

**Memorandum****Date** : March 19, 2002**Telephone:****ATSS** (916) 657-4394**To** : Robert Pernell, Commissioner and Presiding Member  
Robert Laurie, Commissioner and Associate Member**From** : **California Energy Commission - Cheri Davis**  
1516 Ninth Street Energy Commission Project Manager  
Sacramento, CA 95814-5512**Subject** : **TRACY PEAKER PROJECT STATUS REPORT**

This memorandum is to respond to the Committee's request for an explanation of the noticing procedures that were employed in processing the Tracy Peaker Project Application for Certification (AFC). Included is information about AFC mailouts, workshop and hearing notices, staff report mailouts, public outreach efforts by the Public Adviser's Office, and media coverage of the Tracy Peaker Project.

**Overview of Outreach Efforts**

The Executive Summary included in the Supplement to the Staff Assessment filed on January 31, 2002 included the following general description of procedures followed to notify the public and agencies about the Tracy Peaker Project:

"When the Commission received the AFC, copies were sent to all relevant federal, state, and local agencies, and a notice of receipt was mailed to all property owners within 1,000 feet of the proposed plant site and within 500 feet of the proposed linears. As soon as the Commission accepted the Application, the Energy Commission's Public Adviser's Office sent a copy of the AFC with 25 copies of a one-page project summary to the Tracy Branch Library. The librarian also put up a poster about the project on the library's public information bulletin board.

"During the month of October, the Public Adviser's Office published an article in the Byron School District newsletter describing the Tracy Peaker Project. Also, the Energy Commission's Media Office issued a press release to notify news agencies about the project. During the month of November, 11,000 one-page newspaper inserts announcing the Informational Hearing and Site Visit were distributed through the Tracy Press News. These 11,000 inserts were placed in papers being delivered to zip codes closest to the proposed plant site<sup>1</sup>.

"Energy Commission staff conducted a publicly noticed workshop November 20, 2001 for the public to learn about the project, the Energy Commission's process, and to air their questions and concerns about the proposed power plant. The Committee conducted its Informational

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<sup>1</sup> The notices were placed in newspapers being delivered to the following zip codes: 95376, 95378, 95304, 95377, 95336, 95330, and 95206.

Hearing and Site Visit one week later. When the Staff Assessment was issued on December 28, 2001, the Media Office again issued a press release, and notices were sent out to the General Public, Property Owner, and Agency mailing lists. Staff held a second workshop January 9, 2002, during which staff addressed comments from the applicant and the public on the SA. All workshops and hearings were noticed at least 10 days in advance and the notices were mailed, as required by regulation, to the General Public, Property Owner, and Agency mailing lists. The Commission's web server also sent the notices to all subscribers on the Tracy Peaker Project electronic notice list. In addition, the Informational Hearing was noticed in the Tracy Press.

“Staff also contacted relevant local, state and federal agencies, such as the San Joaquin County, California Independent System Operator, San Joaquin Valley Air Pollution Control District, U.S. Fish and Wildlife Service, California Department of Fish and Game, the City of Tracy, and the San Joaquin Council of Governments.”

### **Mailing Lists**

The project manager is responsible for developing the mailing lists and preparing the relevant notices for the project. The project manager receives a list of names to compose the property owners mailing list from the applicant as part of the AFC. This list contains names of all property owners within 1,000 feet of the project site and 500 feet of all project linears.

The applicant also provides a list of agencies with which they have had contact in preparation of the AFC. This list is then sent out to all technical staff, who are instructed to make changes or add new agencies as appropriate for the project. The resulting mailing list becomes the Agency mailing list. The project manager also determines which libraries in the vicinity of the project, in addition to the standard libraries, are appropriate to receive copies of key documents and to post notices.

Finally, through the efforts of the Public Adviser's Office and subsequent workshop sign-in sheets, the General mailing list is developed. Both the Agency and General mailing lists evolve over the course of the project, as agency contacts change or new members of the public express an interest in the project. Because the Agency mailing list is of particular interest to the intervenors, two versions of this mailing list are attached. Exhibit A contains the Agency mailing list initially developed for the Tracy Peaker Project. Exhibit B contains the Agency mailing list in its current form.

