

CALIFORNIA
ENERGY
COMMISSION

PUBLIC ADVISER'S STATUS REPORTS ON PUBLIC PARTICIPATION AND PUBLIC OUTREACH

**STATUS REPORTS
2001-2002**

September 2003
100-03-020



Gray Davis, *Governor*

**CALIFORNIA
ENERGY
COMMISSION**

Public Adviser's Office

Roberta Mendonca, Public Adviser

Grace Bos, Staff Manager

Penny Simmons, Executive Assistant

Public Adviser's Status Reports - 2001 – 2002

Submitted December 2002

To summarize the Public Adviser's activities and to keep the Commissioners, staff, applicants, intervenors and other parties informed about public outreach efforts in siting cases before the Commission, the Public Adviser's Office (PAO) is filing this collection of Status Reports. Because every siting case is different, Ms. Mendonca, the Public Adviser hopes to use the Status Reports as a "tool" to record and communicate valuable information regarding public interest in each situation. By way of disclaimer, the Status Reports are summaries and in no way cover all public contacts nor all public participation.

Emergency Power Plant Siting

The year 2001, was marked by the continuing review of the 15 emergency peaker projects, 11 of which were certified. To encourage early public participation in the emergency peaker siting cases, the Public Adviser established satellite offices and entered into contracts with two outside consultants. The consultants were able to concentrate quickly and specifically on a peaker project when an Application for Certification (AFC) was filed. The Wilson Group covered the Northern California area and the Pacific Gateway Group covered Southern California. The Public Adviser's office supervised the contracts, established schedules and distributed the AFC's to the libraries. Working with the contractors allowed the Public Adviser to provide opportunities for public outreach and participation within the 21-day review schedule established for most of these cases.

In response to the volume of cases, especially the increases in the number of projects seeking the 4-month siting schedule, the Public Adviser requested budget support to continue contract PAO services.

Targeted Newspaper Notices

Energy Commission regulations require public notice of Commission meetings and decisions. Thus, notice is provided to landowners of property within 1000 feet of the proposed plant and within 500 feet of the lineals (gas, water, transmission and road). In addition to regulatory notice, the Public Adviser's Office has taken steps to increase public awareness in siting cases using newspaper flyer inserts. Developed by the PAO, the flyer describes the location where the project is proposed, when and where the Informational Hearing and Site Visit is to be held, indicates the library where the Application for Certification (AFC) is located and includes information regarding contacting the Public Adviser for mailing list or other assistance. While the number of flyers will vary, usually a minimum of 10,000 are required. The flyers, often created in English and Spanish, are stuffed and delivered in the newspaper at a nominal cost in the area surrounding the proposed plant.

Information to the Public through Library Outreach

The improved library distribution system developed by the Public Adviser continues to ensure prompt delivery of the AFC and verification of receipt by the library. In addition to the AFC, the PAO prepares and encloses 25 copies of a one-page project description. Each librarian receives two posters to be placed on a library bulletin board, which announce the location of the proposed power plant and indicate the section of the library where the AFC is located. A neighborhood poster was also developed that has the location of the proposed plant and local library. Posters are to be distributed by the Public Adviser to local businesses and community leaders.

Public Notice and Proposed Regulatory Changes 01-SIT-1

The Energy Commission Siting Committee resumed the task of reviewing and revising Energy Commission regulations that affect the siting of power plants. Once again, the public showed a keen interest in the topic of public notice regulations. To assist the Committee in understanding the public's views, the Public Adviser assembled the docketed public comments on the proposed changes to the siting regulations. More than 30 individuals, groups, and organizations submitted comments on the proposed changes. The PAO had the public comments posted to the Commission's Web Site. Recognizing that comments from more than 30 sources would be difficult to review, the PAO prepared a summary chart of the public comments. (A copy of the summary chart is included as Appendix A for your review.)

The Siting Committee held a workshop on July 23, 2001. The Committee, however, was unable to reach a consensus especially on notice changes. To assist the public participants, the PAO laid out the alternatives on two ballots. The first ballot was designed to allow the public to comment on the "alternative" siting regulation changes; the second ballot was designed to allow the public to comment on the "uncontested" siting regulation changes. These ballots were mailed to the same group of interested individuals and a ballot summary was presented to the Commission at the September 2nd Business Meeting.

Public Adviser Survey

Among the principles adopted with the Energy Commission's Mission, Vision and Values statements was the concept that divisions have a responsibility to evaluate how well they comply. The Public Adviser determined one way to evaluate performance is to survey the Public Adviser's clients, intervenors as representatives of members of the public, applicants and Energy Commission staff. Thus the first survey for intervenors and members of the public was completed March 31, 2000. The second survey for applicants, their representatives and consultants was completed April 5, 2001. These survey reports have highlighted the great strength of the Public Adviser's Office (PAO) and included some excellent suggestions for improvement.

The PAO's third survey requested Commissioners, directors, project managers and staff evaluate the PAO's performance. The anonymous survey was distributed to all Energy Commission Employees on August 19, 2002. A confidential response envelope was provided with all surveys. The survey was also announced and available on the Commission's Intranet. The PAO thanks all the 149 employees who responded. The quality of employee participation was outstanding. Many proactive and meaningful

opinions were offered. More survey details as well as a copy of the survey and a summary chart are included for your review in Appendix B.

Amicus

To better track the progress of the many siting cases being analyzed by the Energy Commission, the PAO is using a computer program called Amicus. The program is extensively used by law firms to efficiently track complex caseloads and deadlines. The program has a variety of applications and is currently being used by other state agencies.

Amicus is proving beneficial for the PAO staff. We have been able to create contact database to assist with public outreach efforts. The program allows the "library" to store all documents created for a case as well as log phone contacts and key dates. The use of Amicus as a tool ensures the PAO is tracking public participation in the siting cases currently under review by the Commission. The program's installation is still in its infancy and some of the benefits have yet to be discovered but so far it has been found to be extremely helpful and simple to use.

Public Adviser's Staff

Grace Bos: Hopefully, you have had an opportunity to meet Ms. Bos, a "returnee" to the Energy Commission. Ms. Bos served the Commission well as the Associate Public Adviser from 1991 to 1996 before transferring to the San Francisco Bay Area and the Division of Labor Standards Enforcement. Grace brings a well-founded understanding of the siting process, though she is amazed at the increase in activity. Ms. Bos manages the Public Adviser's office staff and represents the Commission at many area meetings. She will focus on "public participation" activities generated by the many new siting cases.

Penny Simmons: Penny has served in the Public Adviser's Office for two years as an Executive Assistant. She has grown in this position and is now ably assisting in the siting activities, such as performing a certain percentage of analytical work and assisting the public in navigating through the CEC web site when needed. Penny keeps track of staff's time sheets, travel reservations and expenses, ordering supplies and performing other clerical duties as needed.

Jamie Keith: Jamie has been a Student Assistant in the PAO for one and a half years and she has proven to be an excellent addition to the office. Jamie is very knowledgeable about computer applications. She was able to tally the PAO's 2002 survey information, design the columns and charts to present the data, and compiled the analysis which was used to arrive at the finished document. On occasion she will assist the office in doing research and scoping when new Power Plant Applications (AFC's) come in. She sees what needs to be done when it comes to filing, answering phones, docketing, copying, and various other office tasks.

Other Responsibilities

The Public Adviser appreciates the opportunity to involve the public in the development of the siting process. The PAO continues to work with divisions within the Energy Commission to improve delivery of information to the public.

Office Location

Due to the increases in workload and members of staff in June 2001, the Public Adviser was provided with a much-needed larger space at 901 P Street, on the fourth floor. Even though the PAO is physically separated from the Commission, contact information remains the same. Mail is directed to 1516 9th Street, MS-12 as always and delivered to the Public Adviser. The Security Guard staffs have been most helpful at directing public traffic to the new location.

Questions

In the attached Status Reports, the Public Adviser's Office will bring the Commission up-to-date with the PAO activities to assist members of the public to obtain "meaningful participation." If there are any questions regarding the Public Adviser's activities, please feel free to contact Roberta Mendonca at:

By phone: 916) 654-4489 or (800) 822-6228

By e-mail: pao@energy.state.ca.us

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ADDITIONAL MATERIALS

Appendix A: Summary Chart of Public Comments regarding Proposed Regulatory Changes
01-SIT-1

Appendix B:* One PAO Summary of Survey Results
Two Summary of Surveys 1 (Intervenors, etc.);
2 (Applicants, etc.) and 3 (CEC Staff)

* Note: A separate publication including complete survey results is available upon request

Memorandum

To: Siting Committee
Chairman William J. Keese, Presiding Member
Commissioner Robert A. Laurie, Associate Member

From: California Energy Commission – Roberta Mendonca, Public Adviser
1516 Ninth Street
Sacramento CA 95814-5512

Telephone: (916) 654-4489

**Subject: THREE MOUNTAIN POWER PLANT PROJECT
PUBLIC ADVISER'S STATUS REPORT #4 – FINAL**

**99-AFC-2
June 16, 2001**

The previous status report for Three Mountain Power Project was docketed on January 10, 2001. The Public Adviser's Office (PAO) appreciates the opportunity to again provide the Committee with information pertaining to public participation in this siting case.

The Three Mountain Power Plant Project evidentiary hearings have concluded and the Presiding Member's Proposed Decision is available and recommends the licensing of this power plant.

The intervenors have mentioned that they are waiting for a ruling on an appeal of the Shasta County Air District Final Determination of Compliance through the federal Environmental Appeals Board.

The intervenors have been very active in this siting case and have filed various motions, status reports, briefs, and reply briefs. When asked about their participation in the Three Mountain Power Project, intervenors are of the opinion that the project will better serve the community due to their efforts.

The Three Mountain Power Plant Project was approved by the Energy Commission May 16, 2001.

INTERVENORS:

California Unions for Reliable Energy (CURE), Mark Wolfe
Petition Filed: 6/30/99
Order Granted: 7/13/99

Burney Resource Group, Marcella Crockett
Petition Filed: 8/16/99
Order Granted: 8/27/99

Hathaway Burney Ranch FLP, J.A. Hathaway
Petition Filed: 8/16/99
Order Granted: 8/27/99

Resident, Claude D. Evans
Petition Filed: 9/13/99
Order Granted: 9/17/99

California Department of Parks and Recreation, David A. Nelson
Counsel for Parks and Recreation, Nicholas Stern
Petition Filed: 9/22/99
Order Granted: 10/21/99

Transmission Agency of Northern California (TANC), Dennis W. De Cuir
Executive Director (TANC), Mary Kruth
Petition Filed: 1/7/00
Order Granted: 1/24/00

Three Mountain Power Plant Project continued...

Gray Cary Ware & Freindenrich, LLP representing Black Ranch
Petition Filed: 1/31/00
Order Granted: 2/28/00

Burney Forest Power, Milton E. Shultz
Petition Filed: 2/22/00
Partial Order Grant: 3/15/00

Henwood Energy Services, Inc., Bill Pezalla
Petition Filed: 2/22/00
Partial Order Grant: 3/15/00

Stanislaus County, Ron E. Freitas
Petition Filed: 11/28/00
Order Granted: 12/5/00

Memorandum

To: **Siting Committee**
Commissioner Robert Laurie, Presiding Member
Chairman William J. Keese, Associate Member

From: **California Energy Commission** – Roberta Mendonca, Public Adviser
1516 Ninth Street
Sacramento CA 95814-5512

Telephone: (916) 654-4489

**Subject: METCALF ENERGY CENTER
PUBLIC ADVISER'S STATUS REPORT #3**

**99-AFC-03
April 25, 2001**

The previous status report of the Public Adviser's Office (PAO) for the Metcalf Energy Center was filed on January 10, 2001. The Public Adviser appreciates the opportunity to provide the Committee with additional information pertaining to public participation in the Metcalf siting case.

PUBLIC PARTICIPATION:

The Metcalf Energy Center continues to generate a great deal of public interest and participation. Roberta Mendonca, the Public Adviser, has been very active responding to the public.

Electronic Filing:

One Metcalf intervenor experienced some difficulty with the newly developed electronic filing at the Commission. Some of the intervenor's documents were filed electronically, listed in the docket log, but never distributed to staff causing delayed responses to the intervenor. Many participants, both public and staff, were under the impression that if a document was filed electronically, it would be forwarded to staff - electronically by the Docket Unit. However, after some investigation, the Public Adviser's staff learned that the Docket Unit requires additional computer equipment to perform the internal distribution of electronic filings. The Docket Unit will resolve this problem by July 2001. Presently, the PAO continues to make the internal distribution copies for intervenors and sometimes for the public pending the Docket Unit computer upgrade.

Intervenor Training:

Ms. Mendonca held two additional training sessions for the large number of intervenors. One session was directed at helping intervenors understand how to prepare for evidentiary hearings and the other provided assistance with preparation of a brief.

Formal Hearings:

The Public Adviser has attended many of the more than 20 workshops and hearings that have been held for Metcalf since January 2001. With more than 60 witnesses and 166 exhibits, all evidentiary hearings have been concluded.

**METCALF ENERGY CENTER
STATUS REPORT #4 - FINAL**

**99-AFC-03
December 6, 2001**

The Public Adviser's Office (PAO) appreciates the opportunity to provide the Committee with additional information pertaining to public participation in the Metcalf siting case.

PUBLIC PARTICIPATION:

The Metcalf Energy Center continues to generate a great deal of public interest and participation. The PAO, has been very active responding to the public:

- At the request of the hearing office, Ms. Mendonca contacted Ms. Rosemary Cambra, of the Muwekma Ohlone Indian Tribe, in May 2001. Responding to Ms. Cambra's request the PAO mailed her a copy of the Final Staff Assessment and a transcript.

Metcalf Energy Center continued...

- On behalf of Californians for Reliable Energy (CARE), Intervenor Michael Boyd, submitted a "Motion to Deny the Application for Certification." The Motion was denied. CARE's appeal of the Committee Decision to the full Commission was denied on May 30 2001. The PAO assisted the intervenor with financial hardship status by docketing and preparing Proofs of Service for these filings.

Public Comments:

During the Metcalf review the PAO received numerous e-mails from residents in the Santa Theresa neighborhood. To better process the large number of public comment(s) the PAO compiled the messages, docketed and distributed the public comments.

DECISION:

The Presiding Member's Proposed Decision (PMPD):

The PMPD was issued on June 18, 2001. Prior to July 19, 2001 parties filed comments on the PMPD and a public conference was scheduled for July 26, 2001 then rescheduled for July 30, 2001. After the comments were considered, a Revised Presiding Member's Proposed Decision was issued on August 24, 2001.

Committee Public-Comment Community Meetings:

Presiding Member Commissioner Laurie conducted two Committee meetings after the closing of the evidentiary record. These public meetings were specifically designed to record "public comments" and were held locally in the evening to facilitate public participation. In addition to general comments reflecting support or concerns about the project, some members of the public addressed the question of the Energy Commission's override authority.

The Commission considered the revised PMPD to the Metcalf Energy Center on September 12, 2001 at a regularly scheduled business meeting held in Sacramento. After extensive comments from several intervenors who traveled to Sacramento to comment and oppose the PMPD, the Energy Commission adopted the PMPD.

Reconsideration:

A Petition for Reconsideration of the Energy Commission Decision was submitted by Santa Teresa Citizens Action Group, City of Morgan Hill, Great Oaks Water Company, Demand Clean Air and Californians for Reliable Energy, on October 24, 2001. The Commission heard the Petition for Reconsideration on November 19, 2001. The Commission's decision was to deny the Petition.

INTERVENORS:

Residents, Scott and Donna Scholz
Petition Filed: July 6, 1999
Order Granted: July 15, 1999

Resident, Paul Burnett
Petition Filed: August 19, 1999
Order Granted: September 22, 1999

City of Morgan Hill, J. Edward Tewes
Petition Filed: July 9, 1999
Order Granted: July 15, 1999

Santa Teresa Citizens Action Group, Elizabeth Cord
Petition Filed: July 15, 1999
Order Granted: July 15, 1999

California Unions for Reliable Energy (CURE), Marc Joseph
Petition Filed: August 18, 1999
Order Granted: September 1, 1999

Metcalf Energy Center continued...

Californians for Reliable Energy (CARE), President, Mike Boyd
Petition Filed: August 18, 1999
Order Granted: September 3, 1999

Resident, Robert Williams
Petition Filed: September 6, 1999
Order Granted: September 22, 1999

T.H.E. P.U.B.L.I.C., William Garbett
Petition Filed: September 27, 1999
Order Granted: October 14, 1999

Coyote Valley Research Park and Coyote Valley Properties
Petition Filed October 10, 2000
Order Granted: March 21, 2000

Resident, Michael Murphy
Petition Filed: October 13, 1999
Order Granted: October 26, 1999

Metcalf Energy Center continued...

Resident, Michael A. Grothus
Petition Filed: October 15, 1999
Order Granted: October 26, 1999

Resident, James Cosgrove
Petition Filed: November 6, 1999
Order Granted: November 16, 1999

Livingston & Mattesich, LLP, Emilio E. Varanini, III
Petition Filed: November 1999
Order Granted: December 6, 1999

Rancho Santa Teresa Swim & Racquet Club, Dr. John Wiktorowicz
Petition Filed: December 19, 1999
Order Granted: January 4, 2000

Resident, Issa Ajlouny
Petition Filed: September 25, 2000
Order Granted: October 3, 2000

Dian Grueneich, withdrawn July 13, 2001

Roger Beers, withdrawn July 13, 2001

Randolph Lamb, Order Docketed

David Marcus, Order Docketed

Vic Fracaro, Divco West Properties, LLC, Order Docketed

Mirant Potrero, LLC, Mark H. Harrer, Order Docketed

Resident, Jeffrey Wade, Order Docketed

Memorandum

To: Siting Committee
Commissioner Robert Laurie, Presiding Member
Commissioner Robert Pernel, Associate Member

From: California Energy Commission – Roberta Mendonca, Public Adviser
1516 Ninth Street
Sacramento CA 95814-5512

Telephone: (916) 654-4489

**Subject: OTAY MESA POWER GENERATING PROJECT
PUBLIC ADVISER'S STATUS REPORT #3**

**99-AFC-05
April 25, 2001**

The previous status report from the Public Adviser was filed on January 10, 2001. The Public Adviser's Office (PAO) appreciates the opportunity to provide the Committee with information pertaining to public participation in the Otay Mesa Generating Project.

INTERVENOR PARTICIPATION:

The Public Adviser has continued to work with the two public intervenors, Mr. William Claycomb of Save Our Bay, and Ms. Holly Duncan. Because both intervenors were granted a financial hardship waiver, all their documentation has been served, docketed and distributed by the Public Adviser's Office.

The Public Adviser's Office was able to assist staff with complaints from Intervenor, Holly Duncan, regarding mailings not being made with proper amount of notice. The PAO assisted Intervenor Claycomb in obtaining responses to his duly filed Data Requests.

Intervenors Cabrillo Power and Duke Energy raised questions about the supply of natural gas and potential air quality impacts should the Otay Mesa plant be certified. Intervenors filed motions, presented expert testimony, briefed and argued their points.

DECISION:

Presiding Members Proposed Decision (PMPD):

The Public Adviser took part in the Committee Conference on the Presiding Member's Proposed Decision held April 6, 2001.

Intervenor Exceptions:

All intervenors submitted exceptions to the Presiding Member's Proposed Decision (PMPD) and were given time to present their exceptions.

Public Comments:

Several members of the public appeared to comment on the PMPD including Pepper Coffey; County Board of Supervisor's Chairman, Bill Horn; Hugo Serle Miller, Consulting Professional Engineer; Tony Fiori, representing the San Diego Regional Chamber of Commerce; Jose Calderon, President, Mexican American Business and Professional Association; Gay Sorolca, Vice President of Government Affairs, Waste Management of San Diego. Clyde Story submitted written comments that were reported by the Public Adviser.

**OTAY MESA POWER GENERATING PROJECT
STATUS REPORT # 4**

**99-AFC-05
June 18, 2001**

The Public Adviser's Office (PAO) appreciates the opportunity to provide the Committee with information pertaining to public participation in the Otay Mesa Generating Project.

DECISION:

The Energy Commission approved the Otay Mesa Application for Certification on April 18, 2001.

Reconsideration:

A Petition for Reconsideration of the Energy Commission Decision was submitted by intervenor, William Claycomb of Save Our Bay, on May 10, 2001. The Commission issued an Order Denying the Petition for Reconsideration on May 30, 2001.

Public Comment:

The City of Chula Vista's Special Operations Manager, Mr. Michael Meacham, addressed the Commission in a letter supporting the use of photovoltaic systems and other renewable energy sources as being consistent with the CO² Reduction Plan and Energy Plans adopted by the Chula Vista City Council.

INTERVENORS:

California Unions for Reliable Energy (CURE), Marc D. Joseph, Esq.
Petition Filed: November 9, 1999
Order Granted: November 17, 1999

Save Our Bay, Inc., President, William Claycomb
Petition Filed: March 28, 2000
Order Granted: April 17, 2000

Duke Energy North America, Mark Seedall
Petition Filed: November 12, 1999
Order Granted: November 17, 1999

Duke Energy, represented by Jane E. Luckhardt, Esq.
Petition Filed: November 12, 1999
Order Granted: November 17, 1999

NRG Energy, David Lloyd
Petition Filed: December 8, 1999
Order Granted: December 31, 1999

Cabrillo Power, Counsel Emilio Varanini III, Esq.
Petition Filed: December 8, 1999
Order Granted: December 31, 1999

SEMPRA Energy, Case Administrator, Patricia Fleming
Petition Filed: June 16, 2000
Order Granted: June 28, 2000

SEMPRA Energy, Michael Thorp, Esq.
Petition Filed: June 16, 2000
Order Granted: June 28, 2000

Resident, Holly Duncan
Petition Filed: August 9, 2000
Order Granted: August 11, 2000

Memorandum

To: Siting Committee
Chairman William J. Keese, Presiding Member
Commissioner Robert A. Laurie, Associate Member

From: California Energy Commission – Roberta Mendonca, Public Adviser
1516 Ninth Street
Sacramento CA 95814-5512

Telephone: (916) 654-4489

Subject: BLYTHE ENERGY PROJECT
PUBLIC ADVISER'S STATUS REPORT #3 – FINAL

99-AFC-8
June 8, 2001

The previous Public Adviser's status report was filed January 10, 2001. The Public Adviser appreciates the opportunity to summarize for the Committee the information pertaining to public participation in the Blythe Energy Power Plant Project (BEPP).

PUBLIC PARTICIPATION:

Ms. Garnica, a BEPP intervenor and Mr. Bradley Angel, of Green Action for Health and Environmental Justice, took exception to the location of the Committee Conference on the Blythe PMPD scheduled in Sacramento. On February 27, 2001, Ms. Granica contacted the Public Adviser's Office (PAO) with questions about filing a petition to change the location of the meeting. The PAO referred Ms. Garnica to the Siting Guide, Chapter 9 for procedural information on petitions. When submitted and considered, Ms. Garnica's petition to relocate the meeting was denied. The PAO provided Ms. Garnica and Mr. Angel information regarding the teleconference number which was arranged to facilitate public participation in the conference.

Due to technical difficulties, the March 5, 2001 Conference was continued to March 16, 2001 and a new notice was mailed. Teleconference connections were made available to the public.

- The Mesa Verde Organizing Committee directed a letter with public comment and concerns to the Energy Commission. Received by the PAO on February 28, 2001, the comments were docketed by the PAO.
- Mr. Ed Lofinski of Blythe, voiced concerns in a phone call to the PAO on March 8, 2001. He took exception to the Committee Conference being scheduled in Sacramento. To assist Mr. Lofinski, the PAO explained his opportunity to make comments on the Presiding Member's Proposed Decision (PMPD) in person or by phone during the teleconference and sent him a copy of the PMPD.

DECISION MAKING PHASE:

- **Presiding Member's Proposed Decision (PMPD)**
Teleconferencing was provided for public participation in the March 16, 2001 PMPD Conference Continuation held in Sacramento. Numerous members of the public attended in person and by teleconference.
- **Written Comments:**
After the hearing, additional comments were filed by the United Farm Workers, CARE, the City of Blythe, the Metropolitan Water District of Southern California, the Applicant and several interested persons. Ms. Garnica filed additional public comments on March 19, 2001 expressing concerns about the facility's proposed use of water accompanied by 19 hand-written statements in Spanish from other individuals in the Blythe area.

Blythe Energy Project continued...

Decision:

The Blythe Energy Project was certified by the California Energy Commission on March 21, 2001.

Motion to Re-Open:

Intervenor Garnica's Motion to Re-Open the Administrative Record was found to be without sufficient showing and denied by the Committee on June 5, 2001.

INTERVENORS:

California Unions for Reliable Energy (CURE), Marc D. Joseph, Esq.

Petition Filed: May 30, 2000

Order Granted:

Carmela F. Garnica, Resident

Petition Filed: September 29, 2000

Order Granted: October 10, 2000

Memorandum

To: Siting Committee
Chairman William J. Keese, Presiding Member
Commissioner Michal Moore, Associate Member

From: California Energy Commission – Roberta Mendonca, Public Adviser
1516 Ninth Street
Sacramento CA 95814-5512

Telephone: (916) 654-4489

**Subject: CONTRA COSTA POWER PLANT PROJECT
PUBLIC ADVISER'S STATUS REPORT #1**

**00-AFC-1
January 10, 2001**

The Public Adviser's Office (PAO) appreciates the opportunity to provide the Committee with information pertaining to public participation in the Contra Costa Power Plant Project (CCPP).

SCOPING:

The Public Adviser's office is reporting public outreach in the Contra Costa Power Plant Project. To supplement the Commission's landowner, general and agency mail list, the PAO distributed the Hearing Notice to community groups and individuals on the Public Adviser's list of "interested public" who were active in near by energy projects (98-AFC-1 Los Medanos and 98-AFC-3 Delta).

Ms. Mendonca was asked to speak about the Energy Commission's siting process at the Sportsman Yacht Club in Pittsburg. On June 2, 2000, Ms. Mendonca attended a regularly scheduled Yacht Club meeting and gave a presentation about the Application for Certification (AFC) siting process to the approximately 60 people who attended. The group is concerned about possible increased noise because their club is located next to the existing power plant. They are also concerned about preserving a historic boat, which they use as their clubhouse.

MEETINGS/HEARINGS:

Notice of the Energy Commission's first formal meeting (the Informational Hearing and Site Visit) scheduled for June 12, 2000 was mailed to 43 local residents and posted in the local newspaper. The notice of the meeting was posted on the Energy Commission web site on May 30, 2000.

Roberta Mendonca, the Public Adviser, attended the meeting in Antioch. She explained the role of the Public Adviser and how the office can assist members of the public to understand and participate in the CCPP siting case. She distributed a one-page project summary and graphic timeline for the Application for Certification process. The timeline was available in Spanish.

The Public Adviser arranged a telephone conference for a member of the public who was unable to attend due to a physical disability, an accommodation required under the Americans with Disabilities Act (ADA). Once the call was arranged, an interested community member who lacked transportation also participated in the hearing by telephone.

PUBLIC PARTICIPATION:

Ms. Mendonca was asked to make a presentation of the Energy Commission siting process at a Citizens Against Pollution and Industrial Toxins (CAP-IT) meeting on the evening of June 15, 2000 in Contra Costa. After the presentation and during the open discussion portion of the meeting, many participants expressed concern about the placement of an additional power plant in their community. With an attendance of approximately 20 people, at least three attendees were outspoken in their criticism of the Energy Commission process. The loudest complaints were that the participants did not have notice of the process in the two recent power plant certifications; there are too many power plants in the area already; and environmental justice issues have been overlooked by the Energy Commission.

Contra Costa Power Plant Project continued...

Turning to the positive, Ms. Mendonca was able to work with several participants, along with several Energy Commission staff, to "scope" possible community contacts for future outreach including contacts associated with environmental justice.

After attending the June 15, 2000, CAP-IT meeting, one member telephoned PAO to again mention her many complaints about the Energy Commission siting process. One of her themes is that she is adamant that the public has no notice of Energy Commission actions when siting power plants.

Public Outreach:

The Public Adviser or a representative staff person has attended all workshops and hearings for the Contra Costa Power Plant Project.

The PAO sent flyers for the October 11, 2000, Staff Workshop on air quality, public health, biological resources, and water resources to four local schools for students to alert local residents. Workshops and Hearings for Contra Costa have been well attended by the public.

**CONTRA COSTA POWER PLANT PROJECT
PUBLIC ADVISER'S STATUS REPORT # 2**

**00-AFC-01
April 25, 2001**

The Public Adviser's Office (PAO) appreciates the opportunity to provide the Committee with information pertaining to public participation in the Contra Costa Power Plant Project (CCPP).

PUBLIC PARTICIPATION:

Very early in the case, the Sportsman's Yacht Club expressed an interest in filing a petition to intervene. Both before and after intervention the Sportsman's Yacht Club, the closest neighbor to the plant site, has been an active participant.

The PAO attended the staff's January 18, 2001 Visual Resources Workshop. The meeting was held on the Yacht Club ship to ensure the Club's concerns were adequately viewed.

After many workshops and much discussion about the impacts of the plant, the applicant and the intervenor seem to have agreed on a change in the plant placement that is more acceptable to all.

INTERVENOR PARTICIPATION:

Though the April 25, 2001 Evidentiary Hearing was held in Sacramento, Tony Chapman of the Sportsman's Yacht Club was in attendance. Both Mike Boyd, Californians for Renewable Energy (CARE), and Joe Hawkins, a citizen of Pittsburg attended by way of the teleconference provided by the Commission.

- Tony Chapman, spokesperson for the Yacht Club, commended the Commission's staff for its analysis and determination to consider the public's interest. As a public intervenor, he also cautioned the Commissioners and staff to not rush siting cases due to outside pressures; he stated that the public wants to be involved and needs time to understand the siting procedures to be able to participate effectively. Mr. Chapman was especially appreciative of the work done by Project Manager, Cheri Davis, and Hearing Officer, Garret Shean.
- Concerns were expressed by Michael Boyd, of CARE, regarding the biological report being available to the public and included in the evidentiary record. He also related concern regarding the non-compliant status of the applicant with the local air quality district and whether a permit would be available for this facility.
- Joe Hawkins, a public resident, asked for a response to information that he had sent to the Commission's Docket Unit via electronic mail. It was determined that although Mr. Hawkins had

Contra Costa Power Plant Project continued...

submitted the information to the Docket, he failed to follow the directions relayed to him regarding submitting comments with 11 copies to be distributed to the Commission staff.

Working with paper-saving technology, Hearing Officer, Garret Shean, provided the applicant and the Sportsman's Yacht Club with a CD-ROM disk containing the draft of the Presiding Member's Proposed Decision for review prior to reproduction.

**CONTRA COSTA POWER PLANT PROJECT
PUBLIC ADVISER'S STATUS REPORT # 3 - Final**

**00-AFC-01
June 30, 2001**

The Public Adviser's Office (PAO) appreciates the opportunity to provide the Committee with information pertaining to public participation in the Contra Costa Power Plant Project (CCPP).

INTERVENOR:

The Contra Costa County Community Development Department Director, Dennis M. Barry, filed a petition to intervene on April 18, 2001. The petition was approved.

