

BEFORE THE ENERGY RESOURCES CONSERVATION AND DEVELOPMENT COMMISSION OF THE  
STATE OF CALIFORNIA

IN THE MATTER OF: )

DOCKET No. 06-AFC-9

Application for Certification for the )  
COLUSA GENERATING STATION PROJECT )

<b>DOCKET</b> 06-AFC-9	
DATE	JAN 03 2008
RECD.	JAN 03 2008

STAFF PRE-HEARING CONFERENCE STATEMENT

This Statement responds to the Committee's December 11, 2007, Notice of Pre-Hearing conference.

1. **Topic areas that are complete and ready to proceed to hearing:** Staff believes that all topic areas are complete and ready to proceed to hearing, with the possible exceptions discussed under "2," below.
2. **Topic areas that are incomplete:** The Colusa County Department of Public Works has by a December 19, 2007, letter indicated that the project's proposed off-loading of heavy equipment in Williams may pose impacts to roads and bridges that have not been fully accounted for, and which could require additional mitigation. The County proposes to avoid such impacts by requiring the applicant to off-load heavy equipment at the rail siding at Delevan. Staff is proposing that all wear on roads be fully mitigated; it is currently attempting to identify whether there are additional bridges that may require reconstruction to accommodate project construction if heavy equipment is off-loaded at Williams. Staff does not propose that this issue delay the hearings. Staff does not anticipate a dispute over mitigation that staff may recommend for full mitigation of roads and reconstruction of additional bridges.
3. **Topic areas that remain disputed and require adjudication:** Two technical areas—Worker **Safety** and **Hazardous Materials**—are concerned with the issue the project presents with regard to "first responder" duties imposed on the nearby Maxwell Fire Protection District ("MFPD"). The MFPD is not sufficiently trained, staffed, or equipped for duties involving hazardous material spills or fire suppression at the power plant. Staff has identified the impact of the project in these areas as significant and requiring mitigation. However, the applicant and the County have been unable to reach any agreement regarding such mitigation. The issue is unresolved and at impasse. But there is no reason to believe that more time prior to hearing will resolve it. Staff believes that the issue should go to hearing for the very purpose of breaking this impasse by adjudicating the issue. Staff has completed its testimony regarding the need for, and amount of, funding and training for the MFPD to serve as a "first responder" to the proposed power plant.

4. **Witnesses:** All staff witnesses are identified in the Final Staff Assessment, which also includes testimony and witness qualifications.
5. **Topic areas for cross-examination:** Absent some resolution and/or stipulation with regard to the issues identified under "3" above, Staff would reserve the opportunity to cross-examine witnesses in those technical areas.
6. **Exhibits:** Staff will offer at least three exhibits: the Final Staff Assessment, the air district's Final Determination of Compliance, and the Department of Fish and Game's Stream Alteration Agreement.
7. **Briefing:** The necessity for any briefing should be determined at the close of the hearing.

Staff is unaware of any issues that are disputed other than the two areas (actually one issue) indicated above. Staff recommends that the Committee take all other issues by declaration unless another party requests and justifies the presence and testimony of other witnesses. This will allow the Committee and the parties to devote time and energy to the unresolved matters.

Date: January 3, 2008



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RICHARD C. RATLIFF  
Staff Counsel IV

BEFORE THE ENERGY RESOURCES CONSERVATION AND DEVELOPMENT COMMISSION OF THE STATE  
OF CALIFORNIA

APPLICATION FOR CERTIFICATION  
FOR THE *COLUSA GENERATING  
STATION PROJECT*

Docket No. 06-AFC-9  
PROOF OF SERVICE  
(REVISED 8/22/2007)

**INSTRUCTIONS:** All parties shall 1) send an original signed document plus 12 copies OR 2) mail one original signed copy AND e-mail the document to the web address below, AND 3) all parties shall also send a printed OR electronic copy of the documents that shall include a proof of service declaration to each of the individuals on the proof of service:

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### **DECLARATION OF SERVICE**

I, Julie Mumme, declare that on January 3, 2008, I deposited copies of the attached **STAFF PRE-HEARING CONFERENCE STATEMENT** in the United States mail at Sacramento, California with first-class postage thereon fully prepaid and addressed to those identified on the Proof of Service list above.

**OR**

Transmission via electronic mail was consistent with the requirements of California Code of Regulations, title 20, sections 1209, 1209.5, and 1210. All electronic copies were sent to all those identified on the Proof of Service list above.

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

