

DOCKET

00-AFC-1C

DATE June 31 2009

RECD. July 31 2009

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Representative of Californians for Renewable Energy

STATE OF CALIFORNIA
Energy Resources Conservation
and Development Commission

In the Matter of:

GATEWAY GENERATING STATION

) Docket No. 00-AFC-1C
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**JOINT PREHEARING
STATEMENT**

July 31, 2009
Date


Signature

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) **JOINT PREHEARING**
) **STATEMENT**
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GATEWAY GENERATING STATION)
_____)

Pursuant to the Notice of Hearing, Decision, and Order issued July 27, 2009,
Complainants Contra Costa Branch of Association of Community Organizations for
Reform Now (ACORN), Californians For Renewable Energy (CARE), and Local Clean

Energy Alliance (LCEA) provide this list of witnesses and exhibits for the Evidentiary Hearing scheduled on August 5, 2009 at 10am. ACORN, CARE, and LCEA have consolidated exhibits and witnesses to most efficiently present the evidence related to PG&E's noncompliance with the Commission Decision.

WITNESS LIST

WITNESS¹	SUMMARY OF TESTIMONY TO BE OFFERED	SUMMARY OF QUALIFICATIONS OF WITNESS	ESTIMATED TIME TO PRESENT DIRECT TESTIMONY²
John Adams	Statements, documents, and information underlying ACORN's complaint for PG&E's noncompliance.	<ul style="list-style-type: none"> • ACORN Organizer for past three years. • Prior to ACORN, several years of experience with political and community organizations. • Received B.S. degree in political science at the University of Oregon in 2003 and is currently in the Masters program at John F. Kennedy University studying Consciousness and Transformative Studies. 	45 minutes (this estimation includes all ACORN witnesses)
Marie Dreyer	Statements, documents, and information underlying ACORN's complaint for PG&E's noncompliance.	<ul style="list-style-type: none"> • Member of Contra Costa ACORN and former chairperson of Pittsburg ACORN. • Has been active with ACORN for four years. Has been active in the community for over 15 years and involved with various organizations. • Taken courses in biological sciences and ecology. • Participated in various regulatory 	(see above)

¹ We reserve the right not to call all of these witnesses.

² These times may be longer if the parties are not able to reach stipulations on the admissibility of exhibits.

		<p>agency public hearings by providing public comments.</p> <ul style="list-style-type: none"> • Previously a maritime library and museum technician. 	
Erik Kochketola	<p>Statements, documents, and information underlying ACORN's complaint for PG&E's noncompliance.</p>	<ul style="list-style-type: none"> • Chairperson of the Pittsburg chapter of Contra Costa ACORN since December 2008. • Participated in regulatory agency public hearing providing public comments through his tenure with ACORN. Has experience reading and interpreting regulatory documents through his involvement with ACORN and as concerned community member. • Studied history at Indiana University. 	(see above)
Rory Cox	<p>Statements, documents, and information underlying LCEA's complaint for PG&E's noncompliance.</p>	<ul style="list-style-type: none"> • Representative of LCEA. • Four years of experience intervening in administrative proceedings regarding energy policy. • Has written extensive comments and filings for cases before the California Public Utilities Commission (CPUC), the State Lands Commission (SLC), the California Coastal Commission, the Federal Energy Regulatory Commission, and the California Air Resources Board. • Has testified before the CPUC and the SLC. 	15 minutes

Robert Simpson	Statements, documents, and information underlying CARE'S complaint for PG&E's noncompliance.	<ul style="list-style-type: none"> • Representative of CARE. • Has participated in and filed extensive comments in proceedings before the EPA Environmental Appeals Board, CPUC, and the Commission. 	30 minutes
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EXHIBIT LIST