DECISION-MAKING PHASE:

CCPP Evidentiary Hearings were held on April 25, 2001 and the Presiding Member's Proposed Decision (PMPD) was issued on April 30, 2001. The PMPD was available on the Energy Commission's Web Site and on a Compact Disk in PDF format from the Hearing Officer Garret Shean.

Public conferences on the PMPD were held on Wednesday, May 24, 2001 in Antioch and May 30, 2001 in Sacramento.

Decision:

The Contra Costa Power Plant Project Decision was approved by the Energy Commission on May 30, 2001.

INTERVENORS:

Ellison & Schneider for Calpine/Bechtel, Chris T. Ellison, Esq.

Petition Filed: June 1, 2000

Order Granted: June 12, 2000

Resident, Joe P. Hawkins

Petition Filed: May 22, 2000

Order Granted: June 12, 2000

Withdrawn: August 8, 2000

California Unions for Reliable Energy (CURE), Marc D. Joseph, Esq.

Petition Filed: June 1, 2000

Order Granted: June 12, 2000

City of Antioch, City Attorney, Ron Bernal, Esq.

Petition Filed: June 5, 2000

Order Granted: June 12, 2000

Community Abatement of Pollution - Industrial Toxins (CAP-IT), Dr. Paulette Lagana, President

Petition Filed: July 11, 2000

Order Granted: July 20, 2000

Sportsman's Yacht Club, Tony Chapman

Petition Filed: October 19, 2000

Order Granted: October 25, 2000

Contra Costa Power Plant Project continued...

City of Oakley, Elizabeth Silver, Esq.

Petition Filed: December 21, 2000

Order Granted: January 9, 2001

Californians for Renewable Energy, (CARE), President, Michael Boyd

Petition Filed: November 9, 2000

Order Granted: November 13, 2000

Contra Costa County Community Development Department Director, Dennis M. Barry

Petition Filed: April 18, 2001

Order Granted: April 23, 2001

Memorandum

To: Siting Committee

Commissioner Robert Pernell, Presiding Member
Commissioner Michal C. Moore, Associate Member

From: California Energy Commission – Roberta Mendonca, Public Adviser

1516 Ninth Street
Sacramento CA 95814-5512

Telephone: (916) 654-4489

**Subject: NUEVA AZALEA POWER PLANT PROJECT
PUBLIC ADVISER'S STATUS REPORT #3 – FINAL**

**00-AFC-03
December 10, 2001**

The Public Adviser's Office appreciates the opportunity to provide the Committee with information pertaining to recent public participation in the Nueva Azalea Power Plant Project (NAPP). The previous PAO Status Report was dated April 25, 2001.

As described in the April, 2001 Status Report, NAPP has been an active case with strong public participation.

Sunlaw Energy Corporation, the applicant, was granted a six-month suspension from March 12 through September 12, 2001.

WITHDRAWN:

The project was withdrawn by Sunlaw Energy Corporation on November 5, 2001.

INTERVENORS:

California Unions for Reliable Energy (CURE), Katherine S. Poole, Esq.

Petition Filed: October 19, 2000
Order Granted: October 27, 2000

Communities for a Better Environment, Anne E. Simon, Esq.

Petition Filed: August 21, 2000
Order Granted: August 28, 2000

Communities for a Better Environment, Bahram Fazeli

Petition Filed: August 21, 2000
Order Granted: August 28, 2000

City of South Gate City Manager, Andrew G. Pasmant

Petition Filed: December 4, 2000
Order Granted: December 7, 2000

City of Downey Counsel, Charles S. Vose, Esq.

Petition Filed: October 24, 2000
Order Granted: October 27, 2000

City of Downey Counsel, Edward W. Lee, Esq.

Petition Filed: October 24, 2000
Order Granted: October 27, 2000

City of Downey Assistant Community Development Director, Ron Yoshiki

Petition Filed: October 24, 2000
Order Granted: October 27, 2000

Nueva Azalea Power Plant Project continued...

Downey Unified School District Superintendent, Dr. Edward Sussman
Petition Filed: January 16, 2001
Order Granted: January 29, 2001

Law Offices of Eric Bathen, Eric J. Bathen, Esq.
Petition Filed: January 16, 2001
Order Granted: January 29, 2001

City of South Gate Counsel, David E. Kenney Esq., Karns & Karabian
Petition Filed: December 4, 2000
Order Granted: December 7, 2000:

City of South Gate Counsel, Raynor & Dove, Richard Raynor, Esq.
Petition Filed: December 4, 2000
Order Granted: December 7, 2000

City of South Gate Economic Development Manager, Oliver Mujica
Petition Filed: December 4, 2000
Order Granted: December 7, 2000

City of Paramount City Manager, Patrick W. West
Petition Filed: March 12, 2001
Order Granted: March 14, 2001

The Public Adviser would call attention to the fact that all intervenors in the NAPP siting case were assisted by attorneys.

Memorandum

To: **Siting Committee**
Commissioner Robert Pernell, Presiding Member
Chairman William J. Keese, Chairman and Associate Member

From: **California Energy Commission** – Roberta Mendonca, Public Adviser
1516 Ninth Street
Sacramento CA 95814-5512

Telephone: (916) 654-4489

Subject: **POTRERO POWER PLANT UNIT 7
PUBLIC ADVISER'S STATUS REPORT #1**

**00-AFC-4
January 10, 2001**

Potrero Power Plant Unit 7 Project has generated a great deal of public interest. Roberta Mendonca, the Public Adviser, and staff have made more than a half dozen trips to the San Francisco area to date.

Before the Informational Hearing and Site Visit, the Public Adviser was in contact with several community groups. In addition to the general, agency and landowner mailings regarding the Informational Hearing and Site Visit, the Public Adviser's office mailed over 300 notices to environmental contacts provided by Mr. Wheatland, Deputy City Attorney of San Francisco. More than 1,000 flyers regarding the hearing were distributed to local residents through neighborhood schools.

Priscilla Ross, the Associate Public Adviser, attended the Informational Hearing and Site Visit and distributed a one-page summary of the project and process time-line. Ms. Ross explained the office is a resource for the public to learn and become involved in the siting process.

When inquiries were made by the San Francisco City/County Task Force, Ms. Mendonca met with the group in October. The Public Adviser assisted the San Francisco Task Force in arranging for a copy of the Application for Certification and for additional documentation to be made available to Jill Lerner, who is acting the Task Force representative. Ms. Mendonca explained how the public could play a role. The Public Adviser explained practices and procedures for intervention, helped with documentation for petitioning and data requests and has served as an adviser to several intervenors and their representatives.

The Public Adviser's office has fielded numerous phone calls, letters and e-mails from public individuals regarding workshops and being placed on the mailing list. The following groups have discussed the siting case and possible intervention with the Public Adviser's office regarding the Potrero Project:

- Southeast Alliance for Environmental Justice (SAEJ)
- Golden Gate University, Environmental Law and Justice Clinic
- San Francisco City/County Board of Supervisor's Task Force
- City of San Francisco
- Communities for a Better Environment
- City of South San Francisco
- Potrero Beautification
- Potrero Boosters
- San Francisco Beautiful
- Bay Access

**POTRERO POWER PLANT UNIT 7
PUBLIC ADVISER'S STATUS REPORT #2**

**00-AFC-04
April 25, 2001**

The previous Status Report was prepared on January 10, 2001. The Public Adviser appreciates the opportunity to report on the Potrero Power Plant Unit 7.

COMMUNITY WORKSHOPS:

The staff held an Environmental Justice Workshop in San Francisco on April 12, 2001 and the Public Adviser attended. The room selected for the workshop at the Potrero Hill Neighborhood House was filled to capacity, although several members of the public voiced concerns that the outreach for the meeting was inadequate. The public comments suggested that the Energy Commission needed to improve the outreach/meeting notice because there were no representatives from the housing projects (the environmental justice population) present. The suggested improvements included target the people living in the housing projects; use local newspapers, and make a summary of each workshop available to the public.

The community questions raised at the workshop include:

- Why are there no "offsets" for air quality within the six-mile environmental justice areas?
- Does the staff's analysis for cumulative impact include a review of new projects (approved but not constructed)?
- Is the quality of our air threatened? Air quality is a main concern.

Addressing Concerns:

To address the adequate outreach concerns of the public participants in the April 12th workshop, the Public Adviser contacted several intervenors and neighborhood groups seeking to obtain mailing addresses/labels of residences in the neighboring areas. The PAO prepared an announcement of the next Commission workshop. The announcement was mailed directly to the Potrero Boosters Association and an environmental interest mailing list provided by Greg Wheatland of the City/County of San Francisco.

PUBLIC PARTICIPATION:

Mr. Michael Strausz, a resident of San Francisco, contacted the PAO in April. He is concerned about the land use in Potrero and requested that a copy of the Application for Certification be sent to him. The PAO arranged delivery of a loaner copy.

Ms. Annie Brown called the PAO and requested information about the Potrero process. She was faxed background on public, intervenor and agency comments.

Public Comment Forms:

These members of the community completed "Public Comment Forms" which were docketed by the PAO:

Francis B. Syme and Perry Close expressed their support for the power plant

Nancy Anding raised questions about air quality and the environmental impacts

Mary Haskins opposes the proposed plant; and

Joan Wood submitted two pages of comments and concerns about the proposed plant which she opposes.

**POTRERO POWER PLANT UNIT 7
PUBLIC ADVISER'S STATUS REPORT #3**

**00-AFC-04
August 1, 2001**

The previous Status Report was prepared on April 25, 2001. The Public Adviser appreciates the opportunity to report on the Potrero Power Plant Unit 7.

COMMUNITY WORKSHOPS:

Four days of workshops were held at the Potrero Hill Neighborhood House during June to take public comments on the Preliminary Staff Assessment which was issued May 31, 2001.

To continue the community discussion on Environmental Justice issues, the Commission staff scheduled a workshop for July 17, but rescheduled the meeting for August 2, 2001.

OUTREACH:

The outreach for the August 2, 2001 meeting included mailing the meeting Notice to the Commission's regularly maintained lists – general public, agencies, landowners, proof of service and the computerized list server.

To assist staff with community outreach, the Public Adviser did the following:

- The PAO prepared meeting announcement flyers
- Flyers were sent to the Potrero Boosters Neighborhood Association mail list
- Ads were run in local newspapers
Two local newspapers were identified as servicing the Potrero area – the Bay View and the Potrero View. The Potrero View is distributed only once a month and the workshop would have been over before the paper was delivered. The Bay View newspaper was contacted and ads for the workshop were purchased for both the July 25, 2001 and August 1, 2001 editions; circulation is approximately 20,000 households.
- Superintendent Maxwell's office was contacted and a mailing list secured. Workshop flyers and posters were sent to each of the businesses on the list; flyers went to each individual.
- Joyce Armstrong and Inola Maxwell of the local community were approached for assistance in distributing flyers to the local housing developments. A small stipend was paid to local youths and Ms. Armstrong and Ms. Maxwell saw that more than 650 flyers were distributed to all local housing area residents on Potrero Hill.
- An additional 60 flyers were made available to a local advocacy group in Bay View.

Public Comment Forms:

These members of the community completed "Public Comment Forms" which were docketed by the PAO:

- Naomi Shelan expressed concerns about air quality;
- Kim Rooker raised questions on air quality, power lines and RF/Magnetic interference;
- David D. Stokley who mentioned air quality, land use and geology reliability.

POTRERO POWER PLANT UNIT 7 PUBLIC ADVISER'S STATUS REPORT #4

**00-AFC-04
August 30, 2001**

The previous Status Report was prepared on August 1, 2001. The Public Adviser appreciates the opportunity to report on the Potrero Power Plant Unit 7.

The August 2, 2001 Environmental Workshop in the Potrero Hill Neighborhood House had a large audience in attendance. The Public Adviser and staff made presentations on the siting process.

OUTREACH:

Not all members of the public were able to ask questions during the evening workshop on August 2. To afford the public an additional opportunity to comment, the PAO sent a "Comment Form" – either electronically or by US Mail to all members of the public whose names and addresses were listed and legible on the meeting sign-in sheets. Completed "Comment Forms" received by the PAO were forwarded to the appropriate technical staff in the siting division and docketed.

PUBLIC PARTICIPATION:

Ron Fiore called the PAO to ask why he'd never heard about the plant before August 10, 2001. He suggested that the Public Adviser must work for the applicant and that there haven't been any meetings on the project. The Public Adviser explained the PAO's role and gave Mr. Fiore a run-down of the Potrero meetings to date: Bio Workshop re. Data Adequacy (August 2000); Informational Hearing and Site Visit and Data Request Workshop (November 2000); Data Request/Data Response Workshop (December 2000); Status and Alternative including a CALISO presentation and Data Request/Data Response Workshop (January 2001); Biology Working Group Teleconference Workshop (March 2001) and the Environmental Justice Workshop (April and August 2001). and the PSA workshops in June. The PAO obtained information to place Mr. Fiore on the meeting notice mail list.

To assess the general progress of the siting case, the Committee noticed and held a Status Conference on August 13, 2001 at the Potrero Hill Neighborhood House. The Committee discussion included scheduling and the nature of the information yet needed to allow the staff to prepare the Final Staff Assessment. The PAO was present at the Status Conference that was well attended by the public. After scheduling discussion by the Committee and parties, Ms. Mendonca assisted many residents who wanted to present public comment. The public expressed continued concerns about the project's potential for negative environmental impacts (health, air, environmental justice, biology, bay impact and dangers from the transportation of ammonia).

Approximately 150 postcards from individuals indicating opposition to the plant were submitted to the PAO who compiled the documents and docketed them on August 16, 2001.

Public Comment Forms:

These members of the community completed "Public Comment Forms" which were docketed by the PAO:

Ruth Goldhammer raised concerns about the pace of the hearings and requested a postponement;

George Guenther and Babette Drefke mentioned air quality, public health and hazardous materials as their comments/concerns.

POTRERO POWER PLANT UNIT 7 PUBLIC ADVISER'S STATUS REPORT # 5

**00-AFC-04
December 31, 2002**

The Public Adviser appreciates the opportunity to report on the Potrero Power Plant Unit 7. The previous Status Report was prepared on August 1, 2001.

PUBLIC PARTICIPATION:

Public Comment Forms:

These members of the community completed "Public Comment Forms" or sent letters to the Commission. The comments were docketed and discussed:

Jay Allen (8/01) concerns about plant expansion

Michael Strausz (8/01) concerns about loss of central waterfront's housing potential

Kim Rooker (9/01) concerns about air quality and power lines

Naomi Shelan (9/01) concern about air quality

Sheldon Moore (11/01) opposition to the facility

Perry Close (3/02) letter of support but is concerned over adequate parking for PPP

Francis Syme (4/02) letter of support for proposed facility

Joan Wood (4/02) opposition to the facility

Assembly member Carole Migden (4/02) voicing strong opposition

M. Harrison (4/02) voicing concerns about not receiving all possible info on PPP

Postcards Submitted by the Public In Opposition:

The Public Adviser received postcards signed by members of the public who voiced opposition to the proposed Potrero Power Plant Unit 7. The PAO compiled the postcards creating a list of the signatures from the cards and docketed the postcards and compiled lists.

August 2001: 150 postcards

May 2002: 67 postcards

June 2002: 219 postcards

INTERVENORS:

The Coalition for Fair Employment in Construction intervened in the Potrero Power Plant Unit 7 siting case in December, 2001.

The Neighboring Property Owners Coalition filed a petition to intervene in April, 2002. The Committee granted the petition on April 11, 2002 although the applicant objected to the Petition on April 12, 2002.

SCHEDULE:

The Committee's Schedule was first issued on November 20, 2000. An Interim Scheduling Order was issued in August, 2002 and a Revised Interim Scheduling Order was issued in November, 2001. While the Staff's Preliminary Staff Assessment (PSA) was released on June 1, 2001, complexities in the case required additional time for staff to complete the Final Staff Assessment (FSA).

The FSA, which includes staff's alternative cooling analysis and recommends mitigation for the projects significant environmental impacts, was released on February 14, 2002. The Committee's Schedule was evaluated and reviewed at a Prehearing Conference held in San Francisco on April 28, 2002. Based on the Conference reports, the Committee was ready to move forward on the topics/issues with completed analysis.

DECISION – MAKING:

The formal hearings to determine the factual basis for decision-making began in June, 2002. The hearings have been held in San Francisco at the Public Utilities Building. And since June, there have been six additional days of evidence gathering (July 22, 23; October 29,30 and December 9 and 10).

Many of the intervenors, including the City of San Francisco, Communities for a Better Environment, Southeast Alliance for Environmental Justice, and the Potrero Boosters have been very active participants in the case. Intervenors have made use of procedures available to parties including: submitting regular Status Reports to the Committee; issuing Data Requests; filing Data Responses; filing various Motions/Petitions to request Committee answers to procedural and substantive questions.

Formal (evidentiary) hearings will continue in 2003 to address topics including cooling options (use of water from San Francisco Bay).

INTERVENORS:

Southeast Alliance for Environmental Justice (SAEJ), Claude Wilson
Petition Filed: October 18, 2000
Order Granted: November 6, 2000

Counsel for SAEJ AND OCE, Alan Ramo
Golden Gate University, Environmental Law and Justice Clinic
Petition Filed: October 18, 2000
Order Granted: November 16, 2000

Californians for Renewable Energy, Michael Boyd
Petition Filed: November 8, 2000
Order Granted: November 16, 2000

Potrero Power Plant Unit 7 continued...

City and County of San Francisco
Jacqueline Minor, Deputy City Attorney
Petition Filed: November 22, 2000
Order Granted: December 1, 2000

Our Children's Earth Foundation (OCE), Tiffany Schauer
Petition Filed: December 13, 2000
Order Granted: December 21, 2000

Communities for a Better Environment (CBE), William B. Rostov
Petition Filed: January 9, 2001
Order Granted: January 19, 2001

Camp, Dresser & McKee, Inc., Andria Pomponi
Petition Filed: February 7, 2001
Order Granted: February 16, 2001

Potrero Booster Neighborhood Association, John DeCastro
Petition Filed: March 23, 2001
Order Granted: April 5, 2001

Dogpatch Neighborhood Association, John Borg
Petition Filed: March 23, 2001
Order Granted: April 5, 2001

Coalition for Fair Employment in Construction, Eric Christen
Petition Filed: July 21, 2001
Order Granted: December 12, 2001

Grueneich Resource Advocates, Jody London
Petition Filed: April 9, 2002
Order Granted: April 11, 2002

NPOC, c/o Joseph Tursi, Restschler, Tursi & Guastamachio
Petition Filed: April 9, 2002
Order Granted: April 12, 2002

Memorandum

To: Siting Committee

Commissioner Robert Laurie, Presiding Member
Commissioner Art Rosenfeld, Associate Member

From: California Energy Commission – Roberta Mendonca, Public Adviser
1516 Ninth Street
Sacramento CA 95814-5512

Telephone: (916) 654-4489

**Subject: UNITED GOLDEN GATE POWER PROJECT PHASE 1
PUBLIC ADVISER'S STATUS REPORT #4 – Final**

**00-AFC-05
August 30, 2001**

The Public Adviser's Office (PAO) appreciates the opportunity to provide the Committee with information pertaining to public participation in the United Golden Gate Power Project, Phase II (UGG). The previous PAO Status Report was docketed April 25, 2001.

DECISION:

The Amended Presiding Member's Proposed Decision was adopted by the Commission on March 7, 2001 and the project was certified. There is, however, an unsettled matter in the area of the Applicant's site control.

INTERVENORS:

California Unions for Reliable Energy (CURE), Marc D. Joseph, Esq.
Petition Filed:
Order Granted: 11/13/00

Mirant Potrero, LLC, Project Manager, Mark Harrer
Petition Filed:
Order Granted: 11/13/00

Livingston & Mattesich, representing Mirant, Emilio E. Varanini, III
Petition Filed:
Order Granted: 11/13/00

CALifornians for Renewable Energy (CARE) President, Mike Boyd
Petition Filed:
Order Granted: 01/11/01

Memorandum

To: Siting Committee
Commissioner Michal C. Moore, Presiding Member
Chairman William J. Keese, Associate Member

From: California Energy Commission – Roberta Mendonca, Public Adviser
1516 Ninth Street
Sacramento CA 95814-5512

Telephone: (916) 654-4489

**Subject: MORRO BAY MODERNIZATION AND REPLACEMENT POWER PLANT
PUBLIC ADVISER'S STATUS REPORT #2**

**00-AFC-12
April 25, 2001**

The Public Adviser's Office (PAO) appreciates the opportunity to provide the Committee with information pertaining to public participation in the Morro Bay Plant Modernization. The previous status report was filed on January 10, 2001.

OUTREACH:

To inform Morro Bay residents who had voiced an interest in the first Morro Bay project (withdrawn in December 1999) the Public Adviser's Office prepared a mailing to 130 concerned residents. The Public Adviser's letter announced the Application for Certification (AFC) filing and provided specific information about the Informational Hearing and Site Visit.

Public Adviser staff met with Ms. Kim Kimball, Executive Director of the Morro Bay Chamber of Commerce. Through Ms. Kimball, additional notice regarding the Information Hearing was developed - including newspaper, newsletter and personal notification to local Chamber members.

MEETINGS/HEARINGS:

The Public Adviser contacted the Hearing Office to discuss the Informational Hearing agenda to advise that the intervenor, Coastal Alliance on Plant Expansion (CAPE), planned to make a presentation. The Public Adviser attended the Informational Hearing and Site Visit in Morro Bay on February 20, 2001. Ms Mendonca addressed the audience and explained opportunities for public participation in the Morro Bay Plant Modernization. The Public Adviser helped with arrangements for the AGP Video to film the hearing and the site tour for playback on Morro Bay's Channel 54 and Countywide on Channel 61. The hearing was also announced on a community calendar.

The Public Adviser's Office took phone calls from the public and developed the bus reservation list for this hearing.

PUBLIC PARTICIPATION:

CAPE:

The Public Adviser's Office has numerous contacts with the Coastal Alliance on Plant Expansion. The PAO provided preliminary information, notice and assisted a delegation of CAPE members when they visited the Commission. After intervening, CAPE's representative, Dr. Henrietta Groot, informed the PAO that the notice for the April 5 workshop was not posted on the web site. While the public was given 10 days notice through the regular mail, people who were expecting notification by e-mail did not receive it in a timely fashion. Later this summer, regulations change to require e-mail notices also meet the 10-day posting requirements.

Support Campaign:

A postcard campaign has been initiated in favor of the Morro Bay plant. The PAO has been mailed more than 120 postcards. The postcards were docketed along with a memo listing the personal information provided by each sender.

Cultural Resources:

In the Morro Bay area there are several separate Native American tribes, each of which has an interest in maintaining their cultural heritage. On Saturday, April 7, 2001, Ms. Mendonca and Commission staff held four separate meetings to accommodate the different tribes - the Northern Chumash, Playano Salinan, Salianan Tribal Council and the San Luis Obispo Chumash Council. The Native American Heritage Commission has also voiced interest and was placed on the proof of service list as an interested agency. Information was provided to all the representatives including copies of the Public Adviser's Siting Process - Practice and Procedures Guide. It is likely that one or more of these tribes will decide to intervene.

**MORRO BAY MODERNIZATION AND REPLACEMENT POWER PLANT
PUBLIC ADVISER'S STATUS REPORT #3**

**00-AFC12
August 30, 2001**

The Public Adviser's Office (PAO) appreciates the opportunity to provide the Committee with information pertaining to public participation in the Morro Bay Plant Modernization. The previous status report was prepared in April 2001.

Meetings:

At the request of specialists in the siting division, Ms. Mendonca held four workshops on Saturday, April 7th for Native Americans - one for each of the four tribes impacted by the Morro Bay case (the Northern Chumash, the Playano Salinan, the Salianan, and the San Luis Obispo County Council). Each tribe indicated their interest in the Morro Bay case.

Workshop Concerns:

Ms. Mendonca attended some of the seven Preliminary Staff Assessment workshops held in June in Morro Bay. Some of the meetings were well attended. Members of the public continue to express concerns about environmental impacts (air, biology, water, noise, visual and cultural impacts.)

Televised Outreach:

All Morro Bay meetings and workshops have been televised on local public access - a countywide channel and a city channel. Duke Energy, the Applicant, has funded this coverage.

Public Comments:

These members of the community completed "Public Comment Forms" which were docketed by PAO: Monique Nelson raised questions relating to scheduling, air quality and water quality; Nelson Sullivan made comment relating to Exhaust stacks and air quality base line.

Twenty-five postcards were sent to the Commission by Morro Bay residents. The PAO compiled the information and docketed the comments asking that Duke Energy use dry-cooling and improve emissions on August 9, 2001. An additional 20 of the same postcards were docketed on August 24.

Intervenor Assistance:

The Public Adviser worked with the intervenor, Coastal Alliance on Plant Expansion (CAPE), to docket material and have their attorney's name(s) placed on the proof of service list.

**MORRO BAY MODERNIZATION AND REPLACEMENT POWER PLANT
PUBLIC ADVISER'S STATUS REPORT #4**

**00-AFC-12
March 4, 2002**

The Public Adviser's Office (PAO) appreciates the opportunity to provide the Committee with information pertaining to public participation in the Morro Bay Plant Modernization (Morro Bay.) The previous status report was prepared in August 2001.

The Committee adopted a Schedule to allow the Staff to produce the Final Staff Assessment (FSA) in three separate parts. FSA Part 1 was ordered to be issued on November 14, 2001 and Part 2 was ordered to be issued on December 14, 2001. Part 3 is to be prepared by January 18, 2002. Three sets of Evidentiary Hearings were scheduled starting in December 2001; January 2002; and the third and final set for March 12 - 14, 2002.

INTERVENOR PARTICIPATION:

CAPE:

The Public Adviser has worked closely with the Coastal Alliance on Plant Expansion (CAPE) since the group was granted intervenor status and "financial hardship." Commission regulations provide that staff assist intervenors with financial hardship status. Due to siting staff workload, the PAO serves, docketed and distributes all documents on behalf of CAPE.

- As CAPE has many members it was a challenge to establish a docketing routine where documents were funneled through one person in the correct presentation. The PAO acted to prevent accidental double docketing when the same document was listed in the Docket Log twice - once as docketed by the PAO and again if sent straight to the Docket Unit. A clear routine was finally established and maintained by the PAO.
- Henrietta Groot, of CAPE contacted the Hearing Officer to report that the staff's Pre-Hearing Conference Notice was not received until the Pre-Hearing Conference was over. CAPE requested a change in dates, which was denied.
- All evidence, testimony and hearing documentation that was prepared by CAPE was served, docketed and prepared for distribution by the Public Adviser's Staff. Arrangements were also made by the PAO that CAPE documents be placed on the Web Site for the public access.

City of Morro Bay:

On November 30, 2001 Ms. Mendonca provided samples of testimony from previous hearings to assist the City of Morro Bay with preparations. In December, the City of Morro Bay filed a motion to delay the evidentiary hearings, but the motion was not granted for formal hearings.

Patti Dunton:

Ms. Mendonca had numerous conversations and several meetings with Patti Dunton and John Birch, Salinan Native Americans.

- Eventually, Ms. Dunton, Cultural Resources Director for the Salinan Tribe, decided to become an intervenor. The PAO provided procedural assistance to her Petition which was filed November 7, 2001.
- Ms. Mendonca spoke with Rob Wood of the Native American Heritage Commission in January 2002 as he had received a request to appear as a witness for Patti Dunton. The Public Adviser explained that Patti's request was not a subpoena. As resolved, Mr. Wood would be testifying on behalf of the Staff. Mr. Joe Freeman of the Salinian tribe became Ms Dunton's witness.

ASSISTING THE PUBLIC:

On November 16, 2001, when the Final Staff Assessment was filed, the PAO prepared a reminder for Morro Bay residents and Native American tribal leaders who had expressed an interest in this project. Placed on a postcard, the message announced the availability of the staff report and the opportunity for public comment. The PAO sent 150 postcard reminders.

The Public Adviser Office handles problems for individuals or intervenors that become apparent in a siting case. In Morro Bay, the first copy of the FSA seemed to have some pages missing and some assembly problems; several were replaced by the Public Adviser's Office for intervenors and some public members.

Mr. David Castanon, representing the Army Corp. of Engineers LA District - Regulatory Branch, called the PAO in January 2002. He expressed his opinion that his agency may have licensing responsibility and was not on the Proof of Service list. The Public Adviser explained the FSA I and II and the upcoming Evidentiary Hearings and referred the caller to the Project Manager for technical assistance.

The PAO received many phone calls and emails supporting or opposing conditions of certification for the plant or the plant itself. The public was encouraged by the PAO to put their remarks in writing so they could become part of the public record.

Ms. Mendonca has attended many of the Evidentiary Hearings held in the Morro Bay area. The Public Adviser has continued to meet and explain the siting process and procedures to many public attendees. Several members of the audience spoke in support of the proposed power plant while other members of the public expressed concerns about environmental impacts (air, biology, water, noise, visual and cultural impacts) and most of the hearings were well attended.

**MORRO BAY MODERNIZATION AND REPLACEMENT POWER PLANT
PUBLIC ADVISER'S STATUS REPORT # 5**

**00-AFC-12
December 31, 2002**

The Public Adviser's Office (PAO) appreciates the opportunity to provide the committee with information pertaining to public participation in the Morro Bay Plant Modernization and Replacement Project (Morro Bay). The previous status report was prepared in March 2002.

COMMITTEE CHANGE:

Due to the expiration of Commissioner Moore's term in June of 2002, Commissioner William J. Keese is now serving as the Committee's Presiding Member for the Morro Bay Siting Committee and Commissioner James D. Boyd is the Associate Member on the Committee.

PUBLIC PARTICIPATION:

The community interest in the Morro Bay project has been continuous. The Commission's workshops and hearings are often well attended by residents who support the project and those with concerns. And whether the attendees address the committee or sit and observe, buttons, ribbons and signs are visible to show support or opposition to dry cooling.

When the Coastal Commission sent the Notice of Staff Briefing on the Status of the Morro Bay Modernization and Replacement Project to the PAO, the Public Adviser forwarded the announcement by e-mail to 22 public participants. This e-mail did not go to intervenors since the Coastal Commission had included those parties in their meeting announcement.

Staff's Workshop on Dry Cooling Alternatives held in Morro Bay during March used a facilitator to assist and assure a meaningful dialogue. The meetings allowed time for public comment and participation.

Assisting the Public:

- Responding to a request from Karen Munson (representing the Applicant's law firm) the PAO provided the information and e-mailed the Response Brief.
- Locating copies of Intervenor Patti Dunton's Testimony for the Hearing Officer.
- Obtaining a copy of the Morro Creek Flood Hazard Report for local resident Nancy Castle.
- Providing information to Linda Zohns, Secretary of Neighborhood Association, a local homeowner's group with concerns about the traffic/transportation route to the proposed laydown area.

- Answering questions from Mr. Walgren, a local resident with concerns about possible environmental impacts to snails. Mr. Walgren was also put in touch with staff's Dick Anderson who would be providing the analysis on this issue.
- Correcting and updating the names on the Proof of Service for John Torrey (Applicant)
- Assisting Senator O'Connell's office with information to facilitate presentation of his support better.

