

EVIDENTIARY HEARING
BEFORE THE
CALIFORNIA ENERGY RESOURCES CONSERVATION
AND DEVELOPMENT COMMISSION

In the Matter of:)
)
Application for)
Certification for the) Docket No. 00-AFC-5
El Paso Merchant)
Energy's UNITED GOLDEN)
GATE POWER Project)
(UGGPP). Phase 1)
_____)

HOLIDAY INN
275 SOUTH AIRPORT BOULEVARD
SOUTH SAN FRANCISCO, CALIFORNIA

FRIDAY, JANUARY 26, 2001

9:00 A. M.

Reported by:
Valorie Phillips
Contract No. 170-99-001

COMMITTEE MEMBER PRESENT

Robert Laurie
Presiding Member

STAFF PRESENT

Gary Fay, Hearing Officer
Dick Ratliff, Staff Counsel
Kevin Kennedy, Project Manager

REPRESENTING THE APPLICANT

Donald Brookhyser
Alcantar & Elsesser, LLP
One Embarcadero Center
Suite 2420
San Francisco, California

Ms. Mary Jane Wilson, President
WZI, Inc.
4700 Stockdale Highway
Suite 120
Bakersfield, California 93389

Mr. Jesse Frederick, Vice President
WZI, Inc.
4700 Stockdale Highway
Suite 120
Bakersfield, California 93389

Jim Brady, Business Unit Manager
WZI, Inc.
4700 Stockdale Highway
Suite 120
Bakersfield, California 93389

Proceedings	1
Opening remarks by Presiding Member Laurie	2
Opening remarks by Hearing Officer Fay	4
Air Quality	
Applicant	7
Staff	8
Public Comment	10
Scott Buschman, Resident	10
Alice Barnes, San Bruno BART	13
Paul Kaiser, Resident	14
Griselda Huete, Resident	20
Jackie Williams, Resident	21
Marina Kaiser, Resident	22
Hazardous Materials	
Applicant	28
Staff	30
Public Comment	
Alice Barnes, San Bruno BART	33
Pedro Gonzales, City Councilman	35
Socioeconomics - Environmental Justice	
Applicant	37
Staff	38
James Adams	38

Public Comment	
Alice Barnes, San Bruno BART	43
Tiffany Maleshefski, Resident	45
Noise	
Applicant	47
Staff	48
Public Comment	
Alice Barnes, San Bruno BART	48
Griselda Huete, Resident	52
Remaining Topics	
Applicant	54
Staff	55
Public Comment	
Sally Calvert, Resident	57
Alice Barnes, San Bruno BART	60
Marina Kaiser, Resident	64
Pedro Gonzales, City Councilman	66
Paul Kaiser, Resident	67
Donald Jacobberger, Resident	73
Kate Chatfield, Resident	76
Jackie Williams, Resident	79
Donald Jacobberger, Resident	89

Closing Remarks	90
Adjournment	93
Certificate of Reporter	94

INDEX OF EXHIBITS

	Identification Received	
Exhibit 1	23	55
Exhibit 2	24	55
Exhibit 3	24	55
Exhibit 4	24	55
Exhibit 5	25	55
Exhibit 6	25	55
Exhibit 7	25	55
Exhibit 8	25	55
Exhibit 9	26	55
Exhibit 10	26	
Exhibit 11	27	
Exhibit 12	30	30

1 P R O C E E D I N G S

2 PRESIDING MEMBER LAURIE: Ladies and
3 gentlemen, good morning. My name is Robert
4 Laurie. I'm a Commissioner at the California
5 Energy Commission and I am Presiding Member of the
6 Committee responsible for hearing and making
7 recommendations on the United Golden Gate Power
8 Project, as is being discussed.

9 Let me take a moment and discuss very
10 briefly the process that the Energy Commissioners
11 follow on powerplant projects.

12 The Energy Commission have five
13 Commissioners, appointed by the Governor. One of
14 the things that Energy Commissioners do is vote
15 upon applications for powerplant certifications,
16 such as that which appears before us today. And
17 that procedure is initiated by workshops and then
18 formal public hearings and evidentiary hearings,
19 like that which we are undergoing today, at the
20 end of which a Committee of the Commission, that's
21 myself and also on the Committee is Commissioner
22 Rosenfeld, who, I believe, is hearing another
23 powerplant project.

24 We'll make a recommendation in the form
25 of a written report to the full Commission. The

1 Commission then considers that recommendation and
2 votes upon it at a public meeting at a full
3 Commission Meeting.

4 So the purpose of today's hearing is to
5 take the evidence upon which my report to the
6 Commission will be based. To my right is the
7 gentleman that you have met before, Mr. Gary Fay.
8 Mr. Fay is the Hearing Officer. Mr. Fay is an
9 experienced attorney. Mr. Fay is the Hearing
10 Officer assigned to administer this case, and so I
11 am going to be asking Mr. Fay to run the
12 proceedings today, subject to interruptions as my
13 own whims may so suggest.

14 So, Mr. Fay, at this point absent any
15 question regarding process, I believe you're going
16 to take the opportunity for introductions and also
17 a discussion as to the process that we're going to
18 be following today.

19 HEARING OFFICER FAY: Yes, I will.

20 Thank you, Commissioner.

21 I'd like to review the process briefly.

22 In a more contested case our process is much like
23 the judicial process in a court of law during a
24 lawsuit, that is a party will offer testimony.

25 And at the Energy Commission all testimony must be

1 previously filed in writing with all the parties,
2 so they are not surprised by what is being
3 attested to.

4 The witness is offered, sworn in and
5 gives a brief summary of his or her qualifications
6 and a summary of the testimony. The witness then
7 is made available for cross examination by other
8 parties.

9 However, based on our Prehearing
10 Conference that occurred last week right here,
11 it's clear that none of the parties plan to cross
12 examine the witnesses on any of the issues. There
13 is no dispute among the parties in this case.
14 Therefore we will be formally receiving the
15 evidence and it will seem quite pro forma to you.
16 We're just taking one thing after another.

17 The reason that we're not just receiving
18 the entire packet of the Applicant's testimony and
19 the entire staff assessment in one fell swoop is
20 because we want to divide it up topic by topic to
21 give members of the public an opportunity, after
22 we receive that section into evidence, to put on
23 the record at that point any comments they have on
24 that topic.

25 For instance, after we receive the

1 testimony on air quality, we'll ask if there's any
2 comments specific to air quality and so on with
3 noise, hazardous materials, etcetera.

4 So that is our plan for today. The
5 testimony that we cannot receive by the time we
6 terminate the hearing today, this afternoon, we
7 will continue on Monday up at the Energy
8 Commission. However, we will arrange things so
9 that the topics in primary order are the ones that
10 we believe and have been told are of particular
11 interest to the local residents, and we'll go in
12 this order, air quality, hazardous materials,
13 socioeconomics, noise, then land use, traffic and
14 transportation and visual resources.

15 So we will definitely receive evidence
16 on those today and we may take in others as well,
17 but we want to be sure to hit the ones that are of
18 local interest so we can receive your comments on
19 the record.

20 Now I'd like to take introductions from
21 the parties.

22 MR. BROOKHYSER: Good morning, Mr. Fay
23 and Commissioner Laurie, my name is Donald
24 Brookhyser. I'm counsel for the Applicant. With
25 me on my right is Jesse Frederick, Vice President

1 of WZI, who is the owner's agent for this project,
2 and to his right is Mary Jane Wilson, the
3 President of WZI.

