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DOCKET

09-AFC-4

DATE	MAR 09 2011
RECD.	MAR 09 2011

March 09, 2011

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

Subject: **CONTRA COSTA GENERATING STATION, LLC'S
PREHEARING CONFERENCE STATEMENT
OAKLEY GENERATING STATION
DOCKET NO. (09-AFC-4)**

Enclosed for filing with the California Energy Commission is the original of **CONTRA COSTA GENERATING STATION, LLC'S PREHEARING CONFERENCE STATEMENT**, for the Oakley Generating Station (09-AFC-4).

Sincerely,

A handwritten signature in blue ink that reads "Marie Mills".

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:

Application for Certification for the
OAKLEY GENERATING STATION

DOCKET NO: 09-AFC-4

**CCGS, LLC'S PREHEARING
CONFERENCE STATEMENT**

INTRODUCTION

Contra Costa Generating Station LLC (CCGS LLC), a wholly owned subsidiary of Radback Energy LLC, in accordance with 20 CCR § 1718.5 and the Committee Order dated February 18, 2011, hereby files its PreHearing Conference Statement for the Oakley Generating Station (OGS). At the time this PreHearing Conference Statement was prepared, CCGS LLC had not yet received any testimony from Intervener Sarvey and therefore the information provided below may need to be supplemented.

A. Topic Areas Complete and Ready to Proceed To Evidentiary Hearing

CCGS LLC believes that all topic areas are complete and ready for adjudication at the Evidentiary Hearing. We believe the Committee has ample evidence to conclude that the OGS will not result in significant environmental impacts and will comply with all applicable laws, ordinances, regulations and standards (LORS). CCGS LLC also does not believe the evidentiary hearing scheduled for March 25, 2011 will be required.

B. Topic Areas That Are Not Complete

CCGS LLC does not believe there are any topic areas that are not complete.

C. Disputed Topic Areas

CCGS LLC disputes three areas with Staff. Table 1 includes a brief summary of each dispute.

D. Proposed Witnesses and Testimony

Table 1 identifies the witnesses proposed by CCGS LLC including a brief summary of the subject areas of the testimony and an estimate of the amount of time necessary for direct live testimony, if needed. The table also identifies those areas where CCGS LLC believes live testimony is not warranted and therefore offers to submit the testimony upon sworn declaration.

E. Cross-Examination

Table 1 also identifies those witnesses (topic areas) that CCGS LLC requests be available for cross-examination, with an estimate of the amount of time necessary for cross-examination. CCGS LLC does not challenge the qualifications of any Staff witness to provide expert testimony and therefore waives voir dire. A brief description of the subject areas in dispute that will encompass the scope of cross-examination is included in Table 1.

F. Exhibit List

Table 2 is CCGS LLC's Proposed Exhibit List.

G. Public Benefit and Need: Finding of Override

CCGS LLC is not requesting a Finding of Override from the Commission as the OGS will not result in significant unmitigatable impacts and will comply with all applicable laws, ordinances, regulations and standards.

H. Scheduling

At this time, CCGS LLC proposes to complete all topic areas at the March 15, 2011 evidentiary hearing. Since the disputes are few, CCGS LLC does not request briefs. In lieu of briefs, CCGS LLC requests oral argument at the close of evidence. CCGS LLC proposes that evidence for the topic areas of Soil and Water Resources and Biological Resources be taken together with witnesses participating as a panel because the disputes relating to Wetland E affect conditions in both topic areas.

I. Proposed Modifications to Conditions of Certification

CCGS LLC has carefully reviewed the FSA and agrees with the substantial majority of the Conditions of Certification. Conditions of Certification where CCGS LLC respectfully requests modifications are presented in its Opening Testimony and include **AQ-SC7** and **-SC8**; **SOIL&WATER-4, -6, -8, and -9**; and **BIO-19**.

CONCLUSION

CCGS LLC is prepared to proceed to evidentiary hearing and believes that all of the evidence can be received and the record closed at the end of the evidentiary hearing scheduled for March 15, 2011. CCGS LLC appreciates the Committee's dedication to move the OGS to a Decision by May 18, 2011.

