

**DOCKET**

**00-AFC-1C**

DATE July 31 2009

RECD. July 31 2009

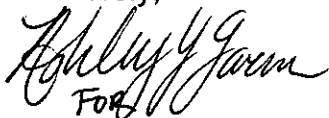
July 31, 2009

California Energy Commission  
Docket Unit  
1516 Ninth Street  
Sacramento, CA 95814-5512

Subject: **PG&E'S PREHEARING STATEMENT  
DOCKET NO. (00-AFC-1C)**

Enclosed for filing with the California Energy Commission is the original of **PG&E'S PREHEARING STATEMENT**, for the Gateway Generating Station Docket No.(00-AFC-1C).

Sincerely,



For  
Marie Mills

Scott A. Galati  
GALATIBLEK, LLP  
455 Capitol Mall  
Suite 350  
Sacramento, CA 95814  
(916) 441-6575

STATE OF CALIFORNIA  
Energy Resources  
Conservation and Development Commission

In the Matter of:

Complaint Against Gateway  
Generating Station

Brought by ACORN, Local Clean  
Energy Alliance, CARE, et al

**DOCKET NO. 00-AFC-1C**

**PG&E'S PREHEARING  
STATEMENT**

---

Pacific Gas & Electric Company (PG&E) in accordance the Siting Committee Order dated July 27, 2009, hereby files its Prehearing Statement in support of evidentiary hearing to consider the consolidated complaints against the Gateway Generating Station (GGS) brought by ACORN, Local Clean Energy Alliance and CARE. The Committee Order requires each party to set forth the following:

1. The identity of each witness called to testify; a brief summary of the testimony to be offered by each witness; qualifications of each witness; and the time required to present direct testimony by each witness.
2. A list identifying exhibits and declarations that each party intends to offer into evidence and a brief summary of its relevance to the proceedings. Each document shall be numbered and identified on an Exhibit List.

### **PG&E's Witnesses**

PG&E will present Steve Royall of PG&E and Gary Rubenstein of Sierra Research as an expert panel to address the questions posed by the Committee in its Order. Written testimony answering these questions including declarations and resumes are filed under separate cover with this PreHearing Conference Statement. PG&E requests 30 minutes for direct testimony and reserves additional time for redirect testimony after the panel has submitted to cross-examination.

Since we have not reviewed the testimony of the Complainants, we are unable to accurately estimate the amount of time necessary to cross-examine Complainant's witnesses. However, for planning purposes, the Committee should budget up to two hours for PG&E's cross-examination.

### **Exhibit List**

PG&E's proposed Exhibit List is attached. All of the documents are relevant to dispute the allegations of the Complaints.

### **Conclusion**

PG&E has filed an Answer to the Complaints and agrees with Staff's Recommendation contained in its reports of July 3 and 14, 2009 that the Complaints fail to state violation of any Condition of Certification contained in the Commission Decision, as amended.

Dated: July 31, 2009

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Scott A. Galati", written over a horizontal line.

Scott A. Galati  
Counsel to PG&E

## PG&E'S PROPOSED EXHIBIT LIST

- Exhibit No. 300.** Commission Decision dated May 30, 2001
- Exhibit No. 301** PG&E's Petition for Amendment (Dry Cooling Amendment), dated December 2006
- Exhibit No. 302** PG&E's Petition for Amendment (NOISE-8), dated April 16, 2007
- Exhibit No. 303** Commission Order approving Petition for Amendment (NOISE-8), dated May 23, 2007
- Exhibit No. 304** Commission Order approving Petition for Amendment (Dry Cooling Amendment), dated August 1, 2007
- Exhibit No. 305** PG&E's Petition for Amendment (refrigerant in inlet air chiller), dated November 5, 2007
- Exhibit No. 306** PG&E's Petition for Amendment (add two water tanks), dated November 14, 2007
- Exhibit No. 307** Commission Order approving Petition for Amendment (refrigerant in inlet air chiller), dated December 5, 2007
- Exhibit No. 308** Commission Order approving Petition for Amendment (add two water tanks), dated January 2, 2008
- Exhibit No. 309** PG&E's Petition for Amendment (air quality conditions), dated January 15, 2008
- Exhibit No. 310** PG&E's Petition for Amendment (sewer line change), dated February 15, 2008
- Exhibit No. 311** Commission Staff Approval of Petition for Amendment (sewer line change) as insignificant amendment, dated February 19, 2008
- Exhibit No. 312.** PG&E's Withdrawal of Petition for Amendment (air quality conditions), dated February 13, 2008
- Exhibit No. 313.** PG&E's Petition to Amend Various Air Quality Conditions (consistency amendment), dated May 7, 2009

- Exhibit No. 314** June 2004 EPA/BAAQMD PSD Re-Delegation Agreement
- Exhibit No. 315** PG&E and BAAQMD Compliance Agreement concerning Conditions of Certification AQ-29, 30 and 32, dated November 25, 2008
- Exhibit No. 316** Testimony of Gary Rubenstein and Steve Royall, dated July 31, 2009