4 HEARING OFFICER FAY: All right, and Mr.
5 Ratliff for the staff.

6 STAFF COUNSEL RATLIFF: I'm Dick
7 Ratliff, the counsel for the staff, and with me is
8 Kevin Kennedy, the Project Manager.

9 HEARING OFFICER FAY: All right. Other
10 parties? Is CURE represented?

11 Do you want to identify yourself?

12 MR. MILLER: Yes, I'm Paul Miller and I
13 sponsored the noise testimony in the staff
14 assessment.

15 HEARING OFFICER FAY: Is there a
16 representative from CURE here?

17 I see there is none.

18 And is there a representative for Mr.
19 Boyd? He's our other intervenor. Is Mr. Boyd
20 here?

21 Apparently not.

22 Okay, that dispenses with our
23 introductions and now we'd like to move --

24 PRESIDING MEMBER LAURIE: One more
25 comment and, Mr. Fay, I apologize for

1 interrupting. But I've been listening to the
2 questions that have been propounded over the last
3 hour and I would simply note that under most
4 circumstances we would be at the evidentiary
5 hearing stage and the public would not be asking
6 these questions because multiple opportunities
7 would have arisen previously and thus these
8 occasions are of a more formal nature.

9 For whatever reason it's clear that
10 certain members of the public and certain
11 neighborhoods, perhaps, perhaps because of a lack
12 of media attention, because that is generally what
13 we rely on, were not well informed prior to
14 today's hearing. Thus I welcome your comments. I
15 hope the opportunity to ask questions this morning
16 was helpful.

17 Nevertheless, your comments are
18 considered, we want to know them, so please feel
19 free to express yourself. I will ask that as each
20 issue is called that you restrict your comments to
21 that issue. If you want to make general comments,
22 that's great. If you want to stand up and say, I
23 don't want the powerplant in my neighborhood,
24 great, we'll provide you an opportunity to do
25 that. But as we go through the process in order

1 to get done, we're going to ask you to go first
2 category by category.

3 Okay. Thank you very much. Mr. Fay.

4 HEARING OFFICER FAY: Okay. Mr.
5 Brookhyser, are you prepared to present the
6 Applicant's testimony on air quality.

7 MR. BROOKHYSER: Yes, thank you, Mr.
8 Fay.

9 The prefiled direct testimony of Scott
10 Weaver has been previously filed with the
11 Commission, together with a declaration, and I
12 would ask that that be admitted into evidence.

13 HEARING OFFICER FAY: Is there
14 objection?

15 STAFF COUNSEL RATLIFF: No.

16 HEARING OFFICER FAY: All right, we
17 direct that to be entered into the record at this
18 point as if read.

19 MR. BROOKHYSER: Mr. Weaver was unable
20 to be here today and Ms. Wilson is available to
21 answer any questions or deal with comments from
22 the public with regard to the air quality area.

23 HEARING OFFICER FAY: Okay, is there
24 cross examination of Ms. Wilson?

25 STAFF COUNSEL RATLIFF: No.

1 HEARING OFFICER FAY: All right.

2 Then we'll hold off comments until the
3 staff has introduced its testimony on air quality.
4 Mr. Ratliff.

5 STAFF COUNSEL RATLIFF: The staff
6 testimony is comprised of two things that we would
7 ask you to mark, and one is the staff assessment
8 which was filed earlier this month on January
9 11th, I believe.

10 And secondarily there is a memorandum
11 prepared by Kevin Kennedy to the Committee, dated
12 January 25th, which includes material which makes
13 changes to some of the conditions that the staff
14 is requesting that the Committee place on this
15 license.

16 HEARING OFFICER FAY: Has the Applicant
17 seen the proposed changes?

18 STAFF COUNSEL RATLIFF: The entire proof
19 of service has received it.

20 HEARING OFFICER FAY: All right. And
21 can you describe the reason for and the nature of
22 the changes?

23 STAFF COUNSEL RATLIFF: Well, if we do
24 that it's going to take a while and we'll be going
25 through not only -- it won't be just one area of

1 discussion, but if you want to have the Project
2 Manager summarize them perhaps we could do that.

3 HEARING OFFICER FAY: Well, if you could
4 just characterize how these changes came about?

5 PROJECT MANAGER KENNEDY: The purpose of
6 the changes, which I would characterize as
7 generally relatively minor corrections and
8 clarifications to the conditions were based on
9 comments that we received on the staff assessment
10 from the City and County of San Francisco, from
11 the Applicant and from some degree of internal
12 review of the staff assessment document.

13 So we feel that they are minor changes
14 and not major changes to the conditions that were
15 proposed.

16 HEARING OFFICER FAY: All right. Thank
17 you.

18 MR. BROOKHYSER: Mr. Fay, the Applicant
19 has seen those changes and we do agree to the
20 changes to the various conditions that are
21 contained therein.

22 HEARING OFFICER FAY: Thank you for
23 that.

24 Does the Applicant have any objection to
25 receiving the staff's testimony as if read into

1 the record at this point?

2 MR. BROOKHYSER: No, no objection.

3 HEARING OFFICER FAY: All right. And
4 any cross examination?

5 MR. BROOKHYSER: No.

6 HEARING OFFICER FAY: All right. Okay
7 that concludes our taking of formal evidence on
8 air quality and since it is not disputed and
9 there's no cross examination back and forth, but
10 we do want to allow public comment at this time on
11 air quality.

12 Please come up, state your name, spell
13 it for the court reporter and make your comments.

14 MR. BUSCHMAN: My name is Scott
15 Buschman, S-c-o-t-t, B-u-s-c-h-m-a-n. I'm a
16 resident of San Bruno.

17 I want to preface my comments by letting
18 you know some of the problem that has arisen from
19 this project is because of this accelerated
20 program you're on and again, like you mentioned,
21 the lack of public notification.

22 HEARING OFFICER FAY: I didn't say there
23 was a lack of public notification. I indicated
24 that it was apparent to me that individuals in the
25 neighborhood didn't receive notice. I didn't

1 indicate that either our staff or the Public
2 Adviser's Office nor do I have any reason to
3 believe did not fulfill their obligations.

4 MR. BUSCHMAN: Anyway, as a resident for
5 15 years of San Bruno, I'm here to say that I'm
6 against this project. The air quality that you're
7 talking about here, as well as the other items
8 that you mentioned, the impacts would be
9 insignificant according to your documents and your
10 testimonies, and insignificant to people that live
11 right in the area. It's insignificant to you,
12 maybe, but probably not insignificant to us.

13 Some people might think that the public
14 is here because they don't want this project in
15 their backyard. Well, I'm going to tell you right
16 now, that's true, I don't want this project in my
17 backyard. And the reason is I already have too
18 much in backyard and I'll tell you what's in my
19 backyard.

20 To the south and southeast of us we have
21 the airport, operating 24 hours a day. We have
22 airplanes taking off and landing about every two
23 minutes or so. We have all the exhaust from the
24 jet engines. It's a constant thing, not to
25 mention the noise level that that brings.

1 Also in the east of my backyard is
2 Highway 101 that we mentioned earlier. Hundreds
3 of thousands of cars travel, again, 24 hours a day
4 up and down that road. Again, spewing toxics into
5 the air.

6 Now this project may add an
7 insignificant amount to our air quality -- an
8 insignificant amount of pollution, but if it's
9 adding any more pollution then it's too much.