EXHIBIT #	DOCUMENT	RELEVANCE
1	Bay Area Air Quality Management District (BAAQMD) Final Determination of Compliance (FDOC) of Contra Costa Power Plant Unit 8 (February, 2 2001), <i>available at</i> http://web.archive.org/web/20070623220836/http://www.ba.aqmd.gov/pmt/public_notices/1999_2001/1000/index.htm .	Original 2001 FDOC for the Gateway Generating Station (GGS).
2	BAAQMD Commission Decision on Contra Costa Unit 8 Power Project Application for Certification (May 30, 2001), <i>available at</i> http://www.energy.ca.gov/sitingcases/gateway/documents/index.html#053001 .	Provides GGS May 2001 certification conditions.
3	Letter from BAAQMD to Mirant Delta, LLC, re: Authority to Construct (July 24, 2001).	Specifies the original equipment that Mirant was authorized to construct.
4	Commission Order Clarifying that PG&E Is Now Sole Owner of the Gateway Power Plant Unit 8 Project (January 3, 2007), <i>available at</i> http://www.energy.ca.gov/sitingcases/gateway/compliance/2007-01-18_order_ole_owner.html .	Establishes that PG&E is responsible for compliance with certification.
5	Order Amending Commission Decision to Eliminate Use of San Joaquin River Water as the Cooling Water Source and Complete Ten Associated Design Changes (August 1, 2007), <i>available at</i> http://www.energy.ca.gov/sitingcases/gateway/compliance/index.html .	Relevant to power augmentation issue.
6	Petition to Amend Air Quality Conditions in the Gateway Generating Station Project Final Decision (January 15, 2008), <i>available at</i> http://www.energy.ca.gov/sitingcases/gateway/compliance/index.html (includes as attachment Application for Modifications to Authority to Construct Gateway Generating Station (December 18, 2007)).	Relevant to PG&E's compliance with air quality requirements and conditions.

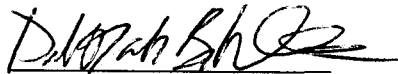
7	Notice of Receipt of Petition to Amend Air Quality Conditions (January 28, 2008), <i>available at</i> http://www.energy.ca.gov/sitingcases/gateway/compliance/index.html .	Relevant to PG&E's requirement to amend certification conditions.
8	Letter from Dale Edwards, CEC to BAAQMD, re: Application 17182 (Proposed Amendments to GGS Authority to Construct) (July 14, 2008), <i>available at</i> http://www.energy.ca.gov/sitingcases/gateway/compliance/index.html .	Relevant to PG&E's compliance with air quality requirements and conditions.
9	Letter from PG&E to BAAQMD, re: Commissioning Plan for GGS (September 23, 2008).	Relevant to PG&E's compliance with conditions of certification relating to commissioning period.
10	Letter from PG&E to BAAQMD, re: Enforcement Agreement for Anticipated Violation of Permit Conditions During Commissioning Period (November, 3, 2008).	Relevant to PG&E's compliance with conditions of certification relating to commissioning period.
11	Letters from PG&E to BAAQMD and EPA, re: Commencement of Commercial Operations (November 17, 2008).	Relevant to PG&E's compliance with requirement to amend conditions of certification.
12	Letter from PG&E to BAAQMD, re: Completion of Discrete Commissioning Activities Without Fully Operational SCR and Oxidation Catalyst Systems (January 22, 2009).	Relevant to PG&E's compliance with conditions of certification regarding commissioning period.
13	Withdrawal of Petition to Amend Various Air Quality Conditions of Certification (February 13, 2009), <i>available at</i> http://www.energy.ca.gov/sitingcases/gateway/compliance/index.html (included as an attachment Withdrawal of Application for Modifications of Authority to Construct Gateway Generating Station (February 13, 2009)).	Relevant to PG&E's compliance with requirement to amend certification conditions before construction.
14	Petition to Amend Various Air Quality Conditions of Certification (May 7, 2009), <i>available at</i> http://www.energy.ca.gov/sitingcases/gateway/compliance/index.html (included as attachment Letter from PG&E to BAAQMD, re: Request for Additional Exemptions and Administrative Amendments to Permit Conditions (April 14, 2009)).	Relevant to whether PG&E's constructed facility complies with conditions of certification.

