

STATE OF CALIFORNIA  
ENERGY RESOURCES CONSERVATION  
AND DEVELOPMENT COMMISSION

<b>DOCKET</b>	
<b>09-AFC-3</b>	
DATE	<u>JAN 25 2011</u>
RECD.	<u>JAN 25 2011</u>

In the Matter of: ) Docket No. 09-AFC-3  
Application For Certification )  
Mariposa Energy Project ) STAFF'S PREHEARING CONFERENCE  
Mariposa Energy, LLC ) STATEMENT  
\_\_\_\_\_)  
\_\_\_\_\_)

On December 23, 2010, the Mariposa Energy 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 as February 1, 2011, and ordered each party planning to participate in the Prehearing Conference to serve and file a Prehearing Conference Statement. Each Statement is to specify the topic areas the party believes are ready for evidentiary hearings and those that are not, any disputed areas and a summary of each, 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 November 8, 2010, Staff issued its Staff Assessment (SA) and on December 18, 2010, Staff issued a Supplemental Staff Assessment (SSA), which combined, constitute Staff's written testimony in these proceedings and include all of the expected 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. Staff does not anticipate filing any modifications to any of the Conditions of Certification at this time, but respectfully reserves the right to file such testimony at a later date, if warranted. It is unclear if Staff will be making any further changes to Staff's Biological Resources section since, at this time, the US Fish and Wildlife Service has neither accepted the Biological Assessment, nor committed to

review it in the immediate future. Staff will be prepared to update the Committee at the Prehearing Conference. Furthermore, on January 21, 2010, the Intervenor filed extensive “rebuttal” testimony, some of which appears to be opening testimony, thereby not affording Staff the opportunity to provide written rebuttal in accordance with the Committee’s schedule. Staff has not reviewed all of the “rebuttal” testimony, but will be prepared to discuss at the Prehearing Conference the need for Staff to file written and/or oral additional responsive testimony. In one instance, Edward Mainland of the Sierra Club filed “Rebuttal Testimony on Need for Project, No-Project Alternative, Exhibit 900.” At the Committee’s direction, Staff is prepared to provide written testimony and/or oral rebuttal testimony, or be available for Committee questions during the evidentiary hearing. Staff’s proposed witness on this topic is David Vidavar, who will be available telephonically in the afternoon on February 7, 2011, or in person on February 8, 2011. At this time, the SA, the SSA, and the Bay Area Air Quality Management District’s “Final Determination of Compliance” are the exhibits Staff intends to offer into the record.

In addition to Staff’s testimony, opening and rebuttal testimony was also filed by the Applicant, and Intervenor, Robert Sarvey, Rajesh Dighe, Jass Singh, Rob Simpson, Sierra Club, and the California Pilots Association. Applicant and Staff appear to be in substantial agreement in all technical areas. Mr. Sarvey filed opening testimony and/or rebuttal testimony in the areas of Air Quality, Alternatives, Hazardous Materials, Land Use, Socioeconomics, and Worker Safety and Fire Protection. Mr. Dighe filed testimony on Social Economic Effects of Mariposa Power Plant on Mountain House Community; Jass Singh filed testimony in Socioeconomics; Sierra Club filed rebuttal testimony on Project Need and Alternatives, and Greenhouse Gas emissions; Rob Simpson filed rebuttal testimony in the area of Land Use; and California Pilots Association filed testimony in the area of Traffic and Transportation as it relates to Aviation. In addition, comment letters were sent by San Joaquin County and the Mountain House Community Service District.

Based on the interests of the Intervenor and the public who attended the workshops, Staff is planning on providing ten to twenty minutes of direct testimony in the technical areas of Air Quality and Public Health (as a panel); Biological Resources, Hazardous Materials, Land Use, Socioeconomics, Traffic and Transportation, Soil and Water Resources, Worker Safety and

Fire Protection, and Alternatives. (See attached witness list.) The testimony and qualifications of each witness are included in the SA and the SSA. Staff does not plan on cross-examining the witnesses of the other parties, but reserves the right to do so based on the oral testimony presented. Other Staff witnesses will be made available upon request of the Committee or other parties.

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 briefs. If briefs are required, Staff proposes to have them due to the Committee within two weeks after the Hearing transcripts are made available to all parties.

DATED: January 25, 2011

Respectfully submitted,

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

Mariposa Energy Project AFC Proceeding  
California Energy Commission Staff Proposed Witness List  
February 7-8, 2011

Technical Area	Witness(es)	Exhibit Number	Estimated Time for Direct Testimony
Air Quality and Public Health	Brewster Birdsall, Jacquelyn Leyva, Wenjun Qian, Obed Odoemelam Brenda Cabral, BAAQMD	SSA* (Ex. 301)  FDOC (Ex. 302)	20 minutes
Biological Resources	Sara Keeler	SSA (Ex. 301)	10 minutes
Hazardous Material	Rick Tyler	SSA (Ex. 301)	10 minutes
Land Use	Lisa Worrall	SSA (Ex. 301)	15 minutes
Socioeconomics	Kristin Ford	SSA (Ex. 301)	20 minutes
Soil and Water Resources	Mark Lindley, Paul Marshall	SSA (Ex. 301)	15 minutes
Traffic and Transportation	Andrea Koch, Shaelyn Strattan, William Walters	SSA (Ex. 301)	20 minutes
Worker Safety and Fire Protection	Rick Tyler	SSA (Ex. 301)	10 minutes
Rebuttal testimony on Need for Project, No-Project Alternative	David Vidaver (by telephone) Craig Hoffman	SSA (Ex. 301)	20 minutes

\*Supplemental Staff Assessment, issued on December 16, 2010.



Docket Number: 09-AFC-3

Date: January 25, 2011

Project Name: Mariposa Energy Project (MEP)

**STAFF'S TENTATIVE EXHIBIT LIST**

Exhibit	Brief Description	Stipulation	Offered	Admitted	Refused	CEC Use Only
<b>300</b>	Staff Assessment for the Mariposa Energy Project, dated November 8, 2010 and docketed November 8, 2010, <u>includes only the following sections:</u> <ul style="list-style-type: none"><li>- Executive Summary</li><li>- Introduction</li><li>- Cultural Resources</li><li>- Waste Management</li><li>- Facility Design</li><li>- Geology and Paleontology</li><li>- Power Plant Efficiency</li><li>- Power Plant Reliability</li><li>- General Conditions</li></ul>					
<b>301</b>	Supplemental Staff Assessment for the Mariposa Energy Project, dated December 16, 2010 and docketed December 16, 2010. <ul style="list-style-type: none"><li>- Executive Summary</li><li>- Project Description</li><li>- Air Quality</li><li>- Biological Resources</li><li>- Hazardous Materials</li><li>- Land Use</li><li>- Noise and Vibration</li><li>- Public Health</li></ul>					





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 **MARIPOSA ENERGY PROJECT**  
(MEP)

**Docket No. 09-AFC-3**

**PROOF OF SERVICE**  
(Revised 1/20/2011)

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**INTERESTED AGENCIES**

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DECLARATION OF SERVICE

I, Janet Preis, declare that on January 25, 2011, I served and filed copies of the attached Staff's Prehearing Conference Statement, Staff's Proposed Witness List, and Staff's Tentative Exhibit List. The original documents, filed with the Docket Unit, are accompanied by a copy of the most recent Proof of Service list, located on the web page for this project at:

[\[http://www.energy.ca.gov/sitingcases/mariposa/index.html\]](http://www.energy.ca.gov/sitingcases/mariposa/index.html). The document has 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-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/ Janet Preis