10 To the north of my backyard, we have
11 380. Again, another major artery for traffic,
12 again, cars, pollution. And in the west in my
13 backyard is Highway 280, again, a little further
14 up and again hundreds of thousands of cars spewing
15 pollution.

16 Now a little closer in my backyard and
17 almost literally in my backyard we have Caltrains
18 and we have BART. And the BART construction which
19 until recently has been spewing dirt and dust so
20 fine that it gets into my house through my double-
21 pane, double-insulated windows and that's dust so
22 fine that I'm breathing in.

23 Okay, so all these items, all these
24 things are already in my backyard. And for you to
25 sit here and say, well, the additions that this

1 project will add will be insignificant, but I'm
2 saying my backyard is full already. We don't need
3 anymore. Thank you.

4 HEARING OFFICER FAY: Thank you, sir.

5 MS. BARNES: Alice Barnes, A-l-i-c-e, I
6 reside on Fifth Avenue in San Bruno. Thank you,
7 Commissioners.

8 You've already heard some of our
9 questions earlier off the record, but last week we
10 were appalled to find out that the air quality is
11 all being monitored and based on records from
12 Redwood City and to a lesser degree, San
13 Francisco. And we were appalled to find that
14 there are no monitoring devices for air quality in
15 San Bruno.

16 This morning earlier we heard that there
17 are 31, 32 devices throughout the Bay Area
18 monitoring the air quality and none of them are
19 anywhere close to the location of this proposed
20 plant.

21 So we're going to ask, since I represent
22 SanBrunoBART.com, we're going to ask -- I got it
23 in -- we're going to ask that, as a condition to
24 this, that the Applicant provide monitoring
25 devices for air quality and have them located on

1 San Bruno Avenue in the avenues. That's the Belle
2 Air district, First to Seventh Avenue. And we
3 would like those reports to go directly to the San
4 Bruno City Hall.

5 It's a little too late to monitor what
6 happened last year, but if you could get those in
7 real quick, we could monitor what's happening now
8 and what happens after this plant is constructed.

9 We did not hear about the particulates
10 that dropped from planes taking off and my
11 impression from these meetings has been that, come
12 on, that's really nothing. But if you stand on
13 San Bruno Avenue at Highway 101, like my son and I
14 like to do to watch the planes take off, you can
15 feel it in the air as the planes go over and this
16 has not been monitored, I don't care what anybody
17 says. So if you could we would like to have
18 monitoring devices in our neighborhood, please.
19 Thank you.

20 HEARING OFFICER FAY: Thank you Ms.
21 Barnes.

22 PRESIDING MEMBER LAURIE: Thank you.

23 HEARING OFFICER FAY: Other comments?

24 Yes, sir.

25 MR. KAISER: My name is Paul Kaiser, K-

1 a-i-s-e-r. I'm a resident of San Bruno.

2 To pick up where the previous speaker
3 was talking about the monitoring devices, a lot of
4 the report is based on the information from those
5 devices. What I would submit is because of our
6 distant location from residential areas, that data
7 doesn't provide you with information on what's
8 going to happen to people near the powerplant.

9 What could be done, even if the
10 monitoring devices couldn't be placed before the
11 plant were to go into operation, if it does, you'd
12 know what the plant's going to emit, you can
13 calibrate the monitoring devices to register the
14 emissions from the plant, which, from what I
15 understand from Mr. Kennedy, some of those
16 pollutants are going to be unique to this plant.

17 You put those monitoring devices in a
18 variety of locations, since it's a peaker plant,
19 you'll know when the plant is online and offline.
20 You check those devices and when you see the
21 correlation, if there is a correlation, between
22 jumps and pollution, and when the plant is working
23 then you can know the connection.

24 The report and modeling refers to a lot
25 of variables and I understand that. There's a lot

1 of sources of pollution here, there's a wide
2 variety of weather through this area. But if you
3 have the correlation you can throw out all the
4 variables and say with a high degree of certainty
5 that these pollutants, registered at these
6 devices, are the result of this plant.

7 And we don't get a fresh start on our
8 air everyday. All this stuff builds on itself, 24
9 hours a day every day of the year. And if you
10 were to put those devices in place, here would be
11 my suggested locations. You put one on the roof
12 of the Belle Air Elementary School, which is only
13 a mile and a half from the plant location. You
14 put one on the roof of the nearest elementary
15 school in South City. You put one each in the
16 nearest public park in each city. You put one
17 each in the backyard of the nearest home run day
18 care center in each city.

19 I had commented earlier about whether
20 physicians had been contacted about this proposal
21 and the answer was yes. They were given modeling
22 information based on those monitoring stations,
23 which, at certain times of the year, as I can tell
24 you as a long-term resident, don't pick up
25 pollution from this area at all.

1 So it's a fallacy to argue that a
2 Redwood City monitoring station or a San Francisco
3 monitoring station serves as an adequate basis for
4 a doctor reading the data that that provides to
5 say there's no significant health impact. It's a
6 case of faulty data in and a faulty conclusion
7 resulting.

8 Just this week I phoned someone from the
9 local chapter of the American Lung Association
10 about this proposal. They didn't know what I was
11 talking about. I phoned the Director of the San
12 Mateo County Sierra Club. He wasn't aware of
13 this.

14 Okay. That's not your job to send the
15 Sierra Club a letter, but it is their function to
16 watch out for this, that's what they're in
17 existence for. I phoned someone from the San
18 Francisco Chapter of the Sierra Club. I phoned
19 someone from the Oakland Chapter. None of those
20 individuals had heard about this plant, but they
21 were interested and they would automatically take
22 the position they'd study it. Contrary to public
23 perceptions here, the club does study the issues.

24 They were in favor of the proposed South
25 San Jose plant, but they want to study this peaker

1 plant. They're particularly interested in the
2 proposal for the permanent plant.

3 Again, the narrow focus is this plant.
4 This plant's pollutants and the numbers given to
5 me by Mr. Kennedy, I added them up. Every day
6 this plant will be putting out over 470 pounds of
7 a variety of pollutants. When it comes to the
8 people's health that cannot be studied in
9 isolation.

10 Particularly our children's immune
11 system is already under a great deal of stress
12 from jet exhaust, from NOX exhaust from the Bay
13 Shore, from the exhaust of diesel trains.

14 You cannot reach the conclusion that
15 there will be no significant adverse health impact
16 with all the stress on peoples' immune and
17 respiratory systems. For all you know the added
18 pollution from this plant will be just enough to
19 permanently damage some of these kids' health.

20 What I would propose is this and it's
21 not that time intensive. A physician doesn't need
22 to look at everything that's been developed here.
23 You provide him a list with what this plant will
24 emit. You tell him the pounds per day that it
25 will emit. You give him time to do a little

1 research and ask his opinion.

2 The doctors at Kaiser Permanente in
3 South City drive through this area. They don't
4 need to look at the modeling, they know this area,
5 they have patients who live in this area. Talk to
6 the pediatricians, talk to some of the respiratory
7 health specialists.

8 I talked very briefly with a
9 pediatrician on the phone yesterday. Just from
10 what I told her she goes, that doesn't sound very
11 good. Okay, they are basic fundamental things.
12 They can be done very quickly.

13 I don't want to -- what I'd say is with
14 all this talk of speeding up the process and
15 streamlining, what I'd ask Mr. Laurie to keep in
16 mind is this phrase, "Proceed with all due
17 deliberate speed," the key word being deliberate.
18 And when it comes to the public health and the air
19 quality I ask you to slow down and really think
20 about what we're saying.