Dated: March 9, 2011

Respectfully Submitted,

// original signed //

Scott A. Galati
Counsel to Contra Costa Generating Station, LLC

TABLE 1
OAKLEY GENERATING STATION PROJECT
Proposed Witness List

TOPIC AREA	DISPUTES BETWEEN PARTIES	WITNESS	TESTIMONY SUMMARY	DIRECT TESTIMONY ESTIMATE	CROSS-EXAM ESTIMATE
ALTERNATIVES	None	Doug Davy	Submitted on Declaration	None	None
AIR QUALITY	Minor dispute with Staff	Greg Darwin James McLucas	Submitted on Declaration. Requested minor modifications to Condition of Certification AQ-SC7 and AQ-SC8	None	None
BIOLOGICAL RESOURCES	Minor dispute with Staff	Doug Davy Richard Crowe	Proposed changes to Conditions of Certification relating to: Condition of Certification BIO-19 – Wetland E – Staff's version of the condition unnecessarily prohibits changes in water flow and vegetation that could benefit the Wetland E. The objective of the Wetland E management plan proposed by CCGS LLC is to enhance Wetland E which is unmanaged and in poor condition	0.5 hour	0.5 hours
CULTURAL RESOURCES	None	Doug Davy	Submitted on Declaration	None	None
FACILITY DESIGN	None	James McLucas	Submitted on Declaration	None	None

TOPIC AREA	DISPUTES BETWEEN PARTIES	WITNESS	TESTIMONY SUMMARY	DIRECT TESTIMONY ESTIMATE	CROSS-EXAM ESTIMATE
GEOLOGY AND PALEONTOLOGY	None	Doug Davy	Submitted on Declaration	None	None
HAZARDOUS MATERIALS	None	Doug Davy	Submitted on Declaration	None	None
LAND USE	None	Doug Davy	Submitted on Declaration	None	None
NOISE AND VIBRATION	None	James McLucas	Submitted on Declaration	None	None
POWER PLANT EFFICIENCY	None	James McLucas	Submitted on Declaration	None	None
POWER PLANT RELIABILITY	None	James McLucas	Submitted on Declaration	None	None
PROJECT DESCRIPTION	None	James McLucas	Submitted on Declaration	None	None
PUBLIC HEALTH	None	Greg Darvin Doug Davy	Submitted on Declaration	None	None
SOCIOECONOMICS	None	Doug Davy	Submitted on Declaration	None	None

SOIL AND WATER RESOURCES	Major dispute with Staff	James McLucas Doug Davy	Condition of Certification SOIL&WATER-4, -6, -8, and -9. Dispute relating to the requirements to use recycled water for the water supply and Wetland E Management Plan.	0.5 hours	0.5 hours
TRAFFIC AND TRANSPORTATION	None	Doug Davy	Submitted on Declaration	None	None
TRANSMISSION LINE SAFETY AND NUISANCE	None	James McLucas	Submitted on Declaration	None	None
TRANSMISSION SYSTEM ENGINEERING	None	James McLucas	Submitted on Declaration	None	None
VISUAL RESOURCES	None	Doug Davy	Submitted on Declaration	None	None
WASTE MANAGEMENT	None	Doug Davy	Submitted on Declaration	None	None
WORKER SAFETY and FIRE PROTECTION	None	James McLucas	Submitted on Declaration	None	None
GENERAL CONDITIONS: COMPLIANCE	None	James McLucas	Submitted on Declaration	None	None



