

DOCKET

09-AFC-3

DATE JAN 25 2011

RECD. JAN 25 2011

STATE OF CALIFORNIA
State Energy Resources
Conservation and Development Commission

In the Matter of:)
)
Mariposa Energy Project)
)
)
_____)

DOCKET NUMBER: 09-AFC-3

CALPILOTS Prehearing Statement

CALPILOTS opposes the location of the proposed MEP site location. CALPILOTS also submits Exhibits 701, 702 and 703 Declarations of Messer's Bonavito, Howell and Wagner, all tenants of Byron Airport.

a) The topic areas that is complete and ready to proceed;

All topics are ready to proceed.

b) The topic areas that are not complete and ready to proceed to Evidentiary Hearing and the reasons therefore:

All topic areas are complete.

c) The topic areas that remain disputed and require adjudication, and the precise nature of the dispute for each topic:

Traffic and Transportation – Aviation

MEP and the already licensed East Altamont power plants locations are disputed locations in relation to the RNAV approach to Runway 30 of the Byron Airport.

Cumulative Impacts

MEP and East Altamont impact of having two power plants within the RNAV approach to Byron Airport runway 30 will cause a cumulative effect on loss for airspace for aircraft to maneuver in order to maintain safe distances from each other.

CEC Staff has failed to analyze the economic impacts on reducing the useable airspace and thus restricting the number of operations per year at the Byron Airport or to consider cumulative effects for currently ongoing Byron Airport use and business expansions.

d) The identity of each witness sponsored by each party (Note: witnesses must have professional expertise in the discipline of their testimony); topic area(s) which each witness will present; a brief summary of the testimony to be offered by each witness will present; qualifications of each witness; time required to resent direct testimony by each witness; and whether the party seeks to have the witness testify in person or telephonically;

1. Clay Bonavito, Topic Area: Traffic and Transportation Aviation

Time for Direct 15 minutes

Mr. Bonvatio of Aerosports, Inc. Byron, CA. is an Airport tenant and Runs the Skydiving operation.

Mr. Bonavito will testify on their operation and the use of their aircraft and describe protected drop zone which compresses air space use.

2. Randy Howell Topic Area: Traffic and Transportation Aviation

Time for Direct 15 minutes

Mr. Howell is an instrument rated pilot, an airport tenant, President of Byron Jet Charter, LLC, Patriots Jet Team, Inc., and Patriots Jet Team Foundation.

Mr. Howell will discuss their business expansion and use of the Byron Airport and how their jets and other aircraft use the air space and patterns and the sequencing of aircraft into the pattern for landing.

3. Ron Wagner Topic Area: Traffic and transportation Aviation

Time for direct 20 minutes

Mr. Wagner is a tenant and instrumented rated pilot at the Byron Airport and will testify on the RNAV approach, air space use and sequencing aircraft inbound and outbound into the pattern for landing and takeoff.

Telephony:

Mr. Howell fully intends to testify **in person**. However, there is a possibility he could have a business conflict.

e) Topic areas upon which a party desires to cross-examine witnesses, summary of the scope of each such cross-examination (including voir dire of an witness' qualifications), and the time desired for each such cross-examination;

Traffic and Transportation - Aviation

Applicant's Traffic and Transportation Aviation Panel Cross Estimate 1 hour

CEC Staff Traffic and Transportation – Aviation Panel Cross Estimate 30 minutes

CEC Staff Land Use Cross Estimate 15 Minutes

f) A list identifying exhibits and declarations that each party intends to offer into evidence and the technical topics to which they apply (as explanation the following selections on formats for presenting evidence.

CALPILOTS Exhibit list is attached (also submitted is CALPILOTS January 7, 2011 Testimony) with witness Declarations 1/25/11

g) Topic areas for which the applicant will seek commission override due to public necessity and convenience pursuant to Pub. Res. Code § 25525.

Land Use

h) Proposals for briefing deadlines, impact on vacation schedules, and other scheduling matters;

1. Briefing Deadlines: CALPILOTS proposes the opening brief be due three weeks after the receipt of the recorded transcript. Reply briefs two weeks after opening briefs.
2. Vacation Schedule: None
3. Scheduling matters: None

i) For all topics, any proposed modifications to the proposed Conditions of Certification listed in the Supplemental Staff Assessment (SSA) based upon enforceability, ease of comprehension, and consistency with the evidence.