21 Thank you.

22 HEARING OFFICER FAY: Thank you, sir.

23 PRESIDING MEMBER LAURIE: Thank you.

24 HEARING OFFICER FAY: Any other comments
25 on air quality?

1 Please come up.

2 MS. HUETE: My name is Griselda P.
3 Huete, G-r-i-s-e-l-d-a, last name H-u-e-t-e.

4 I'm a resident of the Francisco Terrace
5 area in South San Francisco. As I mentioned
6 earlier, I was very upset to find out with very
7 few days to even work on it this hearing. And
8 knowing that it's moving fast, on this fast track,
9 because of the power crisis, well, all of the air
10 pollution that we currently have we don't need any
11 more.

12 You've heard from many other people
13 here, we have highways, we have CalTrain, we have
14 BART, we have an airport. This fast track is
15 undermining the representation of a lot of people.
16 The people that weren't notified are the ones that
17 are most impacted.

18 I have a husband that works at United
19 Airlines. He's there six days a week and those
20 people are not represented here. Those people and
21 the children that live in the area that were not
22 in the notification area that's required, these
23 people are the ones that it will affect. And I'm
24 very upset that this fast track is undermining,
25 really, the quality and the items that we really

1 need to look at those.

2 Those are the details, the nitty-gritty
3 of those backyards that you do need to look at.
4 And that is my comment.

5 HEARING OFFICER FAY: Thank you.

6 There was another comment, another hand.
7 Yes, please come up.

8 MS. WILLIAMS: I am Jackie Williams. I
9 live in South San Francisco and I'm also concerned
10 about the pollution aspect, especially after
11 looking on T. V. last night, the 50-megawatt plant
12 in Alameda, run by a northern California agency,
13 that does not meet emission standards and it's
14 going to cost ten billion to meet the standards,
15 six times the cost of the plants.

16 And that's only running 77 hours and
17 this one you say is going to run at 4,000 hours,
18 which someone has pointed out to me is 11 hours a
19 day. That's quite a lot of pollution going into
20 the air.

21 And there's also the question as far as
22 notification, as far as the public is concerned.
23 If we're going to have all this pollution in our
24 area, the least you can do is notify us by putting
25 information in the San Mateo Times and the

1 Independent so that we locally can get the
2 information.

3 And I think that's about all that I've
4 got to say at this time.

5 HEARING OFFICER FAY: Thank you.

6 All right, any further comments on air
7 quality? Yes, one more.

8 MS. KAISER: Good morning, everyone, my
9 name is Marina Kaiser. I'm from San Bruno.

10 You know the word toxic means poison and
11 yet we've been using it so casually that it
12 doesn't seem to mean anything serious or dangerous
13 anymore.

14 In my opinion, reading quite a bit of
15 your reports, you use facts and figures in such a
16 way that would make us think that emitting a
17 hundred tons of toxics per year is really not very
18 bad for us. You use phrases such as "no
19 significant unavoidable adverse impacts are
20 anticipated." "All risk estimates are within
21 acceptable levels."

22 But I think perhaps the most
23 straightforward sentence that I read in everything
24 was this one, "Predictions of future health risks
25 include substantial uncertainty," and that's the

1 nuts and bolts, I think, of why we're all sitting
2 here doing this.

3 The reason this is so important to San
4 Bruno is because we already have so many things in
5 our backyard as a previous young man has stated.
6 You're already exceeding quality standards, but
7 all these reports are telling us that's okay.

8 I don't think it is. Thank you.

9 HEARING OFFICER FAY: Thank you.

10 Any other comments on air quality?

11 All right, I see no indication, so I
12 want to move now to hazardous materials.

13 PRESIDING MEMBER LAURIE: I'm sorry, Mr.
14 Fay, were the exhibits taken in --

15 HEARING OFFICER FAY: Yes, they're all
16 received. And, by the way, let's mark, based on
17 the exhibit list provided by -- we have a draft
18 exhibit list in the Applicant's filing. Just for
19 identification if we could mark for
20 identification, the Application for Certification,
21 of United Golden Gate Power Project, Phase 1,
22 volumes 1 and 2, dated September, 2000 as Exhibit
23 One.

24 (Thereupon the above-referenced document
25 was marked as Exhibit 1 for

1 Identification.)

2 HEARING OFFICER FAY: Applicant's
3 responses to the CEC, staff data request of
4 November 8, 2000, dated December 5th, 2000 as
5 Exhibit 2.

6 (Thereupon the above-referenced document
7 was marked as Exhibit 2 for
8 Identification.)

9 HEARING OFFICER FAY: And if there's
10 objection, please voice it.

11 Applicant's responses to CEC staff data
12 request of November 8, 2000, dated December 15th,
13 2000 as Exhibit 3.

14 (Thereupon the above-referenced document
15 was marked as Exhibit 3 for
16 Identification.)

17 HEARING OFFICER FAY: BCDC
18 jurisdictional map, dated December 18th, 2000 as
19 Exhibit 4.

20 (Thereupon the above-referenced document
21 was marked as Exhibit 4 for
22 Identification.)

23 HEARING OFFICER FAY: Letter from BCDC
24 to CEC regarding BCDC jurisdiction dated January
25 3rd, 2001, Exhibit 5.

1 (Thereupon the above-referenced document
2 was marked as Applicant's 5 for
3 Identification.)

4 HEARING OFFICER FAY: Letter from CEC to
5 BCDC response to letter dated October 18th,
6 regarding evaluation of the location in an area
7 designated by the BCDC as airport priority use,
8 dated December 11th, 2000, Exhibit 6.

9 (Thereupon the above-referenced document
10 was marked as Exhibit 6 for
11 Identification.)

12 HEARING OFFICER FAY: Letter from BCDC
13 to Commission regarding comments on the AFC, dated
14 December 18th, 2000, Exhibit 7.

15 (Thereupon the above-referenced document
16 was marked as Exhibit 7 for
17 Identification.)

18 HEARING OFFICER FAY: Application for
19 authority to construct submitted to the BCDC by
20 the Applicant, October 16th, 2000 as Exhibit 8.

21 (Thereupon the above-
22 referenced document was marked
23 as Exhibit 8 for
24 Identification.)

25 HEARING OFFICER FAY: Preliminary

1 determination of compliance issued by the Bay Area
2 Air Quality Management District December, 2000 is
3 Exhibit 9.

4 (Thereupon the above-referenced document
5 was marked as Exhibit 9 for
6 Identification.)

7 HEARING OFFICER FAY: And I'd like to
8 identify the staff assessment, dated January 11th
9 as Exhibit 10.

10 (Thereupon the above-referenced document
11 was marked as Exhibit 10. for
12 Identification.)

13 HEARING OFFICER FAY: It would help the
14 record if, as the parties move items into
15 evidence, they could reference the exhibit number
16 as well and a plain English description.

17 STAFF COUNSEL RATLIFF: Mr. Fay, the
18 only other exhibit the staff might want to move
19 into evidence would be the Air District's
20 preliminary determination of compliance. As you
21 know the normal document that we would enter would
22 be the final determination of compliance. We
23 don't have that yet and we would enter that at a
24 future date.

25 The preliminary determination of

1 compliance is in the docket and it wasn't really
2 my intent to put it in evidence and we thought we
3 would just put the final in at the hearing on the
4 BMVD.