DECISION – MAKING PHASE:

Since the last status report, the Morro Bay Siting Committee has focused on obtaining the evidence needed to complete the formal hearing record. The remaining issues have included the complex topics of marine biology and the topic of wet/dry cooling and the possible mitigation plan of habitat enhancement.

- Group III topics included Air Quality and Public Health, Land Use, Visual and Soil & Water Resources. The third set of formal hearings were held in Morro Bay on March 12, 13 and 14, 2002
- Group IV topics have been the Alternatives, Terrestrial & Aquatic Biology and Cooling Options. The fourth sets of formal hearings were held in Morro Bay on June 4, 5 and 6, 2002. Shortly after these hearings, the Committee requested additional information concerning the Applicant's Habitat Enhancement Proposal (HEP). Formal hearings on HEP were held in Morro Bay on November 4 and 5.

INTERVENOR PARTICIPATION:

Both the City of Morro Bay and the Coastal Alliance on Plant Expansion (CAPE) have been active participants in Group III and IV hearings.

- The City of Morro Bay has been represented by city counsel and special counsel.
- CAPE has been represented by counsel with the Environmental Defense Fund. The Public Adviser continues to work closely with the CAPE due to the group's financial hardship designation. The PAO assisted with CAPE's participation by docketing and preparing the Proof of Service for documents including but not limited to the following:
 - Testimony Group II + Exhibits A&B (more than 800 pages)
 - Prehearing Conference Statement
 - Testimony Group III
 - Witness List(s)
 - CAPE's Response to Applicant's Motion to Amend Schedule
 - CAPE's Subpoena Dr. J. Phyllis Fox and Declaration in Support of Subpoena
 - Petition to Reconsider Denial of Subpoena
 - Opening Brief Group III
 - Reply Brief Group III Soil and Water
 - Reply Brief Group III Other topics
 - Petition to compel Data Responses

Release of the Presiding Member's Proposed Decision (PMPD):

The Committee anticipates that the PMPD will be released late in January 2003. The Public Adviser will assist in making the document available to the public as well as attend the public hearing to be held in Morro Bay.

INTERVENORS:

Coastal Alliance on Plant Expansion (CAPE),
 Henrietta Groot and Bonita L. Churney, Esq.
 Babak Naficy, Environmental Defense Center on behalf of CAPE
 Petition Filed: January 18, 2001
 Order Granted: January 22, 2001

Salinan Tribe, Patti Dunton, Cultural Resources Director

Petition Filed: November 27, 2001
Order Granted: November 30, 2001

City of Morro Bay, Robert W. Schultz
Special Counsel for City of Morro Bay,
Barry C. Groveman and Steven J. Elie
Petition Filed: November 27, 2001
Order Granted: November 30, 2001

Memorandum

To: Siting Committee
Commissioner Arthur H. Rosenfeld, Presiding Member
Commissioner Robert Pernell, Associate Member

From: California Energy Commission – Roberta Mendonca, Public Adviser
1516 Ninth Street
Sacramento CA 95814-5512

Telephone: (916) 654-4489

**Subject: HUNTINGTON BEACH MODERNIZATION
PUBLIC ADVISER'S STATUS REPORT #2**

**00-AFC-13
April 25, 2001**

The Public Adviser's Office (PAO) appreciates the opportunity to provide the Committee with information pertaining to public participation in the Huntington Beach Modernization Project. The previous status report was prepared on January 10, 2001.

SCOPING:

The initial 12-month timetable for the Application for Certification (AFC) of the Huntington Beach Modernization Project was changed due to the statewide energy shortage. On February 7, 2001, the Huntington Beach Modernization Project was determined to be data adequate. Governor Davis signed Executive Order D-22-01 on February 8, 2001 ordering the Energy Commission to expedite the certification process for existing thermal power plants which require retooling. Commission staff recommended that the Huntington Beach Modernization project be fast-tracked within 60 days. Subsequently, all phases of the certification process were impacted. Notice was sent to property owners, schools and libraries in close proximity, which were identified as most likely to be affected by the retooling of the AES Generating Station Huntington Beach. Some documentation was available on a CD-ROM disk.

During the scoping process, the Public Adviser discovered that the Commission's delivery of the Application for Certification to local libraries did not work well in this case. When visiting each of the three Huntington Beach local libraries, she discovered none had received the AFC. The Public Adviser arranged to have the AFC's delivered to the Huntington Beach libraries.

After discussion with the siting staff, agreement was reached that the PAO would become responsible for delivery of AFC's to the local libraries. The PAO has developed a system that verifies AFC receipt, library section location, library hours, and the availability computers which can be used by the public. The PAO prepares and includes notices that are to be posted on a public bulletin board. The notice describes the project, the library section where the AFC can be found, and refers the public to the Commission's Web Site and the Public Adviser's office.

MEETINGS/HEARINGS:

Issue Identification Workshops were held on February 15, 2001 and the Informational Hearing and Site Visit took place on February 21, 2001. A last-minute change in the meeting location necessitated informing the public immediately. The PAO made contact with the City of Huntington Beach, which was able to alert the public via its local TV access and other media alerts. All three local libraries: Banning Branch, Main Street Branch and Huntington Beach Central were informed. Elementary, middle and high schools closest to the plant were faxed corrected informational hearing notices in Spanish and English: John Peterson Elementary, Golden View Elementary, Harbour View Elementary, Hope View Elementary, Agnes L. Smith Elementary, Circle View Elementary, College View Elementary, Edison High School, the

Huntington Beach City School District, the Oceanview School District, Huntington Beach Unified School District as well as private schools such as the Hebrew Academy, Grace Lutheran School, Carden

Academy, Carden Conservatory. Huntington Beach YMCA was included due to its close proximity and active youth club membership.

PUBLIC PARTICIPATION:

Before the April hearing on the Presiding Member's Proposed Decision (PMPD), the Public Adviser docketed e-mail comments received from the public:

- Topper Horack's concerns about the yellow haze;
- Jane Riley's concerns for school children near the plant;
- Henry Kerfoot's proposed minimum conditions;
- Ed Kerin's (Vice President, Huntington Beach Tomorrow) recommendation of a new, low-profile station for 2007 on-line operations and a netting shield over the existing upper structure;
- Ron Smith's opposition to the re-tool and recommendation of a 5-year certification for a new plant; and
- John Scot's (Chairperson, Southeast Huntington Beach Neighborhood Association) recommendations for a new plant and concerns about air and water quality.

At the meeting, individuals made public comment as well as City Council staff and the Mayor. Public comment was held at the very end of the meeting and unfortunately some people had chosen to leave due to the late hour.

When the Presiding Member's Preliminary Decision became available and the PMPD Committee Hearing was scheduled, the Public Adviser was contacted by many local participants and answered their questions about the PMPD hearing process.

**HUNTINGTON BEACH MODERNIZATION
PUBLIC ADVISER'S STATUS REPORT #3 - FINAL**

**00-AFC-13
August 30, 2001**

The PAO appreciates the opportunity to provide the Committee with information pertaining to public participation in the Huntington Beach Modernization Project. The previous PAO Status Report was dated April 25, 2001.

DECISION:

The Presiding Member's Proposed Decision (PMPD) was released on March 29, 2001. The Revised PMPD was released on April 13, 2001. The full Commission approved the project on May 10, 2001.

INTERVENORS:

Due to the accelerated process used in this siting case, the requirement to intervene was waived. Still, six individuals chose identify themselves as intervenors:

City of Huntington Beach, Alvin S. Pak, Esq.
Petition Filed: 02/09/01
Order Granted: 02/23/01

City of Huntington Beach, Scott Field, Esq.
Petition Filed: 02/09/01
Order Granted: 02/23/01

City of Huntington Beach, William P. Workman, Assistant City Administrator
Petition Filed: 02/09/01
Order Granted: 02/23/01

City of Huntington Beach, Matthew T. Lamb, P.E.
Petition Filed: 02/09/01
Order Granted: 02/23/01

Huntington Beach Modernization continued...

California Unions for Reliable Energy (CURE), Mark R. Wolfe, Esq.
Petition Filed: 02/08/01
Order Granted: 02/23/01

Utility Workers Union of America, William C. Reid
Petition Filed: 02/21/01
Order Granted: 03/14/01

Memorandum

To: Siting Committee

Commissioner, Robert Pernell, Presiding Member
Chairman William J. Keese, Associate Member

From: California Energy Commission – Roberta Mendonca, Public Adviser
1516 Ninth Street
Sacramento CA 95814-5512

Telephone: (916) 654-4489

**Subject: EL SEGUNDO POWER PLANT REDEVELOPMENT PROJECT
PUBLIC ADVISER'S STATUS REPORT**

**00-AFC-14
January 10, 2001**

This project has not been determined to be Data Adequate as of this date. Scoping is in progress.

**EL SEGUNDO POWER PLANT REDEVELOPMENT PROJECT
PUBLIC ADVISER'S STATUS REPORT #2**

**00-AFC-14
April 25, 2001**

The Public Adviser's Office (PAO) appreciates the opportunity to provide the Committee with information pertaining to public participation in El Segundo Repower Project. The previous status report was prepared on January 10, 2001.

On December 18, 2001, the El Segundo Power Redevelopment Project filed an Application for review.

The proposed project site is to be located on the existing El Segundo Power Company in Los Angeles County. The Energy Commission found the project Data Adequate February 7, 2001.

SCOPING:

As soon as the Energy Commission accepted the AFC, the PAO began scoping to research the opportunities for full and adequate public participation.

The PAO created a bilingual (English/Spanish) one-page project description to provide clear and concise information to the public about the El Segundo proposal. The description includes the location of the proposed power plant, identifies the applicant as Dynegy and NRG, explains the role of the Energy Commission; gives contact information regarding the Energy Commission's mailing lists, Web Site and Public Adviser.

OUTREACH:**Libraries:**

The El Segundo Library was contacted by the PAO to ensure that the Application for Certification (AFC) (which previously had not been mailed in time for the March 1, 2001 Informational Hearing and Site Visit) would be readily available to the public. The librarian was asked to post flyers developed by the PAO describing the plant on the library entrance doors and at the counter.

Schools:

The Public Adviser's Office obtained permission for the El Segundo School District to distribute flyers in the two public schools that are nearest the proposed power plant site. More than 1600 flyers were distributed to students; the flyers described the proposed plant and gave details regarding the Informational Hearing and Site Visit. The flyers were in English and Spanish.

Local Associations:

The PAO also used the school-flyers making them available to several local associations for distribution to their membership.

Chamber of Commerce:

The local Chamber of Commerce was contacted for background information. The PAO used their leads in community outreach.

City of El Segundo:

The City of El Segundo worked with the PAO to distribute flyers about the scheduled Informational Hearing and Site Visit and helped register residents for the Site Visit. The City also provided a local number for bus reservations.

NOTICES:

Notices of the Informational Hearing and Site Visit and various workshops were mailed to the General Public, Property Owners and Agency mailing lists. The Commission's list server also sent notices to all subscribers on the El Segundo electronic mail list.

MEETINGS/HEARINGS:

The Informational Hearing and Site Visit was held on March 1, 2001 in the El Segundo City Hall Council Chambers.

- A petition with more than 50 resident names from Manhattan Beach (actually located closer to the plant than some El Segundo residents) was presented by local residents.
- Mr. Bob Perkins spoke regarding potential noise problems, which he felt had not been addressed by the applicant.
- Mr. Bill Kreager, a member of the El Segundo Chamber Council and Manhattan Beach resident, was in favor of expeditious approval. Intervenor William Reid, representing the Local 246 UWA of America, was also supportive of the project.
- At the Informational Hearing, there were concerns about the scope of public notice for the Hearing. Households from the neighboring City of Manhattan Beach reported that they were located close to the facility, but not receive the meeting notice. The Commission's usual outreach (by Notice) is to mail the Notice to homes 1000 feet from the plant or 500 feet along proposed changes to the linear lines. The PAO circulated sign-in sheets to encourage participants to enroll on the Commission's General mail list.

Issues Workshop:

The Public Adviser attended the Data Response and Issues Workshop held on April 18, 2001 in El Segundo. The meeting was well attended. The public comments reflected concerns about noise and visual resources.

PUBLIC PARTICIPATION:

The Commission continues to expand ways to communicate siting information to the public. Recent amendments to the Energy Commission's regulations will allow the AFC's to be submitted in the CD-ROM format. The PAO mailed the El Segundo Power Plant's AFC CD-ROM to a member of the public who requested the CD-ROM.

PUBLIC PARTICIPATION:

Public Comment:

Prior to the Community Outreach and Data Response Workshop held on May 17, 2001 in El Segundo, members of the public filed comments about their areas of concern:

- 1) the plan for the tank farm;
- 2) noise and;
- 3) visual pollution. For example, resident Marshall Partos sent an e-mail to request that the Energy Commission require "sound mitigation".

Workshops:

Workshops designed to provide the public, Intervenors and the Applicant an opportunity to offer verbal and written comments on the Staff Assessment were held on July 17 and 18, 2001 in El Segundo. The Public Adviser attended and offered assistance to the public as needed. Intervenors Robert Perkins, Michelle Murphy, and Elsie Cripe raised continued concerns about the tank farm plan, noise and visual impacts. Although the discussion on a number of topics was completed, time prevented further discussion about noise and conditions of certification to mitigate noise impacts. These areas of concern were addressed further during a continuation teleconference workshop held on July 25, 2001.

Additional staff workshops will be held after public notice so the public will be able to participate.

Evidentiary Hearings were scheduled for July 9 and 18, but were cancelled by the Committee.

INTERVENORS:

City of Manhattan Beach Attorney, Robert Wadden

Petition Filed: 05/09/01

Order Granted: 06/14/01

Resident, Robert Perkins and Michelle Murphy

Petition Filed: 05/21/01

Order Granted: 06/14/01

Resident, Lyle and Elsie Cripe

Petition Filed: 05/23/01

Order Granted: 06/14/01

Utility Workers Union of America Local 246, William C. Reid

Petition Filed: 02/26/01

Order Granted: 03/18/01

City of El Segundo, Mark D. Hensley, City Attorney

Petition Filed: 03/12/01

Order Granted: 05/09/01

City of Manhattan Beach Community Development Dept., Laurie Jester

Petition Filed: 05/09/02

Order Granted: 06/14/02

Resident, Richard G. Nickelson

Petition Filed: 07/10/02

Order Granted: 07/10/02

Memorandum

To: Siting Committee

Commissioner Arthur H. Rosenfeld, Presiding Member
Commissioner Michal C. Moore, Associate Member

From: California Energy Commission – Roberta Mendonca, Public Adviser

1516 Ninth Street
Sacramento CA 95814-5512

Telephone: (916) 654-4489

**Subject: RIO LINDA/ELVERTA POWER PROJECT
PUBLIC ADVISER'S STATUS REPORT # 1**

**01-AFC-01
April 25, 2001**

The Public Adviser's Office (PAO) appreciates the opportunity to provide the Committee with information pertaining to public participation in the Rio Linda/Elverta Power Project (RLEPP). This is the first report for this project from the PAO, though the office has been involved extensively with this project when it was formerly the Sacramento Ethanol and Power Cogeneration (SEPCO) Project.

SCOPING:

Located in the area of ranches and farms, the Public Adviser learned that the standard property owner's mailing list may not reach many residents in Rio Linda. Thus the PAO prepared a mailing with information about the new project targeted to reach public participants in the former SEPCO case.

OUTREACH:

- More than 4,400 project flyers have been prepared by the PAO for distribution to local schools and businesses. The front of the flyer describes the project, the back announces the May 16, 2001 Informational Hearing and Site Visit. The elementary schools that received the flyer included: Dry Creek, Orchard, Westside and Rio Linda. Flyers were also distributed to Rio Linda High School, Rio Linda Junior High School, Vineland Elementary and Gramma Sue's Family Daycare. More than 100 flyers were posted at local businesses including the Rio Linda Veterinary Office, Rio Linda Liquor and Food, Archway Market, Rio Linda Leader Drug Store, Archway Auto Supply and Hardware and a group of auto liquidators.
- Ms. Mendonca has met several times with local community representatives both individually and at group meetings. Information was provided regarding participation in the siting process. Project description posters were provided for distribution to local business leaders. The Siting Guide was made available to those individuals considering intervention.
- The Application for Certification (AFC) has been made available to the public in five local libraries and posters have been distributed locally to post and announce the availability of the AFC.
- The Staff's Issues Identification Report is being mailed by the PAO to public participants in the former SEPCO case.

NOTICES:

Notice of the Informational Hearing and Site Visit was mailed to the General Public, Property Owners, Agency lists and all parties listed on the Rio Linda/Elverta Proof of Service. The Commission's list server also sent the hearing notice to all subscribers on the Rio Linda/Elverta electronic notice list.

PUBLIC COMMENT:

Several community residents appeared at the Data Adequacy Hearings on March 7 and April 18, 2001, to voice concerns that the project was not data adequate. The area residents were Walter Boatwright, Chris Chaddock, Charles Gordon and Jeannie Stutes.

**RIO LINDA/ELVERTA POWER PROJECT
PUBLIC ADVISER'S STATUS REPORT #2 - FINAL**

**01-AFC-01
August 30, 2002**

The Public Adviser's Office (PAO) appreciates the opportunity to provide the Committee with information pertaining to public participation in the Rio Linda/Elverta Power Project (RLEPP). The previous PAO Status report was dated April 25, 2001.

MEETINGS/HEARINGS:

The Informational Hearing and Site Visit was held on May 16, and 17, 2001 at the Rio Linda Community United Methodist Church. The Public Adviser attended the meeting and made a presentation explaining the opportunities for the public to participate in the siting process. It seemed significant that the meeting continued despite the power failure due to an apparent power overload, not an energy crisis blackout.

To ensure an accurate analysis of the proposal, the Energy Commission staff has held numerous public workshops. Data Response Workshops were held on May 17, 2001, at the Rio Linda Community United Methodist Church and July 17, 2001, at the Rio Linda and Elverta Park District Community Center. The topics discussed at the workshops have included: Air Quality; Biological, Cultural, and Geological Resources; Hazardous Materials Management; Land Use; Noise; Plant Reliability; Traffic and Transportation; Visual, and Water and Soil Resources.

PUBLIC PARTICIPATION:

Public comment at the Informational Hearing included supportive comments from local labor organizations while property owners Patricia Caminiti, Chris Chaddock and Jack Powell raised water, air quality and land use concerns. The Public Adviser received and read into the record questions raised by Jerry Kent about water, noise, vibration, pollution, light, emissions, size, visual aesthetics, weather changes and power usage. The next day, Project Manager Lance Shaw scheduled another more detailed site visit including a tour of the lineals (transmission lines, water sources, roads, and gas lines).

E-mails and letters from the public have been received on several issues:

- Jonathan Davis, a resident, is concerned about property value and safety issues.
- Cherri Dominquez, a resident, is concerned about the impacts of site grading and flooding potential.
- Erwin Hayer, a resident, is concerned about ground water contamination.
- Remarks regarding the power plant operation issues have been received from Karen LaVine. Michele R. Young is opposed to proposed water usage and air emissions.
- Landowner Chris Chaddock sent a letter of opposition to the record on May 17, 2001.
- Mr. Decker appealed to the Commission to deny Florida Power and Light certification to build the power plant. Another letter dated May 24, 2001, from Mr. Decker requested videotapes from the Applicant.
- Many members of the public (Deborah Byrne, Mark and Sheila Ladd, and Michael and Jovita Vierra) prepared questions for the Applicant about land use and noise impacts.
- Jack Powell questioned land usage and air quality.
- Jay O'Brien entered a statement and testimony regarding land use presented to the Rio Linda/Elverta Advisory Council.

COMMITTEE CHANGE:

Due to the expiration of Commissioner Moore's term in June of 2002, Commissioner James D. Boyd has joined the Committee as the Associate Member on the Rio Linda/Elverta Power Project.

STATUS — WITHDRAWN:

The applicant submitted notice withdrawing the AFC on August 20, 2002. The applicant's notice of withdrawal was accepted by the Commission. The Order of Withdrawal was issued August 28, 2002.

INTERVENORS:

Ester I. McCoy, Rio Linda Resident
Petition Filed: 6/25/01
Order Granted: 8/9/01

John Victor Shepherd, Sr., Resident
Petition Filed: 3/8/01
Order Granted: 6/8/01

Roseville Energy Facility, L.L.C., Sam When
Petition Filed: 5/7/01
Order Granted: 5/8/01

California Unions for Reliable Energy (CURE), Marc D. Joseph, Esq. & Mark R. Wolfe, Esq.
Petition Filed: 5/16/01
Order Granted: 6/8/01

Sacramento Municipal Utility District (SMUD) Senior Attorney, Steve Cohn
Petition Filed: 3/6/01
Order Granted: 6/8/01

Coalition for Fair Employment in Construction, Eric Christen
Petition Filed: 7/31/01

Deborah Courtney, Elverta Resident;
Petition Filed: 7/24/02
Project Withdrawn before Petition Could be Granted

Memorandum

To: Siting Committee

Commissioner, Robert A. Laurie, Presiding Member
Commissioner, Michael C. Moore, Associate Member

From: California Energy Commission – Roberta Mendonca, Public Adviser

1516 Ninth Street
Sacramento CA 95814-5512

Telephone: (916) 654-4489

**Subject: PASTORIA II ENERGY Facility Expansion Project
PUBLIC ADVISER'S STATUS REPORT # 2 – Final**

**01-AFC-02
October 23, 2002**

The Public Adviser's Office (PAO) appreciates the opportunity to provide the Committee with information pertaining to public participation pertaining to the Pastoria II Energy Facility Expansion Project (PEF). On February 16, 2001 the applicant, Calpine Corporation, submitted an Application for Certification (AFC) for the Pastoria II Energy Facility Expansion Project which was accepted as data adequate for a 12-month review process on April 4, 2001.

The proposed PEF expansion project adds a fourth turbine and ancillary facilities to the approved 750 MW PEF (99-AFC-7) project. Both projects will share common facilities and be co-located on a 31 acre site on the Tejon Ranch property about 32 miles south of Bakersfield and approximately 6.5 miles east of Interstate 5 at the base of the Tehachapi Mountains.

SCOPING:

As soon as the Commission accepted the Application, the PAO began scoping to research the opportunities for full and adequate participation by members of the public.

The PAO created a bilingual (English/Spanish) one-page project description to provide clear and concise information to the public about the PEF. The description includes the location of the proposed power plant, identifies the Applicant as Calpine, explains the role of the Energy Commission, gives contact information regarding the Energy Commission's mailing lists, Web Site and Public Adviser.

OUTREACH:**Libraries:**

The PAO sent the PEF AFC to the Beale Memorial Library in Bakersfield. To assist the public in locating the AFC, the PAO prepared a library poster to announce the project and display key contact information. Along with the library's AFCs, the PAO sent 25 copies of the project description with detailed information about the proposed power plant. The librarian was asked to place the poster and project descriptions in an accessible area to the public.

PUBLIC PARTICIPATION:

Californians for Renewable Energy (CARE), Michael Boyd president, submitted a Demand that the Energy Commission Stop Expending Public Funds Pending the Resolution of the Energy Crisis. Filed May 17, 2001.

Mary Griffin, representing the Kern Aubadon Society was an intervenor in Pastoria Phase I. Ms. Griffin contacted the PAO to ask if the intervenor status continued into the Phase II case. She was told that intervenors must re-apply in new cases.

COMMITTEE CHANGE:

Due to the resignation of Commissioner Laurie and the expiration of Commissioner Moore's term in June of 2002, Commissioner John L. Geesman is now leading the Committee as the Presiding Member and Commissioner James D. Boyd is serving as the Associate Member in the Pastoria II Energy Facility Expansion Project.

SCHEDULE/STATUS:

After a change in ownership from Enron to Calpine, the Applicant asked that the case schedule be suspended from July 1 through August 31, 2001. The Committee granted this suspension. On August 17, 2001 the applicant filed a request to extend the suspension period stating that time was needed to resolve transmission issues. Due to transmission interconnection issues with the appropriate utilities and the Cal-ISO, the Committee granted Calpine's request to suspend review of PEF. The Committee's ORDER to further suspend the AFC until October 31, 2002 was entered November 6, 2001.

Though the Committee granted this extension of the suspension, the Committee noted that the Commission staff and the governmental agencies involved in these reviews needed to direct their administrative resources to viable projects. Since projects that are ready to proceed have priority, Applicant was advised to either withdraw the application or be prepared to process the application to completion with no further requests for suspension.

WITHDRAWN:

On October 22, 2002 the Applicant submitted a notice withdrawing the AFC. The request for withdrawal was accepted by the Commission and the proceeding is now closed.

INTERVENORS:

California Unions for Reliable Energy (CURE), Mark R. Wolfe, Esq., and Marc D. Joseph, Esq.
Petition Filed: 05/15/01
Order Granted: 06/25/01

Memorandum

To: **Siting Committee**

From: **California Energy Commission** – Roberta Mendonca, Public Adviser
1516 Ninth Street
Sacramento CA 95814-5512

Telephone: (916) 654-4489

Subject: **UNITED GOLDEN GATE POWER PHASE II PROJECT
PUBLIC ADVISER'S STATUS REPORT #2**

**01-AFC-03
August 30, 2001**

This Application for Certification was filed on March 19, 2001. This project has not been determined to be Data Adequate as of this date. The Applicant, has not indicated when the Supplement to the Application for Certification will be filed.

STATUS:

The project remains on hold.

Memorandum

To: Siting Committee
Chairman William J. Keese, Presiding Member
Commissioner Robert Pernell, Associate Member

From: California Energy Commission – Roberta Mendonca, Public Adviser
1516 Ninth Street
Sacramento CA 95814-5512

Telephone: (916) 654-4489

**Subject: EAST ALTAMONT ENERGY CENTER
PUBLIC ADVISER'S STATUS REPORT #2**

**01-AFC-04
August 30, 2002**

The Public Adviser's Office (PAO) appreciates the opportunity to provide the Committee with information pertaining to public participation in the East Altamont Energy Center (EAEC). East Altamont Energy Center, LLC, a subsidiary of the Calpine Corporation, filed an Application for Certification (AFC) on March 29, 2001.

The EAEC site is located in an unincorporated, rural portion of Alameda County. The gas and water lines for the proposed project would cross over into the counties of San Joaquin and Contra Costa. The EAEC would be between Byron Bethany Road and Kelso Road with Mountain House Road to the west.

SCOPING:

As soon as the Commission accepted the Application, the PAO began scoping to research the opportunities for full and adequate participation by members of the public.

The PAO created a one-page project description to provide clear and concise information to the public about the EAEC. The description includes the location of the proposed power plant, identifies the Applicant as Calpine, explains the role of the Energy Commission, gives contact information regarding the Energy Commission's mailing lists, Web Site and Public Adviser.

The EAEC AFC was deemed data adequate by the Energy Commission on June 27, 2001

OUTREACH:

Libraries:

The PAO sent a copy of the EAEC AFC to the Brentwood Library located near the proposed project. To assist the public in locating the AFC, the PAO prepared a library poster to announce the project and display key contact information. Along with the library's AFC, the PAO sent 25 copies of the project description with detailed information about the proposed power plant. The librarian was asked to place the posters and project descriptions in an area accessible to the public.

Schools:

Early in June, before the school's break for summer vacation, the Public Adviser's Office prepared 1625 flyers for distribution to local schools. The double-sided flyer provided the project description and information on how to follow the progress of the case on the Commission's web page. (31 elementary classes and 10 middle school classes totaling 1406 students in the Byron Unified School District and the K-8 grades totaling 60 students in the rural Mt. House School District).

Newspapers:

The PAO prepared a double-sided newspaper insert to facilitate public participation in the EAEC Informational Hearing and Site Visit. 4700 inserts with the project description on one side and key data about the August 9, 2001 meeting on the other were delivered to The Brentwood Press for distribution with their August 3, 2001 edition. The PAO inserts were targeted for the communities of Bryon and Discovery Bay.

Other Organizations:

The PAO contacted organizations geographically connected to the proposed EAEC. Virgil Koehne, General Manager of the unincorporated Discovery Bay; Eric J. Teed-Bose, Director of Planning for Trimark Communities, LLC a Mt. House Community Developer; Art Syndal at the River Inn Marina, John Pfeifer, manager Airports Districts Office; the Bay Area Skydiving Club and the Northern California Soaring Association. Some groups were provided packets of 50 PAO flyers to circulate in advance of the Informational Hearing and Site Visit.

MEETINGS/HEARINGS:

The Committee's Informational Hearing and Site Visit was held on August 9, 2001 in Tracy. The Public Adviser attended the hearing and provided information to the public on the role of the Public Adviser and the opportunities for public participation in the Energy Commission's siting process. The Public Adviser also presented public comments from meeting participants:

- Concerns that ammonia shipments should not pass the local school and a request that deliveries of ammonia come by way of the Byron Highway only.
- Support from a local realtor stating impacts on the surrounding area would be minimal and well controlled, and Jack D. Hayes also offered support for the proposed power plant.

Public support from the audience included comments from: Dan Garcia, President of Tri-Technic, an electrical contractor; Wayne Livingston, resident of Manteca representing the Electricians Union; Nick Papadakis a resident from Byron about 4 1/2 miles from the project and member of the Byron Municipal Advisory Council.

PUBLIC PARTICIPATION:

The PAO received 53 requests for bus reservations for the Site Visit.

The PAO received and docketed Public Comment forms (4 pages of questions and concerns) from Gary and Dolores Kuhn, community residents and nearby landowners. The couple visited "Delta" and "Los Medanos Energy Center" and returned to voice serious concerns about EAEC in the areas of air quality, land use, noise, soil, visual resources and the gas line.

Marianne and Gordon Griffith, fifth generation farmers, wrote to voice objections to locating the EAEC in an agricultural area and close to school children.

**EAST ALTAMONT ENERGY CENTER
PAO STATUS REPORT #3**

**01-AFC-04
September 5, 2002**

STAFF MEETINGS:

A Data Response Workshop and Issue Resolution Workshop was held in early September, 2001. On September 6, Marianne Griffith sent a letter to the Commission expressing a safety concern regarding the proposed pipeline. She specifically cited the danger it may pose to Mountain House School students and staff should an accident or leak occur. Despite the problem created by the New York Trade Center and pentagon Terrorist actions on September 11, the staff convened the Visual and Biological resource workshop noticed for September 12, 2001. The PAO helped Doris Kuhn to participate in the visual and biological workshops by phone. Despite the PAO and Staff efforts, the phone connection was poor. Following her experience, Ms. Kuhn wrote the Committee a letter outlining her concern about public participation. In her 9/13/01 letter she asks "Do public comments really receive serious consideration?" The Public Adviser contacted Ms. Kuhn and reviewed the role of public comment and her opportunities for participation in the Commissions EAEC review.

