

## DOCKETED

<b>Docket Number:</b>	01-AFC-07C
<b>Project Title:</b>	01-AFC-7C Russell City Energy Company
<b>TN #:</b>	200844
<b>Document Title:</b>	Kevin Bell Response to Jewell Hargleroad Email Entitled Your Correspondence
<b>Description:</b>	N/A
<b>Filer:</b>	Tiffani Winter
<b>Organization:</b>	California Energy Commission
<b>Submitter Role:</b>	Commission Staff
<b>Submission Date:</b>	10/14/2013 9:11:52 AM
<b>Docketed Date:</b>	10/11/2013

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**Subject:** FW: Your Correspondence

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**From:** Bell, Kevin W@Energy  
**Sent:** Friday, October 11, 2013 11:42 AM  
**To:** Jewell Hargleroad  
**Cc:** Johnson, Roger@Energy; Ogata, Jeffery@Energy; Boyer, Bruce@Energy; Marxen, Chris@Energy; Energy - Docket Optical System; Carol Ford; Andy Wilson  
**Subject:** RE: Your Correspondence

Ms. Hargleroad,

Thank you for your detailed explanation into how you perceive this matter. We will simply have to agree to disagree on both the substantive and procedural issues.

-KWB

*Kevin W. Bell*  
Senior Staff Counsel  
California Energy Commission  
(916) 654-3855

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**From:** Jewell Hargleroad [<mailto:jewellhargleroad@mac.com>]  
**Sent:** Thursday, October 10, 2013 7:20 PM  
**To:** Bell, Kevin W@Energy  
**Cc:** Johnson, Roger@Energy; Ogata, Jeffery@Energy; Boyer, Bruce@Energy; Marxen, Chris@Energy; Energy - Docket Optical System; Carol Ford; Andy Wilson  
**Subject:** Re: Your Correspondence

Kevin,

I disagree that Roger Johnson's letter was appropriately addressed or that it accurately summarized the issues raised by California Pilots Association. It was blatantly misleading and posted in isolation, as it was when I received it, prior to my email sent yesterday demanding that the docket entry be corrected, was intended to mislead the public into believing that I personally raised these issues concerning changes in modeling and FAA rules of citing power plants near airports, as Calpine's RCEC was cited near the Hayward General Aviation Airport. (Since then, based on my initial review, the Docket department recently re-posted various items which appears to correctly identify these as CalPilots comments.)

As reflected by the letter itself, the first sentence states: " This letter is in response to *your* comments from the August 9, 2013, meeting with California Energy Commission (Energy Commission) staff, *and your* subsequent August and September, 2013 emails *regarding* California Pilots Association (CPA) concerns." (Italics added.) As clearly stated in the first sentence of my August 15, 2013, email, my communications were "*On behalf of* California Pilots Association . . ." (Italics added.)

**Every issue**, however, of this seven page single spaced letter listing eight purported issues in all was entitled "**You assert . . .**", not CalPilots. (Emphasis original.) Other than the reference discussed above, CalPilots is not even mentioned until page 5 in one paragraph referring to a prior communication. The letter was clearly intended to appear that I personally raised these issues and this was a response to an individual, misleading the public into believing that this addressed one individual's issue, not a statewide aeronautics organization.

On behalf of CalPilots which I represent, this is to object to this improper attempt to mislead the public. These are important and serious health and safety issues being raised concerning hazardous thermal plumes emitted from RCEC which the CEC staff recommended against at this location based on aeronautics.

Presently CalPilots is in the process of reviewing Roger's letter which he took over two months to prepare to purportedly respond to the new information raised by CalPilots requiring an evidentiary hearing. We will be following up once that review is completed.

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On Oct 10, 2013, at 9:17 AM, Bell, Kevin W@Energy wrote:

Ms. Hargleroad,

Roger Johnson's October 8 letter, addressed and sent to you at your law office, was in response to your multiple requests to Mr. Johnson and Energy Commission staff for information on behalf of the California Pilots Association. That letter and the docket entry accurately indicate that the letter is in response to CalPilots concerns. If you no longer represent CalPilots in this matter, please advise to whom the letter should be addressed and we will correspond with that person or entity.

Regards,

-KWB

*Kevin W. Bell*  
Senior Staff Counsel  
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