5 HEARING OFFICER FAY: If there's no
6 objection, I'd like to mark it for identification,
7 though.

8 STAFF COUNSEL RATLIFF: The preliminary
9 determination.

10 HEARING OFFICER FAY: Let's mark the
11 preliminary determination of compliance as Exhibit
12 11, since we don't have the final determination of
13 compliance yet.

14 (Thereupon the above-referenced document
15 was marked as Exhibit 11 for
16 Identification.)

17 MR. BROOKHYSER: Mr. Fay we also want to
18 mark as an exhibit this memorandum amending the
19 certificates, the conditions of certification.

20 HEARING OFFICER FAY: I think that would
21 be helpful to staff. Could you identify that?

22 STAFF COUNSEL RATLIFF: I identified it
23 earlier, it's the January 25th memo from Kevin
24 Kennedy to the Committee, which should be marked
25 as well.

1 HEARING OFFICER FAY: Okay, and that
2 will be Exhibit 12.

3 (Thereupon the above-referenced document
4 was marked as Exhibit 12 for
5 Identification.)

6 MR. BROOKHYSER: Excuse me, Mr. Fay, to
7 clarify the record, the PDLC was already marked as
8 Exhibit 9, so it would not need to also be marked
9 as Exhibit 11.

10 HEARING OFFICER FAY: I'm sorry, all
11 right. Thank you.

12 MR. BROOKHYSER: So then the memo for
13 Mr. Kennedy should be marked as Exhibit 11.

14 HEARING OFFICER FAY: Let's do that.
15 Mr. Kennedy's memo is not Exhibit 12, rather it's
16 Exhibit 11. Thank you.

17 All right. Any other exhibits to mark
18 for identification?

19 All right, let's proceed then.

20 Mr. Brookhyser, hazardous materials.

21 MR. BROOKHYSER: Thank you, Mr. Fay.

22 Our witness with regard to hazardous
23 materials is James Brady. His testimony has
24 previously been filed with the Commission with a
25 declaration. We'd ask that it be admitted, and

1 Mr. Brady is present.

2 HEARING OFFICER FAY: Any objection to
3 receiving Mr. Brady's testimony?

4 STAFF COUNSEL RATLIFF: No.

5 HEARING OFFICER FAY: All right, we
6 direct that that be admitted at this point. And
7 can you reference where in the portions of Exhibit
8 1 that were relied on from Mr. Brady's testimony?

9 MR. BROOKHYSER: In his testimony Mr.
10 Brady is sponsoring Sections 5.4, 5.5, 5.9, 5.11,
11 5.13, 5.14, 5.15, 5.17 and 5.17 of Exhibit 1, the
12 application. He also sponsors portions of Exhibit
13 2, 4, 5, 6 and 7.

14 HEARING OFFICER FAY: And that's
15 contained in his summary?

16 MR. BROOKHYSER: That's correct.

17 HEARING OFFICER FAY: I wonder if we can
18 mark the Applicant's filing on January 18th for an
19 exhibit so that you can refer to that summary as
20 well?

21 Do you have any objection to doing so

22 STAFF COUNSEL RATLIFF: Certainly not.

23 HEARING OFFICER FAY: Okay. Then
24 Exhibit 12 will be Applicant's summary testimony
25 filed on January 18th.

1 (Thereupon the above-referenced document
2 was marked as Exhibit 12 for
3 Identification.)

4 HEARING OFFICER FAY: And if there's no
5 objection to receiving Applicant's testimony on
6 hazardous materials?

7 STAFF COUNSEL RATLIFF: No.

8 (Thereupon the above-referenced document
9 marked as Exhibit 12 for Identification
10 was received in evidence.)

11 HEARING OFFICER FAY: Then we'll ask the
12 staff to introduce their testimony as well on
13 hazardous materials as well.

14 STAFF COUNSEL RATLIFF: I guess what I
15 think what might be most efficient would be just
16 to enter the entire staff assessment at once. We
17 have witnesses here only in socioeconomics,
18 visual, resources and air quality -- not visual,
19 I'm sorry, noise and air quality.

20 So what we would suggest is just
21 entering the entire marking and entering the
22 entire staff assessment at one time, rather than
23 going sequentially. Is that acceptable to you?

24 HEARING OFFICER FAY: That's fine, but
25 we're still going to go topic by topic to allow

1 the public a chance to comment on each topic.

2 STAFF COUNSEL RATLIFF: I understand.

3 HEARING OFFICER FAY: Does the Applicant
4 have any objection to receiving the entire staff
5 assessment?

6 MR. BROOKHYSER: No, not at all.

7 HEARING OFFICER FAY: All right.

8 MR. BROOKHYSER: And we, again, don't
9 intend to cross examine any of the staff witnesses
10 in any of the areas either.

11 HEARING OFFICER FAY: Just for the
12 record, has the Applicant already submitted its
13 comments on the staff assessment?

14 MR. BROOKHYSER: Yes, we have.

15 HEARING OFFICER FAY: Okay and do you
16 agree with the conditions of certification
17 contained therein?

18 MR. BROOKHYSER: I believe we do. Let
19 me just confer for one minute.

20 HEARING OFFICER FAY: Okay.

21 MR. BROOKHYSER: Thank you, Mr. Fay. I
22 just needed to clarify the point with regard to
23 Exhibit 11, which are the amendments or
24 corrections to certain certifications, there may
25 be some minor verbiage changes that the Applicant

1 will suggest to staff. But certainly with regard
2 to the staff assessment itself, Applicant accepts
3 all the conditions for certification contained
4 therein.

5 I would note, however, we're leaving air
6 quality and transmission system engineering open
7 until those final documents are received and
8 reviewed.

9 HEARING OFFICER FAY: That's correct and
10 thank you for that clarification.

11 And by the way, while I encourage you to
12 work with the staff, there's also the vehicle of
13 commenting on the PMPD once the Presiding Member's
14 proposed decision is published, and you have a 30-
15 day comment period, of course.

16 I'd just note for everybody's
17 information that Mr. Brookhyser's reference to air
18 quality and transmission system engineering being
19 kept open, to keep the record on that open, is
20 because the final determination of compliance has
21 not yet been filed by the air quality district and
22 both PG&E and the Independent System Operator's
23 analysis of the transmission engineering for this
24 project has not yet been filed. And so we'll
25 receive information on both those, we'll take

1 evidence on both those items on February 23rd.

2 That will also be the date when we'll
3 receive oral comments on the Presiding Member's
4 proposed decision. So you'll have another chance
5 to make comments on the Committee's recommendation
6 to the full Commission at that time.

7 With that clarification then, we have
8 completed taking evidence on hazardous materials
9 and I'd like to know if any members of the public
10 would like to comment on that topic?

11 MS. BARNES: Thank you, Commissioners.
12 It's Alice Barnes, San Bruno BART. I think it's
13 important instead of just complaining to make
14 recommendations.

15 Should there be any hazardous materials
16 that are accidentally released into the air
17 there's a strong possibility that the Belle Air
18 district will be the recipient of these. We would
19 like to recommend, as a condition of acceptance or
20 whatever you call it, that the Applicants install
21 a monitoring device on San Bruno Avenue, another
22 one, probably you've a utility power line tower
23 right there at the city limit, and this device
24 would monitor any toxic materials that are in the
25 air and would be connected to some warning system

1 for the neighbors.

2 I would recommend that instead of having
3 telephone trees or having announcements placed on
4 T. V. screens or having the police patrol our
5 neighborhoods, because all of those have been
6 found to be inadequate.