AIR QUALITY:

Staff Brief:

The Commission staff released a Brief on Cumulative Air Quality Analysis on November 27, 2001. The topic covered the East Altamont Energy Center and the newly approved town of Mountain House (which will be located 1 mile Southeast of EAEC). In this document, staff noted that although Mountain House is not a power plant, it will still have similar air quality impacts and should be considered as a potential factor in the Cumulative Air Quality Analysis. The final conclusion of this Analysis states that "without the inclusion of Mountain House in the cumulative impact analysis, the Commission will not have sufficient information on the consequences to air quality of approving the project".

Schedule:

Due to the needs to have an appropriate interval between the issuance of the FDOC and the Final Staff Assessment, the original schedule for East Altamont Energy Center was extended beyond a year.

INTERVENOR APPEALS:

Californians for Renewable Energy (CARE), an organization represented by Michael Boyd, petitioned to intervene on May 3, 2002. On June 26, 2002, the Commission denied CARE's petition to intervene citing the following reasons:

- The Petition fails to identify clearly the petitioner as CARE or Michael Boyd. The Opposition suggests that the former is merely an alter ego of the latter and notes that the Petition fails to provide a corporate telephone number, as our regulations require. [Cal. Code of Regs. tit. 20 § 1207 (a).]
- The Petition fails to state an interest relevant to our proceedings since: (1) CARE's interest in renewable sources would not be furthered in this siting case because the Commission will not be making a choice between renewable and nonrenewable energy sources, and (2) CARE's interest in protecting the environment would not be furthered absent any demonstration in the Petition of environmental harm arising from the proposed project.
- The Petition is at cross-purposes with CARE's tax exempt educational charter because it advocates opposition to a particular energy supply without a full and fair exposition of pertinent facts to permit an individual or the public to form an independent opinion.
- The Petition fails to identify the extent to which CARE desires to participate in the proceeding given that the EAEC was found to be data adequate almost one year ago, and CARE may not without good cause reopen prior matters. [Cal. Code of Regs. tit. 20 § 1712 (a).]

On July 11, 2002, CARE appealed the denial of the petition to intervene. In a hearing held during a regularly scheduled business meeting on August 14, 2001 the Commission decided to grant the appeal with the result that the Petition to Intervene was granted.

**EAST ALTAMONT ENERGY CENTER
PUBLIC ADVISER'S STATUS REPORT #4**

**01-AFC-04
December 31, 2002**

Final Staff Assessment:

The Final Staff Assessment was issued on September 18, 2002.

INTERVENORS:

Californian Unions for Reliable Energy (CURE), Mark Wolfe, Esq.
Petition Filed: 07/24/01
Order Granted: 08/09/01

Robert Sarvey, Resident
Petition Filed: 12/06/01
Order Granted: 12/19/01

East Altamont Energy Center continued...

California for Renewable Energy, Michael Boyd, President

Petition Filed: 05/03/02

Petition Denied: 06/26/02

Appeal Filed: 07/11/02

Order Granted: 08/14/02

San Joaquin Valley Unified Air Pollution Control District (SJVUAPCD), Seyed Sadredin

Petition Filed: 11/09/01

Order Granted: 12/06/01

Memorandum

To: **Siting Committee**
Commissioner Arthur Rosenfeld, Presiding Member
Commissioner Robert A. Laurie, Associate Member

From: **California Energy Commission** – Roberta Mendonca, Public Adviser
1516 Ninth Street
Sacramento CA 95814-5512

Telephone: (916) 654-4489

**Subject: VALERO COGENERATION PROJECT
PUBLIC ADVISER'S STATUS REPORT**

**01-AFC-05
October 31, 2001**

The Public Adviser's Office (PAO) appreciates the opportunity to provide the Committee with information pertaining to public participation in the Valero Cogeneration Project. On May 7, 2001, the Valero Benicia Refining Company filed an Application for Certification (AFC) for a power plant license under the Energy Commission's 4-month review process.

The proposed project site is to be located at 3400 East 2nd Street, in the City of Benicia, in Solano County, California.

SCOPING:

As soon as the Energy Commission accepted the AFC, the PAO began scoping to research the opportunities for full and adequate participation by members of the public.

The PAO created a one-page project description to provide clear and concise information to the public about the Valero Cogeneration Project. The description included the location of the proposed power plant, identified the applicant, explained the role of the Energy Commission; gave contact information regarding the Energy Commission's mailing lists, Web Site, and Public Adviser.

OUTREACH:

Libraries:

The PAO sent the Valero Cogeneration Project AFC to the Benicia Public Library, Solano County Library, Suisun City Library, and the Vacaville Public Library. To assist the public in locating the AFC, the PAO prepared a library poster to announce the project and display key contact information. Along with the library's AFCs, the PAO sent 25 copies of the project description with detailed information about the proposed power plant. The librarians were asked to place the posters and project descriptions in an area accessible to the public.

Newspapers:

The PAO sent 10,000 newspaper inserts announcing the time, date and location of the Informational Hearing and Site Visit to the Benicia Herald newspaper for distribution to their subscribers in the Benicia area.

NOTICES:

Notice of the Informational Hearing and Site Visit was mailed to the General Public, Property Owners, Agency lists and all parties listed on the Valero Cogeneration Project Proof of Service. The Commission's list server also sent the hearing notice to all subscribers on the Valero Cogeneration electronic notice list.

MEETINGS/HEARINGS:

The Informational Hearing and Site Visit was held on June 12, 2001, in Benicia. The Public Adviser attended the meeting and made a presentation explaining the opportunities for the public to participate in the siting process.

To ensure an accurate analysis of the proposal, the Energy Commission staff held numerous public workshops on August 10, 14, 20, 30, September 23, 28 and October 15, 2001. The topics discussed included air quality, biological resources, cultural resources, waste management, water resources, and socioeconomics.

PUBLIC PARTICIPATION:

The City of Benicia, the Good Neighbor Steering Committee, and several Benicia residents contacted the PAO for assistance with documentation and questions regarding the siting process.

Richard Shepard, resident of Benicia, contacted the PAO requesting Valero maps. The PAO faxed the three maps on July 12, 2001.

Kitty Hammer of Katherine Hammer Consultants contacted the PAO requesting information on public participation and intervention. The PAO faxed Chapters 5, 7 and 8 from the Public Adviser's Guide to Ms. Hammer on June 7, 2001.

DECISION:

The Presiding Members Proposed Position (PMPD) was issued on August 30, 2001.

The Valero Cogeneration Project was approved by the Commission on October 31, 2001.

INTERVENORS:

California Unions for Reliable Energy (CURE), Mark R. Wolfe, Esq.
Petition Filed: June 8, 2001
Order Granted: June 29, 2001

Good Neighbor Steering Committee, Dana Dean
Petition Filed: July 30, 2001
Order Granted: July 31, 2001

City of Benicia, Brenda Gillardep (Principal Planner),
Heather McLaughlin, Esq., & Kitty Hammer (Consultant)
Petition Filed: June 26, 2001
Order Granted: June 29, 2001

Memorandum

To: **Siting Committee**
Commissioner, Robert Laurie, Presiding Member
Commissioner, Arthur Rosenfeld, Associate Member

From: **California Energy Commission** – Roberta Mendonca, Public Adviser
1516 Ninth Street
Sacramento CA 95814-5512
Telephone: (916) 654-4489

Subject: **MAGNOLIA POWER PROJECT** **01-AFC-6**
PUBLIC ADVISER'S STATUS REPORT #1 **October 29, 2001**

The Public Adviser's Office (PAO) appreciates the opportunity to provide the Committee with information pertaining to public participation regarding the Magnolia Power Project (MPP). On May 14, 2001, the Southern California Public Power Authority submitted an Application for Certification (AFC) for a power plant license.

SCOPING:

As soon as the Commission accepted the AFC, the PAO began scoping to research the opportunities for full and adequate participation by members of the public.

In the City of Burbank, the proposed Magnolia Power Project (MPP) is close to local schools, churches, medical facilities, Burbank City Hall and Burbank Public Library.

The PAO created a one-page project description to provide clear and concise information to the public about the MPP. The description includes the location of the proposed power plant, identifies the applicant, explains the role of the Energy Commission; gives contact information regarding the Energy Commission's mailing lists, Web Site and Public Adviser.

OUTREACH:

Libraries:

The PAO sent the MPP AFC to the Buena Vista Branch Library, the Northwest Branch Library, and the Burbank Public Library. To assist the public in locating the AFC, the PAO prepared a poster to announce the project and display key contact information. Along with the library's AFC, the PAO sent 25 copies of the one-page bilingual (Spanish and English) project description with detailed information about the proposed plant. The librarian was asked to place the poster and project descriptions in an area accessible to the public.

Schools:

During the month of June, the PAO distributed an additional 10,000 one-page project descriptions to twelve Burbank elementary, middle, and high schools. In this process the PAO learned that the AFC's school district map was outdated by 15 years as some schools had since been demolished or used for filming purposes. Staff Project Manager has issued a Data Request to obtain a more current map from Applicant.

Other Organizations:

Targeting Burbank churches within three miles of the project site, the PAO sent bilingual project descriptions to 10 churches of various denominations. Some congregations had large numbers from Hispanic, Arabic and Armenian communities.

The PAO arranged for a poster and a bilingual project description to be located in the downtown branch of the Burbank Post Office which is within a mile of the proposed project.

MEETINGS/HEARINGS

On October 15, 2001 the Public Adviser presented an overview of the Energy Commission's siting process at a Community Outreach workshop. Handout materials were available in both English and Spanish. The meeting publicity and translator were arranged by staff as part of environmental justice outreach.

Notice of the Informational Hearing and Site Visit was mailed as required by regulation to the General Public, Property Owners and Agency lists. The Commission's web server also sent the notice to all subscribers to the Magnolia electronic notice list. In addition, the Commission staff placed meeting announcements in the October 18 and 26, 2001 editions of the La Opinion.

The Informational Hearing and Site Visit was held on October 29, 2001, at the Burbank Water and Power Administration Building in Burbank, California. The Public Adviser attended the meeting and made a presentation explaining the opportunities for the public to participate in the siting process. The applicant arranged a special video presentation to include the PAO public outreach materials. The applicant also provided an Armenian interpreter for the Hearing and Site Visit in addition to the Spanish interpreter.

MAGNOLIA POWER PROJECT PUBLIC ADVISER'S STATUS REPORT #2

**01-AFC-06
July 31, 2002**

The Public Adviser's Office (PAO) appreciates the opportunity to provide the Committee with information pertaining to public participation in the Magnolia Power Project (MPP). The previous status report was dated October 29, 2001.

To assist non-English speakers in the community:

The PAO's project description became available in Armenian as the applicant arranged for the document to be translated.

Community Workshops:

The Data Response and Issue Resolution Workshop was held on November 13, 2001 and the Staff Assessment Workshop was held on January 23, 2002. The topics discussed were air quality, biological resources; cultural resources, geology, efficiency; noise; reliability; socioeconomics; traffic and transportation; visual, soil and water resources, transmission system engineering, and worker safety and fire protection.

To ensure an accurate analysis of the proposal, the Energy Commission staff held numerous other workshops. The topics discussed were outstanding issues in the areas of air quality, traffic and transportation, visual resources, soil and water resources and waste management.

The Review Schedule:

During March 2002, the Commission staff petitioned the Committee seeking to convert the MPP review from a 6-month schedule to a 12-month schedule. A Pre-Hearing Conference was held in Sacramento on March 11, 2002. A toll free number was provided to enable public participation. After the hearing the Committee issued an Order Approving Stipulation to Remove AFC from six-month Process and to adopt the twelve-month Schedule.

COMMITTEE CHANGE:

Due to the resignation of Commissioner Laurie in June of 2002, Commissioner John L. Geesman has joined the Committee as the Presiding Member on the Magnolia Power Project.

**MAGNOLIA POWER PROJECT
PUBLIC ADVISER'S STATUS REPORT #3**

**01-AFC-06
December 31, 2002**

The Public Adviser's office (PAO) appreciates the opportunity to provide the Committee with information pertaining to public participation in the Magnolia Power Project. The previous status report was prepared in July 2002.

PUBLIC PARTICIPATION:

The opportunities for public participation have continued throughout the Magnolia Power Project. From the early development of the case, the issues/controversies have not generated public concern.

ANALYSIS:

With the adoption of the twelve-month siting schedule, staff had additional time to address the two significant issues in the case – air quality and soils and water. Unavoidable delays by agencies outside the Commission led to further schedule “slips.”

DECISION-MAKING:

- The Committee held a second Site Visit and Prehearing Conference in Burbank during October. Although the public had an opportunity to participate, there were no comments offered for the record.
- Formal hearings to establish the hearing record were held in Sacramento on November 18, 2002. A toll-free teleconference number was provided to enable public comments. The public adviser attended the hearing, however, the public did not offer comment.
- Release of the Presiding Member's Proposed Decision (PMPD). The Committee anticipates that the PMPD will be released so that hearings and a final decision may be ready in February 2003.

INTERVENORS:

Californians Unions for Reliable Energy (CURE), Mark R. Wolfe, Esq.
Petition Filed: September 27, 2001
Order Granted: October 3, 2001

Memorandum

To: Siting Committee
Commissioner William J. Keese, Presiding Member
Commissioner Robert Pernell, Associate Member

From: California Energy Commission – Roberta Mendonca, Public Adviser
1516 Ninth Street
Sacramento CA 95814-5512

Telephone: (916) 654-4489

**Subject: RUSSELL CITY ENERGY CENTER
PUBLIC ADVISERS'S STATUS REPORT #1**

**01-AFC-07
August 30, 2001**

The Public Adviser's Office (PAO) appreciates the opportunity to provide the Committee with information pertaining to public participation regarding the Russell City Energy Center (RCEC). On May 22, 2001, Calpine/Bechtel Joint Development submitted an Application for Certification (AFC) for a power plant license under the Energy Commission's 6-month review process.

The proposed plant is to be located on 14.7 acres at the southwest corner of the intersection of Enterprise Avenue and Whitesell Street, directly south of the Hayward Water Pollution Control Facility, in the City of Hayward, Alameda County, California.

SCOPING:

As soon as the Energy Commission accepted the AFC, the PAO began scoping to research the opportunities for full and adequate participation by members of the public.

The PAO created a one-page project description to provide clear and concise information to the public about RCEC. The description includes the location of the proposed power plant; identifies the Applicant as Calpine/Bechtel Joint Development; explains the role of the Energy Commission; gives contact information regarding the Energy Commission's mailing lists, Web Site and Public Adviser.

OUTREACH:

Libraries:

The PAO sent the RCEC AFC to the Hayward Public Library. To assist the public in locating the AFC, the PAO prepared a poster to announce the project and display key contact information. Along with the library AFC, the PAO sent 25 copies of the one-page project description with detailed information about the proposed plant. The librarian was asked to place the poster and project descriptions in an area accessible to the public.

Other Organizations:

The Hayward Chamber of Commerce offered to send the one-page project description through their automated membership FAX system and to place the project poster on a bulletin board. Several other businesses, environmental groups and a few churches received the project descriptions and posters for distribution.

Newspapers:

The PAO prepared 8,700 newspaper inserts announcing the time, date and location of the Informational Hearing and Site Visit. The inserts were sent to the Hayward Daily News for distribution to the residents living in the vicinity of the RCEC.

NOTICES:

Notices of the "Informational Hearing and Site Visit" and the "Data Request and Issue Resolution Workshop" were mailed to the General Public, Property Owners, Agency lists and the parties listed on the RCEC Proof of Service. The Commission's list server also sent the notices to all subscribers on the RCEC electronic notice lists.

MEETINGS/HEARINGS:

The Informational Hearing and Site Visit was held on August 7, 2001, at the Hayward City Hall. The Public Adviser attended the meeting and made a presentation explaining the opportunities for the public to participate in the siting process.

To ensure an accurate analysis of the proposal, the Energy Commission staff has held numerous public workshops. The topics discussed were air quality, biological resources, cultural resources, land use, noise, reliability, socioeconomics (including environmental justice), soil and water resources, traffic, and visual resources.

PUBLIC PARTICIPATION:

The PAO received more than 100 bus reservations for the Site Visit, which is approximately five times the average public attendance. In addition, the PAO has responded to numerous public telephone calls requesting information about the RCEC and placement on the project mailing list.

Local residents submitted written comments on several issues. Viola Saima-Barklow, resident, is concerned about visual resources. Janice B. Difino, of Hayward Area Shoreline Planning Agency Citizen Advisory Committee, and Peggy Olofior are concerned about land use. Evelyn Cormier, resident, is concerned about alternative energy sources, soil and water, visual resources and air quality. Shelia Junge, resident, is concerned about biological resources and the siting process. Audrey LePell, resident, is concerned about visual impact and environmental impacts. George Pachood, nearby landowner, supports the RCEC, as feels it will supply additional power needed to support lighting of the areas five High School Football Fields.

Karen Holzmeiter, a Reporter for "The Daily Review" contacted the PAO on September 6, 2001 requesting information about the six-month proposed schedule and completion of the air district's Determination of Compliance. Ms. Holzmeister regularly attended Commission workshops and meetings.

**RUSSELL CITY ENERGY CENTER
PUBLIC ADVISER'S STATUS REPORT #2 - FINAL**

**01-AFC-07
October 12, 2002**

The Public Adviser's Office (PAO) appreciates the opportunity to provide the Committee with information pertaining to public participation in the Russell City Energy Center (RCEC). The previous status report was dated August 30, 2001.

PUBLIC PARTICIPATION:

Preliminary Staff Assessment Outreach:

- The Preliminary Staff Assessment (PSA) for the RCEC was released in November 2001. Workshops to discuss the PSA were scheduled. Because many issues can be resolved during the review of the PSA, the PAO notified residents, environmental groups, associations and organizations that were previously contacted during scoping to assure they had received a copy of the PSA and remind them of the date and time for submitting public comments.
- The Siting staff was able to assist the PAO in sending a PSA to Jakki Kehl, a Native American, who may become involved in this case regarding cultural resources.

Teleconference Call

During December, the Commission staff petitioned the Committee seeking to convert the RCEC review from a 6-month schedule to a 12-month schedule. Mr. Jesus Armus, City Manager of the City of Hayward, notified the PAO of a scheduling conflict for the December 12, 2001, Hearing and Revised Scheduling Conference. The PAO was able to assist Mr. Armus by arranging for a teleconference call.

Biological Resource Issues:

- With the Hayward Shoreland Park nearby, members of the public including Mr. Howard Beckman expressed interest in understanding possible biological impacts from RCEC. Mr. Beckman specifically urged earlier public notice and requested that the Hayward Area Shoreline Planning Agency (HASPA) and 2 local school districts be recipients of meeting notices.
- The Applicant's proposed plans for the mitigation of project impacts to biological resources were discussed at a Biological Resources Workshop held in Sacramento on January 8, 2002. The Draft Wetland Mitigation Plan submitted by the Applicant became the topic and it was concluded that an additional Workshop and Site Visit would be necessary to further understand and address the Mitigation Plan.
- A Biological Resource Workshop and Site Visit was held on February 14, 2002, at the City Hall in Hayward. The workshop included a visit to the project and mitigation sites. The PAO took Site Visit bus reservations from approximately 15 public members plus 6-10 staff members. Site visit participants described the event as very helpful at the follow-up workshop.

SCHEDULE:

The Committee met to discuss the project schedule in Sacramento on January 14, 2002.

Mr. Howard Beckman's comments to the Committee, suggesting that "fast track" procedures are no longer appropriate, were conveyed by the Public Adviser.

DECISION-MAKING PHASE:

- The PAO attended Evidentiary Hearings held at Hayward City Hall on June 20, 2002 to assist with public participation. Ms. Barbara George appeared on June 20 to Petition for Intervenor status. The Committee considered the late filing and denied the Petition. Although she was not a formal party, Ms. George was recognized and participated by offering public comment on each contested hearing issue.
- Mr. Beckman continued his interest in the RCEC and sought assistance from the PAO to file written comments before the issuance of the Presiding Member's Proposed Decision (PMPD) and before full commission consideration of the PMPD.
- The PMPD conference was held on July 31, 2002 at the Hayward City Hall.

DECISION:

- The PMPD was scheduled for consideration on September 11, 2002 at a regularly scheduled business meeting held in Sacramento. Before consideration of the PMPD, however, the Commissioners heard the Request for Reconsideration of Committee Decision to deny Petition to Intervene filed by Ms George. After hearing Ms. George's argument, the Request for Consideration was denied by the Commission. Several members of the public participated in the discussion of the PMPD by teleconference call.
- The PMPD was adopted by the Commission on September 12, 2002, and the project was certified.

INTERVENORS:

California Unions for Reliable Energy; Marc D. Joseph, Esq. & Mark R. Wolfe, Esq.

Petition Filed: July 16, 2001

Order Granted: July 18, 2001

Parker Ventures, LLC; Rehon & Roberts
Petition Filed: August 27, 2001
Order Granted: August 28, 2001

East Bay Regional Park District; Ted Radosevich
Petition Filed: September 21, 2001
Order Granted: September 25, 2001

Women's Energy Matters (WEM), Barbara George, President
Petition Filed: June 20, 2002
Petition Denied: June 20, 2002
Denial Appealed to Full Commission: July 10, 2002
Order Denying WEM's Petition for Review: August 14, 2002

Memorandum

To: **Siting Committee**
Commissioner Robert Pernell, Presiding Member
Chairman William J. Keese, Associate Member

From: **California Energy Commission** – Roberta Mendonca, Public Adviser
1516 Ninth Street
Sacramento CA 95814-5512

Subject: **OCOTILLO ENERGY PLANT
PUBLIC ADVISER'S STATUS REPORT**

Telephone: (916) 654-4489

01-AFC 8**September 25, 2001**

The Public Adviser's Office (PAO) appreciates the opportunity to summarize for the Committee the outreach effort made for the Ocotillo Energy Plant, Informational Hearing and Site Visit. The Ocotillo Energy Plant (OEP) has been accepted as a 4-month siting case.

SCOPING:

As soon as the Energy Commission accepted the AFC, the PAO began scoping to research the opportunities for full and adequate participation by members of the public.

The PAO created a one-page project description to provide clear and concise information to the public about the OEP. The description includes the location of the proposed power plant; identifies the Applicant as Ocotillo Energy LP, explains the role of the Energy Commission; gives contact information regarding the Energy Commission's mailing lists, Web Site and Public Adviser.

OUTREACH:

Libraries:

The PAO sent a copy of the OEP Application for Certification with 25 copies of the one-page project description to the Palm Springs County Library. To assist the public in locating the AFC, the PAO prepared a library poster to announce the project and display key contact information. The librarian was asked to place the poster on a public information bulletin board.

Newspapers:

To encourage public participation early in the process, the Public Adviser delivered more than 10,000 flyers for insertion into the Desert Sun Newspaper. This newspaper is the most widely read in the Palm Springs, North Palm Springs and Desert Hot Springs area.

Other Organizations:

Posters and flyers were sent to several Chambers of Commerce and business associations in the Palm Springs and Desert Hot Springs area.

Local Community:

This area of Palm Springs distributes mail through post office boxes only, so the PAO arranged to send more than 600 project summary flyers to be placed in the Post Office Building where the local resident pick up their mail.

MEETINGS/HEARINGS:

Ms. Mendonca, the Public Adviser, attended the Informational Hearing and Site Visit held on July 30, 2001 in Palm Springs and presented an overview of the opportunities for public participation in the Energy Commissions siting process. Several members of the audience offered written public comments. The PAO docketed the public comments received. The public has concern about how close this plant is to residences, air quality, emission credits and use of water from an underground aquifer.

Ocotillo Energy Plant continued...

The Informational Hearing was continued to a workshop on August 18, 2001. Using contact information from the IH&SV sign-in sheets, the PAO made many area residents aware of the opportunity for public participation via the teleconference phone call.

PUBLIC PARTICIPATION:

The PAO worked with several individuals, groups and agencies to get names added to the mailing list, distributed information about the siting process and assisted several who wanted to file a petition to intervene. Transcripts were provided to one resident who could not attend the meeting and did not have access to a computer to download the information.

When the Hearing Officer and staff decided to hold a teleconference phone call regarding procedures, the Public Adviser's staff assisted by contacting all intervenors and two potential-intervenors to participate in the discussion.

The public has been very involved in local meetings with their elected representatives. The frequent comments concerned the rapid pace of the process and the Applicant's pressure on the community.

Intervenors Theresa Covey and Harold Stone filed data requests seeking additional information on air quality and water impacts. The PAO assisted both intervenors with procedural questions during data request preparation(s) as well as filing and serving the documents.

PUBLIC COMMENT:

These members of the community completed "Public Comment Forms" which were docketed by PAO:

Irene A Farber	Noise, pollution, visual impacts
Audrey Moe	Health hazards, Air quality
Miriam Joseph	Against the project
Karen Serivr	Air quality
Jean Lawrence	Environmental impact
Ruella Gabuyu	Air quality
Jane Garvin	Air quality
D. Nill	Air quality

The PAO responded with answers to e-mails from Livia Kim, Lilliam Wilson, Linda Anne Sroder LVN, June Skillman, Charles Chan and Harold Stone.

WITHDRAWN:

The project was withdrawn September 18, 2001

INTERVENORS:

California Unions for Reliable Energy (CURE), Mark R. Wolfe, Esq.
Resident, Harold Stone
Resident, Theresa Covey
City of Desert Hot Springs City Manager, Joseph Guzzetta
Resident, Daryl Gilbreath

Memorandum

To: Siting Committee
No Committee as not Data Adequate

From: California Energy Commission – Roberta Mendonca, Public Adviser
1516 Ninth Street
Sacramento CA 95814-5512

Telephone: (916) 654-4489

**Subject: GILROY ENERGY CENTER PHASE II PROJECT
PUBLIC ADVISER'S STATUS REPORT**

**01-AFC-9
September 5, 2002**

The Public Adviser's Office (PAO) appreciates the opportunity to provide the Committee with information pertaining to public participation in the Gilroy Energy Center Phase II Project (GECPP). This project was filed as a four-month Application for Certification on June 15, 2001.

The Commission approved Phase 1, Calpine Gilroy City LM6000 Phase I Peaker Project (01-EP-8) a 135 MW (megawatt), under the emergency siting (21-day) review process on May 21, 2001. The proposed GECPP will add 135 MW and occupy approximately nine acres adjacent to the existing Calpine Gilroy Co-Gen Plant.

SCOPING:

As soon as the Energy Commission accepted the AFC, the PAO began scoping to research the opportunities for full and adequate participation by the public.

OUTREACH:

Libraries:

The PAO sent the Gilroy II AFC to the Gilroy Library on Rosanna Street. To assist the public in locating the AFC, the PAO prepared a library poster to announce the project and display key contact information. Along with the library's AFC, the PAO sent 25 copies of the project description with detailed information about the proposed power plant. The librarian was asked to place the posters and project descriptions in an area accessible to the public. The library packet was sent a second time on August 24, 2001, when the library reported they did not receive the first mailing.

Preliminary Steps:

The PAO has taken preliminary steps to identify schools and other organizations that will be contacted when the proposed project becomes Data Adequate.

PUBLIC PARTICIPATION:

To date the public has not been active in Gilroy Energy Center Phase II Project. The main participants in this siting case have been the applicant, Energy Commission staff and affected agencies.

WITHDRAWN:

The proposed project was withdrawn on October 4, 2002 by the applicant.

Memorandum

To: **Siting Committee**
Commissioner, Arthur H. Rosenfeld, Presiding Member
Commissioner, Michael Moore, Associate Member

From: **California Energy Commission** – Roberta Mendonca, Public Adviser
1516 Ninth Street
Sacramento CA 95814-5512

Telephone: (916) 654-4489

Subject: **COLUSA POWER PLANT PROJECT
PUBLIC ADVISER'S STATUS REPORT**

**01-AFC-10
May 14, 2002**

The Public Adviser's Office (PAO) appreciates the opportunity to provide the Committee with information pertaining to public participation regarding the Colusa Power Plant Project (CPPP). On July 6, 2001, Reliant Energy filed an Application for Certification (AFC) for a power plant license under the Energy Commission's standard 12-month review process.

The proposed plant is to be located approximately four miles to the west of Interstate 5 and 14 miles north of the City of Williams, California.

SCOPING:

As soon as the Energy Commission accepted the AFC, the PAO began its scoping process that includes researching the opportunities for full and adequate participation by members of the public.

The PAO created a one-page project description to provide clear and concise information to the public about the CPPP. The description includes the location of the proposed power plant; identifies the Applicant as Reliant Energy, explains the role of the Energy Commission; gives contact information regarding the Energy Commission's mailing lists, Web Site and Public Adviser.

OUTREACH:

Libraries:

On August 8, 2001, the PAO sent a copy of the CPPP AFC to both the Colusa County Library and the Maxwell Branch Library. To assist the public in locating the AFC, the PAO prepared a library poster to announce the project and display key contact information. The librarian was asked to place the poster on a public information bulletin board. Along with the library's AFCs, the PAO sent 25 copies of the one-page project description with detailed information about the proposed power plant.

Local Organizations:

Because the proposed site is located in rural Colusa County, the PAO contacted local community organizations to help bring information to the public about the CPPP and the Energy Commission review process. The Colusa Farm Bureau included the PAO one page project description in their newsletter. During the same week 50 project descriptions were sent to the Sacred Heart Catholic Church and the United Methodist Church in Maxwell and 100 project descriptions to the Maxwell Post Office. The Colusa Country Club received a poster and 25 project descriptions for distribution.

NOTICES:

Notice of the Informational Hearing and Site Visit was mailed to the General Public, Property Owners and Agency lists. The Commission's web server also sent the notice to all subscribers on the CPPP electronic notice list.

MEETINGS/HEARINGS:

The Informational Hearing and Site Visit was held on September 24, 2001, at the Colusa Fairgrounds. The Data Response and Issues Resolution workshop was held on September 26, 2001. The Public Adviser attended and explained opportunities for public participation in the CPPP siting case.

PUBLIC PARTICIPATION:

The PAO received approximately 16 requests for bus reservations for the site visit in Colusa on September 24, 2001.

The issues raised by the public were focused on air quality. While farming is common around Colusa, the nearest neighbor to the proposed plant was an organic seed-producing business which was an uncommon "sensitive receptor".

STATUS CONFERENCE:

The Public Adviser attended the Committee Status Conference held on November 27, 2001. The Energy Commission staff's asserted there was an absence of information from the applicant which prevented staff from reaching a fully informed conclusion regarding the proposed project.

WITHDRAWN:

On May 14, 2002, the proposed Colusa Power Plant Project Application for Certification was withdrawn by the Applicant.

INTERVENORS:

California Unions for Reliable Energy (CURE), Marc D. Joseph, Esq. and Mark R. Wolfe, Esq.
Petition Filed, September 5, 2001
Order Granted, September 7, 2001

Emerald Farms (a California General Partnership) represented by John C Gabrielli Esq
Petition Filed, September 28, 2001
Order Granted, October 24, 2001

Wild Goose Storage, Inc.
Petition Filed, February 13, 2002
Order Granted, February 20, 2002

Memorandum

To: Siting Committee

Not Appointed

From: California Energy Commission – Roberta Mendonca, Public Adviser
1516 Ninth Street
Sacramento, CA 95814-5512

Telephone: (916) 654-4489

**Subject: VERNON/MALBURG GENERATING STATION
PUBLIC ADVISER'S STATUS REPORT**

**01-AFC-11
September 30, 2002**

The Public Adviser's Office (PAO) appreciates the opportunity to provide the Committee with information pertaining to public participation in the Malburg Generating Station. On August 2, 2001, the Applicant, City of Vernon filed an Application for Certification (AFC) for a power plant license under the Energy Commission's expedited four-month review process.

