

DOCKET

00-AFC-21C

DATE July 14 2009

RECD. July 14 2009

STATE OF CALIFORNIA ENERGY RESOURCES CONSERVATION AND DEVELOPMENT COMMISSION

In the Matter of:)
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)
)
GATEWAY GENERATING STATION)
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_____)
Docket No. 00-AFC-1C

STAFF RESPONSE
AND RECOMMENDATIONS
TO COMPLAINT
BY RORY COX

On June 5, 2009, the Contra Costa branch of the Association of Community Organizations for Reform Now (ACORN) filed a Complaint pursuant to California Code of Regulations, Title 20, section 1237, regarding the operation of the Gateway Generating Station, which is owned and operated by Pacific Gas and Electric. In accordance with section 1237(b), the Commission staff conducted an investigation, and on July 3, 2009, filed Staff's Response and Recommendations.¹

On June 29, 2009, Rory Cox of the Local Clean Energy Alliance filed a "Complaint" regarding the same matter. In his "Complaint," Mr. Cox recites that he has reviewed the statement of facts and the "counts of non-compliance" in the Complaint filed by ACORN, and states that he incorporates those items by reference. Mr. Cox also states that he supports ACORN's request to revoke the facility's certification, and provides a declaration under penalty of perjury regarding the truth and accuracy of the statement of facts provided in the ACORN Complaint.

The "Complaint" filed by Mr. Cox offers no new information and raises no additional issues that have not already been addressed in Staff's Response and Recommendations regarding ACORN's Complaint. Because Mr. Cox's "Complaint" is essentially identical to ACORN's, the two should be consolidated and decided in the same proceeding. The Committee should then consider Staff's Response and Recommendations filed July 3, 2009, as applying to Mr. Cox's "Complaint" as well as to ACORN's filing, and dismiss the complaints for the reasons stated. .

Date: July 14, 2009

Respectfully Submitted,



KEVIN W. BELL
Senior Staff Counsel

¹ STAFF RESPONSE AND RECOMMENDATIONS TO COMPLAINT BY ASSOCIATION OF COMMUNITY ORGANIZATIONS FOR REFORM NOW (ACORN) , In the matter of Gateway Generating Station, 00-AFC-1C, July 3, 2009 (hereby incorporated by reference).