7 We already have that situation in San
8 Bruno on the west side, when there's an escapee
9 from San Francisco's jail. And so our big problem
10 with this will be probably toxics in the air and
11 we would like to have them monitored and we would
12 like to be warned if there is an accident.

13 I notice that you did not list fire
14 protection and safety. May I make a comment on
15 firefighting, because it fits in here?

16 HEARING OFFICER FAY: Actually, if you
17 can hold off on that we will be addressing public
18 safety and fire protection. And I'd like to get
19 your comment at that time.

20 MS. BARNES: That's fine, no problem.
21 Thank you. I just wanted to save you my coming up
22 here all the time.

23 HEARING OFFICER FAY: I appreciate that.

24 Any other comments on hazardous
25 materials?

1 MR. GONZALES: Thank you, good morning.
2 My name is Pedro Gonzales, City Council Member in
3 South San Francisco.

4 Earlier you mentioned that the ammonia
5 affects within one-tenth of a mile and it could be
6 true, but only if there is no air around. If
7 there is air, this is going to extend to wherever
8 the air is going to go and probably is going to
9 reach more than one-tenth of a mile.

10 And I thank the previous speaker for
11 suggesting such a monitor on the school, but we
12 not only need it in that school, we need it on the
13 other areas around. If you can extend that tenth
14 of a mile to maybe a half of a mile around.

15 Also, I don't know if I could speak on
16 the process of this meeting or I'll wait until
17 later?

18 HEARING OFFICER FAY: Sure, please do.

19 MR. GONZALES: Okay. On the average of
20 the public, I don't think you haven't done the
21 maximum, which you need, in this type of project,
22 you need to reach the maximum. I think you have
23 reached the minimum. And you need to go to
24 communities.

25 As a representative of our constituents

1 I have to make my decisions when we give the
2 opportunity to the community to hear this. And
3 South San Francisco, having had that opportunity,
4 I know we have a pending presentation from you.
5 Also I'm not very satisfied with this
6 presentation, because as a City Council Member we
7 have seen presentations with projects less than
8 this with visual presentations, describing the
9 noise up to the level.

10 We have seen presentations like that.
11 And I hope when you come to our City, will you
12 please give us that type of presentation?

13 HEARING OFFICER FAY: Thank you, sir.

14 PRESIDING MEMBER LAURIE: Thank you.

15 HEARING OFFICER FAY: Is the Applicant
16 planning to make a presentation to the City of
17 South San Francisco?

18 MR. FREDERICK: Our plan right now is to
19 come to visit the City of South San Francisco at
20 their pleasure. We expect to be there not this
21 coming week, but the week after, I believe it's
22 Wednesday is the current date we have started to
23 develop on. We're looking forward to it.

24 HEARING OFFICER FAY: Good, great.

25 Thank you.

1 Any further comments on hazardous
2 materials?

3 All right. I'd like to move then to
4 socioeconomics and under that topic the Commission
5 examines environmental justice.

6 MR. BROOKHYSER: Applicant's witness in
7 that area is Nancy Spitters. Her prepared direct
8 testimony has previously been filed with the
9 Commission with a declaration. We'd ask that it
10 be admitted into evidence.

11 HEARING OFFICER FAY: Is there any
12 objection?

13 STAFF COUNSEL RATLIFF: No.

14 HEARING OFFICER FAY: Okay. We direct
15 that be admitted at this point as if read.

16 (Thereupon the above-referenced document
17 was admitted into evidence.)

18 HEARING OFFICER FAY: And does her
19 written testimony include references to Exhibit 1
20 on which she relied?

21 MR. BROOKHYSER: Yes.

22 HEARING OFFICER FAY: All right, thank
23 you.

24 And we'll move then to the staff. Now,
25 Mr. Ratliff, did I understand that you moved in

1 the entire staff assessment?

2 STAFF COUNSEL RATLIFF: Yes.

3 HEARING OFFICER FAY: In your previous
4 motion.

5 STAFF COUNSEL RATLIFF: It's our intent
6 to answer whatever questions the Committee or, if
7 you prefer, the public may have, but not to
8 present these witnesses.

9 HEARING OFFICER FAY: Okay, fine. What
10 I would like to do, though is -- you do have a
11 witness here who was involved in the analysis?

12 STAFF COUNSEL RATLIFF: We do, yes.

13 HEARING OFFICER FAY: Could you
14 summarize just for the people here, what the
15 standard is for the environmental justice
16 evaluation and how this project fit into that
17 standard?

18 MR. ADAMS: Yes. My name is James
19 Adams, A-d-a-m-s. I'm the Environmental Planner
20 with the California Energy Commission and I
21 prepared the socioeconomic analysis for this
22 project.

23 In terms of environmental justice,
24 basically --

25 HEARING OFFICER FAY: Excuse me, Mr.

1 Adams, just in case you get into any areas that
2 aren't verbatim in your written testimony, I'd
3 like to have you sworn in so we can rely on the
4 testimony you're giving today. Could the court
5 reporter please swear the witness?

6 Whereupon

7 JAMES ADAMS

8 was called as a witness and having been first duly
9 sworn, was examined and testified as follows:

10 HEARING OFFICER FAY: Go ahead.

11 MR. ADAMS: In terms of environmental
12 justice, basically what we do is take a look at
13 the demographic makeup of the population within
14 what we consider to be the project impact area
15 which is about a six-mile radius from the project
16 site.

17 We use census data from the United
18 States Census Bureau to determine what is the
19 percentage of minority and low-income people in
20 that area. In addition, since the 1990 data is
21 quite old, we have a private marketing firm that
22 we contract out with and we get estimates for the
23 year 2000, what is their estimate of the current
24 minority and low-income population.

25 Based on that, we determined that there

1 were a couple -- and we break it out by census
2 tracks, that's how the data is collected by the U.
3 S. Census Bureau. So basically on that basis we
4 determined that there were a couple of census
5 tracks within the six-mile radius that have over a
6 50 percent minority population.

7 The low-income population is generally
8 under ten percent for all of census tracks within
9 the six-mile radius and essentially that's how we
10 determine whether or not there is an environmental
11 or so-called environmental justice population.

12 After that, we talk to other staff and
13 determine whether or not there is any significant
14 impact from other technical areas, such as air
15 quality and public health to determine if there
16 is going to be any significant impact from this
17 project.

18 If there is a significant impact then we
19 go and determine whether or not there is a, what
20 we call a disproportionate or adverse impact on
21 that minority population to determine if they're
22 getting, basically an unfair share of the negative
23 impacts from the project. However, in this case
24 there were no significant impacts identified by
25 any of the technical staff and therefore we do not

1 have what we would call an environmental justice
2 issue. And that's basically what we do.

3 HEARING OFFICER FAY: And even prior to
4 the President's directive on environmental
5 justice, did the Energy Commission, when it
6 perceived a potential significant impact from a
7 project, did it require that that impact be
8 mitigated to below the level of significance?

9 MR. ADAMS: That's correct. If there is
10 a potential significant impact then staff would
11 require conditions of certification and some sort
12 of mitigation to reduce that impact to less than
13 significant levels. And it's been the Energy
14 Commission policy to treat environmental justice
15 as an issue that needs to be dealt with because
16 some of the projects that we deal with are
17 essentially located in areas where there may be
18 census tracts with greater than 50 percent
19 minority population.

20 HEARING OFFICER FAY: Thank you. We
21 appreciate that.

22 All right. The staff has moved in its
23 entire staff assessment into the record and so
24 your testimony is in the record. What I'd like to
25 do now is ask what -- why don't you just briefly

1 summarize other aspects that are covered under the
2 topic of socioeconomics and then we'll take
3 comments from the public.