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

Docket Number: 09-AFC-04

Date: March 9, 2011

Project Name: Oakley Generating Station Project

TABLE 2
Tentative Exhibit List

Exhibit	Docket Transaction Number	Brief Description	Stipulation	Offered	Admitted	Refused
1	52219	Contra Costa Generating Station, LLC's Application for Certification (AFC) Volumes I & II ; dated June 30, 2009, and docketed on June 30, 2009.				
2	52934	Contra Costa Generating Station, LLC's Data Adequacy Supplement ; dated August, 2009, and docketed on August 20, 2009.				
3	53217	Bay Area Air Quality Management District (BAAQMD) Letter Re: Preliminary Review of the Determination of Compliance/Authority to Construct Application ; dated September 9, 2009, and docketed on September 15, 2009.				
4	53554	Contra Costa Generating Station, LLC's Notification of Project Name Change ; dated October 5, 2009, and docketed on October 5, 2009.				
5	53784	Contra Costa Generating Station, LLC's Supplement to the Application for Certification (AFC) ; dated October 12, 2009, and docketed on October 20, 2009.				
6	53985	Contra Costa Generating Station, LLC's Response to CEC Staff's Proposed Schedule ; dated November 5, 2009, and docketed on November 5, 2009.				
7	54315	Atmospheric Dynamics Wind Tunnel Modeling Protocol for the Oakley Generating Station ; dated November, 2009, and docketed on December 2, 2009.				

8	54440	URS/Dames & Moore (Frederick Quivik, Ph.D.) Determination of Eligibility ; dated October 18, 2000, and docketed on December 15, 2009.				
9	55346	Contra Costa Generating Station, LLC's Response to the Oakley Generating Project Data Request Set 1 (#1-43) (Attachment DR43-1) ; dated February, 2010, and docketed on February 11, 2010.				
10	55333	Contra Costa Generating Station, LLC's Response to the Oakley Generating Station Project Data Request Set 1 (#1-43) ; dated February, 2010, and docketed on February 11, 2010.				
11	55826	Contra Costa Generating Station, LLC's Response to CEC Staff Data Requests #44-67 ; dated March, 2010, and docketed on March 9, 2010.				
12	56162	Contra Costa Generating Station, LLC's Supplemental Filing for Air Quality & Public Health Revised April 2010 ; dated April, 2010, and docketed on April 7, 2010.				
13	56163	Contra Costa Generating Station, LLC's Phase 1 Environmental Site Assessment – Transmission Line Corridor ; dated March, 2010, and docketed on April 7, 2010.				
14	56480	Contra Costa Generating Station, LLC's DuPont Property Due Diligence Summary Report (Purchase and Sale Agreement between Contra Costa Generating Station, LLC (CCGS) and Pacific Gas and Electric Company (PG&E) ; dated January 15, 2010, and docketed on April 29, 2010.				
15	56640	Contra Costa Generating Station, LLC's Response to CEC Staff Data Requests #68-73 ; dated May, 2010, and docketed on May 12, 2010.				
16	56772	Contra Costa Generating Station, LLC's Responses to Bay Area Air Quality Management District (BAAQMD) Questions Received on April 15, 2010 ; dated May 20, 2010, and docketed on May 21, 2010.				

17	56917	Contra Costa Generating Station, LLC's Response to CEC Workshop Query #7 ; dated August 7, 2009, and docketed on May 27, 2010.				
18	57035	Contra Costa Generating Station, LLC's Record of May 20, 2010 Conversation between CH2M Hill and California Department of Fish and Game regarding Wetland E Management Plan ; dated May 20, 2010, and docketed on June 7, 2010.				
19	57230	Contra Costa Generating Station, LLC's Wetland E Management Plan Updated June 2010 ; dated June 18, 2010, and docketed on June 18, 2010.				
20	57295	Email from California Department of Fish and Game, dated June 21, 2010, regarding Wetland E Management Plan ; dated June 21, 2010, and docketed on June 21, 2010.				
21	57377	City of Oakley Review and Approval of the Landscape Plan and Screen Tree Plan for the Oakley Generating Station Project ; dated June 23, 2010, and docketed on June 29, 2010.				
22	57445	Contra Costa Generating Station, LLC's Response to CEC Staff Workshop Queries # 3-17 ; dated July, 2010, and docketed on July 2, 2010.				
23	57688	Contra Costa Generating Station, LLC's Supplemental Information Item (SII) #1 – Topographic Survey Map, Oakley Generating Station ; dated March 4, 2009, and docketed on July 21, 2010.				
24	57689	Contra Costa Generating Station, LLC's Supplemental Information Item (SII) #2 – Oakley Generating Station Landscape Plan, Revised 6-24-10 ; dated June 24, 2010, and docketed on July 21, 2010.				
25	57804	Oakley Generating Station Air Quality Modeling Files, Supplement to Previous Submittals with New/Revised Analysis (Response to Workshop Queries 3-4) ; dated April, 2010, and docketed on July 22, 2010.				
26	57993	Contra Costa Generating Station, LLC's Air Quality Modeling Files ; dated August, 2011 and docketed August 5, 2010.				
27	58070	Contra Costa Generating Station, LLC's Internal E-mail regarding an Updated Landscape Plan ; dated July 9, 2010, and docketed on August 17, 2010.				

