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March 25, 1999

**BY FEDERAL EXPRESS**

California Energy Commission  
Docket No. 98-AFC-1  
Docket Unit, MS/4  
1516 Ninth Street  
Sacramento, CA 95814-5512

Attn: JoAnn Nash, Docket Unit

Re: Docket No. 98-AFC-1

Dear JoAnn:

Enclosed is the following document which was filed by facsimile today as well:

Original + 13 copies of **CALIFORNIA UNIONS FOR  
RELIABLE ENERGY PREHEARING CONFERENCE  
STATEMENT.**

Please file the original, endorse a copy and return in the stamped, self-addressed envelope provided for your use.

Thank you for your assistance in this matter.

Very truly yours,

Elena DeBonville for  
Katherine S. Poole

/end  
Enclosures

<b>DOCKET</b> <b>98-AFC-1</b>
DATE <u>MAR 25 1999</u>
RECD. <u>MAR 25 1999</u>

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**STATE OF CALIFORNIA**

**Energy Resources Conservation  
and Development Commission**

In the Matter of:

The Application for Certification  
for the Pittsburg District Energy Facility

Docket No. 98-AFC-1

**CALIFORNIA UNIONS FOR RELIABLE ENERGY  
PREHEARING CONFERENCE STATEMENT**

**March 25, 1999**

Marc D. Joseph  
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Attorneys for CURE

## **I. INTRODUCTION**

CURE believes that almost all topic areas for the Pittsburg District Energy Facility ("PDEF") will be ready for hearings according to the Committee's Second Revised Schedule. We have identified only one area – air quality – that raises potential scheduling concerns. However, even this area may be addressed within the Committee's existing schedule if the Final Determination of Compliance ("Final DOC") from the Bay Area Air Quality Management District ("the Air District") is not delayed.

At this time, CURE does not anticipate seeking adjudication of any issue. We will review Staff's and Applicant's Prehearing Conference Statements to identify any potential issues that may be raised by other parties.

## **II. TOPIC AREAS THAT MAY NOT BE READY FOR HEARING**

CURE concurs with Staff that the parties cannot complete their air quality analyses before reviewing the Air District's Final DOC. (PDEF Staff Assessment at iii.) The Committee can allow for this review within the current hearing schedule if the Air District promptly issues its Final DOC. However, if the Final DOC is delayed, the parties may need additional time to address air quality issues.

The Air District recently released its Preliminary Determination of Compliance ("PDOC") for the PDEF. Although CURE has not yet received a copy of the PDOC, we understand that the 30-day public comment period for review of the PDOC has already begun. Thus, the Air District could issue the Final DOC by, or even before, the April 23, 1999, deadline in the Committee's Second Revised Scheduling Order.

If the Final DOC is received by April 23<sup>rd</sup>, the parties could file their air quality testimony and be ready for hearings on May 5, 1999. If the Final DOC is delayed, however, the Committee may need to schedule later hearings to address this issue.

## **III. TOPIC AREAS THAT ARE READY FOR HEARING**

To the best of CURE's knowledge, all other topic areas are ready for hearing. In a letter dated March 22, 1999, CURE raised a concern about transmission system impacts caused by the PDEF. (Letter from Katherine Poole to Lorraine White (March 22, 1999).) That concern has since been addressed.

The concern raised in our letter relates to the need for environmental review of the transmission system upgrades necessitated by PDEF's impacts on transmission system *reliability*. In discussions about the matter at the March 23<sup>rd</sup> workshop on the PDEF Staff Assessment, however, it became clear that the Independent System Operator ("ISO") had inadvertently identified transmission system *congestion* impacts as *reliability* impacts in its March 2, 1999 letter regarding the PDEF. (See Letter from Jeffery C. Miller, ISO, to Rod I. Maslowski, PG&E (Mar. 2, 1999).) The ISO now says that the PDEF has *no* impacts on transmission system reliability.

Because our concern was with the *reliability* impacts of the PDEF, the ISO's statement eliminated the specific transmission system impacts identified in our letter. Thus, while CEQA would require that those impacts be analyzed now if there were any, the ISO's correction indicates that no additional analysis is required in this case.<sup>1</sup>

#### IV. WITNESSES

CURE anticipates sponsoring one witness at Committee hearings on the Project. Greg Feere, Chief Executive Officer of the Contra Costa Building and Construction Trades Council, will testify regarding the socioeconomic impacts of the Project. The substance of his testimony will concern the socioeconomic benefits of utilizing a workforce to construct the plant that is well trained, paid adequate wages and benefits, and that supports training of apprentices.

#### V. EXHIBITS

Mr. Feere may submit exhibits in support of his testimony. CURE does not currently intend to submit any other exhibits.

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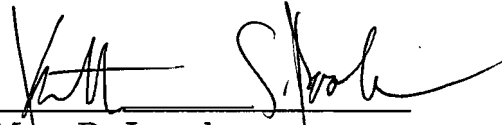
<sup>1</sup> As stated in our March 22<sup>nd</sup> letter, the analysis required for congestion impacts differs from that required for reliability impacts *in this case* because the ISO has not yet determined how it will mitigate the *congestion* impacts of new generators. However, this pending congestion management decision does not affect reliability impacts. As recognized by the ISO representative at the March 23<sup>rd</sup> workshop, reliability impacts have already been identified for the PDEF and should be analyzed now (if there were any).

## VI. SCHEDULING CONCERNS

CURE's scheduling concerns are limited to those described above.

Dated: March 25, 1999

Respectfully submitted,

Handwritten signatures of Marc D. Joseph and Katherine S. Poole, written in black ink over a horizontal line.

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STATE OF CALIFORNIA

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PROOF OF SERVICE

I, Elena N. DeBonville, declare that on March 25, 1999, I deposited copies of the attached **CALIFORNIA UNIONS FOR RELIABLE ENERGY PREHEARING CONFERENCE STATEMENT** in the United States mail or by facsimile in South San Francisco, California with first class postage thereon fully prepaid and addressed to the parties on the attached service list.

Dated at South San Francisco, California this 25<sup>th</sup> day of March, 1999.

I declare under penalty of perjury that the foregoing is true and correct.



Elena N. DeBonville

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