

**DOCKET**

**07-AFC-3**

DATE APR 28 2010

RECD. APR 28 2010

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

In the Matter of:

Application for Certification for the  
CPV SENTINEL ENERGY PROJECT

**Docket No. 07-AFC-03**

STATEMENT OF UNAVAILABILITY OF  
TESTIMONY BY INTERVENOR  
COMMUNITIES FOR A BETTER ENVIRONMENT

Intervenor Communities for a Better Environment (“CBE”) respectfully submits this preliminary statement in anticipation of future testimony in the above-captioned matter. Although the April 7, 2010 order of the Commission directed intervenors to file testimony by April 28, 2010, the limited matters on which CBE intends to submit testimony are entirely within the control of CPV Sentinel, the Commission, or the South Coast Air Quality Management District (“AQMD”), and as a result of this Commission’s decision, are not yet available to CBE.

On March 30, 2010, prior to issuance of the Commission’s scheduling order, Intervenor California Communities Against Toxics (“CCAT”) filed a petition to submit data requests. CCAT specifically sought the evidence on which applicant CPV Sentinel intends to rely to show that the emission offsets intended to offset Sentinel’s new emissions are Real, Permanent, Quantifiable, Enforceable and Surplus.

On April 22, 2010, this Commission rejected CCAT’s request. The ordering denying the request posited that AQMD controls all of the documents CCAT would seek in a data request. The Commission reasoned that a request to AQMD via the California Public Records Act was a more logical means of securing the information CCAT sought. CCAT has submitted such a request to AQMD, which has not yet produced the requested documents. Until CBE has reviewed those documents, it cannot offer its testimony.

CBE STATEMENT OF UNAVAILABILITY OF TESTIMONY

April 28, 2010

Page 2

Once AQMD produces all the information requested, CBE will be able to offer its testimony on the subjects identified in its statement of issues.

Dated April 28, 2010

Respectively submitted,

[Original signed]

Shana Lazerow

Staff Attorney

Communities for a Better Environment

## DECLARATION OF SERVICE

I, Shana Lazerow declare that on April 28, 2010, I served and filed copies of the document entitled

### STATEMENT OF UNAVAILABILITY OF TESTIMONY BY INTERVENOR COMMUNITIES FOR A BETTER ENVIRONMENT

The original document, filed with the Docket Unit, is accompanied by a copy of the most recent Proof of Service list, located on the web page for this project at:

**[<http://www.energy.ca.gov/sitingcases/sentinel/index.html>]**

The document has been sent to both the other parties in this proceeding (as shown on the Proof of Service list) and to the Commission's Docket Unit, in the following manner:

#### **For service to all other parties:**

  XX   sent electronically to all email addresses on the Proof of Service list;

  XX   by personal delivery or by depositing in the United States mail at Oakland, California with first-class postage thereon fully prepaid and addressed as provided on the Proof of Service list above to those addresses **NOT** marked "email preferred."

**AND**

#### **For filing with the Energy Commission:**

  XX   sending an original paper copy and one electronic copy, mailed and emailed respectively, to the address below (preferred method);

**OR**

       depositing in the mail an original and 12 paper copies, as follows:

#### **CALIFORNIA ENERGY COMMISSION**

Attn: Docket No. 07-AFC-3

1516 Ninth Street, MS-4

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docket@energy.state.ca.us

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on April 28, 2010 at Oakland, California.

       [Original signed] \_\_\_\_\_

Shana Lazerow



**BEFORE THE ENERGY RESOURCES CONSERVATION AND DEVELOPMENT  
COMMISSION OF THE STATE OF CALIFORNIA  
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**APPLICATION FOR CERTIFICATION FOR THE  
CPV SENTINEL ENERGY PROJECT  
BY THE CPV SENTINEL, L.L.C**

**DOCKET No. 07-AFC-3**

**PROOF OF SERVICE  
(Revised 3/24/2010)**

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