28	58115	Contra Costa Generating Station, LLC's Transition Cluster Phase II Interconnection Study Report ; dated July 30, 2010, and docketed on August 17, 2010.				
29	58189	Letter from East Contra Costa County Habitat Conservancy to California Energy Commission (CEC) regarding HCP/NCCP ; dated August 26, 2010, and docketed on August 26, 2010.				
30	58282	Contra Costa Generating Station, LLC's Technical Memorandum – Oakley Generating Station Off-site Consequence Analysis ; dated August 25, 2010, and docketed on September 3, 2010.				
31	58523	Contra Costa Generating Station, LLC's Draft HCC HCP-NCCP Planning Survey Report ; dated September 17, 2010, and docketed on September 17, 2010.				
32	58574	Contra Costa Generating Station, LLC's Supplemental Information Item #3: Sanitary Sewer Force Main ; dated September, 2010, and docketed September 21, 2010.				
33	58675	Contra Costa Generating Station, LLC's Supplemental Information Item #4: Revised Stormwater Drainage Design ; dated September, 2010, and docketed on September 28, 2010.				
34	58810	City of Oakley Letter to Radback Energy enclosing Oakley Generating Station Cooperation and Community Benefits Agreement ; dated April 7, 2010, and docketed on October 20, 2010.				
35	58819	Contra Costa Generating Station, LLC's Cumulative Air Quality Impact Analysis (Supplemental Filing in Response to California Energy Commission Staff Data Request #23) ; dated October 2010, and docketed on October 20, 2010.				
36	58957	Contra Costa Generating Station, LLC's Oakley Generating Station Mitigation Strategy ; dated November 3, 2010, and docketed on November 3, 2010.				
37	58963	Contra Costa Generating Station, LLC's Bay Area Air Quality Management District (BAAQMD) Application 20798, Preliminary Determination of Compliance ; dated October, 2010, and docketed on November 4, 2010.				
38	58968	Contra Costa Generating Station, LLC's Transition Cluster Phase II Interconnection Study Report ; dated September 22, 2010, and docketed on November 5, 2010.				