4 MR. ADAMS: Okay. Socioeconomics
5 basically takes a look at what it basically
6 implies is the economic and socioeconomic data for
7 the area in terms of the type of employment, the
8 types of industries that are in the local area.
9 We take a look at utilities and emergency
10 services, the schools, a wide variety of things to
11 just get an understanding of what is the
12 socioeconomic makeup of the community.

13 In general, we look within either the
14 local cities or the county, in this case. And
15 then we take a look at what are the impacts of the
16 particular project in terms of employment, in
17 terms of the cost of the project, potential impact
18 on services, water districts, schools, what have
19 you, to determine if there is going to be an
20 impact that would have to be, that without
21 mitigation would burden the community and
22 therefore we would require the Applicant to
23 provide funds or some other mitigation to make
24 sure that the communities don't absorb the
25 additional socioeconomic impact.

1 For this project, because it is so small
2 in terms of the greater socioeconomic environment
3 of this area, there will be a slight benefit due
4 to the jobs and the construction costs and
5 whatnot, but basically there'll be no real
6 significant impact on any of the services or
7 anything of that sort.

8 So in our view the impact is relatively
9 minor from a socioeconomic point of view.

10 HEARING OFFICER FAY: Thank you.

11 Are there any comments people would like
12 to make in this area.

13 Please come up to the microphone. Now,
14 we're not giving you an opportunity to ask
15 questions, because we're taking evidence. But we
16 are accepting public comment, so if you'd like to
17 make a comment for the Commission to hear, now is
18 the time to do that.

19 MS. BARNES: Thank you, Commissioners.

20 Alice Barnes, A-l-i-c-e, San Bruno BART.

21 On this one, once again on this section,
22 we feel that the information, with all due respect
23 is inadequate.

24 For example, in our neighborhood, the
25 Belle Air district, we have a large population of

1 Hispanic hereditary -- or whatever -- I'm loosing
2 my English here, but the morning is getting on.
3 We have a substantial number of Spanish speaking
4 people, Tongon speaking people, and those speaking
5 only Tagalog.

6 The masses at St. Bruno's church, they
7 have two masses in Spanish exclusively. So that
8 kind of gives you an idea that our neighborhood is
9 very ethnically well represented, I guess I should
10 say.

11 What we would like to see you folks do
12 is provide your materials in those languages in
13 addition to English. There are a lot of our folks
14 who do not speak any English whatsoever.

15 Socioeconomic. This week, the San Bruno
16 City Council made an application for wheelchair
17 ramp cuts. I'm not going to get off the point, I
18 just want to say that we have a large neighborhood
19 that is 51 percent, at least 51 percent low to
20 moderate income.

21 That's 1990 information and I assure you
22 that when the latest census figures come out we
23 will have an even greater area that qualifies as
24 low and moderate income.

25 And finally, this falls into

1 socioeconomic. In my neighborhood, south of San
2 Bruno Avenue, First to Seventh Avenues as of
3 December 12th we made a survey and there are at
4 least ten homes where there is a resident who uses
5 a wheelchair. That's just in our neighborhood.
6 North of San Bruno Avenue I bet you you've got
7 some more. That's the kind of people that you're
8 dealing with here and I think you should provide
9 us with a little more consideration.

10 Thank you.

11 HEARING OFFICER FAY: Thank you, Ms.
12 Barnes.

13 And I'd just like to ask the staff, it
14 looks to me like in your update, on Figure 2 in
15 your testimony that you did assume that this area,
16 including San Bruno, was greater than 50 percent
17 minority, is that correct?

18 MR. ADAMS: That's correct.

19 HEARING OFFICER FAY: Okay. So that was
20 taken into account in your --

21 MR. ADAMS: That was taken into account,
22 yes.

23 HEARING OFFICER FAY: Okay, thank you.

24 Any other comments on socioeconomics?

25 Yes.

1 MS. MALESHEFSKI: My name is Tiffany
2 Maleshefski. I'll spell that. M-a-l-e-s, as in
3 Sam, h-e-f, as in Frank, s as in Sam, k-i.

4 And I more or less just have two
5 suggestions. Possibly when you're canvassing
6 these locations to research socioeconomic
7 backgrounds, if it could be combined to possibly
8 notice these people that you are beginning a
9 study, because you might reach more residents that
10 way.

11 And to possibly come up with a
12 definition of significant impacts to help the
13 public understand what you're going by, because as
14 we're hearing today, there is some question as to
15 what significant means. And from what I'm hearing
16 it sounds very subjective, so if somehow you could
17 post it on your website what you're using to
18 determine what's significant and what's
19 insignificant.

20 HEARING OFFICER FAY: Thank you.

21 Any other comments on socioeconomic
22 issues?

23 All right, I see no indication, so we're
24 going to move to noise. We did have a brief
25 summary of the noise testimony and I'll invite the

1 Applicant to introduce that testimony at this
2 time.

3 MR. BROOKHYSER: Thank you, Mr. Fay.
4 Our witness in regard to noise is Chris Papadimos.
5 His prepared direct testimony has previously been
6 filed with the Commission, together with a
7 declaration. I would ask that it be admitted into
8 evidence.

9 HEARING OFFICER FAY: Any objection?

10 STAFF COUNSEL RATLIFF: No.

11 HEARING OFFICER FAY: We direct that
12 that be entered in at this point as if read.

13 (Thereupon the above-referenced document
14 was received in evidence.)

15 HEARING OFFICER FAY: And, again, does
16 the summary of his testimony contain the
17 references to Exhibit 1.

18 MR. BROOKHYSER: Not his summary in the
19 Prehearing statement, but his actual testimony
20 describes the parts of the exhibit that he is
21 sponsoring or that he relied on.

22 HEARING OFFICER FAY: Okay. And that's
23 contained in which Exhibit?

24 MR. BROOKHYSER: In his testimony.

25 HEARING OFFICER FAY: In his testimony.

1 MR. BROOKHYSER: I'm sorry, you asked
2 about the summary of the testimony and it does not
3 include specific references to exhibits, but his
4 testimony, itself, and each witness' testimony
5 describes which exhibits that witness is
6 sponsoring and relying upon.

7 HEARING OFFICER FAY: As contained in
8 the packet of Exhibit 12?

9 MR. BROOKHYSER: Yes.

10 HEARING OFFICER FAY: Filed on January
11 18th?

12 MR. BROOKHYSER: Yes, exactly.

13 HEARING OFFICER FAY: All right. Staff,
14 we've introduced your noise testimony, along with
15 the staff assessment. Anything further or any
16 modifications to that?

17 STAFF COUNSEL RATLIFF: No.

18 HEARING OFFICER FAY: All right. Then
19 that takes into the record all the testimony we
20 have on noise. And so I'd like to open it up for
21 public comment on the topic of noise.

22 Any comments?

23 Ms. Barnes.

24 MS. BARNES: I feel like a yoyo.

25 Commissioners, Alice Barnes, representing San

1 Bruno BART.

2 We're talking about noise this time,
3 right?

4 HEARING OFFICER FAY: Yes.

5 MS. BARNES: Rather than criticize the
6 noise we'd like to make some recommendations and
7 one of them was we heard a comment earlier that
8 the motors would have a hum to them, which would
9 not be offensive or whatever words you want to
10 use, but I think you did use the word hum.

