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DOCKET	
07-AFC-3	
DATE	JUN 01 2010
RECD.	JUN 07 2010

STATE OF CALIFORNIA
ENERGY RESOURCES CONSERVATION AND DEVELOPMENT COMMISSION

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Application for Certification for the)
CPV SENTINEL ENERGY PROJECT)
By CPV Sentinel, L.L.C.) **Docket No. 07-AFC-03**
) California Communities Against Toxics'
) *Supplemental Prehearing Conference Statement*
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_____)

California Communities Against Toxics (hereinafter "CCAT") hereby submits the following *Supplemental Prehearing Conference Statement* as ordered by the Committee in which CCAT provides the identity of witnesses sponsored.

4. The identity of each witness sponsored by each party (note: witnesses must have professional expertise in the discipline of their testimony); the topic area(s) which each witness will present; a brief summary of the testimony to be offered by each witness; qualifications of each witness; and the time required to present direct testimony by each witness

Identity of the Witness: Michael Harris, Assistant Professor of Law and Director of the Environmental Law Clinic at the University of Denver Sturm College of Law

Topic Area: Air Quality

Brief Summary of the Testimony to be offered: Mr. Harris will opine on the legal standards that apply to offsets and whether or not, based on the documentation provided, the proposed offsets meet applicable legal standards.

Qualifications of the Witness: Michael Harris is Assistant Professor of Law and Director of the Environmental Law Clinic at the University of Denver Sturm College of Law. He received a B.A. in Environmental and Political Studies from Pitzer College in Claremont, California, a M.S.L. from Vermont Law School, and a J.D. from Boalt Hall School of Law at the University of California-Berkeley, where he was an Executive Editor for the Ecology Law Quarterly. Before coming to Denver, Professor Harris was a Visiting Assistant Professor at Vermont Law School, where he taught Air Pollution Law & Policy and Administrative Law. Professor Harris' career has focused exclusively on the practice of environmental law, much of it working directly on litigation to protect public health and natural resources. He has worked as a Senior Deputy District Counsel for the South Coast Air Quality Management District in Los

Angeles, as an Associate Environmental Counsel for the Los Angeles Unified School District, and as a Project Attorney with Earthjustice in Denver, Colorado. Professor Harris has also published on legal issues associated with environmental litigation. Mr. Harris has worked on issues related to offsets, New Source Review, Prevention of Significant Deterioration, and Title V permitting since 1998. His latest piece is entitled *Environmental Deliberative Democracy and the Search for Administrative Legitimacy: A Legal Positivism Approach*, 44 U. Mich. J.L. Reform (forthcoming 2010). See attached Curriculum Vitae.

Time Required for Direct: Mr. Harris will present written testimony prior to the hearing. Should oral testimony be desired by the Commission, direct should be no longer than 30 minutes.

Dated June 1, 2010

Submitted by,

Original signed by

Angela Johnson Meszaros
Counsel for
California Communities Against Toxics

Curriculum Vitae

Michael Ray Harris
University of Denver Sturm College of Law
2255 E. Evans Ave., Room 365H
Denver, Colorado 80222
(303) 871-7870
E-mail: mharris @law.du.edu

TEACHING AND RESEARCH INTERESTS:

Urban Environmental Law & Public Health
Administrative Law
Clinical Legal Education
International Conservation Law

TEACHING EXPERIENCE:

Assistant Professor of Law, University of Denver Sturm College of Law, 2008 – Present.

Visiting Assistant Professor of Law (Administrative & Air Pollution Law), Vermont Law School, Spring 2008

Adjunct Professor (Environmental Administrative Law), Green Mountain College (Vermont), Spring 2008

Adjunct Lecturer III (Environmental Health Law), California State Univ. at Northridge, 2002 – 2008.

PROFESSIONAL EXPERIENCE:

Director, University of Denver Environmental Law Clinic, Denver, Colorado, 2008 – Present.

Of Counsel, Fredericks, Peebles & Morgan LLP, Louisville, Colorado, 2010 – Present.

