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DOCKET 02-AFC-1
DATE JUL 15 2005
RECD. JUL 15 2005

STATE OF CALIFORNIA
State Energy Resources
Conservation and Development Committee

In the Matter of:

Application for Certification
for the BLYTHE ENERGY PROJECT -
PHASE II

Docket No. 02-AFC-1

**MOTION BY INTERVENOR FLOYD P.
WOLFE FOR ORDER AMENDING NOTICE
OF EVIDENTIARY HEARING**

Intervenor FLOYD P. WOLFE hereby moves the Energy Commission for an Order that the Notice of Evidentiary Hearing filed in connection the hearings to be conducted August 1 and August 2, 2005, be amended to include testimony by two (2) additional expert witnesses on the impact the proposed plant will have on air navigation and safety, including, the result of a change in traffic pattern of aircraft and the effect of wind shear on various forms of aircraft at low altitudes.

The motion is based on the fact that the inclusion of the witnesses is necessary to a full and complete understanding of the effect the proposed plant will have on public health and safety, and will not be cumulative.

MOTION TO AMEND NOTICE OF EVIDENTIARY HEARING

This motion is based on the pleadings and records on file in this proceeding and the attached Declaration of Steven J. Dedina.

Dated: July 15, 2005

LAW OFFICES OF STEVEN J. DEDINA

By: _____
Steven J. Dedina, Esq.
Attorneys for Intervenor
FLOYD P. WOLFE

DECLARATION OF STEVEN J. DEDINA

I, STEVEN J. DEDINA, declare:

1. I am an attorney at law duly licensed to practice in the State of California, and the attorney herein for Intervenor Floyd P. Wolfe. I have personal knowledge of the following facts except as to those facts stated on information and belief, and as to those facts, I believe them to be true. I make this declaration in support of the Motion by Intervenor Floyd P. Wolfe for Order Amending Notice of Evidentiary Hearing.

2. The California Energy Commission Blythe II Committee (hereinafter the "Committee") is reviewing an Application for Certification (AFC) filed in February 2002 by Caithness Blythe II LLC to add to the existing Blythe Energy Project a 520-megawatt, natural gas-fired, combined cycle electric generation facility.

3. The Committee will be conducting an Evidentiary Hearing in connection therewith on August 1 & 2, 2005, and has previously filed a Notice of Evidentiary Hearing.

4. On June 29, 2005, Floyd P. Wolfe filed a Petition to Intervene. The Petition was timely filed and contains the information required by section 1207 of the Commission's regulations. The Petition to Intervene was granted on July 1, 2005.

5. Since July 1, 2005, Mr. Wolfe has expeditiously sought to locate expert witnesses to testify regarding the impact of an additional power plant on the approach to Blythe Airport, and the effect of wind shear on aircraft overflight at low altitudes.

6. I am informed and believe that if Mr. Wolfe is denied the right to introduce the testimony of these expert witnesses, the public health and safety will be jeopardized.

7. It is Mr. Wolfe's understanding that Staff also intends to call expert witnesses to discuss airport safety, however, the anticipated testimony of Mr. Wolfe's witnesses will not be cumulative.

8. Mr. Wolfe requests that the Notice of Evidentiary Hearing be amended to allow the testimony of Joseph Sheble, III, and Edward Lane, regarding the above-referenced issues.

JOSEPH SHEBLE III

9. Joseph Sheble III is a Federal Aviation Administration ("FAA") federal examiner. He is also an accident and safety counselor for the Scottsdale office of the FAA.

10. Mr. Sheble has about 10,000 hours of flight time and can testify to the flight characteristics of an aircraft in any flying condition.

11. Mr. Sheble has experience flying into Blythe Airport.

12. Mr. Wolfe will elicit testimony from Mr. Sheble on 1) the problems associated with a change in approach to a right hand traffic pattern; 2) the effect of thermal updrafts on various types of aircraft (using statistics and figures supplied by the Applicant); and 3) the danger that will result to pilots seeking to avoid the thermal drafts associated with two (2) power plants in close vicinity to Blythe Airport.

13. Mr. Sheble will be informed not to repeat testimony of any prior witnesses.

EDWARD LANE

14. Edward Lane is an FAA Federal Examiner and also a safety counselor for the Las Vegas FAA FISO.

15. Mr. Lane maintains qualifications that are similar to Mr. Sheble, and as a pilot has personally experienced a crash resulting from wind shear.

16. Mr. Lane will testify regarding the velocity considered to be dangerous wind shear and the altitude necessary to regain control of an aircraft that has experienced wind shear.

17. Mr. Lane will be informed not to repeat testimony of any prior witnesses.

18. If Mr. Wolfe is limited to calling one expert witness, it is requested that the expert witness so designated by entitled to testify regarding the subjects intended for assignment to the other.

19. It is estimated that, exclusive of cross-examination, direct examination will take no more than 45 minutes.

20. Wherefore, in the interest of public safety it is hereby requested that Floyd P. Wolfe's Motion to Amend Notice of Evidentiary Hearing, be granted.

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed this 15th day of July, 2005, at Palm Desert, California.

Steven J. Dedina

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FLOYD P. WOLFE

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PROOF OF SERVICE

I, Veronica MacMillan, declare that on July 15, 2005, I deposited copies of the attached MOTION TO AMEND NOTICE OF EVIDENTIARY HEARING in the United States mail at Palm Desert, California, with first class postage thereon fully prepaid, and via email is indicated below, addressed to the following:

CALIFORNIA ENERGY COMMISSION
DOCKET UNIT, MS-4
Attn: Docket No. 02-AFC-1
1516 Ninth Street
Sacramento, CA 95814-5512

Caithness Blythe II, LLC.
Attn: Robert Looper
565 Fifth Avenue, 28th and 29th Floors
New York, NY 10017
rlooper@summit-energy.com

Greystone Environmental Consultants Inc.
Attn: Peter Boucher
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MOTION TO AMEND NOTICE OF EVIDENTIARY HEARING

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jmillier@caiso.com

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed this 15th day of July, 2005, at Palm Desert, California.

Veronica MacMillan