WITHDRAWN:

The PAO was "scoping" for public outreach/participation when the City of Vernon withdrew their AFC (August 23, 2001). The city announced plans of resubmitting a revised AFC at a later date.

Memorandum

To: Siting Committee

Chairman William J. Keese, Presiding Member
Commissioner James Boyd, Associate Member

From: California Energy Commission – Roberta Mendonca, Public Adviser

1516 Ninth Street
Sacramento, CA 95814-5512

Telephone: (916) 654-4489

**Subject: LOS ESTEROS CRITICAL ENERGY FACILITY
PUBLIC ADVISER'S STATUS REPORT #1**

**01-AFC-12
November 5, 2001**

The Public Adviser's Office (PAO) appreciates the opportunity to provide the Committee with information pertaining to public participation in the Los Esteros Critical Energy Facility (LECEF). On August 6, 2001, the Applicant, Calpine c* Power submitted an Application for Certification (AFC) for Phase I of the LECEF requesting a four-month expedited review.

Notice of this meeting was mailed as required by regulation to the General Public, Property Owners and Agency lists. The Commission's web server also sent the notice to all subscribers to the Los Esteros electronic notice list.

A one-page project description and poster was developed by the PAO for the Los Esteros Critical Energy Facility. The project description and the poster were in English and Spanish. The Application for Certification (AFC), project descriptions and poster were sent to the Martin Luther King, Jr. Main Library and to the Alviso Branch Library in San Jose.

To encourage public participation early in the process, the Public Adviser delivered:

- Twelve thousand newspaper inserts (English-Spanish) to the San Jose Mercury News to be inserted for newspaper subscribers who live around the plant area. The insert contained specific information regarding the time and place for the Informational Hearing and Site Visit, the local libraries where the AFC could be located, the Energy Commission's Web Site address and contact information for the PAO.
- Four thousand copies of the same insert to the El Observador, a Spanish newspaper, because the Alviso area has a high Hispanic population.
- Five hundred and thirty inserts were sent home with the children who attend Mayne Elementary School, which is located near the proposed project. The inserts were first approved by the Santa Clara Unified School District.
- Fifty inserts, a poster, an AFC and other documents were sent to an environmental professor at San Jose State, Dr. Rachel O'Malley at her request.
 - Intervenor information was supplied upon request to the Milpitas City Attorney, Gayatri Schilberg representing the COALITION, the East Bay Regional Park District and William J. Garbett of T.H.E. P.U.B.L.I.C.
 - The insert was made available to the following organizations for distribution: JBS Energy, the Environmental Defense Center, the Loma Prieta Chapter of the Sierra Club and TURN (Toward Utilities Rate Normalization).
 - The Public Adviser sent an Application for Certification to the office of Councilman Chuck Reede. His office sent an electronic copy of the Public Adviser's one-page project description to more than 600 constituents and made them available at the most recent community meeting.

Councilman Reede's staff was instrumental in directing the AFC to the most accessible local libraries and advised the PAO that material should be translated into Spanish when possible. The PAO then requested that the Applicant consider providing Spanish translation for the Informational Hearing and Site Visit.

In addition, the PAO has been responsive to calls from the public requesting additional information and future notices. A bus reservation list was developed by the PAO and provided to the Applicant to assist in planning for the Informational Hearing and Site Visit.

**LOS ESTEROS CRITICAL ENERGY FACILITY
PUBLIC ADVISER'S STATUS REPORT #2**

**01-AFC-12
March 6, 2002**

The PAO has been actively responding to public and intervenor requests for information and documentation:

- Expected by November 12, 2001, the Bay Area Air Quality Management District's (BAAQMD) Final Determination of Compliance (FDOC) for air quality was delayed. While the FDOC is sent to staff and filed, but because the air district is not usually a formal party, the FDOC is not routinely served. Intervenors and interested public who want to review the FDOC must usually make arrangements to obtain a copy of the document. Due to the strict time frame under the four-month process, the Public Adviser copied and distributed the FDOC to the Los Esteros intervenors on November 29, 2001.
- Similarly, and the Committee ruling establishing briefing schedule on the City of Milpitas petition to remove the project from the four month process were sent by the PAO to all intervenors and the interest list for Los Esteros on November 29, 2001.
- Gayatri Schilberg representing intervenor The Utility Reform Network, Environmental Defense and Sierra Club (The Coalition) has reported several delays in receiving Energy Commission mail. As a result, PAO has faxed information on several occasions when it was not available on the Web Site and has responded with information via e-mail on many occasions.
- On January 7, 2001 the PAO received a phone call from William Garbett with T.H.E. P.U.B.L.I.C., an intervenor. He reported that he had not received the notice for the Staff Assessment workshop "in time." The PAO forwarded the mail problem to the project manager and included the intervenors' concerns on air quality and procedural problems. The e-mail was docketed by the PAO.
- On February 20, 2002 Mr. Garbett asked the Public Adviser to docket two documents on his behalf and was asked to forward the Proof of Service indicating the documents had been served to all other parties. Mr. Garbett was reminded about the POS requirement during a phone conversation and again in writing sent by U.S. Mail on March 1, 2002.
- Because so many issues can be resolved during the review of the Staff Assessment, on January 15, 2002, the PAO made calls to the public participants who had communicated their interest to the PAO. The call served two purposes; (1) assure that the participant had received a copy of the Staff Assessment and (2) a reminder of the date and time for the comment deadline.
- The Public Adviser answered procedural questions posed by John Bakker, who represented the City of Milpitas on January 30, 2002. On March 5, 2002 the PAO was informed that the firm for which Mr. Bakker worked had a conflict of interest and would be replacing him immediately with Mr. Joseph J. Brecher. Mr. Brecher was faxed requested documentation and provided information to help bring him up-to-date with the siting case.
- The Supplement to the Staff Assessment was issued on February 7, 2002, public and intervenor comments were due on February 15, 2002. Due to mailing delays, some participants had very little time to review, prepare and complete a timely response. When notified, the PAO delivered documents to assist both the public and the Commission staff.

Los Esteros Critical Energy Facility continued...

- The PAO reviewed all notices that were prepared by staff and the hearing office. Phone calls from the media were referred to the Commission's media department.
- During the month of February, Ms. Mendonca provided background information on Pre-Hearing Conference Briefs (excerpts from The Public Adviser's Guide and some sample formats) to an intervenor wanting guidance in brief procedures.

**LOS ESTEROS CRITICAL ENERGY FACILITY
PUBLIC ADVISER'S STATUS REPORT #3 - FINAL**

**01-AFC-12
August 30, 2002**

COMMITTEE CHANGE:

Due to the expiration of Commissioner Moore's term in June of 2002, Commissioner James Boyd has joined the Committee as the Associate Member on the Los Esteros Critical Energy Facility.

MEETINGS/HEARINGS:

Formal Evidentiary Hearings to collect testimony on disputed facts were scheduled for March and held in San Jose, CA. The City of Milpitas, an intervenor, filed a petition to remove the LECEF from the 4-month review. The Committee held the filing moot as the 4-month analysis had in fact extended to 8 months. Evidentiary Hearings were held in San Jose on March 11, 12 & 13, 2002.

DECISION:

At the July 2, 2002 Business Meeting, the Commission adopted the LECEF Presiding Member's Proposed Decision and the order certifying the project was granted July 3, 2002.

INTERVENORS:

California Unions for Responsible Energy (CURE), Mark R. Wolfe, Esq.
Filed: September 27, 2001
Granted: October 19, 2001

The Utility Reform Network, Environmental Defense & Sierra Club (The COALITION), Robert Finkelstein, Esq.
Filed: October 9, 2001
Granted: October 25, 2001

T.H.E. P.U.B.L.I.C., William J. Garbett, Agent
Filed: October 9, 2001
Granted: October 25, 2001

City of Milpitas, Joseph J. Brecher, Esq.
Filed: October 19, 2001
Granted: October 25, 2001

Note: The December 5, 2001 Proof of Service list indicated that the San Joaquin Valley Unified Air Pollution Control District as an intervenor was incorrect.

Memorandum

To: Siting Committee
Not appointed

From: California Energy Commission – Roberta Mendonca, Public Adviser
1516 Ninth Street
Sacramento, CA 95814-5512

Telephone: (916) 654-4489

Subject: SPARTAN I ENERGY CENTER
PUBLIC ADVISER'S PRELIMINARY STATUS REPORT

01-AFC-13
December 19, 2001

The Public Adviser's Office (PAO) appreciates the opportunity to provide the Committee with information pertaining to public participation in the Spartan I Energy Center (SIEC). This project was filed as a six-month Application for Certification (AFC) on August 9, 2001, by Spartan Power LLC. The location of the site is at 1980 South Seventh Street in the City of San Jose, Santa Clara County, California.

SCOPING:

As soon as the Energy Commission accepted the AFC, the PAO began scoping to research the opportunities for full and adequate participation by members of the public.

The PAO created a one-page project description to provide clear and concise information to the public about the SIEC. The description includes the location of the proposed power plant; identifies the Applicant as Spartan Power LLC, explains the role of the Energy Commission; gives contact information regarding the Energy Commission's mailing lists, Web Site and the Public Adviser.

OUTREACH:

Libraries:

At the beginning of the scoping process, the PAO sent a copy of the SIEC AFC to the Martin Luther King Main Library, the Empire Branch Library and the Bibliotech Latino American Branch Library. To assist the public in locating the AFC, the PAO prepared a library poster to announce the project and display key contact information. The librarian was asked to place the poster on a public information bulletin board. Along with the library's AFCs, the PAO sent 25 copies of the one-page project description with detailed information about the proposed power plant.

Schools:

During the month of August the PAO sent 3,000 project descriptions to the San Jose Unified School District for distribution to the students.

Local Organizations etc:

The Public Adviser prepared an outreach letter, which was mailed, to dozens of Mobile Home Park managers in the area close to the proposed plant. Each letter included 20 project descriptions. Churches of the major denominations were also notified as well as the San Jose Chamber of Commerce and the Santa Clara Black Chamber of Commerce.

PUBLIC COMMENTS:

- Jill Wirtjes of Mountain View contacted the PAO in July to learn about the Spartan application and asked how community members can be involved in the permitting process.
- Annika and Carlos Leet of San Jose communicated on a regular basis with the PAO to request information about the project.
- The Health and Environmental Justice Project of Silicon Valley sent a list of about 125 signatures from people opposing the project to the PAO for docketing on September 18, 2001.

Spartan I Energy Center continued...

WITHDRAWN:

The proposed project was withdrawn on November 21, 2002 by the Applicant.

INTERVENORS:

William Garbett (T.H.E. P.U.B.L.I.C.)
Petition Filed, October 5, 2001

Memorandum

To: **Siting Committee**
Commissioner, John L. Geesman, Presiding Member
Commissioner, William J. Keese, Chairman and Associate Member

From: **California Energy Commission** – Roberta Mendonca, Public Adviser
1516 Ninth Street
Sacramento CA 95814-5512

Subject: **ROSEVILLE ENERGY FACILITY
PUBLIC ADVISER'S STATUS REPORT**

Telephone: (916) 654-4489

**01-AFC-14
August 5, 2002**

The Public Adviser's Office (PAO) appreciates the opportunity to provide the Committee with information pertaining to public participation in the Roseville Energy Facility (REF). On August 10, 2001, the Roseville Energy Facility, LLC, which is a wholly owned subsidiary of Enron North American Corporation, filed an Application for Certification (AFC) for a power plant license under the Energy Commission's standard twelve-month review process.

The proposed site is to be located adjacent to the City of Pleasant Grove's Wastewater Treatment Plant (PGWTP) and is planned to be constructed at 5052 Phillip Road in Roseville, California.

SCOPING:

As soon as the Energy Commission accepted the AFC, the PAO began scoping to research the opportunities for full and adequate participation by members of the public.

The PAO created a one-page project description to provide clear and concise information to the public about REF. The description includes the location of the proposed power plant, identifies the applicant, explains the role of the Energy Commission; gives contact information regarding the Energy Commission's mailing lists, Web Site, and Public Adviser.

OUTREACH:

Libraries:

The PAO sent the REF AFC to the Sutter County Library in Yuba City, and the Sacramento County Library in Antelope. To assist the public in locating the AFC, the PAO prepared a library poster to announce the project and display key contact information. Along with the library's AFCs, the PAO sent 25 copies of the project description with detailed information about the proposed power plant. The librarians were asked to place the posters and project descriptions in an area accessible to the public.

Schools:

After obtaining permission from the Superintendent of the Roseville School District the PAO prepared a short article describing the REF. The article was published and distributed in their school newspapers in October of 2001.

Newspapers:

The PAO prepared 5,000 newspaper inserts (in both English and Spanish) announcing the Informational Hearing and Site Visit which were inserted into the November edition of the Roseville Press News. The inserts were targeted to zip codes of Roseville Press News subscribers closest to the proposed REF. The inserts were sent to the Roseville Press Newspaper for distribution in their November edition.

NOTICES:

Notices of the Informational Hearing and Site Visit and various Workshops were mailed to the General Public, Property Owners and Agency mailing lists. The Commission's list server also sent notices to all subscribers on the REF electronic notice list.

Roseville Energy Facility continued...

MEETINGS/HEARINGS:

The Informational Hearing and Site Visit were both held on November 27, 2001, at the Woodcreek Golf Clubhouse in Roseville. The Public Adviser attended and explained opportunities for public participation in the REF project.

To ensure an accurate analysis of the proposal, the Energy Commission staff has held numerous public workshops. A "Data Response, Issues & Soil and Water Data Request Workshop" was held on January 28, 2002, and a "Data Response, Issues Resolution Workshop" was held April 3, 2002. Both workshops were held at the Woodcreek Golf Clubhouse in Roseville. The topics discussed at the workshops included air quality, biological resources, land use, water and soil resources.

COMMITTEE CHANGE:

Due to the resignation of Commissioner Laurie in June of 2002, Commissioner John L. Geesman has joined the Committee as the Presiding Member on the Roseville Energy Facility Project.

STATUS:

On August 5, 2002, the Roseville Energy Facility, L.L.C. requested that the California Energy Commission place the REF project in suspension for one year.

WITHDRAWN:

The proposed project was withdrawn on November 19, 2002 by the Applicant.

INTERVENORS:

California Unions for Reliable Energy (CURE), Marc D. Joseph, Esq. and Mark R. Wolfe, Esq.
Petition Filed 10/22/01
Order Granted 10/24/01

Sacramento Municipal Utilities District (SMUD). Lourdes Jimenez-Price, Esq.
Petition Filed 11/13/01
Order Granted 11/20/01

Maurice Oppenheim
Petition Filed 3/4/02
Order Granted 3/6/02

Memorandum

To: Siting Committee
Project not Data Adequate

From: California Energy Commission – Roberta Mendonca, Public Adviser
1516 Ninth Street
Sacramento CA 95814-5512

Telephone: (916) 654-4489

**Subject: SOUTH STAR CO-GENERATION PLANT
PUBLIC ADVISER'S STATUS REPORT**

**01-AFC-15
June 30, 2002**

The Public Adviser's Office (PAO) appreciates the opportunity to provide the Committee with information pertaining to public participation in the South Star Co-generation Plant (SSCP). This project was filed as a six-month Application for Certification (AFC) on August 13, 2001, by South Star Co-generation.

The proposed site is to be located approximately 1.5 miles south of the unincorporated town of Fellows, California, and approximately 2.5 miles west-northwest of the City of Taft, California in Western Kern County.

SCOPING:

As soon as the Energy Commission accepted the AFC, the PAO began scoping to research the opportunities for full and adequate participation by members of the public.

The PAO created a one-page project description to provide clear and concise information to the public about the SSCP. The description includes the location of the proposed power plant, identifies the Applicant as South Star Co-generation, LLC, explains the role of the Energy Commission, gives contact information regarding the Energy Commission's mailing list, Web Site and Public Adviser.

OUTREACH:

Libraries:

The PAO sent the SSCP AFC to the Kern County Library (Taft Branch). To assist the public in locating the AFC, the PAO prepared a library poster to announce the project and display key contact information. The librarian was asked to place the poster in an accessible area to the public. Along with the library's AFC, the PAO sent 25 copies of its one-page project description with detailed information about the proposed project.

Schools/Churches:

During the first week of October, the PAO sent letters describing the proposed project and inviting public participation to the Taft Union High School Principal and to area churches from the major denominations.

STATUS:

The proposed project was placed on hold as a direct result of staff's August 28, 2001 recommendation that the AFC was not data adequate. Since that date, Applicant has not pursued the matter.

WITHDRAWN:

This project was withdrawn by the applicant on November 27, 2002.

Memorandum

To: Siting Committee

Commissioner, Robert Pernell, Presiding Member
Commissioner, Robert A. Laurie, Associate Member

From: California Energy Commission – Roberta Mendonca, Public Adviser

1516 Ninth Street
Sacramento, CA 95814-5512

Telephone: (916) 654-4489

**Subject: TRACY PEAKER PROJECT
PUBLIC ADVISER'S STATUS REPORT #1**

**01-AFC-16
January 24, 2002**

The Public Adviser's Office (PAO) appreciates the opportunity to provide the Committee with information pertaining to public participation regarding the Tracy Peaker Project. On August 3, 2001, the applicant, GWF Energy, LLC submitted an Application for Certification (AFC) for the Tracy Peaker Project requesting an expedited 4-month review process.

The proposed TPP is located southwest of the City of Tracy. If licensed and constructed, TPP will be situated around mostly agricultural property. The 10.3 acre fenced site is part of a 40-acre parcel in an unincorporated portion of San Joaquin County.

SCOPING:

As soon as the Commission accepted the AFC, the Public Adviser began scoping to research the opportunities for full and adequate participation by members of the public.

The Public Adviser's office developed a one-page project summary to provide clear and concise information to the public about the TPP. The TPP summary included a description and location of the proposed power plant, identified the applicant, GWF, explained the role of the Energy Commission, and gave contact information to the Energy Commission's mailing list, Web Site, and Public Adviser.

OUTREACH:**Libraries:**

The PAO sent the TPP AFC to the Tracy Public Library. To assist the public in locating the AFC, the PAO prepared a poster to announce the project and display key contact information. Along with the library AFC, the PAO sent 25 copies of the one-page project summary and a poster. The librarian was asked to place the poster and project summaries in an area where the public can access the information.

Schools:

During the month of October the PAO contacted the Byron School District. While the District declined to distribute flyers to students, they did publish an article prepared by the PAO in the Byron School District newsletter describing the TPP. The article also informed readers about the Energy Commission process and provided key contact information.

Newspapers:

During the month of November the PAO prepared information for delivery via newspapers in the Tracy area. The English-Spanish "insert" announced the Informational Hearing and Site Visit and 11,000 copies were distributed through the Tracy Press News.

NOTICES:

Notice of the Informational Hearing and Site Visit was mailed to the General Public, Property Owners and Agency lists. The Commission's web server also sent the notice to all subscribers to the TPP electronic notice list.

MEETINGS/HEARINGS:

The Public Adviser presented an overview of the Energy Commission's Siting Process to members of the public attending the Data Response/Issue Resolution Workshop at the Holiday Inn in Tracy on November 20, 2001.

At the Informational Hearing and Site Visit held on November 28, 2001, the Public Adviser explained opportunities for public participation in the TPP siting case.

The PAO attended three workshops; the latest ones attended were a Data Response Workshop on January 9, 2002, and the Committee's Pre-hearing Conference and Revised Committee Schedule held on January 24, 2002.

PUBLIC PARTICIPATION:

The PAO received approximately 12 requests for bus reservations for the site visit in Tracy on November 28, 2001.

The public speakers in support of TPP addressed the project's economic benefits to the community including; good jobs and reliable energy. While other speakers mentioned their concerns with possible negative health impacts and the inappropriate location of TPP.

Public Comment Forms:

Local residents submitted written comments, which were docketed by the PAO:

Scott Stewart	Air Quality concerns
Ena Aquirre	Air Quality, economic benefits, water, environmental impact concerns.

Public Contacts and E-mails:

- J Tyler Reves, Legislative Assistant to Lynn G. Bedford, County Supervisor 5th District: Presented a resolution from the San Joaquin County Board of Supervisors opposing the power plant;
- Irene Sundberg, Tracy Planning Commissioner. She has concerns about the impact on Tracy's air quality especially on the schools.
- Tom Neuerburg, property owner. Firefighter and is concerned about staffing and equipment to handle emergencies
- Blarne J. Hill, LDS Church. The LDS Church is building a new church and church school on the premises. Their issues are public health, pollution and noise.
- Senator Michael J. Machado's district representative, Robert Kellar, has contacted the PAO and attended the last workshop.
- John C. Lee, M.A., C.D.T., opposes the project. He plans to build a dental technology school less than 1,000 feet from the project.
- Several interested public who are local teachers have raised concerns about public health and school children.
- Paula Buenavista, a local property owner, with small children. She has major concerns about air quality and public health.
- Dr. Makker, a resident of Tracy who has interest in the project and especially public health.

OUTREACH:

To assure that members of the community with an interest in the siting case know about up-coming events, the PAO often creates and maintains project contacts in the PAO's Amicus database. The cumulative contact-list includes the names of people who either attended workshops or call the PAO. When a group of 378 signatures on opposing TPP Petitions were received and docketed, the PAO added 178 families whose petition address included a zip code and were legible to the database.

Responding to several contacts from Tracy-area residents, who were confused about "which plant" and "which meeting," the PAO prepared a map indicating the location of TPP. The map distinguished the TPP

from two other proposed power plants in close proximity, Tesla and East Altamont. The map and a reminder of the Pre-hearing Conference were mailed to interested parties on January 11, 2002.

Members of the public expressed concern that they had not received the needed information in order to respond appropriately for the upcoming hearings. Even though regulations provide that a Petition to Intervene should be filed at least 30 days prior to the beginning of Evidentiary Hearings (Cal. Code Regs., tit. 20, sec.1207(b)), in this instance the Siting Committee made an exception and extended the intervention deadline to the January 24, 2002, Pre-hearing Conference date.

**TRACY PEAKER PLANT
PUBLIC ADVISER'S STATUS REPORT — Final**

**01-AFC-16
September 10, 2002**

The PAO appreciates the opportunity to provide the Committee with information pertaining to public participation regarding the TPP.

PUBLIC PARTICIPATION:

Opposition Petitions

The PAO received more than 1,300 petitions signed by Tracy residents in opposition to the power plant. All petitions were docketed by the PAO, copied and prepared for internal distribution.

INTERVENOR ASSISTANCE:

Prior to the Evidentiary Hearings, the Public Adviser met with a group of intervenors in Tracy on March 1, 2002 to discuss procedural issues. She assisted them with their written communications in preparation for the Evidentiary Hearings.

PAO also assisted Irene Sundberg who had questions about how to prepare and file a brief. Ms. Sundberg was mailed sample briefs from other cases to serve as a format "model."

FORMAL EVIDENTIARY HEARINGS:

All of the six Evidentiary Hearings were held in Tracy. The PAO attended all hearings to be a resource for the public participants and intervenors.

- The first Evidentiary Hearing was well attended with participants in over-flow mode having to stand at the back of the room. Held at the Holiday Inn on March 6, 2002, the meeting began at 5 p.m. and continued until 11 p.m.
- Public participation was aided at the second Evidentiary Hearing by an improved sound system provided by the Applicant. The Public Adviser printed and distributed 40 color copies of eight of the staff's "visual aids" used to explain the staff's findings and conditions offered on Air Quality and Cumulative Impact. Beginning at 5 p.m. on March 7, 2002, the hearing continued until 12:30 a.m.
- The Public Adviser attended the remaining hearings all held locally in Tracy during the day on March 8, 13, 14 and 28, 2002.

DECISION:

At the July 17, 2002 Business Meeting, the Commission adopted the Presiding Member's Proposed Decision and certified TPP.

On August 23, 2002, Intervenor Robert Sarvey filed a Statement in Opposition to Petition for Writ of Mandate, requesting that the Supreme Court deny the "Petition for Writ on the Review of the Decision of the California Energy Commission."

Tracy Peaker Plant continued...

INTERVENORS:

California Unions for Reliable Energy (CURE), Mark R. Wolfe, Esq., and Marc D. Joseph Esq.

Petition Filed: 11/2/02

Order granted: 11/8/02

Robert Sarvey, Tracy resident

Petition Filed: 12/3/01

Order Granted: 12/11/02

Irene Sundberg, Planning Commissioner, Tracy Resident

Petition Filed: 1/15/01

Order Granted: 1/22/02

James M. Hooper, Tracy Resident

Petition Filed: 1/17/02

Order Granted: 1/23/02

Larry Cheng c/o Michael Weed, Esq., Tracy Resident

Petition Filed: 1/23/02

Order Granted: 1/28/02

Valley Land Co. c/o Timothy D. Taron Esq. & George M. Carpenter Esq.

Petition Filed: 1/24/02

Order Granted 1/28/02

Withdrawn: 2/13/02

Dennis C. Noble, Esq., Tracy Resident

Petition Filed: 1/23/02

Order Granted 1/28/02

Ena Aguirre, Tracy Property Owner

Petition Filed: 1/18/02

Order Granted: 1/28/02

City of Tracy c/o Debra E. Corbett, Esq., City Attorney

Petition Filed: 1/23/02

Order Granted 1/28/02

Charles J. Tusso c/o Howard Seligman, Esq.

Petition Filed: 1/22/02

Order Granted: 1/30/02

Memorandum

To: Siting Committee
Commissioner Robert Pernell, Presiding Member
Commissioner James Boyd, Associate Member

From: California Energy Commission – Roberta Mendonca, Public Adviser
1516 Ninth Street
Sacramento, CA 95814-5512

Telephone: (916) 654-4489

**Subject: INLAND EMPIRE PROJECT
PUBLIC ADVISER'S STATUS REPORT**

**01-AFC-17
April 30, 2002**

The Public Adviser's Office (PAO) appreciates the opportunity to provide the Committee with information pertaining to public participation in the Inland Empire Project. On August 17, 2001, the applicant, Inland Empire, LLC filed an Application for Certification (AFC) for the Inland Empire Power Project (IEPP) requesting a 12-month review process.

SCOPING:

As soon as the Energy Commission accepted the AFC, the Public Adviser began scoping to research the opportunities for full and adequate participation by members of the public.

The PAO developed a one-page, bilingual (English-Spanish), project description to provide clear and concise information to the public about the IEPP. The description included the location of the proposed power plant, identified the Applicant as Inland Empire, LLC, explained the role of the Energy Commission, and gave contact information for the Energy Commission's mailing lists, Web Site and Public Adviser.

OUTREACH:

Libraries:

The PAO sent a copy of the AFC with 25 copies of the one-page, bilingual, project description to the Caesar Chavez Library and the Riverside Main Library. To assist the public in locating the AFC, the PAO prepared a library poster and neighborhood poster to announce the project and display key contact information. The librarians were asked to place the project posters and project descriptions in an area accessible to the public.

Schools:

To inform the public about the Energy Commission's first formal meeting, the PAO sent 1,700 copies of the bilingual, project description to the Romoland School District for distribution to its students on Oct. 25, 2002.

Other Organizations:

The PAO sent 25 copies of the bilingual project description to the Perris Valley Chamber of Commerce and the Good Shepherd Lutheran Church in Menifee, CA.

Newspapers:

The PAO also sent 10,000 bilingual (English/Spanish) newspaper inserts announcing the Informational Hearing and Site Visit to the Press Enterprise Newspaper. The inserts were included with the January 28, 2002 edition and delivered to subscribers in Perris, CA, Romoland, CA, Moreno Valley, CA and Hemet, CA.

NOTICE:

Notice of the Informational Hearing and Site Visit has been mailed to the General Public, Property Owners and Agency mailing lists as soon as it was signed. The Commission's list server also sent the notice to all subscribers on the IEPP electronic notice list.

MEETINGS/HEARINGS:

The Site Visit and Informational Hearing were both held in Perris, CA on January 30, 2002. The Public Adviser attended and presented an overview of the Energy Commission's siting process and also explained opportunities for public participation in the IEPP siting case.

To learn more about the proposed project the staff issued questions (Data Requests) directed to the Applicant. To follow up, a Data Response Issue Resolution Workshop was held on February 26, 2002, in Perris, California. The workshop covered the following topics: land use, noise, hazardous materials, public health and environmental justice and air quality. The Public Adviser was in attendance and was available to all members of the public to assist them in the process. The meeting was well attended with the public speakers that supported the IEPP and addressed the project's economic benefits to the community while speakers with concerns mentioned the possibility of health impacts and the inappropriate location of IEPP as being too close to local public schools.

PUBLIC PARTICIPATION:

There is strong public interest in this project. The PAO received approximately 40 requests for bus reservations for the site visit on January 30, 2002. The number of public participants in attendance at workshops has not matched the considerable number of early participants.

**INLAND EMPIRE PROJECT
PUBLIC ADVISER'S STATUS REPORT #2**

**01-AFC-17
October 31, 2002**

On August 14 and 26, 2002, Preliminary Staff Assessment (PSA) Workshops were held so that the public, staff and Applicant could discuss the PSA and staff could also answer any questions regarding their assessment. The workshops were held in Perris, California. Grace Bos attended the August 14 workshop as the PAO's representative. The remaining issues that still need to be dealt with before staff issues their Final Staff Analysis are as follows: air quality, biology, land use, and visual.

COMMITTEE CHANGE:

On August 14, 2002, Commissioner James Boyd replaced Commissioner Michael Moore whose term expired in June 2002. Commissioner Boyd is serving as the Associate Member to Presiding Member Robert Pernell on the Siting Committee for this project.

**INLAND EMPIRE PROJECT
PUBLIC ADVISER'S STATUS REPORT #3**

**01-AFC-17
December 31, 2002**

Staff submitted their 8th status report on November 14, 2002. At the writing of the report they were still working on the Final Staff Assessment. Also on November 14, 2002, the California Department of Education wrote a letter to staff in which they were still recommending that the Romoland School District pursue the alternative site for its proposed school site as opposed to the originally planned Ashby site.

INTERVENORS:

California Unions for Reliable Energy (CURE)
Marc D. Joseph, Esq. and Mark R. Wolfe, Esq.
Petition Filed: December 31, 2001
Order Granted: December 31, 2001

Romoland School District
c/o Mark Luesebrink, Jeffrey M. Oderman,
Rutan & Tucker, Attorneys at Law
Petition Filed: January 14, 2002
Order Granted: January 18, 2002

Memorandum

To: **Siting Committee**
Commissioner Arthur Rosenfeld, Presiding Member
Commissioner James Boyd, Associate Member

From: **California Energy Commission** – Roberta Mendonca, Public Adviser
1516 Ninth Street
Sacramento, CA 95814-5512

Telephone: (916) 654-4489

Subject: **HENRIETTA PEAKER POWER PROJECT
PUBLIC ADVISER'S STATUS REPORT**

**00-AFC-18
June 30, 2002**

The Public Adviser's Office (PAO) appreciates the opportunity to provide the Committee with information pertaining to public participation in the Henrietta Peaker Power Project (HPPP). On August 27, 2001, the applicant, GWF Energy, LLC, filed an Application for Certification (AFC) for the HPPP requesting an expedited 4-month review. It was later approved for the 12-month process.