39	58972	Contra Costa Generating Station, LLC's Errata Sheet for Bay Area Air Quality Management District (BAAQMD) Application 20798, Preliminary Determination of Compliance; dated November 4, 2010, and docketed on November 5, 2010.				
40	58984	Contra Costa Generating Station, LLC's Email from CH2MHill to the CEC Regarding Annual Solid Waste Generated During Operation; dated November 9, 2010, and docketed on November 9, 2010.				
41	59042	Contra Costa Generating Station, LLC's Construction, Drainage, Erosion, and Sediment Control/Stormwater Pollution Prevention Plan; dated November 2010, and docketed on November 19, 2010.				
42	59048	Contra Costa Generating Station, LLC's Supplemental Information Item #5: Revised ECCCHC City/County of Oakley/Contra Costa County Application Form and Planning Survey Report; dated November 22, 2010, and docketed on November 22, 2010.				
43	59312	Contra Costa Generating Station, LLC's Appendix A – Revision 2 – Transition Cluster Phase II Interconnection Study Report; dated November 18, 2010, and docketed December 20, 2010.				
44	59418	Contra Costa Generating Station, LLC's Assessor's Parcel Map for the Oakley Generating Station Site APN 037020019 and Contra Costa County Mapping Information Center view of APN 037020019; dated January 3, 2011, and docketed on January 3, 2011.				
45	59531	Bay Area Air Quality Management District (BAAQMD) Final Determination of Compliance; dated January 2011, and docketed on January 24, 2011.				
46	59571	Contra Costa Generating Station, LLC's Initial Comments on the Preliminary Staff Assessment; dated January 28, 2011, and docketed on January 28, 2011.				
47	59577	Contra Costa Generating Station, LLC's Recorded Lot Line Adjustment; dated May 12/13, 2009, Recorded on October 5, 2009, and docketed on January 27, 2011.				
48	59608	City of Oakley Response to Preliminary Staff Assessment Parts A and B, and Department of Fish and Game's Conservation Easement; dated February 2, 2011, and docketed on February 3, 2011.				
49	59671	Letter from First American Trust to the California Energy Commission (CEC) regarding Bay Area Air Quality Management District (BAAQMD) Emission Reduction Credits; dated January 31, 2011, and docketed on February 11, 2011.				

50	59683	Contra Costa Generating Station, LLC's Final Comments on the Preliminary Staff Assessment; dated February 11, 2011, and docketed on February 11, 2011.				
51	59719	Contra Costa Generating Station, LLC's Transmission Line Reconductoring Analysis (Response to Data Request 74); dated February 2011, and docketed on February 17, 2011.				
52	59735	Email from City of Oakley to California Energy Commission (CEC) regarding Traffic and Transportations Clarifications; dated February 16, 2011, and docketed on February 22, 2011.				
53	59748	Contra Costa Generating Station, LLC's Technical Memorandum: Arborist Survey of the Oakley Generating Station Project and Transmission Line Upgrade Route; dated February 22, 2011, and docketed on February 22, 2011.				
54	59794	Contra Costa Generating Station, LLC's Supplemental Noise Information; dated February 22, 2011, and docketed on February 22, 2011.				
55	59883	Contra Costa Generating Station, LLC's Opening Testimony; dated March 4, 2011, and docketed on March 4, 2011.				

TABLE 2A
OAKLEY GENERATING STATION PROJECT

Tentative Exhibit List

Exhibit	Docket Transaction Number	Brief Description	Topic(s)
1	52219	Contra Costa Generating Station, LLC's Application for Certification (AFC) Volumes I & II ; dated June 30, 2009, and docketed on June 30, 2009.	All
2	52934	Contra Costa Generating Station, LLC's Data Adequacy Supplement ; dated August, 2009, and docketed on August 20, 2009.	Air Quality (4-8) Cultural Resources (9-11) Project Description (1) Transmission System Engineering(2-3) Waste Management (12)
3	53217	Bay Area Air Quality Management District (BAAQMD) Letter Re: Preliminary Review of the Determination of Compliance/Authority to Construct Application ; dated September 9, 2009, and docketed on September 15, 2009.	Air Quality
4	53554	Contra Costa Generating Station, LLC's Notification of Project Name Change ; dated October 5, 2009, and docketed on October 5, 2009.	Project Description
5	53784	Contra Costa Generating Station, LLC's Supplement to the Application for Certification (AFC) ; dated October 12, 2009, and docketed on October 20, 2009.	Project Description
6	53985	Contra Costa Generating Station, LLC's Response to CEC Staff's Proposed Schedule ; dated November 5, 2009, and docketed on November 5, 2009.	Project Description
7	54315	Atmospheric Dynamics Wind Tunnel Modeling Protocol for the Oakley Generating Station ; dated November, 2009, and docketed on December 2, 2009.	Air Quality
8	54440	URS/Dames & Moore (Frederick Quivik, Ph.D.) Determination of Eligibility ; dated October 18, 2000, and docketed on December 15, 2009.	Waste Management