None at this time.

DECLARATION OF SERVICE

I, Andy Wilson, declare that on January 25, 2011, I served and filed copies of the attached CALPILOTS First Testimony. The original documents, filed with the Docket Unit, is accompanied by a copy of the most recent Proof of Service list, located on the web page for this project at:

[\[http://www.energy.ca.gov/sitingcases/mariposa/index.html\]](http://www.energy.ca.gov/sitingcases/mariposa/index.html).

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;
- by delivering on this date, for mailing with the United States Postal Service with first-class postage thereon fully prepaid, to the name and address of the person served, for mailing that same day in the ordinary course of business; that the envelope was sealed and placed for collection and mailing on that date 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*);

CALIFORNIA ENERGY COMMISSION
Attn: Docket No. 09-AFC-3
1516 Ninth Street, MS-4
Sacramento, CA 95814-5512
docket@energy.state.ca.us

I declare under penalty of perjury that the foregoing is true and correct, that I am employed in the county where this mailing occurred, and that I am over the age of 18 years and not a party to the proceeding.



Andy Wilson
CALPILOTS

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Exhibit	Brief Description	Offered	Admitted
Intervener California Pilots Association Exhibits 700-799			
700	CALPILOTS Opening Testimony (Docketed)	1/7/11	
701	Declaration of Clay Bonavito of Aerosprot, Inc., a Byron Airport Tenant operating the parachute skydiving operation	1/25/11	
702	Declaration of Rand Howell of Patriots Jet Team a Byron Airport Tenant and pilot operating the Patriots Jet Team	1/25/11	
703	Declaration of Ron Wagner, Byron Airport Tenant and Pilot	1/25/11	

AEROSPORTS, INC.
DBA BAY AREA SKYDIVING
P.O. Box 88
Byron, CA 94514

To: Whom it may concern
Re: Byron Airport Declaration
Date: January 18, 2011

Bay Area Skydiving is a full-service skydiving operation, centrally located to the Bay Area, San Francisco and the Central Valley. We are a member drop zone of the United States Parachute Association and offer tandem skydives, an accelerated freefall student program and all types of jumping for experienced, licensed skydivers. Our current aircraft used in operations are a King Air 90 and a Cessna 206.

Jump numbers for tandems (2256), students (617) and experienced skydivers (13000) have been relatively similar for the past 2 years and the next 2 years should be about the same.

Our predominantly used runway is 12 for take-off and 30 for landing. When pattern is full, our aircraft is running, with fuel burning, while waiting for clear airspace. When gliders are in operation, the wait times increase significantly due to the nature of their operation.

The drop zone landing area (west area of airport) is protected airspace for skydivers to ensure the safety of both the pilots and jumpers. Jumpers need clear airspace to maneuver their canopies to the landing area and do not have the ability to avoid an aircraft in their path.

Please do not hesitate to contact me if you have any questions or need further information. Thank you.

I declare under penalty of perjury that this is a true statement to the best of my knowledge.

Executed at City Byron, California January 18, 2011

Sign here

Clay Bonavito

Clay Bonavito

PATRIOTS JET TEAM

AMERICA'S JET TEAM



To who it may concern,

As a current and growing tenant of the Byron airport, I have concern with the proposed construction of power plants if restrictions/limitations would be imposed to the flight pattern or instrument approaches.

I am president of Byron Jet Center, LLC, Patriots Jet Team, Inc. and Patriots Jet Team Foundation, Inc., a 501 (c) (3) non-profit corporation. We currently lease 13,000 square feet of hanger space, operate 10 jet aircraft and 3 propeller driven aircraft from the Byron Airport. We have a 40 year land lease on 2 acres at the Byron Airport with a planned 35,300 square foot hanger that will be completed by Fall 2011. Our phase 2/3 plans will include 4 additional acres at the airport for the construction of an additional 70,000 square feet of hanger space. We have plans to operate a non-profit Museum in these hangers which will include additional flying for our expanding operations at Byron.

