

## DOCKETED

<b>Docket Number:</b>	07-AFC-06C
<b>Project Title:</b>	Carlsbad Energy Center - Compliance
<b>TN #:</b>	203875
<b>Document Title:</b>	Pre-Hearing Conference Statement
<b>Description:</b>	pre-hearing conference Statement
<b>Filer:</b>	Robert Sarvey
<b>Organization:</b>	Robert Sarvey
<b>Submitter Role:</b>	Intervenor
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**BEFORE THE ENERGY RESOURCES CONSERVATION AND DEVELOPMENT  
COMMISSION OF THE STATE OF CALIFORNIA**

Petition to Amend  
The Carlsbad Energy Center

Docket Number 07-AFC-06C

PRE-HEARING CONFERENCE STATEMENT OF ROBERT SARVEY

**1. The issues about which there is disagreement among the parties and about which the party desires to present evidence or question other testimony.**

Alternatives: I disagree with Staff's analysis in alternatives. Their analysis is not in touch with current procurement decisions and opportunities. I will present rebuttal testimony and exhibits on the current state of the CPUC procurement decisions and RFO results of SCE and SDG&E for Track 1 and 4 products.

GHG Emissions: I disagree with Staff's GHG analysis as it is predicated on incorrect assumptions about procurement and the availability of other resources which could lower GHG emissions. I will present rebuttal testimony on lower emitting **GHG alternatives and compliance with GHG LORS.**

Compliance and Closure: I think that a condition should be included in the proceeding to require a set aside for funding to demolish the amended CECP at the end of its useful life so the City of Carlsbad will not be extorted again in 30 years to host another power plant. I will present direct testimony on the issue.

**2. The witnesses, including their qualifications, and evidence the party intends to introduce during the evidentiary hearings;**

All rebuttal and direct testimony will be provided by Robert Sarvey. Direct testimony will be introduced on compliance and closure. Rebuttal testimony will be provided on alternatives and GHG emissions. My resume is attached.

**3. The names of any witnesses the party desires to have testify by telephone and justification for the request;**

I reserve the right to testify telephonically.

**4. The witnesses of other parties whom they intend to question during the evidentiary hearings and the subject(s) of the questions;**

I will wait to see rebuttal testimony, Coastal Commission Report and the FDOC to determine if I have any questions for the other parties. Preliminary estimates are:

Air Quality	60 Minutes	VOC and CO BACT,
Alternatives	60 Minutes	Preferred resource alternatives
GHG Emissions	60 Minutes	Lower emitting GHG Technology

**5. Topic by topic recommendations about whether the hearings be conducted via formal or the informal processes described below;**

I have no preference.

**6. Issues that may require legal argument or briefing, whether before or after the evidentiary hearings;**

Alternatives- Preferred Resource Alternatives  
Air Quality- FDOC Issues  
Biological Resources- Coastal Commission Report  
Compliance and Closure- Demolition of ACECP after useful life  
GHG Emissions - Lower emitting GHG alternatives  
Visual Resources – Possible significant impact from I-5 widening, Transmission line undergrounding  
Land Use – 35 Foot height limitation , Compliance with Coastal Commissions LORS  
Override – Project not needed for public convenience and necessity.  
Water Resources- No water supply assessment - Drought

**7. Whether it would be productive to have oral argument at the beginning and/or close of the evidentiary hearings;**

Oral argument is not needed briefing will suffice.

**8. Time estimates broken down by topic area and type (party’s direct and rebuttal testimony, questioning of other party’s witnesses, and oral argument); and**

Oral Argument is not needed.  
Air Quality                      60 Minutes                      VOC and CO BACT, FDOC Issues

Alternatives  
GHG Emissions

60 Minutes  
60 Minutes

Preferred resource alternatives  
Lower emitting GHG Technology

**9. A list of any documents of which the party requests the Committee take official notice beyond those described below. NONE**

Exhibit List

6001	Sarvey Direct Testimony on Compliance and Closure.
6002	Sarvey Rebuttal Testimony on Alternatives
6003	Sarvey Rebuttal Testimony on GHG Emissions
6004	A. 14-07-009 Proposed Decision of ALJ Yacknin
6005	A14-11-012 Southern California Edison's Application for Approval of the results of its 2013 Local Capacity RFO
6006	CPUC Decision 12-03-004
6007	14-07-009 Exhibit 20 SDG&E results of its 2014 RFO (Public Version)

## **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 for 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 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 BAAQMD 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. Provided testimony on the air quality impacts of the project.

**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:** 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:** Negotiated settlement with PG&E on the construction of the Mariposa Power Plant. Set limits on PG&E procurement which PG&E subsequently violated.

**CPUC Proceeding A. 09-10-022:** 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, 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.

**CPUC Proceeding A. 12-03-026** Provided testimony and briefing on need for the facility and CAISO Renewable Integration Study.

**CPUC Proceeding A. 14-07-009** Provided testimony and briefing on Alternatives, value of PPTA, and need for the Carlsbad PPTA.