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<b>DOCKET</b>	
<b>09-AFC-3</b>	
DATE	JAN 25 2011
RECD.	JAN 25 2011

State of California  
State Energy Resources Conservation and Development Commission

In the Matter of: ) Docket # 09-AFC-03  
)  
Mariposa Energy Project ) Prehearing Conference Statement  
) Rob Simpson  
)  
\_\_\_\_\_ )

**a) The topic areas that are complete and ready to proceed to Evidentiary Hearing;**  
none

**b) The topic areas that are not complete and not yet ready to proceed to Evidentiary Hearing, and the reasons therefor;**

It appears that no area's are ready to proceed as the prerequisite public notice has not occurred. No notice appears to have disclosed any effect on air quality, property values, public health, electricity rates, or disclosed the address or even a street name near the site. A map on the site visit Notice indicates the location of the meeting place and could have easily accommodated the actual site location, but this did not occur. The actual location appears to be covered up on the notice by a regional map. Prior to potentially depriving people of their rights, due process dictates that public notice happens. This Notice should be accurate and serve as the basis for informed public participation. The Commission should refrain from hearing this matter until someone tells the public what is at stake. It appears that the applicant delineation of 10 acres in the middle of an actual 158 acre site meant to them that they need not even inform the adjacent land owners. See AFC APPENDIX 1B "Property Owners Located within 1,000 feet of the Power Plant Site". This appears another iteration of the "Measure 1000 feet from the center of the site" scheme as used in the Russell City Energy Center proceeding to preclude public notice.

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

I join the other intervenors in the area's of dispute. In addition I would like to understand the other regulatory areas that the applicant is allowed to bypass by pretending that the site is 10 acres and not 158 acres. If the project was identified as the second source on the same site, would different air quality laws apply? Would it be a modification of an existing project? Would alternatives available on a 158 acre site be unavailable on a 10 acre site? If the 10 acres were subdivided what would be the zoning, Williamson act and other regulatory requirements. What is the projects effect on local property values.

**d) The identity of each witness sponsored by each party (note: witnesses must have**

**professional expertise in the discipline of their testimony); the topic area(s) which each witness will present; a brief summary of the testimony to be offered by each witness; qualifications of each witness; the time required to present direct testimony by each witness; and whether the party seeks to have the witness testify in person or telephonically;**

I can testify as to the projects potential effects on property values and land use.

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

I join the other intervenors into the topics that I wish to cross-examine and in their summary of the scope. I also have process questions of the CEC's role and the interplay between agencies. I will question witnesses as to their qualifications, affiliations and duties with regard to this siting. I wish to inquire as to the scope of public notice, to whom they were served and the content of such notice(s). I would like to understand the regulatory scheme which forgoes the Preliminary Staff Assessment (PSA) and Final Staff Assessment (FSA) as described in the Warren Alquist act in favor of the Staff Assessment and Supplemental Staff Assessment utilized in this proceeding. I would like to understand the effects of statutory time limits for review of projects in this proceeding. I would like the same amount of time as Mr. Sarvey to cross examine, with the exception of air quality, I may need 4 extra hours with the Bay Area Air Quality Management District (BAAQMD) as they did not respond to my comments on the Preliminary Determination of Compliance (PDOC) my comments are in appendix E of the Final Determination of Compliance (FDOC). Should the parties choose, my PDOC comments could be responded to in writing (by BAAQMD) and greatly limit my, subsequent, time needed to cross examine BAAQMD.

**f) A list identifying exhibits and declarations that each party intends to offer into evidence and the technical topics to which they apply (as explained in the following section on Formats for Presenting Evidence);**

Exhibit 1000 is my testimony

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

In addition to what the other intervenors described; Should the Commission choose to proceed without effective public notice of this action they should override the U.S and California Constitution including the fourteenth, fifth and first amendment of the U.S. constitution. If no regulatory framework for forgoing the PSA- FSA regulations exists the Commission should also override the Warren Alquist Act.

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

I Propose that the opening brief be due at least three weeks after receipt of the recorded transcript. Reply briefs at least two weeks after Opening Briefs.

\_\_\_\_\_  
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**DECLARATION OF SERVICE**

I, Robert Simpson, declare that on January 25, 2011, I served and filed copies of the attached Rob Simpson's prehearing conference statement. The original document, 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>]. 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, CA. 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. 09-AFC-3

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