

STATE OF CALIFORNIA

Energy Resources Conservation
and Development Commission

In the Matter of:)
)
Willow Pass Generating Station Project Application)
for Certification)
)
)
_____)

Docket No. 08-AFC-06

DOCKET	
08-AFC-6	
DATE	<u>NOV 07 2008</u>
RECD.	<u>NOV 07 2008</u>

CITY OF PITTSBURG
ITEMIZED BUDGET AND REQUEST FOR REIMBURSEMENT

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November 7, 2008

Attorneys for City of Pittsburg

STATE OF CALIFORNIA

Energy Resources Conservation
and Development Commission

In the Matter of:)
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Willow Pass Generating Station Project Application) Docket No. 08-AFC-06
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**CITY OF PITTSBURG
ITEMIZED BUDGET AND REQUEST FOR REIMBURSEMENT**

In accordance with Section 25538 of the California Public Resources Code,¹ and Section 1715 of Title 20 of the California Code of Regulations,² the City of Pittsburg (“City”) respectfully submits this Itemized Budget and Request for Reimbursement (“Budget Request”) for the cost of permit fees and the cost of services performed in response to the California Energy Commission’s (“Commission’s”) request for review in the above-captioned proceeding.

In accordance with applicable requirements, the City attaches hereto an itemized proposed budget (the “City Budget”) estimating the actual and added costs that are likely to be incurred during the City’s review of the Application for Certification (“AFC”) for the Willow Pass Generating Station Project (“WPGS”). The itemized budget is presented as a quarterly estimate with the understanding that recent projects have required more than one year to receive their certification. In support of its requested budget, the City provides below justification for each line item amount and an explanation of how each line item is reasonably related to the matters the City is requested to review.³

On October 21, 2008 the City submitted to Mirant Willow Pass, LLC a proposed reimbursement agreement, but the Parties were unable to reach agreement on terms and conditions. In light of the requirement under 20 CCR 1715(c)(2) that a local agency submit to the Commission a budget within 21 days of receiving a request for review, the City hereby submits its budget to the Commission.

¹ Cal. Pub. Res. Code § 25538.

² 20 CCR § 1715.

³ 20 CCR § 1715(c)(2).

Background

Mirant Willow Pass, LLC has submitted to the Commission an AFC for the WPGS Project. On or about October 17, 2008, the Commission requested the City's review of the WPGS Project AFC. The WPGS Project is to be located within the city limits of the City of Pittsburg. As the local municipal governing body, the City has a direct and immediate interest in the WPGS Project, including its potential impact on the City, City services, City residents, and the local and regional environment.

The City anticipates that it will incur certain fees, including, but not limited to permit fees, traffic impact fees, drainage fees, park-in-lieu fees, sewer fees, public facilities fees and the like that it would normally receive for a powerplant application in the absence of Commission jurisdiction. The City also anticipates that it will incur costs directly related to the evaluation of the AFC, analysis, development support and other activities directly associated with the evaluation and potential implementation of the WPGS Project.

Budget Explanation and Justification

The City's proposed budget for the WPGS Project is attached . All of the line items in the City Budget represent the City's best current estimate of costs eligible for reimbursement under Section 1715(a) of Title 20 of the California Administrative Code.

It is important to note that the attached budget is based on an estimate of time and resources needed to perform tasks eligible for reimbursement. Moreover, the budget is presented as a quarterly estimate with the understanding that recent projects have required more than one year to receive their certification. At this early stage in the proceeding it is difficult to forecast with precision the scope and cost of the City's activities in this proceeding. In accordance with 20 CCR § 1715(c)(6), the City will file a request for an amended budget if the need for augmentation or other changes to this budget should arise in the future.

The City provides the following explanation and justification of the activities included in the City Budget. The following is based solely on the City's preliminary review of the AFC and the City's experience with similar projects. The issues and budget estimates below and in the City Budget will be updated as necessary.