Senior Deputy District Counsel, South Coast Air Quality Management District, Diamond Bar, California, 2002 – 2003 and 2005-2007.

Project Attorney, Earthjustice, Denver, Colorado, 2003 – 2005.

Assistant General Counsel, Los Angeles Unified School District, 2001 - 2002.

Associate, McKenna, Long & Aldridge, L.L.P., Los Angeles, California, 1999 – 2001.

Associate, Bingham McCutchen, Los Angeles, California, 1998 – 1999.

Associate, McCormick, Kidman & Behrens, Costa Mesa, California, 1997 – 1998.

Associate, Law Offices of Charles Stevens Crandall, San Diego, California, 1995 – 1998.

Honors Law Clerk, U.S. Department of Justice, Environmental & Natural Resources Division, 1994.

EDUCATION:

Boalt Hall School of Law, University of California, Berkeley
Juris Doctor, May 1995. Activities and achievements included:

- Executive Editor, *Ecology Law Quarterly*, 1994-1995.
- Honors in Evidence, Criminal Procedure, Environment and Culture Law, Professional Responsibility, and Advanced Environmental Law Workshop.

Vermont Law School, South Royalton
Master of Studies in Law (M.S.L.), *magna cum laude*, August 1992.

Pitzer College, Claremont, California
Bachelor of Arts (Environmental and Political Studies), May 1991.

SCHOLARLY WORKS:

Published:

Environmental Deliberative Democracy and the Search for Administrative Legitimacy: A Legal Positivism Approach, 44 U. Mich. J.L. Reform (forthcoming 2010).

Standing in the Way of Judicial Review: Use of The Deliberative Process Privilege in APA Case, 53 Saint Louis L.J. 349 (2009).

Promoting Corporate Self-Compliance: An Examination of the Debate Over the Legal Protection for Environmental Audits, 23 Ecology Law Q. 631 (1996).

In Progress:

Rethinking Copenhagen: An Argument for a Domestic Carbon Regulatory Strategy.

Statutory Interpretation and Agency Deference: What Has 10 Years of Mead Taught Us?

OTHER PUBLICATIONS:

A Just West (Blog), High Country News, at <http://www.hcn.org/greenjustice/blog> (ongoing).

In My Own Words: Calling All Energy Hogs, Pitzer Participant Winter 2007-08.

The Bush Energy Plan in Microcosm, in *The Falcon and the Oilman: Drilling on Wild Public Lands*, The Environmental Forum, May-June 2004 (Vol. 21, No. 3, page 42).

Time to School Indoor Molds, Environmental Protection Online, at <http://www.stevenspublishing.com/stevens/EHSpub.nsf/pubhome/lookup?opendocument> (2004).

When the Lights Go Out: How Power Outages Cause Real Time Environmental Issues and How To Manage Them, Environmental Protection, January 2001 (Vol. 13, No. 1, page 32).

LECTURES AND PRESENTATIONS:

Panelist, *The Clean Air Hammer Falls: Revisions to the National Ambient Air Quality Standards*, at the 28th Public Interest Environmental Law Conference, University of Oregon, February 2010.

Lead Panelist, *Communicating Environmental Issues Across Borders*, at “Globally Speaking: Voices, Visions, & Viewpoints,” University of Denver (The Estlow Center), February 2009.

Panelist, *The Ozone Ambient Air Quality Standards and What They Mean for the American West*, at the 27th Public Interest Environmental Law Conference, University of Oregon, February 2009.

Moderator, *Getting to Know Your Environmental Law Clinic and Student Attorney: How Can We Serve You*, at the 27th Public Interest Environmental Law Conference, University of Oregon, February 2009.

Panelist, *Clinical Education and the Litigation of Biodiversity Issues*, at the North American Commission for Environmental Cooperation Workshop (“Environmental Law Education: A Clinical Approach”), Tecnologico de Monterrey, Mexico City, November 2008.

Plenary Speaker, *The Federal Agencies and NEPA*, at the Winter Wildlands Alliance’s 2008 Grassroots Advocacy Conference (“Advocacy in a Climate of Change”), October 2008.

