

STATE OF CALIFORNIA ENERGY RESOURCES CONSERVATION AND
DEVELOPMENT COMMISSION

In the Matter of
Pio Pico Energy Center

Docket No. 11-AFC-01

Rob Simpson Prehearing Conference Statement

The NOTICE OF PREHEARING CONFERENCE AND EVIDENTIARY HEARING States; Each party shall serve and file a **Prehearing Conference Statement** containing all of the information described below, which shall be received by mail or e-mail by the other parties and the Commission's Docket Unit by **2 p.m. on Friday, July 6, 2012**. The parties shall submit a **WORD version** of their statements to the Hearing Adviser via email.

Each statement shall specify:

1. The topic areas that are complete and ready to proceed to evidentiary hearing;

None

2. The topic areas that are not complete and not yet ready to proceed to evidentiary hearing, and the reasons therefor;

All areas are not ready for the reasons set forth herein and because adequate notice to the affected communities including those in the country of Mexico and the prison population have not occurred.

Air Quality

In addition to the comments made to the Air district/Commission and Mr. Sarvey's testimony, the true impacts have been disguised by selecting a distant air quality monitoring station instead of the one that is near the project.

The reality of the likelihood of the facility operating on imported LNG have been ignored. The likelihood of both adjacent plants operating simultaneously has not been adequately addresses. Low load and start up emissions have not been adequately addressed.

The authority to rely on Avenal as a precedent has not been disclosed.

The localized effects of greenhouse gases have not been studied.

Biological Resources

The true impacts can not be analyzed yet for the above reasons, it appears that the project proponent commenced grading without a license which would have eliminated any biological resources on the site.

Cultural Resources

Hazardous Materials

The project should use a urea based control instead of Ammonia

Land Use

California Energy Commission

DOCKETED

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TN # 66143

JULY 06 2012

The project should require an override of local land use laws

Noise and Vibration

The noise levels are a significant impact which is unnecessary, unmitigated and inconsistent with LORS

Public Health

The impacts on public health can not be assessed until the correct air quality monitoring information is utilized

Socioeconomics

The project will have a negative impact by preventing the development renewable distributed resources plus the associated jobs and distribution of wealth.

Soil and Water Resources

The project would waste water resources

Traffic & Transportation

Transmission Line Safety and Nuisance

Visual Resources

The Projects visual negative impact is significant and inadequately mitigated.

Waste Management

Worker Safety & Fire Protection

Pipeline safety has not been established

Alternatives

The alternatives analysis fails to adequately consider viable alternative which include the no project alternative, hybrid generation opportunities combined heat and power etc.

3. The topic areas that remain disputed and require adjudication, and the precise nature of the dispute for each topic;

same as answers in number 2

4. The identity of each witness sponsored by each party (**note:** expert witnesses must have professional expertise in the scope 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;

Witness Robert Sarvey

Topics Air Quality Environmental Justice Water Resources

Summary; No proper Environmental Justice analysis has been performed to address the air quality and cumulative impacts of the power plant. The project should be utilizing dry low Nox combustion instead of water for Nox control as it will lower water usage, GHG emissions and particulate emissions The project is not utilizing BACT Resume attached. Time for Direct testimony 30 minutes.

Should the Commission deny intervention by Bill Powers or Scott Williams; I have invited them to testify. Their issues and qualifications should be submit to the Commission by them. I will also be available to testify. I am a licensed California Real Estate broker Lic. No 0959493 with land use and regulatory experience.

5. The identities of the witnesses, if any, that the party desires to have testify via telephone;

all

6. Topic areas upon which a party desires to cross-examine witnesses, a summary of the scope of such cross-examination, and the time desired for such crossexamination;

All topics. Should the Commission wish to proceed without a response to my comments regarding the Preliminary Determination Of Compliance (PDOC), cross examination of air quality witnesses could take 8 hours. All other areas should take less than an hour each. Answer 2. Summarizes the scope.

7. A list identifying exhibits and declarations that each party intends to offer into evidence and the technical topics to which they apply (see following section on format);

300 Rob Simpson opening testimony and attachments
301 Robert Sarvey testimony
302-303 potential other witness testimonies,

8. Proposals for briefing deadlines, vacation schedules, and other scheduling matters;

I can use as much time as possible. I am not as "artful" or well staffed as the applicant or Commission.

9. A description of any modifications to the conditions of certification listed in the Final Staff Assessment that the party intends to propose.

The Commission should deny the project. Recommendations for modifications are premature for me until I review the testimony.

I note that I had other communication with the Public advisor prior to the day before testimony was due.

Respectfully submitted by

Rob Simpson July 6, 2012