1. Permit Fees

The City is authorized to seek reimbursement of "permit fees, including traffic impact fees, drainage fees, park-in-lieu fees, sewer fees, public facilities fees and the like, but not processing fees, that the local agency would normally receive for a powerplant or transmission line application in the absence of Commission jurisdiction." On the basis of its preliminary review of the AFC, the City requests recovery of the fees set forth in the City Budget. Each of the above fees would have been recovered by the City but for Commission jurisdiction over permitting for the WPGS Project.

2. Initial Review AFC and Related Documents, Identify Issues Affecting City Interests

Initial review of the AFC is necessary in order to make a preliminary determination regarding the scope of the City's interests and the issues raised by the AFC. Initial review was also necessary in order to prepare this Budget Request. Initial review was performed by City Staff, Development Review Consultants, and Legal Advisors.

3. Review and Analysis of Project Design

The City needs to review and analyze the AFC and related documents to determine whether the WPGS Project conforms to City project design standards. If initial analysis results in the identification of issues, the City will prepare and present relevant information to the applicant and the Commission.

4. Review and Analysis of Land Use Issues

A. Location

The City needs to review and analyze whether the WPGS Project is consistent with the purposes of the land use district in which it is located. If initial analysis results in the identification of issues, the City will prepare and present relevant information to the applicant and the Commission.

B. Health, Safety, General Welfare

The City needs to determine whether the WPGS Project could in any manner be detrimental to the health, safety, and general welfare of the City. If initial analysis results in the identification of issues, the City will prepare and present relevant information to the applicant and the Commission.

C. Community Preservation

The City needs to determine whether the WPGS Project will adversely affect the orderly development of property within the City, preservation of property values, the tax base and other revenue sources within the City. The City also must determine whether the WPGS Project is consistent with the objectives, policies, general land uses and programs specified in the City's general plan. Finally the City must determine whether the WPGS Project would create a nuisance or enforcement problem within the neighborhood. If initial analysis results in the identification of issues, the City will prepare and present relevant information to the applicant and the Commission.

D. Public Services

The City needs to determine whether and the degree to which the WPGS Project will create a demand for public services, and to analyze whether such public services are consistent with the City's tax and spending constraints. If initial analysis results in the

identification of issues, the City will prepare and present relevant information to the applicant and the Commission.

E. Variance/Non-Conforming Use

The City needs to analyze whether the WPGS Project is consistent with applicable variance and non-conforming use requirements. If initial analysis results in the identification of issues, the City will prepare and present relevant information to the applicant and the Commission.

5. Environmental Review

The City needs to review the AFC and to identify and analyze environmental issues associated with the WPGS Project. This will include the City’s review of the projects compliance with local laws, ordinances, regulations and standards intended to protect human health and the environment. In addition, the City will review the requirements of the Commission’s certified regulatory program and its CEQA equivalent environmental review.

Please address all communications regarding this Budget Request to the following:

Marc S. Grisham
City Manager
City of Pittsburg
65 Civic Avenue
Pittsburg, CA 94565
Phone: (925) 252-4850
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MGrisham@ci.pittsburg.ca.us

with copies to:

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Pittsburg Power Company
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Conclusion

The City requests that the Commission approve in its entirety the City Budget. We appreciate your attention to this request.

November 7, 2008

Respectfully submitted,

ELLISON, SCHNEIDER & HARRIS L.L.P.

By  _____

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Attorneys for City of Pittsburg

Attachments: City Budget

MIRANT - Willow Pass Generating Station Project

City of Pittsburg / Pittsburg Power Company

WPGS Analysis Budget - Quarterly

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CITY BUDGET

Key Activities

- 1 Comprehensive AFC Review and comment. Enviro, Legal, Dvlpmnt + City Resources
- 2 City "Master Development" strategic planning and assessment.
- 3 CEC meetings, correspondence and other requisite interactions.
- 4 Water consumption, conveyance assessments.
- 5 ROW investigation and assessments.
- 6 Mirant Staff meetings and requisite interactions.
- 7 Community Leaders coordination and iformation activities
- 8 City staff, administrative support
- 9 General WPGS review LOE