Panel Moderator, *Laboratories of Innovation: States Driving The Climate Change Debate*, at the National Association of Environmental Law Societies’ Annual Conference, University of Vermont, March 2008.

Panelist, *Endangered Species Act Update*, CLE International, Denver, CO., November 2004.

Panelist, *Legal Careers*, Pitzer College, November 2001.

Panelist, *Environmental Credits and Taxes*, McKenna & Cuneo, December, 2000.

Panelist, *Environmental Careers*, Pitzer College, November 2000.

Panelist, *The Debate over Diesel and Alternative Fuels*, McKenna & Cuneo, September 2000.

Panelist, *The Regulation of Stormwater*, McKenna & Cuneo, March 2000.

Panelist, *Alumni Career Paths*, Pitzer College, February 2000.

Panelist, *The College and University Environmental Workshops*, McKenna & Cuneo, November 1999.

Panelist, *Airing the Issue of New Source Review*, McKenna & Cuneo, September 1999.

PUBLISHED DECISIONS:

Colorado Wild v. Vilsack, 2010 WL 1257988 (D. Colo., March 25, 2010).

WildEarth Guardians v. Public Serv. Co. of Colo., --- F. Supp. 2d --- (D. Colo. 2010).

Friends of Animals v. Salazar, --- F. Supp. 2d --- (D. D.C. 2010).

Friends of Animals v. Salazar, 670 F. Supp. 2d 7 (D. D.C. 2009).

WildEarth Guardians v. Public Serv. Co. of Colo., 2009 WL 3296103 (D. Colo., Oct. 13, 2009).

Pacific Merchant Shipping Ass'n v. Cackette, 2007 WL 2492681 (E.D. Cal., Aug. 30, 2007).

Association of American Railroads v. South Coast Air Quality Management District, 2007 WL 2439499 (C.D. Cal., April 30, 2007).

Center for Biological Diversity v. Morgenweck, 351 F. Supp. 2d 1137 (D. Colo. 2004).

U.S. v. City of San Diego, 18 F. Supp. 2d 1090 (S.D. Cal. 1998)

NRDC, Inc. v. Southwest Marine, Inc., 945 F. Supp. 1330 (S.D. Cal. 1996).

Chaparral Greens v. City of Chula Vista, 50 Cal. App. 4th 1134 (1996).

Save Our Forests and Ranchlands v. County of San Diego, 50 Cal. App. 4th 1757 (1996).

United States v. City of San Diego, 18 F. Supp. 1090 (S.D. Cal. 1998).

GRANTS & AWARDS:

Internationalization Grant, University of Denver. Project: Environmental Law Clinic – LLM International Environmental Law Project. 2009-2010.

Internationalization Grant, University of Denver. Project: Global Cities & Public Health (in partnership with Sandy Johnson, Korbel School of International Studies). 2009-2010.

PROFESSIONAL AFFILIATIONS AND ACTIVITIES:

Licensed, Supreme Court, State of Colorado (No. 035395), May 2004 – Present.

Admitted, Bar of the U.S. District Court for the Dist. of Columbia (No. CO0049), July 2008 – Present.

Member (Inactive), California State Bar Association (No. 179544), December 1995 – Present.

Vice President for Strategic Planning, Pitzer College Alumni Council, current.

Executive Committee Member, Environmental Law Section, Los Angeles Bar Association, 2003.

Committee Member, Legislation Committee, Environmental Law Section, 1997-1999, 2001.

Career Development Chair, Pitzer College Alumni Council, 2000 – 2002.

Assistant Instructor, Sierra Club Wilderness Travel Course, 2005 – 2006.



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 5/21/2010)**

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INTERESTED AGENCIES

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INTERVENORS

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DECLARATION OF SERVICE

I, Angela Johnson Meszaros, declare that on, June 1, 2010, I served and filed a copy of the attached Prehearing Conference Statement. 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:

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

original signed by: _____

Angela Johnson Meszaros