SCOPING:

As soon as the Energy Commission accepted the AFC, the PAO began scoping to research the opportunities for full and adequate participation by members of the public.

The PAO created a one-page project description to provide clear and concise information to the public about the HPPP. The description includes the location of the proposed power plant; identifies the Applicant; explains the role of the Energy Commission; gives contact information regarding the Energy Commission's mailing lists, Web Site and Public Adviser.

OUTREACH:

Libraries:

The PAO sent the HPPP AFC to the Lemoore Branch Library. To assist the public in locating the AFC, the PAO prepared a library poster and neighborhood poster to announce the project and display key contact information. Along with the library's AFC, the PAO sent 25 copies of a one-page project description with detailed information about the proposed project. The librarian was asked to place the posters and project descriptions in an area accessible to the public.

Schools:

The PAO contacted three school district offices in the Lemoore area to inquire if their students could take home information prepared by the PAO regarding the proposed plant. Unfortunately, none of the school districts granted the PAO permission.

Community Outreach:

The Public Affairs Officer at the Lemoore Naval Air Station was contacted by the PAO for assistance with outreach to the public closest to the proposed HPPP. He agreed to duplicate and distribute copies of the project description and the newspaper insert for distribution on the base. He also stated he would announce the proposed Informational Hearing and Site Visit on the base's local cable station.

Newspapers:

The PAO prepared 3,000 bilingual (English and Spanish) newspaper inserts announcing the time, date and location of the Informational Hearing and Site Visit. The inserts were sent to the Lemoore Advance Newspaper to be included in its delivery on November 1, 2001, to the cities of Lemoore, Fresno, Hanford, and Stratford, CA.

NOTICE:

Notice of the Informational Hearing and Site Visit was mailed to the General Public, Property Owners, Agency lists and the parties listed on the HPPP Proof of Service. The Commission's list server also sent the notice to all subscribers on the HPPP electronic notice list.

MEETINGS/HEARINGS:

The Informational Hearing and Site Visit were both held on Thursday, November 8, 2001, at the Lemoore City Council Chambers, 429 C Street, Lemoore, California. The Public Advisor attended and explained opportunities for public participation in the HPPP.

To ensure an accurate analysis of the proposal, the Energy Commission staff has held numerous public workshops and hearings. A "Data Response and Issues Resolution Workshop" was held on November 20, 2001. A "Pre-hearing Conference and Evidentiary Hearing" was held on January 4, 2002. Both events were held at the California Energy Commission, 1516 Ninth Street, Sacramento, California. A teleconference line was set up in order for the members of the public, who could not be present, to participate.

The Presiding Member's Proposed Decision (PMPD) was released on January 31, 2002. The PMPD conference was set for February 23, 2002, and public comments on the PMPD were due by March 4, 2002.

DECISION:

The PMPD was adopted by the Commission on March 5, 2002 and the project was certified.

COMMITTEE CHANGE:

Due to the expiration of Commissioner Moore's term in June of 2002, Commissioner James Boyd has joined the Committee as the Associate Member in the compliance stages of the Henrietta Peaker Power Project.

INTERVENORS:

California Unions for Reliable Energy (CURE); Marc D. Joseph, Esq. and Mark R. Wolfe, Esq.
Petition Filed: November 2, 2001
Order Granted: November 16, 2001

Memorandum

To: Siting Committee

Commissioner Robert Pernell, Presiding Member
Commissioner Arthur Rosenfeld, Associate Member

From: California Energy Commission – Roberta Mendonca, Public Adviser

1516 Ninth Street
Sacramento, CA 95814-5512

Telephone: (916) 654-4489

**Subject: SMUD COSUMNES POWER PLANT PROJECT
PUBLIC ADVISER'S STATUS REPORT**

**01-AFC-19
August 1, 2001**

The Public Adviser's Office (PAO) appreciates the opportunity to provide the Committee with information pertaining to public participation in the Cosumnes Power Plant (CPP). On September 13, 2001, Sacramento Municipal Utilities District (SMUD), filed an Application for Certification (AFC) for a power plant license under the Energy Commission's standard 12-month review.

The proposed project site is to be located on approximately 30 acres of a 2,500-acre parcel owned by the SMUD on which the Rancho Seco Plant is located. The site is in Sacramento County, approximately four miles north of the San Joaquin County line, and five miles west of Amador County.

SCOPING:

As soon as the Energy Commission accepted the AFC, the PAO began scoping to research the opportunities for full and adequate participation by members of the public.

The PAO created a bilingual (English/Spanish) one-page project description to provide clear and concise information to the public about the CPP. The description includes the location of the proposed power plant; identifies the Applicant as SMUD, explains the role of the Energy Commission; gives contact information regarding the Energy Commission's mailing lists, Web Site and Public Adviser.

OUTREACH:**Libraries:**

The PAO sent the CPP AFC to both the Galt Neighborhood Library and the Elk Grove Branch Library. To assist the public in locating the AFC, the PAO prepared a library poster to announce the project and display key contact information. Along with the library's AFCs, the PAO sent 25 copies of the project description with detailed information about the proposed power plant. The librarians were asked to place the posters and project descriptions in an accessible area to the public.

Schools:

The PAO sent 4,700 copies of the project description to the Galt Joint Union Elementary School District for distribution among the five schools within the district.

Other Organizations:

The PAO sent 3,500 copies of the project description to the Galt Chamber of Commerce for distribution among its membership.

Newspapers:

In addition 16,000 copies of a newspaper insert, written by the PAO were sent to the Galt Herald Newspaper. The insert listed the time, date and location of the Informational Hearing and Site Visit. The Galt Herald Newspaper covers the communities of Galt, Rancho Murietta and Wilton.

NOTICES:

Notices of the Informational Hearing and Site Visit and various Workshops were to the General Public, Property Owners and Agency mailing lists. The Commission's list server also sent the notices to all subscribers on the CPP electronic notice list.

MEETINGS/HEARINGS:

The Informational Hearing and Site Visit was held on December 19, 2001, at the Hendrickson Hall, 12746 Ivie Road, Hearld, California. The Public Adviser attended and explained opportunities for public participation in the CPP project. An additional Site Visit was held on January 23, 2002.

To ensure an accurate analysis of the proposal, the Energy Commission staff has held numerous public workshops. "Data Response Workshops" and "Issue Resolution Workshops" were held on January 24, May 15 and June 11, 12, 13, 18 and 25, 2002. The topics discussed at the workshops have included waste management, cultural resources, traffic and transportation, water and soil resources.

PUBLIC PARTICPATION:

Local residents have attended workshops and meetings to express concerns about cultural resources, traffic and transportation, water and soil resources and noise.

John W. Burton made public comments on the topics of alternative energy and George R. Kalange made comments regarding gas line placement.

Barbara Dieter, an intervenor from Winters complimented the PAO stating the staff has been so helpful in assisting her and the PAO'S Siting Process-Practice and Procedure Guide is informative.

Jerry Mensch, an intervenor representing the California Sportfishing Protection Alliance, contacted the PAO to discuss submitting Data Requests. He felt there is excessive water use by the applicant in building the plant. He later decided against submitting Data Requests as he found the answers to his question in previously docketed items.

Kathryn Peasha, an intervenor and local resident, voiced concern that some of the hearing/workshops were being held in Downtown Sacramento, rather than in the area of the CPP. The PAO provided procedural assistance to Ms. Peasha who prepared Data Requests covering questions about the proposed Access Road to CPP, alternate routing of construction traffic, noise, and cost analysis of the lay down area.

**SMUD COSUMNES POWER PLANT PROJECT
STATUS REPORT #2**

**01-AFC-19
October 25, 2002**

Energy Commission staff held Preliminary Staff Analysis (PSA) Workshops on August 26, 28 and September 5 and 24, 2002. Several of the workshops were held in the evening near the project site and several were held at the Commission. The meetings with public participation tended to be those held locally. The topics covered included: Air Quality, Biological Resources, Hazardous Materials, Noise and Vibration, and Water and Soils Resources. The Applicant and Commission staff members review and discuss contested preliminary conclusions and conditions of certification in the PSA Workshop forum. The Final Staff Analysis is not expected until November 2002.

**SMUD COSUMNES POWER PLANT PROJECT
STATUS REPORT #3**

**01-AFC-19
December 31, 2002**

Comments were received from Kathryn Peasha (intervenor) and Karen French (resident) in regard to the project's impacts on visual resources and biological resources. Staff responded to the concerns via a letter written to Kathryn Peasha.

SMUD Cosumnes Power Plant Project continued...

INTERVENORS:

California Unions for Reliable Energy (CURE), Marc D. Joseph, Esq.
Petition Filed: January 29, 2002
Order Granted: March 25, 2002

Kathryn Peasha , property owner
Petition Filed: March 25, 2002
Order Granted: March 27, 2002

California Sport Fishing Protection Alliance, Jerry Mensch
Petition Filed: May 8, 2002
Order Granted: May 21, 2002

Coalition for Fair Employment in Construction, Eric Christen
Petition Filed: May 9, 2002
Order Granted: June 3, 2002

Barbara Dieter, Winters property owner
Petition Filed: July 31, 2002
Order Granted: August 2, 2002

Memorandum

To: Siting Committee
Commissioner Jim Boyd, Presiding Member
Commissioner William Keese, Associate Member

From: California Energy Commission – Roberta Mendonca, Public Adviser
1516 Ninth Street
Sacramento CA 95814-5512

Telephone: (916) 654-4489

**Subject: AVENAL POWER PROJECT
PUBLIC ADVISER'S STATUS REPORT**

**01-AFC-20
October 30, 2002**

The Public Adviser's Office (PAO) appreciates the opportunity to provide the Committee with information pertaining to public participation in the Avenal Energy Project (AEP). On October 9, 2001, Duke Energy filed an Application for Certification (AFC) for a power plant license under the Energy Commission's standard 12-month review.

The proposed project site is located in the agricultural region of the southwestern San Joaquin Valley (Kings County), in the northeast corner of the City of Avenal, on industrially zoned lands approximately six miles from the closest urban population.

SCOPING:

As soon as the Energy Commission accepted the AFC, the PAO began scoping to research the opportunities for full and adequate participation by members of the public.

The PAO created a one-page, bilingual (English-Spanish) project description to provide clear and concise information to the public about the AEP. The description includes the location of the proposed power plant; identifies the Applicant as Duke Energy; explains the role of the Energy Commission; gives contact information regarding the Energy Commission's mailing lists, Web Site and Public Adviser. Also 575 copies of the project description were sent to the local Chamber of Commerce for distribution among its membership in January 2002.

OUTREACH:

Libraries:

The PAO sent the AEP AFC to both the Kettleman City Branch Library and the Avenal Branch Library. To assist the public in locating the AFC, the PAO prepared a library poster and neighborhood poster to announce the project and display key contact information. Along with the library's AFCs, the PAO sent 25 copies of the one-page project description with detailed information about the proposed project. The librarians were asked to place the posters and project descriptions in an area accessible to the public.

NOTICES:

Notice of the Informational Hearing and Site Visit was mailed to the General Public, Property Owners, Agency lists and all parties listed on the AEP Proof of Service. The Commission's list server also sent the hearing notice to all subscribers on the AEP electronic notice list.

MEETINGS/HEARINGS:

The Informational Hearing and Site Visit was held on January 28, 2002, at the City of Avenal Community Center. The Public Adviser attended the meeting and made a presentation explaining the opportunities for the public to participate in the siting process.

Avenal Energy Project continued...

To learn more about the proposed project, the staff issued questions (Data Requests) directed to the Applicant. Subsequently, the Data Response and Issues Resolution Workshop that addressed the staff's Data Requests and Applicant's responses was held on March 6, 2002, at the City of Avenal Community Center.

When the staff completes their preliminary analysis of the AFC, they issue a draft report termed Preliminary Staff Assessment (PSA). The PSA was scheduled to be out by April 18. Staff did not meet this date because they were waiting for the Department of Water Resources' concurrence with the project's proposed water transfer as well as the San Joaquin Valley Unified Air Pollution Control District's preliminary determination of compliance (PDOC) for this project. The Air District's delay was due to comments from staff and the U.S. Environmental Protection Agency about the best available control technology (BACT) levels and District air permits. The same issues were also present in the Air District's PDOC for San Joaquin Valley Energy Center's which is under the same air district as the Avenal project. The PSA was released on September 9, 2002.

PUBLIC PARTICIPATION:

Prior to the commencement of the certification process, data adequacy hearings were held in Sacramento on November 14, and December 19, 2001. At both of the hearings, the Mayor, Deputy Mayor and members of the Council of the City of Avenal, gave supportive testimony. The same city representatives were also proactive at the Informational Hearing held on January 28, 2002.

The PAO received numerous requests for bus reservations for the site visit from interested members of the public. The Informational Hearing held in Avenal was well attended. The Applicant and the AEP have the full and enthusiastic support of elected officials in the City of Avenal for this project. And the same can be said for the city's residents who have attended Commission meetings.

CURRENT STATUS:

The project has been suspended until May 2003 per the request of Applicant.

INTERVENORS:

California Unions for Reliable Energy (CURE), Marc D. Joseph, Esq. and Mark R. Wolfe, Esq.
Petition Filed: December 21, 2001
Order Granted: January 10, 2002

Memorandum

To: Siting Committee
Commissioner, John L. Geesman, Presiding Member
Commissioner, Arthur Rosenfeld, Associate Member

From: California Energy Commission
1516 Ninth Street
Sacramento, CA 95814-551

Telephone: (916) 654-4489

**Subject: TESLA POWER PLANT
PUBLIC ADVISER'S STATUS REPORT #1**

**01-AFC-21
October 8, 2002**

The Public Adviser's Office (PAO) appreciates the opportunity to provide the Committee with information pertaining to public participation in the Tesla Power Plant (TPP). On October 12, 2001, the applicant, Midway Power, LLC, a subsidiary of Florida Power and Light (FLP), submitted an Application for Certification (AFC) to the California Energy Commission (CEC) seeking approval to construct a nominal 1,120 megawatts (MW) natural gas-fired combined cycle power plant.

The proposed TPP will be constructed on a 160-acre parcel in Alameda County, approximately 0.5 miles north of the PG&E Tesla substation and 1 mile south of the Altamont Speedway. Midway Road (site access) borders the east and a railroad right-of-way borders the north; Tracy is eight miles southwest and Livermore is ten miles northeast.

SCOPING:

As soon as the Energy Commission accepted the AFC, the PAO began scoping to research the opportunities for full and adequate participation by members of the public.

The PAO created a one-page project description to provide clear and concise information to the public about the TPP. The description includes the location of the proposed power plant; identifies the Applicant, explains the role of the Energy Commission; gives contact information regarding the Energy Commission's mailing lists, Web Site and Public Adviser.

OUTREACH:

Libraries:

The PAO sent the TPP AFC to the Livermore Civic Center Library, Brentwood Branch Library and the Tracy Branch Library. To assist the public in locating the AFC, the PAO prepared a poster to announce the project and display key contact information. Along with the library AFC, the PAO sent 25 copies of the one-page project description and the poster.

Schools:

During the month of December 2001, the PAO contacted the Mountain House Elementary School and requested approval to distribute the project description to their students. In January 2002, approval was obtained and 75 copies of the project description were sent to Mountain House Elementary School.

Newspapers:

In addition 17,990 copies of a newspaper insert, written by the PAO were sent to the Tri Valley Herald ANG Newspaper. The insert listed the time, date and location of the Informational Hearing and Site Visit. The Tri Valley Herald Newspaper covers the communities of Livermore and Tracy.

NOTICES:

Notices of the Informational Hearing and Site Visit and various Workshops were mailed to the General Public, Property Owners and Agency mailing lists. The Commission's list server also sent the notices to all subscribers to the TPP electronic notice list.

Tesla Power Plant continued...

MEETINGS/HEARINGS:

The Public Adviser presented an overview of the Energy Commission's Siting Process to members of the public attending the Informational Hearing and Site Visit held on February 19, 2002. The Public Advisor also explained opportunities for public-participation in the TPP siting case.

The PAO attended the Issues Resolution and Data Response Workshop on March 25 & 26, 2002 at the Elks Lodge in Livermore. The PAO also attended the workshops on September 24 & 25, 2002 in Tracy, where the public was invited to participate and provide comments on the Preliminary Staff Assessment.

PUBLIC PARTICIPATION:

The PAO received approximately 18 requests for bus reservations for the site visit of TPP on February 19, 2002.

The PAO responded to phone calls from residents who were building houses in the area near the proposed TPP. The residents were concerned with the noise aspect of the TPP. After answering preliminary questions, the callers were also referred to the AFC.

COMMITTEE CHANGE

Due to the retirement of Commissioner Laurie in June of 2002, Commissioner John L. Geesman is now serving as Presiding Member and Commissioner Arthur Rosenfeld is the Associate Member for the Tesla Power Plant Project Siting Committee.

TESLA POWER PLANT PUBLIC ADVISER'S STATUS REPORT #2

**01-AFC-21
ecember 31, 2002**

The Public Adviser's Office (PAO) appreciates the opportunity to provide the Committee with information pertaining to public participation in the Tesla Power Plant (TPP). The previous status report was dated October 8, 2002

OUTREACH, PUBLIC CONTACTS and PARTICIPATION:

- The Public Adviser continued to inform members of the public who had voiced concern in projects of close proximity to the Tesla project of upcoming workshops as requested.
- Debbie Courtney and Deborah Byrne, both residents of Elverta, who had previously been concerned with the Rio Linda Project expressed interest in the Tesla project.

MEETINGS/HEARINGS:

An Issue Resolution Workshop was held at the CEC in Sacramento on November 14, 2002. The PAO attended to assist the public participants including Ms. Courtney, Ms. Byrne, and Ms. Sarvey. Fire safety at the TPP site appeared to be the participant's main concern. Susan Sarvey also expressed a concern about displacement of the Kitt Fox.

The Public Adviser provided an Intervenor packet to Ms. Barbara George, who was present and in the past represented the organization called "Women's Energy Matters".

Due to the EPA challenging the PM10 calculations the Final Determination and Compliance is delayed and the air credit issue is unresolved. Other unresolved issues include:

- Biology
- Land Use (A Williamson Act contract cancellation with approval by the Alameda Board of Supervisors is required.
- Visual (landscape plans to be finalized).
- Water Supply Source.

Tesla Power Plant continued...

INTERVENORS:

Robert Sarvey, Tracy resident

Petition Filed: 02/11/02

Order Granted: 2/14/02

California Unions for Reliable Energy (CURE), Marc D. Joseph, Esq. & Mark R. Wolfe, Esq.

Petition Filed: 1/11/02

Order Granted: 2/13/02

San Joaquin Valley Air Pollution Control District, Seyed Sadredin

Petition Filed: 2/15/02

Order Granted: 2/20/02

Californians for Renewable Energy, Inc (CARE), Michael Boyd

Petition Filed: 5/3/02

Order Granted: 9/17/02

Memorandum

To: Siting Committee

Commissioner Arthur Rosenfeld, Presiding Member
Commissioner Robert A. Laurie, Associate Member

From: California Energy Commission – Roberta Mendonca, Public Adviser

1516 Ninth Street
Sacramento, CA 95814-5512

Telephone: (916) 654-4489

**Subject: SAN JOAQUIN VALLEY ENERGY CENTER
FORMERLY CENTRAL VALLEY ENERGY CENTER PROJECT
PUBLIC ADVISER'S STATUS REPORT**

**01-AFC-22
June 30, 2002**

The Public Adviser's Office (PAO) appreciates the opportunity to provide the Committee with information pertaining to public participation in the Central Valley Energy Center Project (CVEC). On October 31, 2001, the Applicant, Central Valley Energy Center, LLC, a Calpine subsidiary, filed an Application for Certification (AFC) for the Central Valley Energy Center Project requesting a six-month review process.

The proposed project is to be located in the City of San Joaquin, Fresno County, to the west of the intersection of W. Colorado Avenue and Springfield Avenue, adjacent to the Pacific Gas & Electric's Helm substation.

NAME CHANGE:

The Applicant filed a request on March 8, 2002, for a formal name change of this project. The new name for the project is San Joaquin Valley Energy Center (SJVEC).

SCOPING:

As soon as the Energy Commission accepted the AFC, the PAO began its scoping process that includes researching the opportunities for full and adequate participation by members of the public.

The PAO created a one-page bilingual (English-Spanish) project description to provide clear and concise information to the public about SJVEC. The description included the location of the proposed power plant; identified the Applicant as Calpine, explained the role of the Energy Commission; and gave contact information regarding the Commission's mailing lists, Web Site and Public Adviser.

Libraries:

The PAO sent copies of the SJVEC AFC to the San Joaquin Neighborhood Library and the Tranquility Branch Library. To assist the public in locating the AFC, the PAO prepared posters to announce the project and display key contact information. Along with the AFCs and posters the PAO sent 25 copies of the bilingual project description which included detailed information about the proposed project. The librarians were asked to place the posters and project descriptions in areas accessible to the public.

Schools:

The PAO contacted the Golden Plains Unified School District in San Joaquin, CA about sending project descriptions home with the students in the district, but was not able to arrange this activity.

Newspapers:

The PAO prepared a bilingual (English-Spanish) newspaper insert listing the time, date and location of the Informational Hearing and Site Visit. The PAO sent 6,700 copies of the insert to the Fresno Bee. The inserts were delivered to all of the Fresno Bee's subscribers in the communities of San Joaquin, Mendota, Fireball and Kerman.

NOTICES:

Notices of the Informational Hearing and Site Visit were mailed to the General Public, Property Owners, Agency lists and all parties listed on the SJVEC Proof of Service. The Commission's list server also sent the notice to all subscribers on the SJVEC electronic notice list.

MEETINGS/HEARINGS:

The Public Adviser prepared materials to describe the opportunities for public participation in the Energy Commission's review process for SJVEC. The materials were available at the Informational Hearing held on February 7, 2002, in San Joaquin. The materials and meeting speakers also explained opportunities for public participation in the SJVEC siting case.

SJVEC topics covered by staff were noise, hazardous materials, public health, and transmission system engineering and visual resources. These discussions were held at the Data Response/Issue Resolution Workshops (Data Responses are answers to questions submitted to the Applicant by staff) on April 30, 2002, and May 2, 2002, at the Energy Commission Headquarters.

PUBLIC PARTICIPATION:

There were approximately six requests for bus reservations received by the PAO for the site visit in San Joaquin on February 7, 2002.

The City of San Joaquin's Mayor and City Council indicated their full support for this project in comments and letters provided to the Siting Committee at the Informational Hearing.

Mr. Keith Freitas, a local property owner, made public comment at the Informational Hearing. He asked several questions of both the Committee and the Applicant. In his questions concerning water, Mr. Freitas asked about "sludge", "sludge odors" and "disposal of sludge". Mr. Freitas also asked about SJVEC's infrastructure design in relation to growth expansion and whether or not the project was economically efficient. Mr. Freitas raised concerns about SJVEC's proximity to the wetlands and the possible threat of terrorist activities due to SJVEC.

**SAN JOAQUIN VALLEY ENERGY CENTER
PUBLIC ADVISER'S STATUS REPORT # 2**

**01-AFC-22
October 31, 2002**

COMMITTEE CHANGE:

Commissioner John L. Geesman joined Presiding Member Rosenfeld on August 14, 2002. Associate Member Geesman replaced Commissioner Laurie who resigned in June 2002.

SCHEDULE:

The SJVEC project qualified for the expedited six-month review when accepted by the Commission on October 9, 2002. Seven months into the case, Applicant requested a change to the 12-month review procedure. The Commission's staff was opposed to this change. The Committee reviewed the parties' arguments at the Committee's Scheduling Conference that was held on October 11, 2002, in Sacramento. The Committee determined that the project should be changed to the 12-month review.

**SAN JOAQUIN VALLEY ENERGY CENTER
PUBLIC ADVISER'S STATUS REPORT # 3**

**01-AFC-22
December 31, 2002**

An Addendum to the Staff's Analysis was released for mailing and down loaded to the web site on December 24, 2002. The Final Determination of Compliance written by the US EPA was released to staff on or about December 5, 2002.

PUBLIC PARTICIPATION:

Keith Freitas, a property owner, corresponded via e-mail with the PAO regarding his opposition to the proposed project, because of its proximity to his property. The correspondence was docketed by the PAO. Another e-mail was subsequently received from Keith Freitas wherein he requested from the PAO the information on how to become an intervenor in the SJVEC Project. This office complied with his request and sent him a copy of the Siting Guide along with blank Petition to Intervene forms and other related materials.

Letters were written to Matt Trask, on November 4, 2002, by local residents in San Joaquin, regarding Calpine's Residential Sound Attenuation Program. This program would include several upgrades to the letter writers' homes at Applicant's expense. The letters were all docketed in the month of November.

INTERVENORS:

California Unions for Reliable Energy (CURE), Marc D. Joseph, Esq. and Mark R. Wolfe, Esq.
Petition Filed: January 11, 2002
Order Granted: January 16, 2002

Memorandum

To: Siting Committee

From: California Energy Commission – Roberta Mendonca, Public Adviser

1516 Ninth Street
Sacramento, CA 95814-5512

Telephone: (916) 654-4489

**Subject: LOS BANOS VOLTAGE SUPPORT FACILITY
PUBLIC ADVISER'S STATUS REPORT**

**01-AFC-23
June 30, 2002**

The Public Adviser's Office (PAO) appreciates the opportunity to provide the Committee with information pertaining to public participation in the Los Banos Voltage Support Facility. On November 19, 2001, the Applicant, Cummins West, Inc., filed an Application for Certification (AFC) for the Los Banos Voltage Support Facility (LBVSF) requesting a six-month review.

SCOPING:

As soon as the Energy Commission accepted the AFC, the PAO began its scoping process that includes researching the opportunities for full and adequate participation by members of the public.

The PAO created a one-page bilingual (English-Spanish), project description to provide clear and concise information to the public about the LBVSF. The description included the location of the proposed power plant; identified the Applicant as Cummins West, Inc., explains the role of the Energy Commission; gives contact information regarding the Energy Commission's mailing lists, Web Site and Public Adviser.

The PAO wrote a letter to the Los Banos Chamber of Commerce advising them of the proposed LBVSF and included with the letter copies of the bilingual, project description for the chamber staff to distribute to its members.

OUTREACH:

Libraries:

The PAO sent copies of the AFC with 25 copies of the bilingual, one-page, project description to the Los Banos, Dos Palos and Gustine Branch libraries. To assist the public in locating the AFC, the PAO prepared a library poster and neighborhood poster to announce the project and display key contact information. The librarians were further requested to place the posters on the library's public information bulletin board.

STATUS:

LBVSF was determined to be not data adequate. The Applicant requested suspension of the certification process on May 15, 2002.

Memorandum

To: Siting Committee

Commissioner John L. Geesman, Presiding Member
Chairman William Keese, Associate Member

From: California Energy Commission – Roberta Mendonca, Public Adviser
1516 Ninth Street
Sacramento, CA 95814-5512

Telephone: (916) 654-4489

**Subject: PALOMAR ENERGY PROJECT
PUBLIC ADVISER'S STATUS REPORT #1**

**01-AFC-24
June 30, 2002**

The Public Adviser's Office (PAO) appreciates the opportunity to provide the Committee with information pertaining to public participation in the Palomar Energy Project (PEP). On November 28, 2001, Palomar Energy LLC, a Sempra Energy Development Company, filed an Application for Certification (AFC) for a power plant license under the Energy Commission's standard 12-month review process.

The proposed project site is located in the City of Escondido, San Diego County, east of Interstate 15 and south of State Highway 78, about 600 feet southwest of the intersection of Vineyard Avenue and Enterprise Street. The proposed plant is planned for a vacant 20-acre site of the planned Escondido Research and Technology Center industrial park (also known as Quail Hills Specific Planning Area.)

SCOPING:

As soon as the Energy Commission accepted the AFC, the PAO began its scoping process that includes researching the opportunities for full and adequate participation by members of the public.

The PAO created a one-page project description to provide clear and concise information to the public about the PEP. The description includes the location of the proposed power plant; identifies the Applicant as Palomar Energy LLC; explains the role of the Energy Commission; gives contact information regarding the Energy Commission's mailing lists, Web Site and Public Adviser.

OUTREACH:**Libraries:**

The PAO sent the PEP AFC to the Valley Center Public Library, the East Valley Branch Library and the Escondido Public Library. To assist the public in locating the AFC, the PAO prepared a library poster to announce the project and display key contact information. Along with AFCs sent to the libraries also included were 25 copies of the one-page project description with detailed information about the proposed project. The librarians were asked to place the posters and project descriptions in an area accessible to the public.

Newspapers:

The PAO prepared bilingual (English and Spanish) newspaper inserts announcing the time, date and location of the Informational Hearing and Site Visit. The inserts were sent to the "North County Times Newspaper" for distribution to 18,000 residents in the Palomar Energy Project vicinity.

Schools:

To further inform the public about the Informational Hearing and Site Visit, the PAO sent 900 bilingual notices to the Knob Hill Elementary School in San Marcos and 3,500 bilingual notices to the Escondido Union School District for distribution among the three schools within the district.

PAO Mailing:

Using a mail list developed during the Commission's review of the Escondido Calpeak Project, the PAO sent 320 announcements about the Informational Hearing and Site Visit and the proposed PEP.

NOTICES:

Notices of the "Informational Hearing and Site Visit" and the "Data Request and Issue Resolution Workshop" were mailed to the General Public, Property Owners, Agency lists and the parties listed on the PEP Proof of Service. The Commission's list server also sent the notices to all subscribers on the PEP electronic notice lists.

MEETINGS/HEARINGS:

The Informational Hearing and Site Visit was held on March 21, 2002. The Public Adviser attended the meeting and made a presentation explaining the opportunities for the public to participate in the siting process.

To ensure an accurate analysis of the proposal, the Energy Commission staff has held numerous public workshops. The topics discussed were Air Quality, Biological and Cultural Resources, Geology and Paleontology, Land Use, Plant Reliability and Efficiency, Socioeconomics, Traffic and Transportation, Transmission System Engineering, Visual Resources, Soil and Water Resources and Worker Safety and Fire Protection.

PUBLIC PARTICIPATION:

The PAO received 50 bus reservations for the Site Visit held on March 21, 2002. In addition, the PAO has received a number of telephone calls and e-mails concerning the PEP.

Local residents submitted written comments on several issues:

- Mark Rodriguez, resident: concerns about not meeting federal (LAER) emission rates for Nox or BACT, lack of agency awareness of the project, and cooling tower emissions due to use of reclaimed water.
- Morrison Tollepson, resident: concerns about pollution, potential terrorist target.
- Julie Taylo, resident: concerns about air quality and noise.
- Laurie Lewis, resident: concerns about electric and magnetic field levels and air quality.

The PAO docketed the comments and added these names to the project mailing list.

