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testimony of Robert Sarvey

Additional submitted attachment is included below.

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

Petition to Amend
The Delta Energy Center

Docket Number
98-AFC-03C

TESTIMONY OF ROBERT SARVEY ON BEHALF OF HELPING HAND TOOLS

Q. Please state your name and qualifications.

A. My name is Robert Sarvey. I have participated in regulatory proceedings in front of the California Energy Commission since 2002. My most recent accomplishment was convincing the CEC to charge applicants for the costs to process amendments to their licenses instead of having ratepayers pay for these costs. This has resulted in millions of dollars of savings for California ratepayers. I have also participated extensively in regulatory proceedings before various air districts in California. Most recently in response to my comments the SCAQMD lowered its BACT limit for CO to 1.5 ppm averaged over 1 hour for combined cycle units and 2 ppm for simple cycle units. Since 2007 I have provided analysis and testimony in many proceedings before the California Public Utilities Commission. I have previously participated in amendment proceedings for the Delta Energy Center at the Energy Commission. My resume is attached to this testimony to provide a more complete list of my qualifications.

Q. Is there any evidence in the proceeding that would be sufficient to support a finding that the Delta Energy Center (DEC) is needed for Reliability in 2017.

A. Both the amendment application and the staffs comments on the application fail to support a finding that the Delta Energy Center (DEC) is necessary to support the California System Operator for resource planning in 2017. Neither the Staff nor the applicant provides any analysis concerning resource adequacy needs or system needs for 2017. Instead the Commission is relying on a 1 page letter from Keith Casey the CAISO director of marketing which contains 1 paragraph supporting the Delta modification which states,¹ *“The Delta Energy Center is needed for reliability for Summer 2017 and the ISO supports approval of an order granting the Petition*

¹ TN 216398

to Amend to make temporary modifications to the steam turbine condenser to run the Delta Energy Center facility in simple-cycle mode.” CAISO has provided no analysis with its recommendation that supports a finding that “*The Delta Energy Center is needed for reliability for Summer 2017.*”² In any regulatory proceeding before the CPUC or any other regulatory agency and normally before the CEC CAISO would have to provide an analysis and a witness available for questioning for its opinion to be considered substantial evidence. Here CAISO has not even provided a letter from the ISO governing board supporting the Delta Energy Centers operation in simple cycle mode. Mr. Casey’s March 6, 2017 letter submitted two days before the Commission approval of this amendment is nothing more than hearsay and is not sufficient to support a finding that, “The modifications will be beneficial because the changes will allow the facility to return to service to support the California Independent System Operator in resource planning for Summer 2017.”

CAISO’s 2016 Summer Load and Resource Analysis is the only analysis of need in the docket of this compliance proceeding. The 2016 analysis, “projects a 1-in-2 annual minimum operating reserve margin (ORM) for the CAISO system in 2016 of 24.4 percent.”³ The 2016 CAISO analysis projects a 1-in-2 operating reserve margin of 21.3 % in the NP-26 zone which is well over the required 15 % operating reserve margin for NP26 zone.⁴ The evidence in the record for this proceeding does not support a finding that the DEC is needed for reliability in 2017.

Q. The decision approving this amendment claims that, “The modification will not change the findings in the Energy Commission’s Final Decision, pursuant to Title 20, section 1755, of the California Code of Regulations. Do you agree?”

A. No. The decision is erroneous as the modification includes changes to the projects description, the projects objectives, and several of the findings and conclusions from the original 2000 decision. First the project description in the 2000 Final Decision states that the, “*DEC is a merchant plant that is conceived as a **baseload facility** to sell power in the competitive electricity marketplace through bilateral contracts and via the California Power Exchange*”.⁵ Obviously the amendment will allow the project to operate only in simple cycle mode and the project will not be operating in a baseload capacity.