### **Notices and Document Mailouts**

The specifics of the notices mailed out by staff and/or the Committee to one or more of the lists described above are provided in the table on the following page:

<b>Letter</b>	<b>Attachment</b>	<b>Mailing list</b>	<b>Date Docketed</b>	<b>Exhibit No.</b>
Request for agency review of the AFC	AFC	Agency	8/22/01	
Library letter	AFC	Library	8/22/01	
Notice of receipt of AFC	None	Property Owners	8/22/01	
Request for agency review of the AFC / notice of AFC data adequacy	AFC supplement I	Agency	10/19/01	
Library letter - AFC Supplement	AFC supplement I	Library	10/19/01	
Notice of Informational Hearing and Site Visit	None	All lists	11/6/01	
Committee Ruling Regarding Eligibility for Expedited Review	None	All lists	11/9/01	
Notice of data response / issue resolution workshop on Nov 20, 2001	None	All lists	11/9/01	
Revised Committee Ruling on Eligibility for Expedited Review and Schedule	None	All lists	12/12/01	
Request for agency review of the AFC	AFC supplement II	Agency	12/14/01	
Library letter – AFC Supplement II	AFC supplement II	Library	12/14/01	
Notice of Staff Assessment workshop on January 9, 2002	Public comment form	All lists	12/27/01	
Request for agency comments on the Staff Assessment	Staff Assessment	Agency	12/28/01	
Library letter – Staff Assessment	Staff Assessment	Library	12/28/01	
Notice of availability of Staff Assessment	Document request form	Property Owners & General	12/28/01	
Notice of Prehearing Conference and Revised Committee Schedule	None	All lists	1/8/02	
Request for agency comments on the Supplement to the Staff Assessment	Staff Assessment, Supplement I	Agency	1/22/02	
Library letter – Staff Assessment Supplement I	Staff Assessment, Supplement I	Library	1/22/02	
Notice of availability of Staff Assessment, Supplement I	Document request form	Property Owners & General	1/22/02	
Hearing Order and Filing Schedule	None	All lists	1/30/02	
Request for agency comments on the Supplement to the Staff Assessment	Staff Assessment, Supplement II	Agency	2/1/02	
Library letter – Staff Assessment Supplement II	Staff Assessment, Supplement II	Library	2/1/02	
Notice of availability of Staff Assessment, Supplement II	Document request form	Property Owners & General	2/1/02	
Notice of Evidentiary Hearings	None	All lists	2/21/02	
Notice of Revised Topic and Witness Schedule for Evidentiary Hearings	None	All lists	3/1/02	

Intervenors have requested to see copies of the specific versions of the Agency mailing list to which each of the above letters were sent. As described above, the Agency mailing list evolves over the course of the project. Staff is providing a copy of the original Agency mailing list, and the list in its current form, but copies of the actual lists to which each item was sent were not retained.

Some records were retained by our docket unit pertaining to the mailout of the AFC and the AFC supplements. Based on these records, it appears that the AFC and AFC Supplement #1 were mailed out to all agencies on our Agency mailing list; however, it is unclear whether all agencies received AFC Supplement #2. Information contained in Supplement #2, it should be noted, was limited in scope to project changes made necessary by a Wet Weather Contingency Plan.

**Other Staff Contact with Agencies**

Staff would also like to take this opportunity to document the many conversations that staff had with relevant agencies over the course of the Tracy Peaker Project.

<b>Agency name and contact</b>	<b>Date of Conversation</b>	<b>Docket Date</b>
San Joaquin County – Chandler Martin	8/22/01	2/07/02
San Joaquin County – Jim Van Buren	10/24/01	2/07/02
San Joaquin County – Chandler Martin	10/25/01	2/07/02
San Joaquin County – Jim Van Buren	10/25/01	2/07/02
City of Tracy – Vicky Lombardo	11/28/01	2/07/02
San Joaquin County – Kerry Sullivan	12/21/01	2/13/02
City of Tracy – Vicky Lombardo	1/02/02 12:00 p.m.	2/07/02
City of Tracy – Vicky Lombardo	1/02/02 4:00 p.m.	2/07/02
City of Tracy – John Palmer	1/08/02	2/07/02
San Joaquin County – Chandler Martin	1/08/02	2/07/02
City of Tracy – Vicky Lombardo	1/29/02	2/07/02
San Joaquin County – Chandler Martin	1/29/02 2:35 p.m.	2/07/02
San Joaquin County – Chandler Martin	1/29/02 4:55 p.m.	2/07/02
City of Tracy – Irene Sundberg	2/07/02	2/07/02
City of Tracy – Margaret Wimberly	3/05/02	2/07/02

**Public Outreach Efforts by the Public Adviser’s Office**

The Public Adviser’s Status Report for the Tracy Peaker Project, dated January 24, 2002, is attached as Exhibit 1A. The status report describes in greater detail the public outreach efforts summarized in the Executive Summary to the Staff Assessment Supplement (excerpted above).

**Media Coverage**

As summarized above, the Energy Commission’s Media Office issued numerous press releases concerning the Tracy Peaker Project. In addition, workshops and hearings were consistently attended by a member of the local press and articles appeared frequently in both the Tracy Press and the Stockton Record.

cc: POS

Attachments