9	55346	Contra Costa Generating Station, LLC's Response to the Oakley Generating Project Data Request Set 1 (#1-43) (Attachment DR43-1) ; dated February, 2010, and docketed on February 11, 2010.	Transmission System Engineering
10	55333	Contra Costa Generating Station, LLC's Response to the Oakley Generating Station Project Data Request Set 1 (#1-43) ; dated February, 2010, and docketed on February 11, 2010.	Air Quality (1-33) Geology & Paleontology (34 & 40) Land Use (35-39) Transmission System Engineering (41-43)
11	55826	Contra Costa Generating Station, LLC's Response to CEC Staff Data Requests #44-67 ; dated March, 2010, and docketed on March 9, 2010.	Cultural Resources (44-46) Soil & Water Resources (47-67)
12	56162	Contra Costa Generating Station, LLC's Supplemental Filing for Air Quality & Public Health Revised April 2010 ; dated April, 2010, and docketed on April 7, 2010.	Air Quality Public Health
13	56163	Contra Costa Generating Station, LLC's Phase 1 Environmental Site Assessment – Transmission Line Corridor ; dated March, 2010, and docketed on April 7, 2010.	Waste Management
14	56480	Contra Costa Generating Station, LLC's DuPont Property Due Diligence Summary Report (Purchase and Sale Agreement between Contra Costa Generating Station, LLC (CCGS) and Pacific Gas and Electric Company (PG&E) ; dated January 15, 2010, and docketed on April 29, 2010.	Waste Management
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16	56772	Contra Costa Generating Station, LLC's Responses to Bay Area Air Quality Management District (BAAQMD) Questions Received on April 15, 2010 ; dated May 20, 2010, and docketed on May 21, 2010.	Air Quality
17	56917	Contra Costa Generating Station, LLC's Response to CEC Workshop Query #7 ; dated August 7, 2009, and docketed on May 27, 2010.	Soil & Water Resources

18	57035	Contra Costa Generating Station, LLC's Record of May 20, 2010 Conversation between CH2M Hill and California Department of Fish and Game regarding Wetland E Management Plan ; dated May 20, 2010, and docketed on June 7, 2010.	Biological Resources Soil & Water Resources
19	57230	Contra Costa Generating Station, LLC's Wetland E Management Plan Updated June 2010 ; dated June 18, 2010, and docketed on June 18, 2010.	Biological Resources Soil & Water Resources
20	57295	Email from California Department of Fish and Game, dated June 21, 2010, regarding Wetland E Management Plan ; dated June 21, 2010, and docketed on June 21, 2010.	Biological Resources Soil & Water Resources
21	57377	City of Oakley Review and Approval of the Landscape Plan and Screen Tree Plan for the Oakley Generating Station Project ; dated June 23, 2010, and docketed on June 29, 2010.	Land Use Visual Resources
22	57445	Contra Costa Generating Station, LLC's Response to CEC Staff Workshop Queries # 3-17 ; dated July, 2010, and docketed on July 2, 2010.	Air Quality (3-4) Transmission System Engineering (5) Soil & Water Resources (6-17)
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28	58115	Contra Costa Generating Station, LLC's Transition Cluster Phase II Interconnection Study Report ; dated July 30, 2010, and docketed on August 17, 2010.	Transmission System Engineering
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32	58574	Contra Costa Generating Station, LLC's Supplemental Information Item #3: Sanitary Sewer Force Main ; dated September, 2010, and docketed September 21, 2010.	Air Quality Biological Resources Cultural Resources Geology & Paleontology Hazardous Materials Land Use Noise & Vibration Public Health
33	58675	Contra Costa Generating Station, LLC's Supplemental Information Item #4: Revised Stormwater Drainage Design ; dated September, 2010, and docketed on September 28, 2010.	Soil & Water Resources
34	58810	City of Oakley Letter to Radback Energy enclosing Oakley Generating Station Cooperation and Community Benefits Agreement ; dated April 7, 2010, and docketed on October 20, 2010.	Socioeconomics
35	58819	Contra Costa Generating Station, LLC's Cumulative Air Quality Impact Analysis (Supplemental Filing in Response to California Energy Commission Staff Data Request #23) ; dated October 2010, and docketed on October 20, 2010.	Air Quality
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45	59531	Bay Area Air Quality Management District (BAAQMD) Final Determination of Compliance ; dated January 2011, and docketed on January 24, 2011.	Air Quality