The amendment also conflicts with the project objectives a defined in the February 2000 Commission Final Decision on the DEC. The 2000 Commission Final decision states that one of

² I currently have a public records request outstanding with CAISO requesting any analysis or documentation that provides evidence of the need for the Delta Energy Center to support the 2017 summer loads.

³ TN 216427 CAISO 2016 Summer Resources and Load Assessment Page 3 of 49
www.caiso.com/Documents/2016SummerAssessment.pdf

⁴ TN 216427 CAISO 2016 Summer Resources and Load Assessment Page 3 of 49
www.caiso.com/Documents/2016SummerAssessment.pdf

⁵ CEC Final Decision Delta Energy Center Page 12 www.energy.ca.gov/sitingcases/delta/documents/2000-02-09_DELTA_DECISION.PDF

the major project objectives is to, “To employ economical and efficient technology with **baseload** and load following capacity to respond to the California electricity marketplace.”⁶ As staff testified at the March 8, 2017 business meeting, “*the DEC in simple cycle mode is not even, “the most efficient peaker that we will have in the fleet”*”⁷ much less an “*economical and efficient baseload resource*” as the project was described in the February 2000 Final commission Decision.

The project as amended also conflicts with several of the Findings and Conclusions of the Energy Commission 2000 decision on the DEC. Power Plant Efficiency Finding and Conclusion number 6 on Page 82 of the Final Commission Decision states, “*As a highly efficient, state-of-the-art natural gas-fired power plant, DEC is significantly more efficient than older power plants in the utility system.*”⁸ The project operating in simple cycle mode would not be consistent with Finding and Conclusion number 6. As staff testified at the March 8 business meeting operating in simple cycle the DEC would, “*probably be a mechanism of last resort because it is not the most flexible peaker that we will have in the fleet; nor is it the most efficient peaker that we will have in the fleet.*”⁹ Commissioner Douglas agreed and stated, “*As Mr. Layton said, it will not be either the most agile or the most efficient peaking plant out there and far from it.*”¹⁰ The projects efficiency will be much lower with the project operating without the steam turbine so this change would conflict with Power Plant Efficiency Finding and Conclusion number 6 of the 2000 CEC Final Decision on the DEC.

Similarly Power Plant Efficiency Finding and Conclusion number 4 on Page 82 of the Final Commission Decision states, “The project will employ modern F-class gas turbines (Westinghouse 501F) nominally rated at 55.8 percent lower heating value (LHV) efficiency, which compares favorably to other available F-class turbine generators.”¹¹ As staff testified at the March 8, 2017 business meeting operating in simple cycle the DEC is, “*not the most flexible peaker that we will have in the fleet; nor is it the most efficient peaker that we will have in the fleet.*”¹² The projects efficiency will be much lower with the project operating without the steam turbine and as amended the DEC would not be consistent with Power Plant Efficiency Finding and Conclusion number 4. Both of the power plant efficiency findings and conclusions rely on the DEC operating in combined cycle mode. But the amendment provides no time limit on operation of the project as a peaker. The evidence in the record indicates that there is no certainty that the project will ever operate in combined cycle mode again. As the applicant stated at the March 8, 2017 business meeting, “*So we don't have a good sense of exactly when we'll have some good information on what occurred, but once we have that information at that*

⁶ CEC Final Decision Delta Energy Center Page 23 www.energy.ca.gov/sitingcases/delta/documents/2000-02-09_DELTA_DECISION.PDF

⁷ CEC March 8, 2017 Business Recorded transcript page 20 Lines 14-18

⁸ CEC Final Decision Delta Energy Center Page 82 www.energy.ca.gov/sitingcases/delta/documents/2000-02-09_DELTA_DECISION.PDF

⁹ CEC March 8, 2017 Business Recorded transcript page 20 Lines 14-18

¹⁰ CEC March 8, 2017 Business Recorded transcript page 24 Line 25 and Page 25 Lines 1-4

¹¹ CEC March 8, 2017 Business Recorded transcript page 26 Lines 25 and Page 25 Lines 1-5

¹² CEC March 8, 2017 Business Recorded transcript page 20 Lines 14-18

point we'll be at a decision point of whether we would proceed with the repairs. And if we didn't proceed with the repairs we would be back before you with an amendment."¹³

The 2000 Final Commission Decision Power Plant Reliability Finding and Conclusion number 1 states the, "DEC will ensure equipment availability by implementing quality assurance/quality control programs and by providing adequate redundancy of auxiliary equipment to prevent unplanned off-line events."¹⁴ Obviously the current operational status of the DEC makes this finding in the 2000 Decision erroneous.

