

Angela Johnson Meszaros
1107 Fair Oaks Avenue, #246
South Pasadena, CA 91030
(323) 341-5868
Angela@CleanAirMatters.net

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

Application for Certification for the)	
CPV SENTINEL ENERGY PROJECT)	
By CPV Sentinel, L.L.C.)	Docket No. 07-AFC-03
)	California Communities Against Toxics
)	Testimony on Air Quality
_____)	

On November 6, 2008, this Committee issued an Evidentiary Hearing Order in which it stated:

Once the Applicant has identified the emissions offsets to be applied to the CPV Sentinel Project pursuant to Public Resources Code § 25523(d)(2), the Committee orders the Applicant to confer with Staff to determine whether the identified emissions offsets raise any dispute between the parties. The Committee recommends that the parties use their best efforts to resolve any such disputes prior to making a request that the Committee set a date to take evidence on Air Quality. After conferring with Staff regarding the emissions offsets, the Applicant is ordered to so inform the Hearing Officer who will issue a Notice of Evidentiary Hearing.

A dispute has been identified between the parties. California Communities Against Toxics (hereinafter “CCAT”) disputes, among other issues, the validity of the emission reduction credits offered by the Applicant. On March 30, 2010, prior to the Committee issuing its scheduling order, CCAT petitioned this Committee for an Order to Allow Submission of Data Requests regarding the validity of the emission reduction credits offered by the Applicant.

On April 22, 2010, declining to exercise its authority to request data from the Applicant and its authority pursuant to 20 CCR 1203(b) to issue a *subpoena duces tecum* to the SCAQMD, this Committee directed CCAT to seek information regarding the validity of the emission reduction credits to be applied to the CPV Sentinel Project via a Public Records Act request to the South Coast Air Quality Management District (hereinafter “SCAQMD”). CCAT has made such a request to the SCAQMD. On April 26, 2010, SCAQMD’s General Counsel, Kurt Wiese,

informed CCAT that the SCAQMD will respond to the request but Mr. Wiese declined to state when CCAT should expect to receive the responsive documents.

As CCAT and the Applicant have noted “[t]he information sought by CCAT goes to the integrity of the offsets in the SCAQMD’s internal emission offset account.”¹ This Commission has a clear, affirmative duty both under 20 CCR 1752 and AB 1318² to find that a project complies with all applicable laws. Indeed, AB 1318 clearly states:

the State Energy Resources Conservation and Development Commission shall not certify an eligible electrical generation facility if it determines that the credit and transfer by the south coast district do not satisfy all applicable legal requirements. Health & Safety Code 40440.14(c).

Receipt and review of the documents from the SCAQMD regarding the validity of the emission reduction credits upon which the Applicant seeks to rely is necessary for CCATs testimony on this matter and the Commissions finding of fact for certification of this project.

Conclusion

The information CCAT has requested from the SCAQMD is necessary for any testimony regarding the Applicant’s proffered emission reduction credits and the requirement that this Commission determine the validity of those credits. Consistent with this Committee’s Order, CCAT has requested the information from SCAQMD and awaits its arrival. Upon receipt of the requested documents from the SCAQMD, CCAT will immediately review the information for completeness and content and submit testimony to this Committee in as timely a manner as possible.³

Dated April 28, 2010

Respectfully Submitted,

ORIGINAL SIGNED BY

Angela Johnson Meszaros
Counsel to
California Communities Against Toxics

¹ Applicant’s Objection to Petition for Order to Allow Submission Of Data Requests, at 3.

² CCAT has challenged the Constitutionality of the adoption of AB 1318 in Los Angeles Superior Court and in making reference to the statute or any of its provisions does not assert or recognize the legality of it.

³ CCAT identified other issues in its January 11, 2010 Issues Identification Report. In keeping with past practice of the Committee, for maximum efficiency CCAT will submit all of its testimony on Air Quality at the same time.

DECLARATION OF SERVICE

I, Angela Johnson Meszaros, declare that on, April 28, 2010, I served and filed a copy of the attached California Communities Against Toxics Testimony on Air Quality. 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:

[\[http://www.energy.ca.gov/sitingcases/sentinel/index.html\]](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:

(Check all that Apply)

For service to all other parties:

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

by personal delivery or by depositing in the United States mail at 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:

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
Sacramento, CA 95814-5512
docket@energy.state.ca.us

I declare under penalty of perjury that the foregoing is true and correct.

original signed by

Angela Johnson Meszaros



**BEFORE THE ENERGY RESOURCES CONSERVATION AND DEVELOPMENT
COMMISSION OF THE STATE OF CALIFORNIA
1516 NINTH STREET, SACRAMENTO, CA 95814
1-800-822-6228 – WWW.ENERGY.CA.GOV**

**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)**

APPLICANT

CPV Sentinel, LLC
Mark O. Turner, Director
Competitive Power Ventures, Inc.
55 2nd Street, Suite 525
San Francisco, CA 94105
mturner@cpv.com

APPLICANT'S CONSULTANT

Dale Shileikis - URS Corporation
221 Main Street, Suite 600
San Francisco, CA 94105-1916
dale_shileikis@urscorp.com

COUNSEL FOR APPLICANT

Michael J. Carroll
LATHAM & WATKINS LLP
650 Town Center Drive, 20th Floor
Costa Mesa, CA 92626-1925
michael.carroll@lw.com

INTERESTED AGENCIES

California ISO
E-mail preferred
e-recipient@caiso.com

Mohsen Nazemi, PE
South Coast AQMD
21865 Copley Drive
Diamond Bar, CA 91765-4178
mnazemi@aqmd.gov

INTERVENORS

Angela Johnson Meszaros
CA Communities Against Toxics
1107 Fair Oaks Avenue, #246
South Pasadena, CA 91030
Angela@CleanAirMatters.net

*Communities for a Better Environment
c/o Shana Lazerow
1440 Broadway, Suite 701
Oakland, California 94612
slazerow@cbecal.org

ENERGY COMMISSION

JAMES D. BOYD
Vice Chair and Presiding Member
jboyd@energy.state.ca.us

Kenneth Celli, Hearing Officer
kcelli@energy.state.ca.us

John Kessler, Project Manager
jkessler@energy.state.ca.us

Caryn Holmes, Staff Counsel
cholmes@energy.state.ca.us

Jennifer Jennings
Public Adviser
publicadviser@energy.state.ca.us