46	59571	Contra Costa Generating Station, LLC's Initial Comments on the Preliminary Staff Assessment; dated January 28, 2011, and docketed on January 28, 2011.	Air Quality Biological Resources Cultural Resources Facility Design Hazardous Materials Land Use Noise & Vibration Power Plant Reliability Project Description Soil & Water Resources Traffic & Transportation Transmission System Engineering Visual Resources Waste Management Worker Safety & Fire Protection
47	59577	Contra Costa Generating Station, LLC's Recorded Lot Line Adjustment; dated May 12/13, 2009, Recorded on October 5, 2009, and docketed on January 27, 2011.	Land Use
48	59608	City of Oakley Response to Preliminary Staff Assessment Parts A and B, and Department of Fish and Game's Conservation Easement; dated February 2, 2011, and docketed on February 3, 2011.	Biological Resources Land Use
49	59671	Letter from First American Trust to the California Energy Commission (CEC) regarding Bay Area Air Quality Management District (BAAQMD) Emission Reduction Credits; dated January 31, 2011, and docketed on February 11, 2011.	Air Quality
50	59683	Contra Costa Generating Station, LLC's Final Comments on the Preliminary Staff Assessment; dated February 11, 2011, and docketed on February 11, 2011.	Air Quality Biological Resources Cultural Resources Facility Design Hazardous Materials Land Use Noise & Vibration Power Plant Reliability Project Description Soil & Water Resources Traffic & Transportation Transmission System Engineering Visual Resources Waste Management Worker Safety & Fire Protection

51	59719	Contra Costa Generating Station, LLC's Transmission Line Reconductoring Analysis (Response to Data Request 74); dated February 2011, and docketed on February 17, 2011.	Transmission System Engineering
52	59735	Email from City of Oakley to California Energy Commission (CEC) regarding Traffic and Transportations Clarifications; dated February 16, 2011, and docketed on February 22, 2011.	Traffic & Transportation
53	59748	Contra Costa Generating Station, LLC's Technical Memorandum: Arborist Survey of the Oakley Generating Station Project and Transmission Line Upgrade Route; dated February 22, 2011, and docketed on February 22, 2011.	Biological Resources
54	59794	Contra Costa Generating Station, LLC's Supplemental Noise Information; dated February 22, 2011, and docketed on February 22, 2011.	Noise & Vibration
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**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**

**APPLICATION FOR CERTIFICATION
FOR THE *OAKLEY GENERATING STATION***

**Docket No. 09-AFC-4
PROOF OF SERVICE
(Revised 3/3/2011)**

APPLICANT

Greg Lamberg, Sr. Vice President
RADBACK ENERGY
145 Town & Country Drive, #107
Danville, CA 94526
Greg.Lamberg@Radback.com

APPLICANT'S CONSULTANTS

Douglas Davy
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COUNSEL FOR APPLICANT

Scott Galati
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Galati & Blek, LLP
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sgalati@gb-llp.com
mmills@gb-llp.com

INTERESTED AGENCIES

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E-mail Preferred
e-recipient@caiso.com

*Maifiny Vang
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State Water Project Power and
Risk Office
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RM. LL90
Sacramento, CA 95821
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INTERVENORS

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DECLARATION OF SERVICE

I, Marie Mills, declare that on March 09, 2011, I served and filed copies of the attached **CONTRA COSTA GENERATING STATION, LLC'S PREHEARING CONFERENCE STATEMENT**, dated March 09, 2011. 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:

[\[http://www.energy.ca.gov/sitingcases/contracosta/index.html\]](http://www.energy.ca.gov/sitingcases/contracosta/index.html). The documents have 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*);

OR

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

CALIFORNIA ENERGY COMMISSION

Attn: Docket No. 09-AFC-4
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.



Marie Mills