BEFORE THE ENERGY RESOURCES CONSERVATION AND DEVELOPMENT  
COMMISSION OF THE STATE OF CALIFORNIA  
1516 NINTH STREET, SACRAMENTO, CA 95814  
1-800-822-6228 – [WWW.ENERGY.CA.GOV](http://WWW.ENERGY.CA.GOV)

IN THE MATTER OF THE COMPLAINT AGAINST  
**GATEWAY GENERATING STATION**

Docket No. 00-AFC-1C  
PROOF OF SERVICE  
(Revised 7/31/09)

**PROJECT OWNER**

Steve Royal  
Pacific Gas & Electric Company  
Gateway Generating Station  
3225 Wilbur Avenue  
Antioch, CA 94509  
[sgre@pge.com](mailto:sgre@pge.com)

**PROJECT OWNER'S COUNSEL**

Scott Galati  
Galati-Blek LLP  
455 Capitol Mall, Ste. 350  
Sacramento, CA 95814  
[sgalati@gb-llp.com](mailto:sgalati@gb-llp.com)

**INTERESTED AGENCIES**

Alexander G. Crockett, Esq.  
Assistant Counsel  
Bay Area Air Quality Management  
District  
939 Ellis Street  
San Francisco, CA 94109  
[scrockett@baaqmd.gov](mailto:scrockett@baaqmd.gov)

California ISO  
[e-recipient@caiso.com](mailto:e-recipient@caiso.com)

**COMPLAINANTS**

ACORN C/O  
Deborah Behles, Esq.  
James Barringer, Esq.  
Lucan Williams, Graduate Fellow  
Golden Gate Univ. School of Law  
Environmental Law & Justice Clinic  
536 Mission Street  
San Francisco, CA 94105-2968  
[dbehles@ggu.edu](mailto:dbehles@ggu.edu)  
[lwilliams@ggu.edu](mailto:lwilliams@ggu.edu)

ACORN C/O  
John Adams  
2401 Stanwell Drive  
Unit 320  
Concord, CA 94520  
[caacornbpro@acorn.org](mailto:caacornbpro@acorn.org)

Rory Cox  
Local Clean Energy Alliance  
436 14<sup>th</sup> Street  
Oakland, CA 94612  
[rcox@pacificenvironment.org](mailto:rcox@pacificenvironment.org)

CARE  
c/o Bob Sarvey and Rob Simpson  
27216 Grandview Avenue  
Hayward CA 94542  
[SarveyBob@aol.com](mailto:SarveyBob@aol.com)  
[rob@redwoodrob.com](mailto:rob@redwoodrob.com)

**ENERGY COMMISSION**

Jeffrey D. Byron  
Commissioner and Presiding Member  
Siting Committee  
[jbyron@energy.state.ca.us](mailto:jbyron@energy.state.ca.us)

Karen Douglas  
Chair and Associate Member  
Siting Committee  
[kidougla@energy.state.ca.us](mailto:kidougla@energy.state.ca.us)

Kenneth Celli  
Hearing Officer  
[kcelli@energy.state.ca.us](mailto:kcelli@energy.state.ca.us)

Ron Yasney  
Compliance Project Manager  
[ryasney@energy.state.ca.us](mailto:ryasney@energy.state.ca.us)

Kevin W. Bell  
Staff Counsel  
[kbell@energy.state.ca.us](mailto:kbell@energy.state.ca.us)

Elena Miller  
Public Adviser's Office  
[publicadviser@energy.state.ca.us](mailto:publicadviser@energy.state.ca.us)

**DECLARATION OF SERVICE**

I, Ashley Y. Garner, declare that on July 31, 2009, I served and filed copies of the attached **PG&E'S PREHEARING STATEMENT**. The original document, filed with the Docket Unit, is accompanied by a copy of the most recent Proof of Service list. The document has been sent to both the other parties in this proceeding (as shown on the Proof of Service list) and to the Commission's Docket Unit, in the following manner:

**(Check all that Apply)**

**For service to all other parties:**

sent electronically to all email addresses on the Proof of Service list;

by personal delivery or by depositing in the United States mail at Sacramento, California with first-class postage thereon fully prepaid and addressed as provided on the Proof of Service list above to those addresses **NOT** marked "email preferred."

**AND**

**For filing with the Energy Commission:**

sending an original paper copy and one electronic copy, mailed and emailed respectively, to the address below (**preferred method**);

**OR**

depositing in the mail an original and 12 paper copies, as follows:

**CALIFORNIA ENERGY COMMISSION**

Attn: Docket No. 00-AFC-1C  
1516 Ninth Street, MS-4  
Sacramento, CA 95814-5512

[docket@energy.state.ca.us](mailto:docket@energy.state.ca.us)

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

  
Ashley Y. Garner