With the diverse aircraft at the Byron airport such as ultra lights, parachute operations, glider ops and many general aviation aircraft based at Byron as well as many general aviation aircraft visitors, the flight patterns gets very congested. With typical delays on arrival, patterns get quite large at times in slow aircraft. Flight patterns get very large at typical pattern speeds in jet aircraft. With a 3 minute delay due to a glider hookup and launch on the runway, a jet with a typical pattern speed of 150 knot (253 feet per second) will have a ground track of about 8.5 miles. With limitations to over flight of power plants in the flight patterns, safety could be compromised due to the increased workload in the cockpit during approach and landing, the most critical phase of flight. Any limitations imposed on the instrument approach at the Byron airport will affect my operations and restrict future business operations at the airport as well.

I declare under penalty of perjury that this is a true statement to the best of my knowledge.

Executed at Byron, California January 18, 2011.

/S/

Randy Howell

My Name is Ron Wagner, I am a instrument rated pilot, I have hangers and aircraft located at the Byron airport, I live in Brentwood with Business offices in Pleasant Hill all Contra Costa based activities.

I use the Byron Airport in conjunction with my business activities; my concern is with the limitation and safety of flight in and around the Byron Airport and the future use of the RNAV 30 approach.

The following is a description of the activities normally encountered at the Byron Airport;

As you already know the airport serves many flight platforms: Powered aircraft, Piston, Turbine, Ultra lights along with non-powered glider operations and Parachute jumping.

Discussion RNV30 approach: When using this approach we are released by NORCAL Controllers about 10-12 miles out, we then listen and self announce our Position to notify other pilots of our location and intent. We listen and communicate with the other aircraft and anyone else on the use of the runway. Should there be the jump plane departing RWY 12, which it often does, or there be a glider hookup in progress at that time it will require the pilot on approach to make a judgment, to either continue the approach estimating that timing will work out or delay the approach by doing a 360 degree turn to change the approach event timing, change aircraft configuration to slow to MCA (Minimum Controllable Airspeed) to allow the glider, estimated hookup and launch of 3 minutes, time to get off or the jump plane to depart or what ever the issue, to clear the runway. Should there be any new restricted areas on the approach path vicinity it would increase the pilot's already busy workload at a critical time to try and avoid any newly restricted areas.

RWY 30/12 and 23/5 are also used by pilot trainees from all the local areas. This means student pilots and pilots of all experience levels are in the vicinity of the airport some communicate well and some with low experience and working develop radio skills need to be visually spotted. See and avoid in this already compressed area poses its own challenges without any added over flight restrictions.

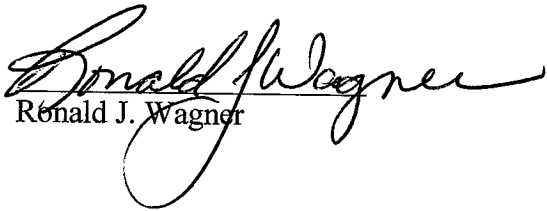
When on downwind for RWY 30 one makes a visual check on the Runway about mid field, this is to anticipate his next actions in preparation (Aircraft setup) for landing. If the runway is in use, glider, estimated hookup and launch of 3 minutes, or Jump Plane activity, one might have to extend the downwind leg to accommodate those activities already in progress or again do a 360 or abort to a circle around for another attempt back to the 45 degree pattern entry position. All would require use of all the airspace south and east of the airport.

Runway 23/5 has similar issues, when runway delays or activities preclude landing, one would have to extend or abort by turning out toward Tracy and circling (360's) for better timing for a re-entry into the pattern. Reason I say toward Tracy is the hills to the West are not a attractive direction, turning to the North takes one into the Jump zone

(Northwest corner of airport) so we are left with the south and east for clear area's for use to adjust our arrival/approach timing. Restricted airspace to the south and east of the airport would add to the pilots already restricted options.

In summary, again my reasons for testifying hear today is to make everyone aware of the pilot's view and safety of flight concerns apparent for all who use the very important asset in the Contra Costa County.

I declare under penalty of perjury that this is a true statement to the best of my knowledge. Executed at City of Brentwood, California January 18, 2011


Ronald J. Wagner