

**State of California**

## State Energy Resources Conservation and Development Commission

In the Matter of: ) Docket # 09-AFC-04  
) Prehearing Conference statement of  
Oakley Generating Station ) Robert Sarvey  
)  
)  
\_\_\_\_\_ )

On January 25, 2011, the Committee assigned to this proceeding issued a Notice of Prehearing Conference and Evidentiary Hearing (Notice). In that document, the Committee requested that parties file Prehearing Conference Statements no later than March 9, 2011. Intervenor Sarvey hereby files the following in response to the information requested in the Notice.

1) The topic areas that are complete and ready to proceed to Evidentiary Hearing

All topics except transmission system engineering and pipeline issues appear to be ready. Intervenor would request that topics involving rebuttal testimony be heard on March 25 with the pipeline testimony as the rebuttal testimony will be filed one day before the hearings and I will need more time to review the rebuttal testimony filed on the 14<sup>th</sup>.

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

See above

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

**Air Quality:** The analyses provided to date are inadequate. The mitigation is also inadequate. The project will create a new exceedance of the 24 hour PM 2.5 standard and also the new Federal 1 hour NO2 standard. Cumulative impact issues.

**Biology:** Impacts to Antioch Bay Dunes have not been properly mitigated.

**Alternatives:** The no project alternative should be adopted.

**Environmental Justice:** The FSA does not conduct a proper environmental Justice analysis. Public health impacts to the minority population are significant. Cumulative hazardous materials transportation issues.

Transmission system engineering: A condition should be provided for the CEC staff to participate in the CPUC proceeding for the transmission line to assure that adequate electrical supplies are available for the DWR's water conveyance activities. Under no circumstances should DWR be forced to curtail pumping activities. The parties should be able to craft a condition before the evidentiary hearing,

Socioeconomics: Impacts to housing values.

Land Use: The project should provide mitigation for farmland impacts.

Water Resources: the project should be required to use recycled water.

Worker Safety: Natural Gas Blows must be prohibited. Intervenor believes this issue can be dealt with outside the hearing process with a stipulated condition.

4) 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;

Biology: Stuart Wiess, The proposed conditions do not mitigate impacts to the Antioch Bay Dunes. We request he be allowed to testify telephonically. Direct testimony 15 minutes.

Alternatives: Robert Sarvey, The no project alternative. Direct testimony 5 minutes.

Environmental Justice: Robert Sarvey, Demographics and disproportionate impacts. Direct testimony 5 minutes.

Worker safety: Robert Sarvey, Natural Gas blow prohibition. No direct needed.

Air Quality: PM 2.5 issues, cumulative impact issues, mitigation for ammonia emissions.

Direct testimony 10 minutes.

Socioeconomics: Rob Simpson Housing values. Direct testimony 15 minutes.

5. 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;

Air Quality	Staff Witness	30 minutes
	BAAQMD	15 minutes
Biology	Staff Witness	15 minutes
Land Use	Staff Witness	10 minutes
Alternatives	Staff Witness	15 minutes
	Applicant	15 minutes

Socioeconomics	Staff	20 minutes
Water Resources	Staff	15 minutes
Pipeline Issues	Staff	10 minutes
	Applicant	10 minutes
	PG&E	30 Minutes

I reserve the right to cross examine on any direct testimony. Cross examination times may be adjusted after receipt of rebuttal testimony.

An exhibit list identifying exhibits and declarations that each party intends to offer into evidence (**see attached sample for required format**). The Hearing Office will provide the parties with a **Word version of the Exhibit List template**);

- Exhibit 400 Alternatives Testimony of Robert Sarvey include Attachment A
- Exhibit 401 Environmental Justice Testimony of Robert Sarvey
- Exhibit 402 Biology Testimony of Stuart Weiss
- Exhibit 403 Air Quality Testimony of Robert Sarvey
- Exhibit 404 Worker Safety and Fire Protection Testimony of Robert Sarvey
- Exhibit 405 Socioeconomics Testimony of Rob Simpson
- Exhibit 406 Fine Particulate Data Analysis and modeling in the Bay Area October 1, 2009

The exhibit list may be expanded after rebuttal testimony is reviewed.

6. Proposals for briefing deadlines, impact of vacation schedules, and other scheduling matters; and

Opening Briefs be filed by April 15, 2011, with Reply Briefs, due on April 25, 2011.