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To: <Pkramer@energy.state.ca.us>, <gsmith@adamsbroadwell.com>, <mdjoseph@ada...>
Date: 6/8/2010 3:55 PM
Subject: Re: Committee Questions re Petition to intervene of Robert Sarvey--Marsh Lan...

1. You say that you only became aware of the June 1 Intervention deadline on June 4. By what mechanism did you learn of the deadline?
 I visit the CEC website about once a week and I clicked on Marsh Landing and then on the Notice Orders and Announcement Page and there was the notice of evidentiary hearing posted on May 28, 2010.

2. You say that you were expecting to see an FSA. What led you to that assumption? The April 2010 staff report is labeled a "Staff Assessment," not a "Preliminary Staff Assessment."
 I have participated in about 20 siting cases I have only not seen a FSA in SPPE proceedings.

3. Your statement of interest in the case speaks about air quality issues. Are there any other topic areas in which you are interested in participating and what is the nature of your interest in those topics? Please be specific.

Environmental Justice - With 15 power plant projects in Contra Costa, several refineries and chemical plants and two more proposed power plants; Oakley and Willow Pass I believe the analysis to date is inadequate. (Will provide testimony) (Public Health, Air Quality, Hazardous material transportation issues)

Energy Efficiency /Alternatives: The original Design configuration meets all the project objectives but with much greater efficiency. (Cross Examination).

Project description- The AFC states that this project is to back up intermittent renewables. Where are these over 700 MW of renewables located and is the project located in the right place to serve those renewables? Is the limit of 100 starts a year adequate to back up intermittent renewables? (Cross Examination, Testimony)

After release of Revised Staff Assessment I may have more issues.

4. You have not cited any authority for the hardship waiver you request. Under what authority and circumstances do you believe that the Committee may approve a waiver?

Section 1209(c) of the Commission's regulations provides that any person submitting written materials in connection with a Commission proceeding shall submit 12 copies to the Docket Unit, unless this requirement would impose an undue burden on such person. [Cal. Code of Regs., tit. 20, § 1209(c)]. If the undue burden is financial, the Docket Unit shall photocopy and distribute the submitted materials in the normal course.

Section 1717(a) provides that parties to a siting case, including intervenors, are required to file 12 copies of their documents with the Docket Unit and to serve copies on all parties of record. [Cal. Code of Regs., tit. 20, § 1717(a)]. The Presiding Member may, however, direct the Executive Director to provide such copies and their service on behalf of any party for whom compliance with these service and filing requirements would impose an undue hardship. [Ibid.]

To the extent that the regulations establish a minimum standard to determine undue financial hardship, the standard is simply an assertion by the person seeking assistance that the undue burden is financial. Section 1209(c) provides that "[i]f the undue burden is financial, the letter of

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transmittal, written material, or comment should so state." [Cal. Code of Regs., tit. 20, § 1209(c)].