COMMITTEE CHANGE:

Due to the resignation of Commissioner Laurie in June of 2002, Commissioner John L. Geesman is now serving as the Presiding Member on the Palomar Energy Project.

**PALOMAR ENERGY PROJECT
PUBLIC ADVISER'S STATUS REPORT #2**

**01-AFC-24
December 31, 2002**

The Public Adviser's Office (PAO) appreciates the opportunity to provide the Siting Committee with information pertaining to public participation in the Palomar Energy Project (PEP). The previous status report was dated June 30, 2002.

PUBLIC PARTICIPATION:

Local resident Mark Rodriguez has followed the progress of the siting case closely. Mr. Rodriguez has submitted suggestions and public comment to the PAO who has docketed and distributed the materials to the parties. The submissions include:

Palomar Energy Project continued...

- Letters of Opposition 6/1; 7/14; 8/10; 8/30
- Comments on Transmission System Issues Workshop 8/30;
- Editorial Article from San Diego Union Tribune 9/1;
- Comments covering the Escondido Research and Technology Center (ERTC) as two separate projects 9/18;
- Email with concerns about location and source of each ERC (Emission Reduction Credit) Sempra is purchasing for Palomar + air quality and cooling tower drift 9/22;
- Comments and concerns with Staff's analysis including air quality 11/12

Mr. Horn sent a letter of Opposition to PEP to the Commission on 10/26/02.

The Sierra Club's letter Requesting Reconsideration of the Cooling Method for Palomar was docketed on 10/28/02.

INTERVENOR PARTICIPATION:

Intervenor Powers' (Powers Engineering) participation has includes:

In an effort to encourage staff consideration of his concerns about the use of recycled water instead of dry cooling for the PEP, Intervenor Powers requested a delay in the staff's assessment for the project. After consideration, the Committee issued an Order on 8/19 Denying Bill Powers "Request to Delay Publication of PSA." Intervenor Powers sought additional information from the Applicant in the area of dry cooling by filling 3 sets of Data Requests. The Applicant responded to the Data Requests, although in September (9/20/02) Applicant objected to some of the questions.

Intervenor Powers participated in the review of the Staff's Preliminary Staff Assessment (issued 8/27/02) as well as the workshop covering air quality, biological resources and transmission system engineering held in Escondido 9/19/02.

Intervenor Powers filed a "Petition for Committee Workshop on the Subject of Alternative Cooling Options" on 9/26/02. The Committee denied the Petition which was opposed by Staff (Committee shouldn't have workshop on topic to be resolved at evidentiary hearing) and the Applicant (Petition should be treated as comments on the PSA). The Committee Order issued on 10/7/02 asked staff to cover the dry cooling topic in a workshop.

SCHEDULE:

Staff planned to complete their analysis of the PEP by issuing the Final Staff Assessment (FSA) after the Workshop on Air Quality and Cooling held in Escondido on 10/22/02.

INTERVENORS:

California Unions for Reliable Energy, Mark R. Wolfe, Esq. & Marc D. Joseph, Esq.

Petition Filed: 2/14/02

Order Granted: 4/20/02

Cabrillo Power LLC

Petition Filed: 3/15/02

Order Granted: 3/25/02

Bill Powers Engineering

Petition Filed: 4/08/02

Order Granted: 4/15/02

Memorandum

To: Siting Committee
Commissioner, James D. Boyd, Presiding Member
Commissioner, Robert Pernell, Associate Member

From: California Energy Commission – Roberta Mendonca, Public Adviser
1516 Ninth Street
Sacramento, CA 95814-5512

Telephone: (916) 654-4489

**Subject: MALBURG GENERATING STATION
PUBLIC ADVISER'S STATUS REPORT**

**01-AFC-25
December 31, 2002**

The Public Adviser's Office (PAO) appreciates the opportunity to provide the Committee with information pertaining to public participation regarding the Malburg Generating Station. On December 21, 2001, the City of Vernon filed an Application for Certification (AFC) for a power plant license under the Energy Commission's standard six-month review.

The proposed generating station is to be located on approximately 3.4 acres of the City of Vernon's existing Malburg Generating Station. The proposed site is 2715 East 50th Street, Vernon, California.

SCOPING:

As soon as the Energy Commission accepted the AFC, the PAO began scoping to research the opportunities for full and adequate participation by members of the public.

The PAO created a one-page project description to provide clear and concise information to the public regarding the Malburg Generating Station. The description includes the location of the proposed generating station; identifies the Applicant as "The City of Vernon"; explains the role of the Energy Commission; gives contact information regarding the Energy Commission's mailing lists, Web Site and Public Adviser.

OUTREACH:

Libraries:

The PAO sent the Malburg Generating Station AFC to the Huntington Park County Library in Huntington Park, California. To assist the public in locating the AFC, the PAO prepared a library poster to announce the project and display key contact information. Along with the library's AFC, the PAO sent 25 copies of the project descriptions with detailed information about the proposed power plant. The librarian was asked to place the poster and project descriptions in an area accessible to the public.

Schools:

The PAO sent 300 copies of the project description to the Vernon City Elementary School for distribution to their students.

Other Organizations:

The PAO sent 100 copies of the project description to the Chamber of Commerce and to the City of Vernon, Utilities Department for distribution to the public. The Utilities Department Project Manager placed the project description on the front page of their summer edition of the "Vernon Journal".
Malburg Generating Station continued...

Newspapers:

The PAO prepared 4,500 bilingual (English/Spanish) newspaper inserts announcing the time, date and location of the Informational Hearing and Site Visit. The inserts were sent to "The Wave" newspaper for distribution in their June 26, 2002 edition. "The Wave" covers the communities of Huntington Park, Maywood, Commerce and Bell.

Further Outreach:

The PAO sent 300 copies of the bilingual (English/Spanish) notification announcing the time, date and location of the Informational Hearing and Site Visit to the Vernon City Elementary School, 100 copies to Chamber of Commerce, and 100 copies to the City of Vernon, Utilities Department, for distribution to their members and students.

NOTICES:

Notices of the "Informational Hearing and Site Visit" and the "Data Request and Issue Resolution Workshop" were mailed to the General Public, Property Owners, Agency lists and the parties listed on the Malburg Generating Station Proof of Service. The Commission's list server also sent the notices to all subscribers on the Malburg Generating Station electronic notice lists.

MEETINGS/HEARINGS:

The "Information Hearing and Site Visit" and the "Data Request and Issue Resolution Workshop" were held on July 1, 2002, at the Vernon City Hall, Vernon, California. The Public Adviser attended and explained opportunities for public participation in the proposed Malburg Generating Station.

The Public Adviser received bus reservations from Chandrashekha Bhatt, John Yee, Gabriel Bautista (City of Huntington Park), and Mark Tettermer (Central Basin Municipal Water District).

PUBLIC PARTICIPATION:

- The Gabrielino Tongva Tribal Council has expressed concerns on the adequacy of mitigation measures designed to protect the cultural resources of their tribal group during the construction of the generating station and associated pipelines.
- Mr. Irving Pacheco, Field Representative for Assemblyman Marco Firebaugh's office has expressed interest in the project and has been added to the Energy Commission's mailing list.
- Ms. Cynthia Verdugo Peralta, the Governor's Appointee to the South Coast Air Quality Management District has also expressed interest in the project and had some concerns about the emission control device and the ability for ammonia slippage and the trucking of it. Ms. Verdugo Perlata was added to the Energy Commission's mailing list.
- The Staffs analysis of the AFC was presented to the public at the October 16, 2002 Staff Assessment Workshop in Vernon. The public had the opportunity to comment on the staff's review and analysis of the AFC, but no public comments were filed when the document was released.
- An addendum to the Staff Assessment was released on December 23, 2002. Staff identified Air Quality was an area of special concern due to potential construction emissions exceeding State and Federal standards in all categories except SO₂. The Addendum, however, shows that emission impacts are fully mitigated on both a daily and annual basis through the purchase of Priority Reserve Credits (PRC's).

STATUS:

At the end of December, the case moved into the decision making phase.

INTERVENORS:

California Unions for Reliable Energy (CURE), Marc D. Joseph, Esq. & Katherine S. Poole, Esq.
Petition Filed: August 29, 2002
Order Granted: September 4, 2002

Memorandum

To: **Siting Committee**
Commissioner, William Keese, Presiding Member
Commissioner, Arthur Rosenfeld, Associate Member

From: **California Energy Commission** – Roberta Mendonca, Public Adviser
1516 Ninth Street
Sacramento CA 95814-5512

Telephone: (916) 654-4489

Subject: **BLYTHE ENERGY PROJECT PHASE II
PUBLIC ADVISER'S STATUS REPORT**

**02-AFC-01
December 31, 2002**

The Public Adviser's Office (PAO) appreciates the opportunity to provide the Committee with information pertaining to public participation regarding the Blythe Energy Project Phase II (BEP II). On February 9, 2002, Caithness Energy, LLC, submitted an Application for Certification (AFC) to the California Energy Commission and a revised AFC on July 3, 2002, seeking approval for a power plant license.

The proposed plant is to be located within the City of Blythe, approximately five miles west of the center of the city. If approved, BEP II is to be located adjacent to the previously approved Blythe Energy Projects site boundary. The AFC seeks review under the twelve-month process.

SCOPING:

As soon as the Energy Commission accepted the AFC, the PAO began scoping to research the opportunities for full and adequate public participation by members of the public.

The PAO created a one-page bilingual (English/Spanish) project description to provide clear and concise information to the public about BEP II. The description includes the location of the proposed power plant; identifies the Applicant as Caithness Energy, LLC; explains the role of the Energy Commission; gives contact information regarding the Energy Commission's mailing lists, Web Site and Public Adviser.

OUTREACH:

Libraries:

On July 18, 2002, the PAO sent the Caithness Blythe II, L.L.C. AFC to the Parker Arizona Public Library; the Riverside Main Library; the Palo Verde Valley District Library and the Brawley Public Library. To assist the public in locating the AFC, the PAO prepared a poster to announce the project with key contact information. Along with the library AFC, the PAO sent 25 copies of the one-page bilingual project description and the poster. The librarians were asked to place the posters and project descriptions in areas accessible to the public.

Schools:

July 30, 2002, the PAO sent 20 bilingual project descriptions and a poster to both the Palo Verde Unified School District and the Palo Verde Community College District.

Chamber of Commerce:

The PAO also sent 3 posters and 20 bilingual project descriptions to the Palo Verde/Riverside County Chamber of Commerce. The Chamber of Commerce was asked to place the posters on various town informational bulletin boards and place the project descriptions in areas accessible to the public.

Newspapers:

The PAO prepared 4,500 bilingual newspaper inserts announcing the time, date and location of the Informational Hearing and Site Visit. The inserts were sent to the "Palo Verde Times" newspaper for distribution in their September 4, 2002, edition.

Further Outreach:

In addition, the PAO sent bilingual notice of the Informational Hearing and Site Visit to the Palo Verde/Riverside, Chamber of Commerce; the Palo Verde Community College District; the Palo Verde Unified School District; the Brawley Public Library; the Riverside Main Library; the Parker Arizona Public Library; and the Palo Verde Valley District Library for distribution.

NOTICES:

Notices of the “Informational Hearing and Site Visit” and the “Data Request and Issue Resolution Workshop” scheduled for September 9, 2002, were mailed to the General Public, Property Owners, Agency lists and the parties listed on the BEP II Proof of Service. The Commission’s list server also sent the notice to all subscribers on the BEP II electronic notice lists.

MEETINGS:

The Public Adviser attended the Informational Hearing and Site Visit in Blythe as well as the Issue Identification Workshop on September 9, 2002.

For the workshops dated September 10, November 5 and 6, the PAO provided copies of the project description, status reports and general information on how to obtain assistance from the PAO.

PUBLIC PARTICIPATION:

Members of the public interested in this project and communicating with PAO were Rodolfo Pinon, Community Coordinator from the Desert Communities Empowerment Zone and Carmella Garnica (formerly an Intervenor in the Blythe 1 Project).

The Applicant has asked for an extension in replying to the staff’s data requests regarding the net loss of water in the area. The applicant has also amended the application. At issue is who has jurisdiction over the 120 mile interconnect to the power grid.

INTERVENORS:

California Unions for Reliable Energy (CURE), Marc D. Joseph, Esq. and Mark R. Wolfe, Esq.
Petition Filed: August 5, 2002
Order Granted: August 6, 2002

Memorandum

To: Siting Committee
Commissioner William Keese, Presiding Member
Commissioner Robert Pernell, Associate Member

From: California Energy Commission – Roberta Mendonca, Public Adviser
1516 Ninth Street
Sacramento, CA 95814-5512

Telephone: (916) 654-4489

**Subject: SALTON SEA UNIT 6 GEOTHERMAL POWER PROJECT
PUBLIC ADVISER'S STATUS REPORT**

**02-AFC-02
December 31, 2002**

The Public Adviser's Office (PAO) appreciates the opportunity to provide the Committee with information pertaining to public participation in the Salton Sea Unit 6 Geothermal Power Project, (SSU 6). On July 2, 2002, the applicant, CE Obsedian Energy LLC submitted an Application for Certification (AFC) for the Salton Sea Geothermal Project. The Commission's review, in coordination with Imperial County and DOGGR, is expected to be completed over the next twelve months.

The proposed project is to be located within the Salton Sea Known Geothermal Resource Area and the unincorporated area of Imperial County.

SCOPING:

As soon as the Energy Commission accepted the AFC, the PAO began its scoping process that includes researching the opportunities for full and adequate participation by members of the public.

The PAO created a one-page the bilingual (English-Spanish) SSU 6 project description to provide clear and concise information to the public about Salton Sea Project. The description included the location of the proposed power plant; identified the Applicant, explained the role of the Energy Commission; and gave contact information regarding the Commission's mailing lists, web site and Public Adviser.

Libraries:

The PAO sent copies of the Salton Sea project to the El Centro Public Library in El Centro and the Calipatria Branch Library in Calipatria. To assist the public in locating the AFC, the PAO prepared posters to announce the project and display key contact information. Along with the AFCs and posters the PAO sent 25 copies of the bilingual project description which included detailed information about the proposed project. The librarians were asked to place the posters and project descriptions in areas accessible to the public.

Schools:

The PAO contacted the Calipatria Unified School District in Calipatria, CA about sending project descriptions home with the students in the district. The school agreed and 1400 copies of the project description were sent out in both Spanish and English.

Newspapers:

The PAO prepared a bilingual (English-Spanish) newspaper insert listing the time, date and location of the Informational Hearing and Site Visit. The PAO sent 5000 copies of the insert to the Imperial Valley Press. The inserts were delivered to the Calipatria community.

NOTICES:

Notices of the Informational Hearing and Site Visit were mailed to the General Public, Property Owners, Agency lists and all parties listed on the SSU 6 Proof of Service. The Commission's list server also sent the notice to all subscribers on the SSU 6 electronic notice list.

MEETINGS/HEARINGS:

On November 19, 2002, the Public Adviser presented an overview of the Energy Commission's siting process at the Informational Hearing. The Public Adviser also explained opportunities for public participation in the SSU 6 siting case.

PUBLIC PARTICIPATION:

The PAO received approximately 23 requests for bus reservations for the site visit of SSU 6 on November 19, 2002.

On October 2, 2002, the PAO sent an Application for Certification to Andrew Levine from Adams and Broadwell, representing CURE.

INTERVENORS:

California Unions for Reliable Energy (CURE), Marc D. Joseph, Esq. and Mark R. Wolfe, Esq.
Petition Filed: October 4, 2002
Order Granted: November 21, 2002

Border Power Plant Working Group, Bill Powers, P.E., chair
Petition Filed: December 16, 2002

Memorandum

To: **Siting Committee**
Commissioner Michal, Ph.D., Presiding Member
Commissioner Arthur Rosenfeld, Associate Member

From: **California Energy Commission** – Roberta Mendonca, Public Adviser
1516 Ninth Street
Sacramento CA 95814-5512

Telephone: (916) 654-4489

Subject: **HANFORD ENERGY PARK PROJECT
PUBLIC ADVISER'S STATUS REPORT #1**

**00-SPPE-01
January 10, 2001**

The Public Adviser's Office (PAO) appreciates the opportunity to provide the Committee with information pertaining to public participation in the Hanford Energy Park Project (HEP). On May 19, 2000, GWF filed an application under the Small Power Plant Exemption (SPPE). If the exemption is granted, HEP will be subject to local permitting process.

SCOPING:

Before the Informational Hearing and Site Visit, the Public Adviser's Office spoke with the Hanford Chamber of Commerce, the Rancheria Santa Rosa Tribal Council and the Native American Heritage Commission. Ms Mendonca followed up with copies of the Informational Hearing and Site Visit notice as well as some information about the Public Adviser's Office. The Hanford public was informed in the usual manner - a newspaper ad announcing the project and Informational Hearing. Mailing lists were used that included the residents near the site. The Public Adviser's Office assisted the applicant by obtaining an extra mailing list and sending invitations to the Informational Hearing and Site Visit.

MEETINGS/HEARINGS:

Notice of the Energy Commission's first formal meeting (the Informational Hearing and Site Visit) scheduled for August 2, 2000, was mailed to local residents and interested people. Roberta Mendonca, the Public Adviser, attended the Informational Hearing in Hanford. She explained the role of the Public Adviser and how the office can assist members of the public to understand and participate in the HEP siting case. She distributed a one-page project summary and graphic timeline for the Small Power Plant Exemption process for HEP (both documents were translated into Spanish).

On September 11, 2002 the Public Advisor held a community meeting, which was announced through a flyer sent to several schools in the area; the flyer was presented in English on one side and Spanish on the other,

PUBLIC PARTICIPATION:

While in Hanford, Ms. Mendonca visited the Rancheria Santa Rosa in Lemoore and met with John Allen, and the Chamber of Commerce in Hanford. Flyers were distributed in English and Spanish to assist the Spanish-speaking population. Overall, there has been little public participation in Commission sponsored meetings regarding the HEP.

**HANFORD ENERGY PARK PROJECT
PUBLIC ADVISER'S STATUS REPORT #2**

**00-SPPE-01
April 25, 2001**

The Public Adviser's Office appreciates the opportunity to provide the Committee with information pertaining to public participation in the Hanford Energy Park Project (HEP). The Public Adviser attended the Draft Initial Study Workshop on January 10, 2001 to assist members of the public who wanted to comment on the HEP.

Hanford Energy Park Project continued...

DECISION:

The Presiding Member's Proposed Decision was considered by the Commission on April 11. The Hanford Energy Park Project was approved on April 11, 2001.

WITHDRAWN:

The proposed project was withdrawn by the Applicant on April 25, 2001.

INTERVENORS:

California Unions for Reliable Energy (CURE), Marc D. Joseph, Esq.

Petition Filed: 7/12/00

Order Granted: 7/19/00

Memorandum

To: **Siting Committee**
Commissioner Michal Moore, Ph.D., Presiding Member
Commissioner Arthur Rosenfeld, Associate Member

From: **California Energy Commission** – Roberta Mendonca, Public Adviser
1516 Ninth Street
Sacramento CA 95814-5512

Telephone: (916) 654-4489

**Subject: MODESTO IRRIGATION DISTRICT PROJECT
PUBLIC ADVISER'S STATUS REPORT #1**

**01-SPPE-00
September 20, 2001**

The Public Adviser's Office (PAO) appreciates the opportunity to provide the Committee with information pertaining to public participation in the Modesto Irrigation District Project (MID). On May 4, 2001 MID filed an application under the Small Power Plant Exemption (SPPE). If this exemption is granted, the project will be subject to local permitting processes.

SCOPING:

As soon as the Commission accepted the SPPE, the PAO began its scoping process that includes researching the opportunities for full and adequate participation by members of the public. The PAO created a one-page project summary to provide clear and concise information to the public about MID.

Libraries:

The PAO sent a copy of the SPPE with 25 copies of a one-page project summary to the three local libraries - Modesto Junior College Library, Stanislaus County Library, and Ripon Memorial County Library. The project summary included a description and location of the proposed power plant, identified the Applicant, explained the role of the Energy Commission, and gave contact information to the Energy Commission's mailing list, Web Site, and Public Adviser. The librarian was also asked to place a poster about the project on a public information bulletin board.

Newspapers:

Before the Informational Hearing and Site Visit, the Public Adviser's Office prepared a one-page newspaper insert to be distributed to 12,600 subscribers of the Modesto Bee Newspaper with addresses near the proposed plant. The insert contained a description of the proposed plant and its location, the date and place of the Hearing, the Commission's Web Site address and contact information for the mailing list and the Public Adviser. The Modesto public was also informed through a public notice newspaper ad announcing the project and Informational Hearing. The Hearing Notice was also mailed to property owners near the site, to agencies and anyone who had requested notification.

MEETINGS:

The Informational Hearing and Site Visit was held June 28, 2001 in Modesto. Roberta Mendonca, the Public Adviser, attended the hearing and explained the role of the Public Adviser and how the office can assist members of the public to understand and participate in the MID siting case. The Public Adviser also distributed the one-page project description and graphic timeline.

PUBLIC PARTICIPATION:

- The Public Adviser's Office was contacted by two public members and assistance was provided to secure documents and to be placed on the MID mailing list.
- The Commission's public notice invited the public to participate in workshops and hearings: the Draft Initial Study Workshop on July 11, 2001 in Modesto; the Pre-hearing Conference on August 7, 2001 in Sacramento (a teleconference connection was provided for the Modesto public members who could not attend the Prehearing Conference in Sacramento), and the Evidentiary Hearing on August 13, 2001 in Modesto.

Modesto Irrigation District continued...

DECISION:

- The Proposed Decision was released on August 14, 2001.
- The Presiding Member's Proposed Decision was considered by the Commission at the September 12, 2001 Energy Commission Business Meeting.
- The MID was approved September 19, 2001.

Memorandum

To: Siting Committee

Commissioner Robert Pernell

From: California Energy Commission – Roberta Mendonca, Public Adviser

1516 Ninth Street
Sacramento CA 95814-5512

Telephone: (916) 654-4489

**Subject: LARKSPUR ENERGY FACILITY EMERGENCY PEAKER PROJECT
PUBLIC ADVISER'S STATUS REPORT**

**01-EP-01
April 25, 2001**

The Public Adviser's Office (PAO) appreciates the opportunity to provide the Committee with information pertaining to public participation in the Larkspur Energy Facility Emergency Peaker Project (LEFEPP). On March 7, 2001, Wildflower Energy LP filed an Application for Certification (AFC) as one of the emergency peaking (EP) plants expedited under Executive Order #D-26-01 of Governor Davis. This project is to be analyzed under the 21-day review process.

The proposed project site is to be located at the corner of Harvest Road and Otay Mesa Road in the city of San Diego, San Diego County, California.

SCOPING:

As soon as the Energy Commission accepted the AFC, the PAO began scoping to research the opportunities for full and adequate participation by members of the public. To assist with the processing of the emergency peakers, the PAO contracted The Pacific Gateway Group. Nearly 400 letters were mailed to "Public Opinion Leaders" in the San Diego area indicating that a site in the area might be chosen for an emergency peaker. An 800-number was provided for additional assistance and inquiries were answered and/or directed to the Commission's Web Site. Pacific Gateway also arranged for an ad announcing the Informational Hearing and Site Visit in the San Diego Union Tribune.

The PAO Created a one-page project description to provide clear and concise information to the public about the LEFEPP. The description included the location of the proposed power plant, identified the applicant, explained the role of the Energy Commission; gave contact information regarding the Energy Commission's mailing lists, Web Site, and Public Adviser.

LIBRARIES:

The PAO sent the LEFEPP AFC to three local libraries - South Chula Vista Library; City of Chula Vista Library and Otay Mesa Branch Library. To assist the public in locating the AFC, the PAO prepared a library poster to announce the project and display key contact information. Along with the library's AFCs, the PAO sent 25 copies of the project description with detailed information about the proposed power plant. The librarians were asked to place the posters and project descriptions in an area accessible to the public.

MEETINGS/HEARINGS:

The Commission reviewed the application and determined it to be complete on March 14, 2001.

Ms. Mendonca attended the Informational Hearing and Site Visit on March 22, 2001 and was available to respond to public inquiries.

DECISION:

The Committee's proposed decision was presented to the Energy Commission at a regularly scheduled Business Meeting on April 4, 2001. After discussion, the project was certified on that date.

Memorandum

To: Siting Committee
Commissioner William J. Keese

From: California Energy Commission – Roberta Mendonca, Public Adviser
1516 Ninth Street
Sacramento CA 95814-5512

Telephone: (916) 654-4489

**Subject: INDIGO ENERGY FACILITY EMERGENCY PEAKER PROJECT
PUBLIC ADVISER'S STATUS REPORT**

**01-EP-02
April 25, 2001**

The Public Adviser's Office (PAO) appreciates the opportunity to provide the Siting Committee with information pertaining to public participation in the Indigo Energy Facility Emergency Peaker Project. On March 8, 2001, Wildflower Energy LP filed an Application for Certification (AFC) as one of the emergency peaking (EP) plants expedited under Executive Order #D-26-01 of Governor Davis. This project is to be analyzed under the 21-day review process.

The proposed project site is to be located approximately one-half mile northwest of the Indian Avenue interchange with I-10 in the City of Palm Springs, Riverside County, California.

SCOPING:

To assist with the processing of the emergency peakers, the PAO has contracted with a consultant, The Pacific Gateway Group. Nearly 400 letters were mailed to "Public Opinion Leaders" in the Riverside County area indicating that a site in the area might be chosen for an emergency peaker. An 800-number was provided for additional assistance and inquiries were answered and/or directed to the Commission's Web Site. Pacific Gateway arranged for a legal notice and an advertisement about the Informational Hearing and Site Visit to run in the Desert Sun.

LIBRARIES:

As soon as the Commission accepted the Application for Certification (AFC), the PAO sent a copy of the AFC and copies of a one-page flyer describing the project to Palm Springs Public Library. The librarian was also asked to place a poster about the project on a public information bulletin board.

MEETINGS/HEARINGS:

The Commission reviewed the application and determined it to be complete on March 14, 2001.

Ms. Mendonca attended the Informational Hearing and Site Visit on March 22, 2001 and was available to respond to public inquiries.

DECISION:

Committee's proposed decision was presented to the Energy Commission at a regularly scheduled Business Meeting on April 4, 2001. After discussion, the project was certified on that date.

Memorandum

To: Siting Committee

Commissioner Robert A. Laurie

From: California Energy Commission – Roberta Mendonca, Public Adviser

1516 Ninth Street
Sacramento CA 95814-5512

Telephone: (916) 654-4489

**Subject: RAMCO CHULA VISTA EMERGENCY PEAKER PROJECT
PUBLIC ADVISER'S STATUS REPORT**

**01-EP-03
September 5, 2001**

The Public Adviser Office (PAO) appreciates the opportunity to summarize for the Siting Committee the information pertaining to public participation in the RAMCO Chula Vista Emergency Peaker Project. The previous Public Adviser's PAO Status Report was filed on April 25, 2001. On March 15, 2001, RAMCO, Inc. filed an Application for Certification (AFC) as one of the emergency peaking plants proposed under the Executive Order #D-26-01 of Governor Davis. This project was to be analyzed under the expedited 21-day review process.

The proposed project site is to be located at the existing Chula Vista Generating Station in the City of Chula Vista, San Diego County, California.

SCOPING:

To assist with the public notice and participation in the emergency peaker review process, the PAO contracted with a consultant, The Pacific Gateway Group. Nearly 400 letters were mailed to "Public Opinion Leaders" in the San Diego area indicating that a site in the area might be chosen for an emergency peaker. An 800-number was provided for public assistance and inquiries were answered and/or directed to the Commission's Web Site. Pacific Gateway also arranged for an advertisement and a legal notice about the Informational Hearing and Site Visit to run in the San Diego Union-Tribune.

LIBRARIES:

As soon as the Commission accepted the Application for Certification (AFC), the PAO sent a copy of the AFC and copies of a one-page project summary to three local libraries - South Chula Vista Library; City of Chula Vista Library and Otay Mesa Branch Library. The librarians were asked to place a poster about the project on a public information bulletin board.

MEETINGS/HEARINGS:

The Commission reviewed the application and determined it to be complete on May 21, 2001.

Tom Cleary with Pacific Gateway attended the Informational Hearing and Site Visit on May 29 and was available to respond to public inquiries. Assistance was provided to the City of Chula Vista.

The City of Chula Vista, Special Operations Manager, Michael T. Meacham sent a letter to the Commission on June 11, 2001. Mr. Meacham's letter spoke of the city's concerns regarding cumulative impacts, natural gas consumption and environmental impact inequities.

A Sample of Public Comment in the RAMCO siting case includes:

- A coalition with representatives from the: Mexican American Business and Professional Association; MAAC Project; South Bay Forum; Mexican American Political Association, Association of Latino Administrators; National Latino Peace Officers Association; Chicano Federation; Latina/o Unity Coalition; American Hispanic CPA's; Hispanic Coalition of Education; Latin Business Owners of America, and Adelita PAC. expressed their concerns about health impacts from the project. Josie Lopez-Caldern appeared at the Informational Hearing and filed a letter for the Coalition. They asked

Chula Vista Emergency Peaker Project continued...

the Commission to take more time to do a better analysis to prevent "a pattern of environmental racism and a disregard for the people living and working in the South Bay." Letter, May 29, 2001

- Nick Kautzman asked questions about waste water discharge and what demineralizing system will be used. E-mail May 29, 2001
- Environmental Health Coalition expressed concerns about cumulative impacts of RAMCO and other existing or planned projects. Letter June 11, 2001
- Barbara King, affiliated with Affordable Public Power in San Diego, raised issues about the emergency siting process, landscape plants and air quality.
- Kay Heidkamp representing Medical Mission Sisters asked questions about air quality standards, emission requirements, and local wind conditions.
- Mexican American Business & Professional Association urged additional assessment of cumulative health impacts. Letter June 13, 2001 and petition with 27 signatures.
- Southwestern College opposed the RAMCO peaker plant on the Main Street in Chula Vista. Letter July 11, 2001
- Ms. Sheron Solway expressed concern for health and welfare; six plants planned for South County will degrade the environment. Letter July 14, 2001

DECISION:

At the Energy Commission Business Meeting on June 13, 2001, the RAMCO Proposed Decision was adopted and the AFC was certified.

PROCEDURES AFTER CERTIFICATION:

RAMCO's president Richard McCormick notified the Commission of RAMCO's decision not to proceed with the power plant July 11, 2001

The City of Chula Vista filed an Application for Reconsideration and Petition for Rehearing (July 13, 2001) to seek legal clarification of the status of the RAMCO Peaker 01-EP-03 and asked that the Commission withdraw certification.

The Commission responded with a Notice of Complaint and the matter was to be heard on August 22, 2001 but was held over for September 5, 2001.

At the September 5, 2001 Business Meeting, Staff reported that the Applicant had not responded to phone calls or written notices. The City of Chula Vista sent a declaration stating that there has been no construction on the proposed site. The Commission noted that the project could not possibly be built prior to the deadline and voted unanimously to forfeit the certification awarded to this project. The City of Chula Vista agreed to withdraw their appeal.