15	BAAQMD Reply In Support Of Motion To Stay Proceedings, U.S. EPA Environmental Appeals Board PSD Appeal No. 09-02 (June 12, 2009), <i>available at</i> http://yosemite.epa.gov/oa/EAB_Web_Docket.nsf/f22b4b245fab46c6852570e6004df1bd/e21ed03510b6c284852575ae006ce586!OpenDocument .	Relevant to PG&E's requirement to comply with federal law.
16	Declaration of Sandy Crockett and attachments, filed with BAAQMD's Brief On Jurisdictional Issues, U.S. EPA Environmental Appeals Board PSD Appeal No. 09-02 (June 22, 2009), <i>available at</i> http://yosemite.epa.gov/oa/EAB_Web_Docket.nsf/f22b4b245fab46c6852570e6004df1bd/e21ed03510b6c284852575ae006ce586!OpenDocument .	Relevant to PG&E's requirement to comply with federal law.
17	Proposed Intervenor PG&E's Reply to Petitioner's Response to Motion for Stay, U.S. EPA Environmental Appeals Board PSD Appeal No. 09-02 (June 15, 2009), <i>available at</i> http://yosemite.epa.gov/oa/EAB_Web_Docket.nsf/f22b4b245fab46c6852570e6004df1bd/e21ed03510b6c284852575ae006ce586!OpenDocument .	Relevant to PG&E's requirement to comply with federal law.
18	Proposed Amended Prevention of Significant Deterioration Permit for Russell City Energy Center, <i>available at</i> http://www.baaqmd.gov/Divisions/Engineering/Public-Notices-on-Permits/2009/080309-15487/Russell-City-Energy-Center.aspx .	Relevant to PG&E's requirement to comply with federal law.
19	BAAQMD Best Available Control Technology (BACT) Workbook <i>available at</i> http://hank.baaqmd.gov/pmt/bactworkbook/default.htm .	Provides information on BAAQMD's determination of BACT.
20	Summary of ACORN Witness Testimony (July 29, 2009).	Provides summary of relevancy of certain exhibits by ACORN.
21	Declaration of Robert Sarvey (July 29, 2009) (including public comments filed in response to June 2008 Draft Air Permit).	Provides information related to PG&E's compliance with federal law and public participation requirements.
22	Documents Related to CARE's Participation in the Certification Proceedings, including Committee Ruling On CARE's Motion, re: Public Participation (December 14, 2000), <i>available at</i> http://www.energy.ca.gov/sitingcases/gateway/notices/2000-12-14_order.html .	Relevant to PG&E's requirement to comply with federal law.

23	BAAQMD Application No. 020242 for Authority to Construct 300 bhp Emergency Diesel Fire Pump (March 16, 2009).	Relevant to PG&E's compliance with requirement to amend conditions of certification before construction.
24	BAAQMD List of Facilities that Have Received Three or More Notices of Violation Between April 1, 2009 and June 30, 2009, from August 5, 2009 Board of Directors Meeting Agenda, <i>available at</i> http://www.baaqmd.gov/The-Air-District/Board-of-Directors/~link.aspx?_id=48938EBF65A840798089FCF247EC91E6&z=z .	Relevant to PG&E's compliance with air quality requirements and conditions.

Date: July 31, 2009

Respectfully Submitted,



Deborah Behles
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 Contra Costa Branch of the Association of
 Community Organizations for Reform Now

/s/ Rory Cox
 Representative of LCEA

/s/ Robert Simpson
 Representative of CARE

DECLARATION OF SERVICE

I, Lucas Williams, declare that on July 31, 2009, I served and filed copies of the attached JOINT PREHEARING STATEMENT. The original document, filed with the Docket Unit, is accompanied by a copy of the most recent Proof of Service list. 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:

For service on all other parties: sent electronically to all email addresses on the Proof of Service List;

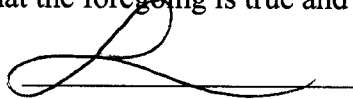
AND

For filing with the Energy Commission: sent an original paper copy and one electronic copy, mailed and emailed respectively, to the addresses below:

CALIFORNIA ENERGY COMMISSION
Attn: Docket No. 00-AFC-1C
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.

A handwritten signature in black ink, consisting of a large, stylized initial 'L' followed by a horizontal line extending to the right.



BEFORE THE ENERGY RESOURCES CONSERVATION AND DEVELOPMENT
COMMISSION OF THE STATE OF CALIFORNIA
1516 NINTH STREET, SACRAMENTO, CA 95814
1-800-822-6228 – WWW.ENERGY.CA.GOV

IN THE MATTER OF THE COMPLAINT AGAINST

GATEWAY GENERATING STATION

**Docket No. 00-AFC-1C
PROOF OF SERVICE**

(Revised 7/28/09)

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