The 2000 Final Commission Decisions Power Plant Reliability Finding and Conclusion number 2. States that the, "*DEC s three parallel trains of gas turbine generators/HRSGs, as well as the double circuit 230-kV transmission lines provide inherent reliability.*"¹⁵ Obviously the Final Commission did not consider that the failure of the steam turbine would render the parallel trains of the DEC inoperable and the finding is no longer valid.

Power Plant Reliability Finding and Conclusion number 7 from the 2000 Final decision on the DEC states that the, "*DEC will perform reliably in baseload and load following duty and cause no significant impacts to electric system reliability.*"¹⁶ Obviously with approval of the amendment the project no longer will perform reliably in baseload operation and this Finding and Conclusion is no longer valid with approval of this amendment.

Hazardous Materials Management Finding and Conclusion number 2 of the CEC 2000 Final Decision states that, "*The hazardous materials that pose the greatest risk to public health and safety include anhydrous ammonia, sulfuric acid, and natural gas*".¹⁷ The evidence in the record of this compliance proceeding is that hydrogen appears to "*pose the greatest risk to public health and safety.*" Finding and Conclusion HAZ 2 should be modified to state "The hazardous materials that pose the greatest risk to public health and safety include anhydrous ammonia, sulfuric acid, and natural gas and hydrogen."

Socioeconomics Finding and Conclusion Number 13 of the 2000 Decision states that, "*The affected population within the five-mile radius and within the footprint of the highest concentrations of air contaminants (which are below levels of significance) is not predominately minority or low-income.*" This is no longer true as the population around the power plant is now considered an EJ population even by CEC Staff.¹⁸

¹³ CEC March 8, 2017 Business Recorded transcript page 26 Lines 1-6

¹⁴ CEC Final Decision Delta Energy Center Page 86 www.energy.ca.gov/sitingcases/delta/documents/2000-02-09_DELTA_DECISION.PDF

¹⁵ CEC Final Decision Delta Energy Center Page 86 www.energy.ca.gov/sitingcases/delta/documents/2000-02-09_DELTA_DECISION.PDF

¹⁶ CEC Final Decision Delta Energy Center Page 86 www.energy.ca.gov/sitingcases/delta/documents/2000-02-09_DELTA_DECISION.PDF

¹⁷ CEC Final Decision Delta Energy Center Page 185 www.energy.ca.gov/sitingcases/delta/documents/2000-02-09_DELTA_DECISION.PDF

¹⁸ TN 216227 Page 4,5

Q. Staff analysis of the amendment application and the Commission approval of this safety amendment conclude that the project as amended complies with all Laws Ordinances Regulations and Standards (LORS). What is your response?

