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DOCKET	
08-AFC-3	
DATE	JUN 27 2010
RECD.	JUN 28 2010

State of California
State Energy Resources Conservation and Development Commission

In the Matter of:)	Docket # 08-AFC-3
)	
Marsh Landing Generating)	Pre Hearing Conference Statement of
Station)	Robert Sarvey
)	
_____)	

Introduction

On May 26, 2010 the Committee for the Marsh Landing Generating Station issued its Notice of Prehearing Conference and Evidentiary Hearing. The notice requires that parties submit their prehearing conference statements by Monday June 27. While not yet accepted as an intervenor Robert Sarvey submits this prehearing conference statement to inform the Committee of the issues for adjudication in the event full Commission grants my intervention on June 30.

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

All areas are complete and ready to proceed to evidentiary hearings.

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

All topics are ready.

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

Air Quality and Public Health: A 5 ppm ammonia slip level should be required for the project. The projects cumulative impacts have not been fully assessed. The projects mitigation is inadequate as the ERC's all originate from the 1987 and 1990. Impacts to pockets of minority and low income residents have not been assessed. Cumulative transport issues to San Joaquin Valley are not addressed. PM-2.5 Health Impacts remain unanalyzed.

Alternatives: The projects original configuration with the FP-10 units is a viable alternative which lessens the significant impacts of the project. The project does not provide a reliable supply of electrical energy at a level consistent with the need for such energy.

4. The identity of each witness sponsored by each party (**note:** 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;

Robert Sarvey has already provided the Testimony, Resume and Declaration for the project on June 21, 2010.

5. 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 cross-examination;

Air Quality

Staff Witness 30 minutes ammonia slip, mitigation, transport

BAAQMD Witness 30 Minutes ammonia slip, mitigation, transport, BACT, PSD issues

6. An exhibit list identifying exhibits and declarations that each party intends to offer into evidence, **provided in the format attached to this notice**. The hearing Office will provide the parties with a Word version of the Exhibit List template;

Exhibit 501 Testimony of Robert Sarvey for the Marsh landing Generating Station
 Dated 6-21-10

Exhibit 502 Robert Sarvey's Comments on the Preliminary Determination of
 Compliance and the BAAQMD Responses Dated 6-25-10

Exhibit 503 CPUC Proceeding A. 09-09-021 Opening Testimony of Robert Sarvey

- Dated 2-22-2010
- Exhibit 504 CPUC Proceeding A. 09-09-021 Reply testimony of Robert Sarvey
Dated 3-10-2010
- Exhibit 505 Integrated Technologies that Enhance Power Plant Operating
Flexibility POWER-GEN International 2007 – New Orleans, LA
Michael McManus , David Boyce , Raymond Baumgartner¹
- Exhibit 506 Fine Particulate Matter Data Analysis and Modeling in the Bay Area
October 1, 2009 (Footnote 9) PDOC²

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

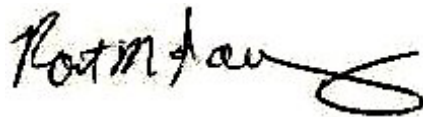
Two weeks after the transcript is available opening brief are due. Two weeks after the opening briefs the reply briefs are due.

8. For all topics, the parties shall review the Proposed Conditions of Certification listed in the Revised Staff Assessment (RSA) for enforceability, comprehension, and consistency with the evidence, and submit any proposed modifications.

9. The party's comments, if any, on the Committee's intention to use informal hearing procedures, described below.

Robert Sarvey has no problem with the informal hearing procedures.

Respectfully Submitted



Robert Sarvey 6-27-2011

¹ http://www.energy.siemens.com/us/pool/hq/energytopics/pdfs/en/combined-cycle-power-plants/PowerGen2007PaperFinal_.pdf

² http://www.baaqmd.gov/~media/Files/Engineering/Public%20Notices/2010/18404/Footnotes/PM-data-analysis-and-modeling-report_DRAFT.ashx

DECLARATION OF SERVICE

I, Robert Sarvey, declare that on June 27, 2010, I served and filed copies of the attached (08-AFC-3) prehearing conference statement of Robert Sarvey. 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:

[\[http://www.energy.ca.gov/sitingcases/marshlanding/Marshlanding_POS.pdf\]](http://www.energy.ca.gov/sitingcases/marshlanding/Marshlanding_POS.pdf). The document has been sent to 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 Sacramento, California 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. 09-AFC-4
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



6-27-10

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