

**DOCKET**  
**07-AFC-3**

**From:** Ken Celli  
**To:** Angela@CleanAirMatters.net; Caryn Holmes; dale\_shileikis@urscorp.com; ...  
**Date:** 4/29/2010 4:56 PM  
**Subject:** RE: Parties sentinel

**DATE** APR 29 2010  
**RECD.** APR 29 2010

Ms. Johnson Meszaros:

I'm sorry but the dates will have to remain as set. Mr. Carroll is quite correct that hearings are established based upon the availability of the Committee. These are extraordinary times at the Energy Commission due to the press of an unprecedented workload. As a result, Commissioners' availability is an increasingly scarce commodity.

In order to accommodate your schedule, the best the Committee can offer would be to allow you to appear at the Evidentiary Hearing by WebEx, if you cannot appear in person. I have attached the REVISED Notice of Pre-Hearing Conference and Evidentiary Hearings, with instructions for using WebEx. Please read the entire Notice carefully, especially pages 3 and 4.

**The Committee admonishes you and counsel for CBE to serve any testimony you currently have on all parties forthwith. Otherwise, you risk its exclusion from evidence.**

Sincerely,

Kenneth D. Celli  
Hearing Advisor II  
California Energy Commission  
Hearing Office  
1516 9th Street, MS 9  
Sacramento CA 95814-5512  
(916) 651-8893

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>>> <[MICHAEL.CARROLL@LW.com](mailto:MICHAEL.CARROLL@LW.com)> 4/29/2010 2:00 PM >>>  
All Parties,

Contrary to the assertion below, the previous date for the evidentiary hearing of July 19, 2010 was not "negotiated among and agreed to by the parties." This date was considerably later than the date jointly proposed by the parties, and was established by the Committee based, presumably, on availability of the Committee. In fact, the date that was negotiated among and agreed to by the parties was very close (off by one day) to the current date of June 1, 2010.

On March 11, 2010, the Hearing Officer requested that the Applicant confer with the other parties and submit a proposed schedule agreeable to all parties. In response, on March 17, 2010, Applicant submitted a proposed schedule to the parties, including Ms. Johnson Meszaros, which included a proposed date of May 19, 2010 for the evidentiary hearing. On March 23, 2010, Ms. Johnson Meszaros proposed adjustments to the schedule, including a proposed date of June 2, 2010 for the evidentiary hearing. On March 29, 2010, Applicant submitted a proposed schedule to the Committee, which reflected Ms. Johnson Meszaros request that the evidentiary hearing be pushed out to June 2, 2010. As stated above, the Committee subsequently issued a revised scheduling order that set the evidentiary hearing for July 19, 2010.

Thus, the current schedule is very close to that agreed upon by the parties.

Michael J. Carroll

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From: Angela Johnson Meszaros [<mailto:Angela@CleanAirMatters.net>]

Sent: Thursday, April 29, 2010 12:58 PM

To: 'Maggie Read'; 'Mohsen Nazemi'; [e-recipient@caiso.com](mailto:e-recipient@caiso.com);

[slazerow@cbecal.org](mailto:slazerow@cbecal.org); [mturner@cpv.com](mailto:mturner@cpv.com); 'Caryn Holmes'; 'Docket Optical System'; 'Jim Boyd'; 'John Kessler'; 'Ken Celli'; 'Public Adviser's

Office'; Carroll, Michael (OC); [dale\\_shileikis@urscorp.com](mailto:dale_shileikis@urscorp.com);

[jennifer.Jennings@energy.state.ca.us](mailto:jennifer.Jennings@energy.state.ca.us)

Subject: RE: Parties sentinel

Mr. Celli,

The newly proposed hearing date for this matter conflicts with a prior obligation I'd scheduled; therefore, CCAT requests that the June 1st date be adjusted to allow for our participation in the hearing.

Further, yesterday we notified the Committee that, consistent with this Committee's order, we had submitted a Public Records Act request to the South Coast Air Quality Management District seeking critical information regarding the validity of the emission reduction credits upon which the Applicant in this matter seeks to rely. Despite our request that they tell us when we should expect to receive the documents we've requested, the District has declined to do so. The District has, however, indicated that they will produce the documents. Therefore, we know the documents are coming-we just don't know when. Without the information from the SCAQMD, CCAT is unable to provide testimony on the Air Quality issue. Given this situation, it is particularly troubling that the Committee has requested-and the Chairman has approved-advancing the Evidentiary Hearing to a day nearly 7 weeks prior to the date negotiated among and agreed to by the parties. The previous schedule was already beginning to seem tight, we are concerned that this new proposed schedule will be unworkable.

Angela Johnson Meszaros

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

From: Maggie Read [<mailto:Mread@energy.state.ca.us>]

Sent: Thursday, April 29, 2010 10:01 AM

To: Mohsen Nazemi; [e-recipient@caiso.com](mailto:e-recipient@caiso.com); [slazerow@cbecal.org](mailto:slazerow@cbecal.org); [Angela@CleanAirMatters.net](mailto:Angela@CleanAirMatters.net); [mturner@cpv.com](mailto:mturner@cpv.com); Caryn Holmes; Docket Optical System; Jim Boyd; John Kessler; Ken Celli; Public Adviser's Office; [michael.carroll@lw.com](mailto:michael.carroll@lw.com); [dale\\_shileikis@urscorp.com](mailto:dale_shileikis@urscorp.com)  
Subject: Parties sentinel

A hard copy of the attached

document(s), will be delivered

and filed with the Docket Unit.

You will be receiving a hard copy in the mail shortly.

If you have any questions, please do not hesitate to contact the office.

Maggie Read

Hearing Adviser's Office

California Energy Commission

(916) 654-3893

[Mread@energy.state.ca.us](mailto:Mread@energy.state.ca.us)

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