A. The Commission has failed to consult the responsible agency the Bay Area Air Quality Management District (BAAQMD) during this abbreviated amendment period. According to my public records request submitted by me to the BAAQMD¹⁹ the district has not even been notified of the accident much less performed an analysis of compliance with BAAQMD rules and regulations with the project operating as a peaker plant. The amendment changes the method of operation of the DEC converting it to a simple cycle unit from a combined cycle unit. BAAQMD Regulation 2-2-604 provides an Emission Increase/Decrease Calculation Procedures for New Sources and Changes at Existing Sources. As provided in Regulation 2-2-604, “The amount of any emissions increase (or decrease) associated with a new source, or with a physical change, change in the method of operation, change in throughput or production, or other similar change at an existing source, shall be calculated according to the following procedures. BAAQMD Regulation 604.2 provides the method to compute emission increases that result from a Change to Existing Source. Regulation 604.2 provides that, “The emissions increase (or decrease) associated with a physical change, change in the method of operation, change in throughput or production, or other similar change at an existing source (including a permanent shutdown of the source) shall be calculated as the difference between: (i) the source’s potential to emit after the change; and (ii) the source’s adjusted baseline emissions before the change, calculated in accordance with Section 2-2-603. The Delta Energy Centers three year baseline emissions are calculated pursuant to BAAQMD regulation 603-2, The DEC emitted 136.5 tons of NOx in 2015,²⁰ 143.1 tons of NOx in 2014²¹ and 154.3 tons of NOx in 2013 for an average of 144.6 tons per NOx over the last three years. Since the amendment does not change the potential to emit as provided for in the 2000 FDOC the DEC’s potential to emit in simple cycle mode for the DEC is 298.7 tons per year of NOx leading to an emission increase of over 150 tons per year of NOx which triggers BAAQMD ATC, BACT, and PSD requirements. All of the BACT determinations imposed by the 2000 FDOC were based on assumption that facility would be operating in combined cycle mode.²² Now that the facility is proposed to be operated in simple cycle mode new BACT determinations should be imposed. Simple cycle units in the BAAQMD now utilize 1 ppm VOC limit as BACT, a 2ppm CO limit as BACT, and an ammonia slip limit of 5 ppm.

¹⁹Exhibit 1 March 1, 2017 public records response email to the BAAQMD.

²⁰<https://www.arb.ca.gov/app/emsinv/facinfo/facdet.php?co =7&ab =SF&facid =12095&dis =BA&dbyr=2013&dd=>²⁰<https://www.arb.ca.gov/app/emsinv/facinfo/facdet.php?co =7&ab =SF&facid =12095&dis =BA&dbyr=2015&dd=>

²¹<https://www.arb.ca.gov/app/emsinv/facinfo/facdet.php?co =7&ab =SF&facid =12095&dis =BA&dbyr=2014&d=>

²² FDOC page 11,12 http://www.energy.ca.gov/sitingcases/delta/documents/intervenors/1999-10-21_FDOC.PDF

The modification would also be a violation of the projects Title V permit since the existing Title V permit does not allow any alternative operating scenarios.²³ An Alternative operating scenario is defined in 40 CFR 70.2. as "*Alternative operating scenario* means a scenario authorized in a [Title V] permit that involves a change at the ... source for a particular emissions unit, and that either results in the unit being subject to one or more applicable requirements which differ from those applicable to the emissions unit prior to implementation of the change or renders inapplicable one or more requirements previously applicable to the emissions unit prior to implementation of the change." The Title V permit authorizes no alternative operating scenario.²⁴ The operating scenario provided in the FDOC for the DEC calculates emissions based on the 6,844 hours of baseload (100% load) operation per year for each CTG @ 30°F, 1,500 hours of duct burner firing per HRSG per year with steam injection power augmentation at CTG combustors, 156 one-hour hot start-ups per CTG per year and 52 three-hour cold start-ups per CTG per year²⁵

The project must provide a new health risk assessment to comply with BAAQMD Regulation 2-5-101 which provides that , *“The purpose of this rule is to provide for the review of new and **modified** sources of toxic air contaminant (TAC) emissions in order to evaluate potential public exposure and health risk, to mitigate potentially significant health risks resulting from these exposures, and to provide net health risk benefits by improving the level of control when existing sources are modified or replaced. The rule applies to a new or modified source of toxic air contaminants that is required to have an authority to construct or permit to operate pursuant to Regulation 2, Rule 1.”* Since the emission profile for the DEC has changed the projects health risk assessment must be reevaluated for operation in simple cycle mode to identify and prevent potential impacts to the environmental justice community.