Memorandum

To: Siting Committee
Commissioner Michal Moore

From: California Energy Commission – Roberta Mendonca, Public Adviser
1516 Ninth Street
Sacramento CA 95814-5512

Telephone: (916) 654-4489

**Subject: ALLIANCE CENTURY EMERGENCY PEAKER PROJECT
PUBLIC ADVISER'S PRELIMINARY STATUS REPORT**

**01-EP-04
April 25, 2001**

The Public Adviser's Office (PAO) appreciates the opportunity to provide the Siting Committee with information pertaining to public participation in the Alliance Century Emergency Peaker Project. On March 21, 2001, Alliance Power Inc. filed an Application for Certification (AFC) as one of the emergency peaking plants expedited under the Executive Order #D-26-01 of Governor Davis. This project is to be analyzed under the 21-day process.

The proposed project site is to be located at 661 South Cooley Drive within an existing electrical substation in the city of Colton, San Bernardino County, California.

SCOPING:

To assist with the processing of the emergency peakers, the PAO has contracted with a consultant, The Pacific Gateway Group. Nearly 400 letters were mailed to "Public Opinion Leaders" in the Riverside County area indicating that a site in the area might be chosen for an emergency peaker. An 800-number was provided for additional assistance and inquiries were answered and/or directed to the Commission's Web Site. Pacific Gateway also arranged for a legal notice and an advertisement about the Informational Hearing and Site Visit in the San Bernardino Sun.

LIBRARIES:

As soon as the Commission accepted the Application, the PAO sent a copy of the AFC and copies of a one-page flyer describing the project to Logue Public Library in Colton. The librarian was asked to post a notice about the project on a public information bulletin board.

MEETINGS/HEARINGS:

The Commission reviewed the application and determined it to be complete on April 6, 2001.

The PAO consultant attended the Informational Hearing and Site Visit on April 11 and was available to respond to any public inquiries.

DECISION:

The Committee's proposed decision was presented to the Energy Commission at a regularly scheduled Business Meeting on April 25, 2001. After discussion, the project was certified on that date.

Memorandum

To: Siting Committee
Commissioner Michael Moore

From: California Energy Commission – Roberta Mendonca, Public Adviser
1516 Ninth Street
Sacramento CA 95814-5512

Telephone: (916) 654-4489

Subject: ALLIANCE DREWS EMERGENCY PEAKER PROJECT
PUBLIC ADVISER'S STATUS REPORT

01-EP-05
April 25, 2001

The Public Adviser's Office (PAO) appreciates the opportunity to provide the Siting Committee with information pertaining to public participation in the Alliance Drews Emergency Peaker Project. On March 21, 2001, Alliance Power Inc. filed an Application for Certification (AFC) as one of the emergency peaking plants expedited under the Executive Order #D-26-01 of Governor Davis. This project is to be analyzed under the 21-day process.

The proposed project site is to be located at 559 South Pepper Avenue within an existing electrical substation in the city of Colton, San Bernardino County, California.

SCOPING:

To assist with the processing of the emergency peakers, the PAO has contracted with a consultant, The Pacific Gateway Group. Nearly 400 letters were mailed to "Public Opinion Leaders" in the Riverside County area indicating that a site in the area might be chosen for an emergency peaker. An 800-number was provided for additional assistance and inquiries were answered and/or directed to the Commission's Web Site. Pacific Gateway also arranged for a legal notice and an advertisement about the Informational Hearing and Site Visit in the San Bernardino Sun.

LIBRARIES:

As soon as the Commission accepted the Application, the PAO sent a copy of the AFC and copies of a one-page flyer describing the project to Colton Public Library- Main Branch. The librarian was asked to post a notice about the project on a public information bulletin board.

MEETINGS/HEARINGS:

The Commission reviewed the application and determined it to be complete on April 6, 2001.

The PAO consultant attended the Informational Hearing and Site Visit on March 22 and was available to respond to any public inquiries.

DECISION:

The Committee's proposed decision was presented to the Energy Commission at a regularly scheduled Business Meeting on April 25, 2001. After discussion, the project was certified on that date.

Memorandum

To: Siting Committee
Commissioner Michael Moore

From: California Energy Commission – Roberta Mendonca, Public Adviser
1516 Ninth Street
Sacramento CA 95814-5512

Telephone: (916) 654-4489

Subject: CALPINE KING CITY LM 6000 PROJECT
PUBLIC ADVISER'S STATUS REPORT

01-EP-06
May 2, 2001

The Public Adviser's Office (PAO) appreciates the opportunity to provide the Siting Committee with information pertaining to public participation in the Calpine King City LM 6000 Project. On April 5, 2001, Calpine Corporation filed an Application for Certification (AFC) as one of the emergency peaking plants expedited under the Executive Order #D-26-01 of Governor Davis. This project is to be analyzed under the 21-day process.

The proposed project site is to be located at Calpine's existing King City CoGen facility in King City, Kings County, California.

SCOPING:

To assist with the processing of the emergency peakers, the PAO has contracted with a consultant, the Wilson Group. More than 200 letters were mailed to "Public Opinion Leaders" in the Monterey area indicating that a site in the area might be chosen for an emergency peaker. An 800-number was provided for additional assistance and inquiries were answered and/or directed to the Commission's Web Site.

LIBRARIES:

As soon as the Commission accepted the Application, the PAO sent a copy of the AFC and copies of a one-page flyer describing the project to the King City Library. The librarian was asked to post a notice about the project on a public information bulletin board.

MEEINGS/HEARINGS:

The Commission reviewed the application and determined it to be complete on April 11, 2001.

The Informational Hearing and Site Visit was advertised locally in the "King City Rustler" an area publication read by local residents. The advertisement was secured by the Public Adviser's consultants in Northern California.

As a result of the mailing described above, Mr. Gary Shallcross, representative of Assembly Member Fred Kelly, contacted the Public Adviser and was provided with information regarding the April 19, 2001 Informational Hearing and Site Visit. Ms. Mendonca and Kim Garrett, the PAO consultant, were in attendance at the Hearing and were able to provide information to the public as requested.

DECISION:

At the Commission's Business Meeting on May 2, 2001, Calpine King City became the first of the 21-day peaking projects to be adopted in Northern California.

Memorandum

To: Siting Committee
Commissioner Arthur Rosenfeld

From: California Energy Commission – Roberta Mendonca, Public Adviser
1516 Ninth Street
Sacramento CA 95814-5512

Telephone: (916) 654-4489

**Subject: HANFORD ENERGY PARK PEAKER POWER PLANT PROJECT
PUBLIC ADVISER'S STATUS REPORT**

**01-EP-07
May 10, 2001**

The Public Adviser's Office (PAO) appreciates the opportunity to provide the Siting Committee with information pertaining to public participation in the Hanford Energy Park Peaker (HEPP) Power Plant Project. On April 9, 2001, GWF Power Systems Company, Inc. (GWF) filed an Application for Certification (AFC) as one of the emergency peaking plants expedited under the Executive Order #D-26-01 of Governor Davis. This project is to be analyzed under the 21-day process.

The proposed project site is to be located at the Hanford Energy Park in the City of Hanford, Kings County, California.

The previous status report was written on April 25, 2001. The previous report indicated that the Applicant had requested a delay to "reconfigure" the project. The delay was granted.

In the course of licensing the project, Applicant GWF was informed by Pacific Gas and Electric (PG&E) that its existing transmission facilities do not have sufficient capacity to permit operation of both 00-SPPE-1, the Hanford Energy Project (HEP) and 01-EP-7, the peaker project.

SCOPING:

To assist with public notice and participation in the emergency peaker review process, the PAO contracted with a consultant, The Wilson Group. Several hundred letters were mailed to "Public Opinion Leaders" in the Central Valley area indicating that a site in the area might be chosen for an emergency peaker. An 800-number was provided for public assistance and inquiries were answered and/or directed to the Commission's web site.

MEETINGS/HEARINGS:

Kim Garret arranged an advertisement about the Informational Hearing and Site Visit to run in the local newspaper. Hearing notices were mailed on April 13, 2001 to the same list of local public opinion leaders. Ms Garret attended the Informational Hearing and Site Visit in Hanford on April 13, 2001. She assisted members of the public using blue comment cards (English/Spanish).

An amendment was proposed by the Applicant, GWF, to address the transmission issue on April 26, 2001. Commission Staff Counsel, Jeff Ogata, issued an opinion that the relocation of the peaker plant to a site previously approved by the Commission under the Small Power Plant Exemption process was not a material change that would require a full 21-day review on April 27, 2001. Mr. Ogata noted that in its amendment, GWF agreed to abide by the conditions placed on HEPP.

DECISION:

The HEPP Decision, as amended, was adopted at the May 10, 2001 Commission Business Meeting.

Memorandum

To: Siting Committee
Commissioner Robert A. Laurie

From: California Energy Commission – Roberta Mendonca, Public Adviser
1516 Ninth Street
Sacramento CA 95814-5512

Telephone: (916) 654-4489

Subject: CALPINE GILROY CITY LM6000 PHASE I PEAKER PROJECT
PUBLIC ADVISER'S STATUS REPORT

01-EP-08
August 30, 2001

The Public Adviser's Office (PAO) appreciates the opportunity to provide the Siting Committee with information pertaining to public participation in the Calpine Gilroy LM 6000 Phase I Project. On April 26, 2001, Calpine Corporation filed an Application for Certification as one of the emergency peaking plants expedited under the Executive Order #D-26-01 of Governor Davis. This project is to be analyzed under the 21-day review process.

The proposed project site is to be located at the existing Gilroy Co-Gen facility in the City of Gilroy, Santa Clara County, California.

SCOPING:

To assist with the processing of the emergency peakers, the PAO has contracted with a consultant, the Wilson Group. More than 200 letters were mailed to "Public Opinion Leaders" in the Monterey area indicating that a site in the area might be chosen for an emergency peaker. An 800-number was provided for additional assistance and inquiries were answered and/or directed to the Commission's Web Site.

LIBRARIES:

As soon as the Commission accepted the Application, the PAO sent a copy of the AFC and copies of a one-page flyer describing the project to the Gilroy City Library. The one-page flyer included a description and location of the proposed power plant, identified the applicant, explained the role of the Energy Commission, and gave contact information to the Energy Commission's mailing list, Web Site, and Public Adviser. The librarian also posted a notice about the project on a public information bulletin board.

MEETINGS/HEARINGS:

The Commission reviewed the application and determined it to be complete on May 1, 2001.

The Informational Hearing and Site Visit was advertised locally in an area publication read by local residents. The advertisement was secured by the Public Adviser's consultants in Northern California.

Kim Garrett, the PAO consultant, attended the Informational Hearing and Site Visit on May 10, 2001 and was able to provide information to the public as requested.

DECISION:

The Calpine Gilroy City LM6000 Phase I Peaker Project Decision was adopted at the Commission's May 21, 2001 Business Meeting.

Memorandum

To: Siting Committee

Commissioner Robert Pernell

From: California Energy Commission – Roberta Mendonca, Public Adviser

1516 Ninth Street
Sacramento CA 95814-5512

Telephone: (916) 654-4489

**Subject: PEGASUS POWER PROJECT, CHINO
PUBLIC ADVISER'S STATUS REPORT**

**01-EP-09
August 30, 2001**

The Public Adviser Office (PAO) appreciates the opportunity to summarize for the Siting Committee the information pertaining to public participation in the Pegasus Power Project, Chino. On April 27, 2001, Pegasus Power Partners, LLC, filed an Application for Certification (AFC) as one of the emergency peaking plants expedited under the Executive Order #D-26-01 of Governor Davis. This project was analyzed under the 21-day review process.

The proposed project site is to be located adjacent to the OLS-Energy Chino cogeneration facility on the grounds of the California Institute for Men (CIM) in the City of Chino, San Bernardino County, California.

SCOPING:

To assist with the processing of the emergency peakers, the PAO has contracted with a consultant, The Pacific Gateway Group. Nearly 400 letters were mailed to "Public Opinion Leaders" in the Riverside area indicating that a site in the area might be chosen for an emergency peaker. An 800-number was provided for additional assistance and inquiries were answered and/or directed to the Commission's Web Site. Pacific Gateway also arranged for an advertisement about the Informational Hearing and Site Visit to run in an area publication read by local residents.

LIBRARIES:

As soon as the Commission accepted the Application for Certification (AFC), the PAO sent a copy of the AFC and copies of a one-page flyer describing the project to two San Bernardino County Library - the Chino Hills Branch and the Chino Branch. The one-page flyer included a description and location of the proposed power plant, identified the applicant, explained the role of the Energy Commission, and gave contact information to the Energy Commission's mailing list, Web Site, and Public Adviser. The librarians also posted a notice about the project on a public information bulletin board.

MEETINGS/HEARINGS:

The Commission reviewed the application and determined it to be complete on May 11, 2001.

Doug Perkins of Pacific Gateway Group represented the Public Adviser at the Informational Hearing and Site Visit on May 16, 2001 and was available to respond to any public inquiries.

President of Californians for Renewable Energy (CARE), Mike Boyd, representatives of Prisoners, Children, Legal Services for Prisoners with Children, Dorsey Nuun and Heidi Strupp, addressed the Commission at the June 6, 2001 Business meeting through the teleconference connection provided by the Commission. Each stated concern that the prisoners had not received notification of the proposed power plant. Project Manager, Kevin Kennedy, stated that the Department of General Services, Department of Corrections, and the Warden of the California Institute for Men at Chino, Lori DiCarlo had all received proper notification.

Pegasus Power Project, Chino continued...

DECISION:

The Committee's Proposed Decision was presented to the Energy Commission at a regularly scheduled Business Meeting on June 2, 2001. After discussion, the Pegasus Power Project was certified on that date.

WITHDRAWN:

On January 3, 2002, the Applicant withdrew the project via a letter sent to the Commission.

Memorandum

To: Siting Committee
Chairman William J. Keese

From: California Energy Commission – Roberta Mendonca, Public Adviser
1516 Ninth Street
Sacramento CA 95814-5512

Telephone: (916) 654-4489

**Subject: CALPEAK ENTERPRISE #7, ESCONDIDO
PUBLIC ADVISER'S STATUS REPORT**

**01-EP-10
August 30, 2001**

The Public Adviser Office (PAO) appreciates the opportunity to summarize for the Siting Committee the information pertaining to public participation in the CalPeak Enterprise #7 Project (Project), Escondido. On May 8, 2001, CalPeak Power LLC filed an Application for Certification (AFC) as one of the emergency peaking plants expedited under the Executive Order #D-26-01 of Governor Davis. This project was analyzed under the 21-day review process.

The proposed project site is to be located on a 2.95 acre site, zoned M-1 (light industrial) that is westerly of the southern extent of North Enterprise Street in the city of Escondido, San Diego County, California.

SCOPING:

To assist with the processing of the emergency peakers, the PAO has contracted with a consultant, The Pacific Gateway Group. Nearly 400 letters were mailed to "Public Opinion Leaders" in the San Diego area indicating that a site in the area might be chosen for an emergency peaker. An 800-number was provided for additional assistance and inquiries were answered and/or directed to the Commission's Web Site. Pacific Gateway also arranged for an advertisement about the Informational Hearing and Site Visit to run in the North County Times.

LIBRARIES:

As soon as the Commission accepted the Application for Certification (AFC), the PAO sent a copy of the AFC and copies of a one-page flyer describing the project to three libraries in the area - Valley Center, East Valley, and Escondido Public Library. The one-page flyer included a description and location of the proposed power plant, identified the applicant, explained the role of the Energy Commission, and gave contact information to the Energy Commission's mailing list, Web Site, and Public Adviser. The librarians were asked to post a notice about the project on a public information bulletin board.

MEETINGS/HEARINGS:

The Commission reviewed the application and determined it to be complete on May 17, 2001.

The Public Adviser, Ms. Mendonca, and Doug Perkins of Pacific Gateway Group attended the Informational Hearing and Site Visit on May 24, 2001 and were available to respond to any public inquiries.

The PAO was contacted by Mari Anne Greene, a Native American leader, regarding this project and asked to be kept informed. Ms. Greene said she is familiar with CEQA and interested in participating in the siting process. Her e-mail address was added to the electronic list server and the AFC was sent to the library closest to the reservation at her request.

DECISION:

The CalPeak Enterprise #7 Project Decision was adopted on June 6, 2001.

Memorandum

To: Siting Committee

Commissioner Robert Pernell

From: California Energy Commission – Roberta Mendonca, Public Adviser

1516 Ninth Street
Sacramento CA 95814-5512

Telephone: (916) 654-4489

**Subject: BALDWIN EMERGENCY PEAKER PROJECT
PUBLIC ADVISER'S STATUS REPORT**

**01-EP-11
August 30, 2001**

The Public Adviser Office (PAO) appreciates the opportunity to summarize for the Siting Committee the information pertaining to public participation in the Baldwin Emergency Peaker Project, Los Angeles. On May 15, 2001, La Jolla Energy Department, Inc. filed an Application for Certification (AFC) as one of the emergency peaking plants expedited under the Executive Order #D-26-01 of Governor Davis. This project was analyzed under the 21-day review process.

If approved, the proposed project is to be located immediately adjacent to the existing Kenneth Hahn State Recreation Area and in the middle of a canyon surrounded by highly populated residential communities of Baldwin Hills (Los Angeles) and Culver City, Los Angeles County, California.

SCOPING:

To assist with the processing of the emergency peakers, the PAO has contracted with a consultant, the Pacific Gateway Group. An 800-number was advertised and provided for assistance and inquiries were answered and/or directed to the Commission's Web Site. Pacific Gateway also arranged for a legal notice and a display advertisement about the Informational Hearing and Site Visit to run in the Los Angeles Times.

In addition to the mailing to landowners, agencies and the general public processed by the Energy Commission, the PAO sent letters to elected officials, organization, businesses and individuals in the communities near the general project site.

LIBRARIES:

As soon as the Commission accepted the Application for Certification (AFC), the PAO sent a copy of the AFC and copies of a one-page flyer describing the project to three Los Angeles libraries - the Jefferson Branch Library, the Baldwin Hills Branch Library, and the Washington Irving Branch Library. The one-page flyer gave the location and description of the proposed power plant, the identification of the applicant, the role of the Energy Commission, the contact information for the mailing list, Web Site, and Public Adviser. The librarians were asked to post a notice about the project on a public information bulletin board.

MEETINGS/HEARINGS:

Tom Cleary of the Pacific Gateway Group attended the Informational Hearing and Site Visit on May 31 and was available to respond to any public inquiries.

On the May 31, 2001, Senator Kevin Murray and Congresswoman-elect Diane Watson were present. In attendance were representatives of Assemblyman Herb Wesson, City Councilman Mike Feuer, and Councilman Mark Ridley-Thomas. Several agencies were also represented. The notice for the May 31 hearing was mailed over the Memorial holiday weekend, there was speculation that many of the local residents were out of town and unaware of the hearing. At the urging of the area leaders, Commissioner Pernell agreed to hold a second hearing so the public could comment on the Staff Assessment, which was posted to the website on June 13, 2001.

After a second site tour with neighborhood civic leaders, Commissioner Pernell convened the community requested second Committee Hearing on Monday, June 18, 2001. This hearing was advertised with legal notices and display ads in three community newspapers - the Wave, the LA Sentinel and the Culver City News. The theatre at West Los Angeles College was secured as a hearing site. In addition to the notice mailed by the Energy Commission, Pacific Gateway Group paid for the mailing of 2,000 notices sent to the members of the Community Conservancy. The June 18, 2001 meeting continued for more than seven hours. Members of the public presented material and made public comment regarding the proposed project. The Public Adviser and three additional staff members circulated sign-in sheets for labeling on mailing lists, distributed information to the audience, and scheduled speakers (using blue cards) as requested by Commissioner Pernell and Susan Gefer, the Hearing Officer. Approximately 1,000 people attended the hearing including Assemblyman Herb Wesson, Senator Kevin Murray, Supervisor Yvonne Brathwaite Burke, and Los Angeles Unified School President Genethia Hudley Hayes. Several neighborhood associations and civic groups were also represented.

PUBLIC PARTICIPATION:

Public Memo:

On June 20, the Public Adviser submitted a memo on behalf of the public of Baldwin Hills to the Docket Unit for distribution to the Committee and staff. Attached to the memo were nine items including:

- a flyer listing organizations and individuals opposed to the plant;
- 274 signatures on a petition stating community residents were "vehemently opposed to the project (more than 2000 signatures were docketed by other sources);
- 26 signatures on a petition urging Governor Davis to find a more appropriate place for the plant;
- an article titled "The Power of a Park", Los Angeles Times, June 11, 2001;
- Fact sheet from the Environmental Protection Agency on Health and Environmental Effects of Ground-Level Ozone;
- an article by Paul Brodeur, Annals of Radiation, titled "The Cancer of Slater School";
- an article from the Journal of Environmental Health, December, 1998 on Ozone exposures;
- General Development policy map regarding Urban Open Space designation of the site;
- e-mail message from George O. Totten, Professor Emeritus, University of Southern California.

OUTREACH:

E-mails:

The Public Adviser collected 65 e-mail addresses from public members at the June 18, 2001 hearing. Notice was sent to these addresses when the Presiding Member's Proposed Decision was placed on the website and again when a teleconference phone call was established for the business meeting where the decision would be heard. This notification allowed many neighborhood associations and organizations to network the information to their members and for the public to participate.

Bus Trip to Sacramento:

The local homeowners associations planned a bus trip to Sacramento bringing resident to protest the decision at the June 22, 2001 hearing. The Public Adviser worked very closely with the leaders to assure the Commission was ready for 100-200 people to attend the meeting. After the PAO forwarded timely information that the plant would not be recommended, the bus trip was able to be cancelled.

DECISION—PERMIT PROBLEMS:

Pollution Control-Devices Present Permit Problems:

On June 19, 2001 the South Coast Air Quality Management District (SCAQMD) advised Commissioner Pernell that Phase I of the project - operation without pollution control devices - could not received an AQMD permit. Based on information provided by the Applicant, Phase II - with pollution control devices - could not be operational until after September 30, 2001, the deadline for qualifying for this expedited peaker approval. Commissioner Pernell could not recommend the approval of the project as it did not meet the requirements for expedited licensing.

Baldwin Emergency Peaker Project continued...

WITHDRAWN:

On Thursday, June 21, 2001 the La Jolla Energy Development formally withdrew its Application for all requisite permits. On June 22, 2001 the Commission voted unanimously to accept the withdrawal of the project. On July 28, 2001 Stocker Resources, Inc., who shared the application with La Jolla, also elected not to pursue this project.

Memorandum

To: Siting Committee
Commissioner Michael C. Moore

From: California Energy Commission – Roberta Mendonca, Public Adviser
1516 Ninth Street
Sacramento CA 95814-5512

Telephone: (916) 654-4489

Subject: LANCASTER ENERGY FACILITY #1
PUBLIC ADVISER'S STATUS REPORT

01-EP-12
August 30, 2001

The Public Adviser Office (PAO) appreciates the opportunity to summarize for the Siting Committee the information pertaining to public participation in the Lancaster Energy Facility #1. On May 24, 2001, Electricity Provider, Inc. filed an Application for Certification (AFC) as one of the emergency peaking plants expedited under the Executive Order #D-26-01 of Governor Davis. This project was analyzed under the 21-day review process.

The proposed project site is to be located at the northwest corner of the intersection of Division Street and Avenue H in the City of Lancaster, Los Angeles County, California.

SCOPING:

To assist with the processing of the emergency peakers, the PAO has contracted with a consultant, The Pacific Gateway Group. An 800-number was advertised and provided for assistance and inquiries were answered and/or directed to the Commission's Web Site. Pacific Gateway also arranged for the meeting facility and for an advertisement about the Informational Hearing and Site Visit to run in an area publication ready by local residents.

LIBRARIES:

As soon as the Commission accepted the Application for Certification (AFC), the PAO sent a copy of the AFC and copies of a one-page flyer describing the project to the Lancaster Public Library in the City of Lancaster. The one-page flyer included a description and location of the proposed power plant, identified the applicant, explained the role of the Energy Commission, and gave contact information to the Energy Commission's mailing list, Web Site, and Public Adviser. The librarian was asked to post a notice about the project on a public information bulletin board.

MEETINGS/HEARINGS:

Tom Cleary of Pacific Gateway Group attended the Informational Hearing and Site Visit on June 11, 2001 and was available to respond to any public inquiries.

The public participation in the Lancaster siting cases includes:

- Several residents contacted the PAO with questions regarding the Lancaster plant.
- The Planning and Conservation League General Counsel, Sandra Spelliscy, took exception to the air permit and requested that the Commission deny the application (Letter July 13, 2001).
- The Natural Defenses Resource Defense Council Staff Attorney, Julie Masters, and Senior Attorney, Gail Ruderman Feuer, submitted a letter in strong opposition (Letter, July 16, 2001).

WITHDRAWN:

On June 21, 2001 President of Electricity Provider, Inc., the applicant, Steve Wilburn requested a 10-day extension. On July 5, 2001 Steve Wilburn, requested a second extension. On July 23, 2001 Mr. Wilburn

Lancaster Energy Facility continued...

requested suspension of the siting process. Electricity Provider, Inc., withdrew the application for the Lancaster Energy Facility #1 on July 24, 2001. The applicant stated that the withdrawal was due to the delays in the "Seven Day" Interconnect Study to be performed by Southern California Edison.

Memorandum

To: Siting Committee

From: California Energy Commission – Roberta Mendonca, Public Adviser
1516 Ninth Street
Sacramento CA 95814-5512

Telephone: (916) 654-4489

**Subject: EVERGREEN CONCORD, CONTRA COSTA COUNTY
PUBLIC ADVISER'S PRELIMINARY STATUS REPORT**

**01-EP-13
August 30, 2001**

The Public Adviser's Office (PAO) appreciates the opportunity to provide the Siting Committee with information pertaining to public participation in the Evergreen Concord Emergency Peaker. On June 1, 2001, Evergreen Power Company filed an Application for Certification (AFC) as one of the emergency peaking plants expedited under the Executive Order #D-26-01 of Governor Davis. This project is to be analyzed under the 21-day process.

The proposed project site is to be located north of Highway 4, parallel to "A" Street and Pearl Street in the City of Concord, Contra Costa County, California.

The Evergreen Concord AFC was found to be incomplete on June 5, 2001. Evergreen did not submit a supplemental application.

WITHDRAWN:

On August 1, 2001, Evergreen provided a letter formally withdrawing their emergency permit application for the peaking facility. Evergreen has indicated that it intends to file a new application for a larger project at the same site under the Energy Commission's six-month permit process at a future date to be determined.

Memorandum

To: **Siting Committee**
Commissioner Robert A. Laurie

From: **California Energy Commission** – Roberta Mendonca, Public Adviser
1516 Ninth Street
Sacramento CA 95814-5512
Telephone: (916) 654-4489

Subject: **CALPEAK POWER-BORDER PUBLIC ADVISER'S STATUS REPORT** **01-EP-14**
August 30, 2001

The Public Adviser Office (PAO) appreciates the opportunity to summarize for the Siting Committee the information pertaining to public participation in the CalPeak Power-Border Project (CalPeak), San Diego. On June 14, 2001, CalPeak Power-Border LLC filed an Application for Certification (AFC) as one of the emergency peaking plants expedited under the Executive Order #D-26-01 of Governor Davis. This project was analyzed under the 21-day review process.

The proposed project site is to be located in the Otay Mesa area, south of Otay Mesa Road, north of Airway Road, and between Route 905 and Sanyo Road in the City of San Diego, San Diego County, California.

SCOPING:

To assist with the processing of the emergency peakers, the PAO has contracted with a consultant, The Pacific Gateway Group. Nearly 400 letters were mailed to "Public Opinion Leaders" in the San Diego area indicating that a site in the area might be chosen for an emergency peaker. An 800-number was provided for additional assistance and inquiries were answered and/or directed to the Commission's Web Site. Pacific Gateway also arranged for the meeting facility as well as an advertisement and legal notice about the Informational Hearing and Site Visit to run in the San Diego Union-Tribune at no cost.

LIBRARIES:

As soon as the Commission accepted the Application for Certification (AFC), the PAO sent a copy of the AFC and copies of a one-page flyer describing the project to two libraries in the area - Otay Mesa Branch and Chula Vista Public Library. The one-page flyer included a description and location of the proposed power plant, identified the Applicant, explained the role of the Energy Commission, and gave contact information to the Energy Commission's mailing list, Web Site, and Public Adviser. The librarians were asked to post a notice about the project on a public information bulletin board.

MEETINGS/HEARINGS:

The Commission reviewed the application and determined it to be complete on June 18, 2001.

The Public Adviser, Ms. Mendonca, and Doug Perkins of Pacific Gateway Group attended the Informational Hearing and Site Visit on June 28, 2001 and were available to respond to any public inquiries.

Sample public comments on the CalPeak Power-Border Project were:

- Resident Pepper Coffey stated concern that the peaker plant process has stripped cities of their police power that they can use to protect public health.
- Resident Lupita Jimenez was concerned about water use and discharge.
- The City of Chula Vista's Special Operations Manager, Michael Meacham, asked and was told that the Governor's Executive Orders do not waive LORS requirements. He stated that the City of Chula Vista is very concerned about proliferation of power plants in the Otay Valley Region.

Calpeak Power-Border continued...

- Resident Holly Duncan posed several questions regarding noise, air emissions and risks to public health. Ms. Duncan reiterated her deep concerns regarding potential cumulative adverse impacts to public health that may result from the licensing of several power plant projects in the Otay Mesa area.
- Representing MTS Financial Group, Carson Pay expressed the opinion that the project would be good for small business.
- Representing the United Association of Plumbers and Pipe fitters, Kurt Crosswhite observed that the project would add power to the grid and allow interruption of older plant production for emission control improvements. He also noted that if the plant were built on the other side of the border no environmental standards would apply.
- City of Chula Vista Environmental Manager, Willie Gaters, presented a written statement commending the Applicant for proposing a project which will be cleaner than other peaker plants.

DECISION:

The CalPeak Power-Border Project Decision was adopted on July 11, 2001.

Memorandum

To: Siting Committee

From: California Energy Commission – Roberta Mendonca, Public Adviser
1516 Ninth Street
Sacramento CA 95814-5512

Telephone: (916) 654-4489

**Subject: CENCO ELECTRIC COMPANY
PUBLIC ADVISER'S STATUS REPORT**

**01-EP-15
August 30, 2001**

The Public Adviser Office (PAO) appreciates the opportunity to summarize for the Siting Committee the information pertaining to public participation in the CENCO Electric Company Emergency Peaker Project. On June 25, 2001, CENCO Electric Company filed an Application for Certification (AFC) as one of the emergency peaking plants expedited under the Executive Order #D-26-01 of Governor Davis. This project was analyzed under the 21-day review process.

The proposed project site is to be located in the City of Santa Fe Springs, Los Angeles County, California.

On July 13, 2001 the Applicant submitted a letter indicating that that type of turbine would have to be changed to one that was readily available.

WITHDRAWN:

On July 26, 2001 CENCO Electric Company notified the Energy Commission that the CENCO Emergency Peaker project was being withdrawn, but a new application may be submitted in the near future under the 4-month process.

The CENCO Electric Company withdrew this project on July 27, 2001.