

**DOCKET**  
**09-AFC-2**

DATE SEP 27 2010  
RECD. SEP 27 2010

STATE OF CALIFORNIA  
ENERGY RESOURCES CONSERVATION  
AND DEVELOPMENT COMMISSION

In the Matter of: ) Docket No. 09-AFC-02  
Application For Certification )  
For the Almond 2 Power Plant Project ) **STAFF'S PREHEARING CONFERENCE**  
 ) **STATEMENT**

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On September 8, 2010, the Almond 2 Power Plant 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 October 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 30, 2010, Staff issued its Staff Assessment (SA), and on July 30, 2010, Staff issued its Revised Staff Assessment (RSA), based on comments received during the public comment period and at the Staff Workshop held on May 18, 2010. Staff held an additional public workshop on September 16, 2010, to work with the applicant to revise language in several Conditions of Certification. Staff is expected to issue a Supplement to the Revised Staff Assessment (RSA Supplement) on September 27, 2010, which includes the revised language to the Conditions of Certification discussed at the September workshop, revised language for Soil and Water and Air Quality sections, and

revised Declarations of Staff's witnesses. The RSA, in conjunction with the RSA Supplement, constitute 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 further supplemental testimony, but respectfully reserves the right to file such testimony at a later date, if warranted. Staff does not propose any further modifications to any of the Conditions of Certification at this time.

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 California Unions for Reliable Energy, the only 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 may be on hand to answer any questions at the request of the Committee. In addition, Rupi Gill, Permit Services Manager - Northern Region of the San Joaquin Valley Air District, will be present telephonically to sponsor and discuss the Air District's Final Determination of Compliance.

#### 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, at the request of the Committee, Staff will have available 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: September 27, 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  
1-800-822-6228 – [WWW.ENERGY.CA.GOV](http://WWW.ENERGY.CA.GOV)

**APPLICATION FOR CERTIFICATION  
FOR THE TID ALMOND 2 POWER PLANT PROJECT**

**Docket No. 09-AFC-2**

**PROOF OF SERVICE  
(Revised 7/30/10)**

**APPLICANT**

Turlock Irrigation District  
Randy Baysinger,  
Assistant General Manager  
Power Supply  
333 East Canal Drive  
Turlock, CA 95381-0940  
[rcbaysinger@tid.org](mailto:rcbaysinger@tid.org)

Turlock Irrigation District  
George A. Davies IV  
P.O. Box 949  
Turlock, CA 95381-0949  
[gadavies@tid.org](mailto:gadavies@tid.org)

**APPLICANT'S CONSULTANTS**

Susan Strachan  
Strachan Consulting  
P.O. Box 1049  
Davis, CA 95617  
[strachan@dcn.org](mailto:strachan@dcn.org)

Sarah Madams, Project Manager  
CH2MHILL  
2485 Natomas Park Drive,  
Ste. 600  
Sacramento, CA 95833  
[smadams@ch2m.com](mailto:smadams@ch2m.com)

**COUNSEL FOR APPLICANT**

Jeff Harris, Legal Counsel  
Ellison, Schneider, and Harris  
2600 Capitol Ave., Suite 400  
Sacramento, CA 95816-5905  
[jdh@eslawfirm.com](mailto:jdh@eslawfirm.com)

**INTERESTED AGENCIES**

California ISO  
[e-recipient@caiso.com](mailto:e-recipient@caiso.com)

**INTERVENORS**

California Unions for Reliable  
Energy (CURE)  
Attn: Tanya Gulesserian,  
Loulena A. Miles, Marc D. Joseph  
Adams Broadwell Joseph &  
Cardozo  
601 Gateway Boulevard  
Suite 1000  
South San Francisco, CA 94080  
[tgulesserian@adamsbroadwell.com](mailto:tgulesserian@adamsbroadwell.com)  
[lmiles@adamsbroadwell.com](mailto:lmiles@adamsbroadwell.com)

**ENERGY COMMISSION**

KAREN DOUGLAS  
Chairman and Presiding Member  
[kldougla@energy.state.ca.us](mailto:kldougla@energy.state.ca.us)

ANTHONY EGGERT  
Commissioner and Associate  
Member  
[aeggert@energy.state.ca.us](mailto:aeggert@energy.state.ca.us)

Kourtney Vaccaro  
Hearing Officer  
[kvaccaro@energy.state.ca.us](mailto:kvaccaro@energy.state.ca.us)

Felicia Miller  
Siting Project Manager  
[fmiller@energy.state.ca.us](mailto:fmiller@energy.state.ca.us)

Lorraine White  
Adviser to Commissioner Eggert  
[lwhite@energy.state.ca.us](mailto:lwhite@energy.state.ca.us)

Robin Mayer  
Staff Counsel  
[rmayer@energy.state.ca.us](mailto:rmayer@energy.state.ca.us)

\*Kerry Willis  
Co-Staff Counsel  
[kwillis@energy.state.ca.us](mailto:kwillis@energy.state.ca.us)

Jennifer Jennings  
Public Adviser's Office  
*e-mail service preferred*  
[publicadviser@energy.state.ca.us](mailto:publicadviser@energy.state.ca.us)

**DECLARATION OF SERVICE**

I, Janet Preis, declare that on September 27, 2010, I served and filed copies of the attached Staff's Prehearing Conference Statement, dated September 27, 2010. 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: [\[http://www.energy.ca.gov/sitingcases/almond\]](http://www.energy.ca.gov/sitingcases/almond).

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. 09-AFC-2  
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/ Janet Preis  
Janet Preis  
Legal Secretary, Chief Counsel's Office