The modification as proposed does not comply with BAAQMD Rule **2-1-305 Conformance with Authority to Construct which requires that,** *“A person shall not put in place, build, erect, install, modify, modernize, alter or replace any article, machine, equipment, or other contrivance for which an authority to construct has been issued except in a manner substantially in conformance with the authority to construct. If the APCO finds, prior to the*

²³ **Permit Evaluation and Statement of Basis for MAJOR FACILITY REVIEW PERMIT RENEWAL for Delta Energy Center, LLC Facility #B2095 Page 26**
www.baaqmd.gov/~media/files/engineering/title-v-permits/b2095/b2095_2011-4_renewal-sob_03.pdf?la=en

²⁴ **Permit Evaluation and Statement of Basis for MAJOR FACILITY REVIEW PERMIT RENEWAL for Delta Energy Center, LLC Facility #B2095 Page 26**
www.baaqmd.gov/~media/files/engineering/title-v-permits/b2095/b2095_2011-4_renewal-sob_03.pdf?la=en

²⁵ FDOC page 4 http://www.energy.ca.gov/sitingcases/delta/documents/intervenors/1999-10-21_FDOC.PDF

issuance of a permit to operate, that the subject of the application was not built substantially in conformance with the authority to construct, the APCO shall deny the permit to operate.” The permit to operate authorizes operation of the project in combined cycle mode only not simple cycle mode.

‘Q. The CEC decision on the amendment states that the Energy Commission concludes that the proposed modifications will not result in any significant impacts to public health and safety, or to the environment. Do you agree?

A. No. As mentioned above a health risk assessment should be conducted for the projects emissions based on its proposed operation in simple cycle mode. While CEC staff and the Commission believe the project will operate sporadically the permit for the project still allows the project to operate indefinitely for 8,760 hours per year. How the environmental justice community will be impacted by the TAC emissions from the project in simple cycle mode has not been analyzed.

The projects criteria pollutant air quality impacts have also not been analyzed for this project operating in simple cycle mode so potential violations of ambient air quality standards have not been assessed. For example in the original FDOC NO₂ impacts were analyzed and the results in that analysis show that the project would now violate both State and Federal NO₂ standards. The following table E-6 as produced from the FDOC for the Delta Energy Center reveals:

**Table E-6
California and National Ambient Air Quality Standards and
Ambient Air Quality Levels from the Proposed Project (µg/m³)**

Pollutant	Averaging Time	Maximum Background	Maximum Project impact	Maximum Project impact plus maximum background	California Standards	National Standards
NO ₂	1-hour	169	267	436	470	---

Operating the project in simple cycle mode will lead to a cumulative increase in GHG emissions on a local and regional basis. In 2015 the DEC operated in combined cycle mode and had a heat rate of 7.4508 MMBtu/MW.²⁶ The project produced 4,632, 636 MW and consumed 34,516,967 MMBTU.²⁷ In 2015 The Delta Energy Center emitted 1,812,158 metric tons of CO₂E according to the ARB GHG database.²⁸ Potential GHG emissions would increase

²⁶http://www.energy.ca.gov/almanac/electricity_data/web_qfer/Heat_Rates.php?goSort=annual.expr1&year=2015

²⁷http://www.energy.ca.gov/almanac/electricity_data/web_qfer/Heat_Rates.php?goSort=annual.expr1&year=2015

