



CALIFORNIA  
ENERGY  
COMMISSION

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**ORDER HOLDING EVIDENTIARY RECORD  
OPEN PENDING COMMITTEE REVIEW OF  
APPLICANT'S FURTHER SUBMISSIONS**

WALNUT CREEK ENERGY PARK  
APPLICATION FOR CERTIFICATION  
DOCKET NO. 05-AFC-2

**Background**

The Committee conducted an evidentiary hearing in this matter on June 27, 2007. Prior to the hearing, in a memorandum dated June 22, 2007, the Committee requested that the parties be prepared to address the adequacy of the cumulative impacts analyses in the Final Staff Analysis or the Application for Certification in order to prepare the Presiding Member's Proposed Decision.

At the hearing, the Applicant requested that the evidentiary record be held open to allow it an opportunity to submit additional evidence to the Committee regarding cumulative impacts. In accordance with the discussions at the hearing, the Committee orders as follows.

**Order**

The Committee orders that the Applicant, who has the underlying burden of proof with respect to the Application, submit further evidence addressing the issues set forth in the June 22, 2007 Memorandum within 15 days of this Order. Within 10 days of the filing of Applicant's submittal, the Commission Staff may request an additional evidentiary hearing, which would be limited to a dispute of fact or dispute of expert opinion that would change the Staff's corresponding conclusions and proposed conditions in its Final Staff Assessment. In the absence of such a request, the Applicant's submittal will be admitted into the evidentiary record, and the record shall be deemed closed.

Dated: June 27, 2007

**ENERGY RESOURCES CONSERVATION AND  
DEVELOPMENT COMMISSION**

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/s/  
JACKALYNE PFANNENSTIEL  
Commissioner and Presiding Member  
Walnut Creek AFC Committee

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/s/  
JOHN GEESMAN  
Commissioner and Associate Member  
Walnut Creek AFC Committee