

DOCKETED

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STATE OF CALIFORNIA

Energy Resources
Conservation and Development Commission

In the Matter of:

Application For Small Power Plant
Exemption for the **GREAT OAKS
SOUTH BACKUP GENERATING
FACILITY**

DOCKET NO: 20-SPPE-1

**SV1 RESPONSE TO STAFF'S ISSUE
IDENTIFICATION REPORT AND
PROPOSED SCHEDULE**

SV1, in accordance with the Hearing Officer Memorandum (TN 233721), dated, July 2, 2020, hereby files its response to Staff's Status Report and Proposed Schedule (TN 233795), dated July 7, 2020.

SV1 generally agrees with the Staff proposed schedule that the IS/MND should be published 30 days after SV1 provides the last of the responses to the data requests. SV1 is working to provide Staff with responses to any outstanding data requests. The air quality and public health modeling requests are new and require additional modeling that is different than has been accepted for other projects. As such, it has taken time to redo the modeling to satisfy the Staff requests. The Revised Health Risk Assessment will be docketed by July 17, 2020 and the Revised Construction AQ Modeling with partial operations will be docketed shortly thereafter. SV1 will provide responses to Data Request 1 by July 17, 2020.

To avoid the delays experienced in previous projects, SV1 requests that the Committee require any potential Intervenor to file a Petition to Intervene on or before the same day as the close of the public comment period for the IS/MND. Further, SV1 requests that an Intervenor be required to file comments on the IS/MND as a prerequisite for the

ability to present Opening Testimony for each respective issue. In this way, Staff can provide responses to such comments, thereby narrowing and reducing the time and issues requiring adjudication in evidentiary hearings. This does not place any undue burden on Intervenors, as they would have had the same amount of time to review the IS/MND and provide comments as any agency or other member of the public. For CEQA, this is the primary way for interested persons to participate, and it is only fair to allow Staff an opportunity to consider and respond to comments. Evidentiary hearings should not be the only place Staff and SV1 can respond to such comments. Opening Testimony should be to provide facts that support arguments and not a place to bring up new issues.

SV1 will continue to work cooperatively with Staff to provide the information necessary for Staff to provide a thorough analysis in the IS/MND.

Dated: July 10, 2020

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Scott A. Galati", with a horizontal line underneath it.

Scott A. Galati
Counsel to SV1