²⁸ <https://www.arb.ca.gov/cc/reporting/ghg-rep/reported-data/ghg-reports.htm>

by as much as approximately 630,000 metric tons per year²⁹ which represents a substantial increase in GHG emissions should the DEC again be called on to produce 4,632,636 MW in 2017. Likely other natural gas projects will be called on to meet any system or LCR need that has been previously supplied by the DEC. The heat rates for most of the available replacement generation in the local area are fairly high. In 2015 the heat rate for the little used Pittsburg Generating Station was 12.5434 MMBtu/MW.³⁰ The Marsh Landing Generation Station had a less than 1% utilization rate in 2015³¹ and had a 2015 heat rate of 12.8052 MMBtu/MW. The Los Medanos Energy Center has a slightly higher heat rate than Delta at 7.5910 MMBtu/MW but its availability to replace DEC generation is limited by its high annual capacity factor. The Gateway Generating Station has a heat rate of 7.17219 MMBtu/MW but would likely not be available to replace DEC output since it already has a high annual utilization factor. There will likely be a substantial increase in GHG emissions from natural gas fired power plants in the Pittsburg/Antioch area. No analysis is presented in the application or staff assessment which would lead to the conclusions that GHG emissions will not increase as the result of operation of the DEC in simple cycle mode. In fact the amendment application and the staff analysis do not even provide an expected heat rate for the DEC in simple cycle mode with the HRSG still in line.

Q. Does this conclude your testimony?

A. Yes it does.

Declaration of Robert Sarvvey

²⁹ 75,000 metric tons per year is considered significant by most agencies.

³⁰ http://www.energy.ca.gov/almanac/electricity_data/web_qfer/Heat_Rates.php

³¹ <https://www.google.com/url?q=http://www.energy.ca.gov/2016publications/CEC-200-2016-002/CEC-200-2016-002.pdf&sa=U&ved=0ahUKEwjGtderwJDTAhULzGMKHRrvDn4QFggSMAY&client=internal-uds-cse&usg=AFQjCNHuYlfCTugPO4wZvMB86iu5K1sDSg> Page 3

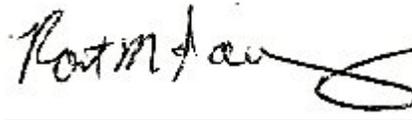
I Robert Sarvey declare as follows:

1. That I have been retained by Helping Hand Tools to provide an analysis of the Delta Energy Centers Safety amendment filed on March 22, 2017.
2. A copy of my professional qualification is attached to this testimony.
3. I prepared the Testimony of Robert Sarvey on Behalf of Helping Hand Tools.
4. It is my professional opinion that the prepared testimony is valid and accurate with respect to the issues addressed within.
5. I am personally familiar with the facts and conclusion presented in the testimony and if called as a witness can testify competently thereto

I declare under penalty of perjury that the forgoing is true and correct to the best of my knowledge and belief.

Dated: April 6, 2017

Signed By _____

A handwritten signature in black ink, appearing to read "Robert Sarvey", written over a horizontal line.

At: Tracy California

RESUME OF ROBERT SARVEY

Academic Background

BA Business Administration California State University Hayward, 1975

MBA California State University Hayward, 1985

Experience

San Joaquin Valley Air Pollution Control District Citizens Advisory Board Industry

Representative: Analyzed proposed air quality regulations and made recommendations to the Governing Board for approval.

GWF Peaker Plant 01-AFC-16: Participated as an Intervenor in the project and helped negotiate and implement a 1.3 million dollar community benefits program. Successfully negotiated for the use of local emission reduction credits with GWF to offset local air quality impacts.

East Altamont Energy Center 01-AFC-14: Participated as an Intervenor and helped develop the conditions of certification for hazardous materials transportation, air quality, and worker safety and fire protection. Provided testimony on emergency response and air quality issues.

Tesla Power Project 01- AFC-04: Participated as an Intervenor and provided air quality testimony on local land use and air quality impacts. Participated in the development of the air quality mitigation for the project. Provided testimony and briefing which resulted in denial of the PG&E's construction extension request.

Modesto Irrigation District 03-SPEE-01: Participated as an Intervenor and helped negotiate a \$300,000 air quality mitigation agreement between MID and the City of Ripon.

Los Esteros: 03-AFC-2 Participated as an Intervenor and also participated in air quality permitting with the BAAQMD. Responsible for lowering the projects permit limit for PM-10 emissions by 20%.

SFERP 4-AFC-01: Participated as an Intervenor and also participated in the FDOC evaluation.

