

STATE OF CALIFORNIA  
ENERGY RESOURCES CONSERVATION  
AND DEVELOPMENT COMMISSION

<b>DOCKET</b>	
<b>08-AFC-3</b>	
DATE	JUN 28 2010
RECD.	JUN 28 2010

In the Matter of: ) Docket No. 08-AFC-3  
Application For Certification )  
For the Mirant Marsh Landing ) **STAFF'S PREHEARING CONFERENCE**  
Generating Station Project ) **STATEMENT**  
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On May 26, 2010, the Mirant Marsh Landing Generating Station Project Application for Certification Committee (Committee) issued a Notice of Prehearing Conference and Evidentiary Hearing. In the Notice, the Committee set the date for the Prehearing Conference and Evidentiary Hearing as July 1, 2010, and ordered each party planning to participate in the Conference to serve and file a Prehearing Conference Statement and an Exhibit List. Each Statement is required to specify the topic areas the party believes are ready for evidentiary hearings and those that are not, any disputed areas and the precise nature of the dispute, witnesses and their qualifications, a summary of testimony to be offered and the time desired to present direct testimony, time desired for cross-examination, a list of exhibits, a proposed briefing schedule, and any proposed modifications to proposed Conditions of Certification.

Staff is prepared at this time to proceed to evidentiary hearings in all topic areas. On April 19, 2010, Staff issued its Staff Assessment (SA), and on June 10, 2010, Staff issued its Revised Staff Assessment (RSA), based on comments received during the public comment period and at the Staff Workshop held in May. The RSA constitutes Staff's written testimony in these proceedings and includes all of the witnesses' qualifications. Staff's testimony for each technical area is that, with the mitigation measures recommended by Staff, the proposed project will have no unmitigated

significant adverse impacts and is in compliance with all laws, ordinances, regulations and standards. At this time, Staff does not anticipate filing any supplemental testimony, but respectfully reserves the right to file such testimony at a later date if warranted. Staff has reviewed the Applicant's proposed modifications to Staff's proposed SOIL & WATER -6, and changes to the Verification in Staff's proposed SOIL & WATER-4. Staff is in agreement with the Applicant's proposed changes and does not propose any further modifications to any of the Conditions of Certification.

Staff and Applicant are the only parties that have filed written testimony and are in agreement in all technical areas. Thus, at this time, Staff is not anticipating any cross-examination of witnesses from other parties. Staff is unaware of any technical areas that may be disputed by CURE, the intervenor in this proceeding. During the Evidentiary Hearing, Staff proposes to sponsor testimony into the record by written declaration of each witness. Although, Staff Counsel plans to move the testimony and declarations into the record as if read without the presence of witnesses, Staff's technical witnesses will be on hand to answer any questions in the areas of: Air Quality, Public Health, Efficiency, Hazardous Materials, Waste Management, Socioeconomics, Soil and Water Resources, Land Use and Transmission System Engineering . In addition, Brian Lusher, Senior Air Quality Engineer from the Bay Area Air Quality Management District, will be present to discuss the Air District's Final Determination of Compliance. At the Committee's request, Staff will make available any other technical witnesses.

#### Informal Hearing Procedures

The Committee has noticed its intention to use informal hearing procedures. Staff has no objection to using an informal process in this proceeding. As stated above,

Staff will have available several technical witnesses to answer questions from the Committee or the public.

Proposed Schedule

Staff is prepared to proceed with evidentiary hearings in all topic areas. At this time, Staff is not aware of a need for post-hearing briefs. If briefs are required, Staff proposes to file them with the Committee within two weeks after the Hearing transcripts are made available to all parties.

DATED: June 28, 2010

Respectfully submitted,

/S/ Kerry A. Willis  
KERRY A. WILLIS  
Senior Staff Counsel





BEFORE THE ENERGY RESOURCES CONSERVATION AND DEVELOPMENT  
COMMISSION OF THE STATE OF CALIFORNIA  
1516 NINTH STREET, SACRAMENTO, CA 95814  
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**APPLICATION FOR CERTIFICATION  
FOR THE MARSH LANDING  
GENERATING STATION**

**Docket No. 08-AFC-3**

**PROOF OF SERVICE  
(Revised 6/21/2010)**

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DECLARATION OF SERVICE

I, Debra Dabney, declare that on June 28, 2010, I served and filed copies of the attached Staff's 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/marshlanding/index.html>].

The documents have 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;

by delivering on this date, for mailing with the United States Postal Service with first-class postage thereon fully prepaid, to the name and address of the person served, for mailing that same day in the ordinary course of business; that the envelope was sealed and placed for collection and mailing on that date 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. 08-AFC-3

1516 Ninth Street, MS-4

Sacramento, CA 95814-5512

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

I declare under penalty of perjury that the foregoing is true and correct, that I am employed in the county where this mailing occurred, and that I am over the age of 18 years and not a party to the proceeding.

/S/ Debra Dabney

Debra Dabney

Chief Counsel's Office