CITY BUDGET

<i>Resource</i>	<i>Cost Type</i>	<i>Cost Category</i>	<i>Rate (\$/hr)</i>	<i>Project Activity:</i>			
				<i>City Activity:</i>			
				<i>Month:</i>	<i>Oct (hrs)</i>	<i>Nov (hrs)</i>	<i>Dec (hrs)</i>
				WPGS AFC - Data Adequacy			
				-- AFC Review / City Advocacy --			
				Last Quarter of 2008			
City Staff Review / Support							
City Managers Office:	CM	City Staff	\$ 194.00	\$ 9,312	16.0	16.0	16.0
	Exec Asst.	City Staff	\$ 68.00	\$ 1,224	6.0	6.0	6.0
	CBO	City Staff	\$ 121.00	\$ 2,178	6.0	6.0	6.0
Engineering:	City Engr	City Staff	\$ 145.00	\$ 8,120	20.0	20.0	16.0
Finance:	Director	City Staff	\$ 144.00	\$ 2,592	6.0	6.0	6.0
Planning:	Director	City Staff	\$ 160.00	\$ 11,520	32.0	24.0	16.0
	Planner	City Staff	\$ 77.00	\$ 1,386	6.0	6.0	6.0
PPC:	GM	PPC Staff	\$ 193.00	\$ 19,493	45.0	36.0	20.0
	Analyst II	PPC Staff	\$ 73.00	\$ 4,088	24.0	16.0	16.0
	Analyst I	PPC Staff	\$ 64.00	\$ 3,072	16.0	16.0	16.0
				\$ -			
			Sub-Total (\$):	\$ 62,985	177.0	152.0	124.0
Development Review / Support							
Sr. Dvlpmnt Advisor:	DWBuchanan	Consultant	\$ 160.00	\$ 15,360	32.0	32.0	32.0
Environmental:	CH2MHill	Contractor	\$ 280.00	\$ 16,800	20.0	20.0	20.0
	Lamphier-Gregory	Consultant	\$ 220.00	\$ 13,200	20.0	20.0	20.0
	De Young Enviro	Contractor	\$ 145.00	\$ 8,700	20.0	20.0	20.0
	(other)	Consultant	\$ 165.00	\$ -			
Land Srvc:	tbd	Consultant	\$ 120.00	\$ 5,400	15.0	15.0	15.0
	(other)	Consultant		\$ -			
			Sub-Total (\$):	\$ 59,460	35.0	35.0	35.0
Legal Review							
City Attorney:	Legal Review	City Staff	\$ 450.00	\$ 47,250	45.0	36.0	24.0
PPC General Counsel:	Legal Review	PPC Staff	\$ 250.00	\$ 25,250	45.0	36.0	20.0
Outside Counsel:	CEC Advocacy	Legal Advisors	\$ 410.00	\$ 61,500	50.0	50.0	50.0
(other):	CEC Advocacy	Legal Advisors		\$ -			
			Sub-Total (\$):	\$ 134,000	140.0	122.0	94.0
Travel / Misc							
Mileage:	Sac / CEC	City		\$ 600			
	Sac / CEC	Consultant(s)		\$ 600			
	Sac / City	Legal Advisors		\$ 600			
Misc:	Meals	City		\$ 750			
Misc:	Other / Reimburse	City		\$ 500			
				\$ -			
			Sub-Total (\$):	\$ 3,050			
			Total (\$m):	\$ 259,495			
			Contingency:	\$ 51,899	20.00%		
			TOTAL (\$m):	\$ 311,400			

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PROOF OF SERVICE

I, Karen A. Mitchell, declare that on October 1, 2008, I served the attached *City of Pittsburg Itemized Budget and Request for Reimbursement* via electronic mail to all parties on the attached service list.

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



Karen A. Mitchell

SERVICE LIST
08-AFC-06

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