jennifer Hernandez (filed February 13, 2002). Exhibit boards used during Hernandez testimony were admitted only for purpose of explaining the testimony. These exhibits were made part of Ex. 56 and included the Site Maps attached to the written testimony indicating the Current Zoning Districts in the Area Surrounding the TPP, and Residential Development Constraints of the Proposed Site, which

supplement Figures 1-5 from Section 8.4 of the AFC; Figure 6 – Zoning Districts Surrounding the TPP; Figure 7 – Residential Development Constraints of Proposed Site; and Figure 8 – California Power Project Map from CEC Web Site. Sponsored by Applicant; admitted into evidence on March 13, 2002.

- EXHIBIT 57: Findings for Approval. Submitted by Intervenor Sarvey on March 13, 2002.
- EXHIBIT 58: Mitigation Agreement with American Farm Land Trust, dated, January 16, 2002. Sponsored by Applicant; admitted into evidence on March 13, 2002.
- EXHIBIT 59: Lot Line Adjustment – San Joaquin County, docketed January 7, 2002. Sponsored by Applicant; admitted into evidence on March 13, 2002.
- EXHIBIT 60: Letter from San Joaquin Community Development Department re: land use conformity – submitted on September 18, 2001 (contained in Supplement to Application – Attachment 3.5-1 (October 2001). Sponsored by Applicant; admitted into evidence on March 13, 2002.
- EXHIBIT 60A: The City of Tracy’s Tracy Hills Specific Plan, Draft Environmental Impact Report, and Final Environmental Impact Report. Sponsored by Applicant; admitted into evidence on March 13, 2002.
- EXHIBIT 60B: The City of Tracy’s South Schulte Specific Plan, Draft Environmental Impact Report, and Final Environmental Impact Report. Sponsored by Applicant; admitted into evidence on March 13, 2002.
- EXHIBIT 60C: The San Joaquin County Land Use Requirements including the General Plan, Development Code, and Adopted Administrative Development Standards. Sponsored by Applicant; admitted into evidence on March 13, 2002.
- EXHIBIT 60D: The City of Tracy Land Use Requirements including the General Plan and Zoning Ordinance. Sponsored by Applicant; admitted into evidence on March 13, 2002.
- EXHIBIT 61: The San Joaquin County Agency Referrals, Initial Study and Negative Declaration with findings for the approved Wellhead Power Project on an adjacent parcel, dated, April 13, 2001. Sponsored by Applicant; admitted into evidence on March 13, 2002.

- EXHIBIT 62: Map from General Plan from the City of Tracy's current General Plan/Urban Management Plan [map with plans and projects colored in and referred to in the Hernandez testimony; admitted with limitations – to be used only to explain her testimony]. Sponsored by Applicant; admitted into evidence on March 13, 2002.
- EXHIBIT 63: Agency Distribution Lists – Request for Participation (with service list). Three lists were submitted; only one dated August 22, 2001. Sponsored by staff; admitted into evidence on March 14, 2002
- EXHIBIT 64: Errata to Soil & Water Resources Conditions 3 & 5. Sponsored by staff; admitted into evidence on March 28, 2002.
- EXHIBIT 65: Data Responses – submitted on November 9, 2001. Sponsored by Applicant; admitted into evidence on March 28, 2002.
- EXHIBIT 66: Wet Weather Construction Plan Supplement – submitted on December 11, 2001. Sponsored by Applicant; admitted into evidence on March 28, 2002.
- EXHIBIT 67: Applicant's Prefiled Testimony – submitted on January 24, 2002. Sponsored by Applicant; admitted into evidence on March 28, 2002.
- EXHIBIT 68: Applicant's Revised Testimony – submitted on February 13, 2002. Sponsored by Applicant; admitted into evidence on March 28, 2002.
- EXHIBIT 69: Data Responses – submitted on December 28, 2001. Sponsored by Applicant; admitted into evidence on March 28, 2002.
- EXHIBIT 70: Proposed Coverage under San Joaquin Multispecies Conservation Plan – submitted on September 6, 2001. Sponsored by Applicant; admitted into evidence on March 28, 2002.
- EXHIBIT 71: Tracy Advisory Committee (TAC) Committee Findings – submitted on October 10, 2001. Sponsored by Applicant; admitted into evidence on March 28, 2002.
- EXHIBIT 72: Rana Report – submitted on December 28, 2001. Sponsored by Applicant; admitted into evidence on March 28, 2002.

- EXHIBIT 73: Supplemental Biological Resources Assessment Letter – submitted on December 25, 2001. Sponsored by Applicant; admitted into evidence on March 28, 2002.
- EXHIBIT 74: Letter from Department of Conservation to CEC – submitted on September 27, 2001. Sponsored by Applicant; admitted into evidence on March 28, 2002.
- EXHIBIT 75: Certificate of Compliance (required by proposed Condition LAN-1). Sponsored by Applicant; admitted into evidence on March 28, 2002.