My comments to the BAAQM D resulted in the projects PM -10 emission rate to be reduced from 3.0 pounds per hour to 2.5 pounds per hour by the District.

Long Beach Project: Provided the air quality analysis which was the basis for a settlement agreement reducing the projects NOx emissions from 3.5ppm to 2.5ppm.

ATC Explosive Testing at Site 300: Filed challenge to Authority to Construct for a permit to increase explosive testing at Site 300 a DOE facility above Tracy. The permit was to allow the DOE to increase outdoor explosions at the site from 100 pounds per charge to 300 pounds per charge and also grant an increased annual limit on explosions from 1,000 pounds of explosive to 8,000 pounds of explosives per year. Succeeded in getting the ATC revoked.

CPUC Proceeding C. 07-03-006: Negotiated a settlement with PG&E to voluntarily revoke Resolution SU-58 which was the first pipeline safety waiver of GO112-E granted in the State of California. Provided risk assessment information that was critical in the adoption of the Settlement Agreement with PG&E which, amongst other issues, resulted in PG&E agreeing to withdraw its waiver application and agreeing to replace the 36-inch pipeline under the sports park parcel after construction.

East shore Energy Center: 06-AFC-06: Intervened and provided air quality testimony and evidence of cancellation of Eastshore's power purchase agreement with PG&E.

Colusa Generating Station: 06-AFC-9: Participated as air quality consultant for Emerald Farms. Filed challenge to the PSD Permit.

CPUC proceeding 08-07-018: Tesla Generating Station CPCN participated in proceeding which was dismissed due to motion by IEP. Reviewed all filings, filed protest, signed confidentiality agreement and reviewed all confidential testimony.

GWF Tracy Combined Cycle 08-AFC-07: Participated in negotiation of the Air Quality Mitigation Agreement with the San Joaquin Valley Air Pollution Control District and GWF.

CPUC Proceeding 09-09-021: Provided Testimony on behalf of CALifornians for Renewable Energy. Demonstrated PG&E failed to follow its environmental protocol in the LTPP. Provided testimony and evidence that PG&E's need had fallen since 2007 and that the Commission should limit PG&E's procurement to the 950-1000 MW Range.

CPUC Proceeding A. 09-04-001: Represented CALifornians for Renewable Energy in the proceeding.

CPUC Proceeding A. 09-10-022: Provided Testimony on behalf of CALifornians for Renewable Energy. Provided confidential evaluation of PPA value. Provided testimony and evidence that PG&E had violated the Mariposa Settlement. Provided testimony that demonstrated PG&E's demand had fallen sharply since the issuance of D. 07-12-052.

Oakley Generating Station 09-AFC-04: Participated as an intervenor. Provided testimony in Alternatives, Air Quality, Environmental Justice, and Water Quality. Negotiated settlement with CCGS to not use ERC's and instead exclusively use 2.5 million dollars to create real time emission reductions through BAAQMD real time emission reduction programs.

Pio Pico PSD Permit: Participated in the Pio Pico PSD permit. Comments resulted in a remand to the air district and a lowering of particulate matter emission limits by 10%.

CPUC Proceeding A.11-12-003: Was credited by the decision for demonstrating that an additional 5 MW of firm capacity was not needed from the Thermal Energy Biomass Plant.

Exhibit 1 March 1, 2017 Public Records Request Reply Email from BAAQMD

-----Original Message-----

From: Public Records <PublicRecords@baaqmd.gov>

To: sarveybob <sarveybob@aol.com>

Sent: Tue, Feb 28, 2017 4:23 pm

Subject: 2017-02-0231

Thank you for your request. We have searched our records and had no records that respond to your below request for:

Delta Energy Center Fire
1200 Arcy Lane
Pittsburg

If you have any questions or concerns, please call or e-mail me.

Sincerely,

Rochelle Reed

Public Records Coordinator

415-749-4784

415-516-1916 (Mobile) 1st option to call

Publicrecords@baaqmd.gov