11 That noise can be canceled out. The
12 technology is already in place and we'd like to
13 see a condition for this plant that the constant
14 hum be modified and canceled out.

15 The reason we bring that up is because
16 in the Belle Air area, where we live, less than
17 one mile from the proposed site, at night we hear
18 the public address system within the united
19 maintenance building. And every morning around
20 three or four o'clock United races the engines to
21 test them and that's right in our backyard and we
22 hear that, even with, thank goodness, the
23 airport's soundproofing.

24 So to you it may be a hum, to us it's
25 evident and it keeps us awake. So we'd like to

1 see that happen.

2 The other kind of noise that we know
3 will be coming is with the piledriving and we
4 discussed this last week, but I'd like to put it
5 into the record, that the comments that come from
6 the folks here, the participants is that, gee,
7 it's only 70 piles and it will be insignificant.
8 It's on the other side of the highway, we'll never
9 hear it.

10 Well, you should have been at City Hall
11 the Saturday morning months ago when they were
12 piledriving for the San Francisco International
13 Terminal. All heck broke loose because they
14 started driving piles at seven o'clock and that's
15 even further from our neighborhood than this plant
16 will be.

17 And so, to a lot of folks we just use
18 the words, piledriving, so many decibels,
19 etcetera. But you're not looking at our ears.
20 We're the ones hearing it and feeling it.

21 Now last week we offered to provide Mr.
22 Brady with a number of recommendations to mitigate
23 the piledriving. And I apologize, sir, I haven't
24 gotten it out to you. On our website we have over
25 8,000 photographs and I'm trying to sift through

1 them to provide you with photographic evidence on
2 how piledriving noise can be mitigated. And we're
3 definitely, definitely looking for a lot of
4 mitigations, because we have had it with the BART
5 project.

6 And so that's all I have, thank you.

7 HEARING OFFICER FAY: Please come and
8 we'll take your other comment. I'd like to follow
9 up with a question on that? What is the time
10 limit range that Applicant and staff have arranged
11 for construction on this project for noisy
12 construction?

13 Seven to seven, seven a.m. to seven p.m.
14 And that would include piledriving?

15 PROJECT MANAGER KENNEDY: I believe that
16 there's not a specific further limitation on
17 piledriving, so it would include that.

18 MR. FREDERICK: We could certainly
19 consider -- I was jotting to myself a thought and
20 that is we could certainly consider limiting
21 piledriving to hours that people are not as
22 susceptible to any kind of noise related to
23 piledriving. Maybe we can limit the piledriving
24 to occur between nine and three and have a
25 specific shutdown.

1 Normally in construction they try to do
2 that anyway. It's just a courtesy to the
3 surrounding community, at least on projects I've
4 been involved in. It may be that we could put it
5 in as a condition. However, it will extend the
6 duration of the time period that that will be
7 going on, instead of having the benefit of a 12-
8 hour period, we'll have basically a six-hour
9 period.

10 HEARING OFFICER FAY: Well, I think we'd
11 invite that kind of amendment, but not until
12 you've checked with the engineers to see what it
13 would do. Because there's no point in offering
14 now and having to change it later, because it
15 would be unworkable with the timeframe because we
16 know you're working within a construction
17 timeframe.

18 MR. FREDERICK: Right, okay.

19 HEARING OFFICER FAY: But I'm glad you
20 made that point and I think it's a worthy one.

21 All right, please go ahead.

22 MS. HUETE: Griselda Huete, H-u-e-t-e.

23 I keep hearing the word subject and
24 that's true. I feel that those of you who are
25 here to make this decision, you will drive home,

1 you will not stay and live. Perhaps some of you
2 do, but those of us who stay and live here I'll
3 give you an example of what we'll have to deal
4 with.

5 You have a leaky faucet and you have a
6 cup at the bottom of this leaky faucet and you
7 have all these little drops that keep going,
8 airport noise, Caltrain, it just takes that last
9 drop to make everything be too much for the
10 residents. And that's what I think you're not
11 looking at.

12 You need to look at the big picture, not
13 just this one little picture. You need to look at
14 the whole thing. It's a sad day for me to know
15 the inadequacy of the notification to people that
16 it will affect those of us that live there and
17 further out than the required area to notify.

18 It's a sad day to me when they're not
19 represented and not given the voice to really
20 speak. And, you know, the people behind this
21 project expect us to roll over and play dead and
22 that's really sad to me that those people can't be
23 here, those I spoke with last night my
24 neighborhood, didn't know about this and are not
25 here to be able to represent themselves.

1 HEARING OFFICER FAY: Thank you. Any
2 other comments on noise.

3 All right.

4 Commissioner Laurie recommended, and we
5 can certainly do this, that we just receive the
6 rest of Applicant's testimony, and since there's
7 no objection and no request for cross examination,
8 receive it on declaration on all the topics. And
9 then we just open up the comment period for any
10 comments on any of the topics that people like and
11 we will sort it out later, and let you get your
12 comments on the record sooner, rather than later,
13 and then people can go on about their business.

14 So, Mr. Brookhyser, would you like to
15 just move the remaining testimony.

16 MR. BROOKHYSER: If I might just state
17 that includes the testimony of Jesse Frederick,
18 Mary Jane Wilson, Christian Gerike, Jay Allen
19 Wagner, Ross Dobberteen, and Nancy Spitters.

20 HEARING OFFICER FAY: Okay, any
21 objection from the staff?

22 STAFF COUNSEL RATLIFF: No.

23 HEARING OFFICER FAY: Objection from any
24 other party?

25 All right, we've received all of the

1 testimony from the Applicant into the record and
2 that includes a number of related exhibits.

3 (Thereupon the above-referenced
4 documents were received in evidence.)

5 HEARING OFFICER FAY: And did you want
6 to move the exhibits on your draft exhibit list
7 into the record at this time?

8 MR. BROOKHYSER: Yes, Commissioner, I
9 would and, Mr. Fay, I would move the admission of
10 Exhibits 1 through 9.

11 HEARING OFFICER FAY: Any objection from
12 the staff?

13 STAFF COUNSEL RATLIFF: No.

14 HEARING OFFICER FAY: All right,
15 Exhibits 1 through 9 have been previously
16 identified and are received into evidence at this
17 time.

18 (Thereupon the above-referenced
19 documents, marked as Exhibits 1 through
20 9 for Identification were received in
21 evidence.)

22 HEARING OFFICER FAY: And we've also
23 received the staff assessment, the staff memo and
24 your motion, I assume, includes Exhibit 12, the
25 summary of the testimony as well?

1 MR. BROOKHYSER: Yes, it does, Mr. Fay.
2 (Thereupon the above-referenced
3 document, marked as Exhibit 12 for
4 Identification was received in
5 evidence.)

6 HEARING OFFICER FAY: All right. Having
7 completed that bit of business, basically then all
8 the remaining topics in the staff assessment are
9 open for people to comment upon and we'd like to
10 receive your comments at this time. We may have
11 questions to clarify, but we hope you'll bear with
12 us.

13 Further comments, then, please.

14 PRESIDING MEMBER LAURIE: As we're
15 providing an opportunity for such comments, let me
16 just note that I understand that this is a state
17 agency, and the concern that the state agency is
18 headquartered in Sacramento and we're the state
19 government. I need to have you understand that at
20 least, at least, three members, three of our five
21 Commissioners have spent a great deal of their
22 professional life, including myself, either
23 working for or working with the local governmental
24 structures, not as part of state government.

25 I, therefore, am extremely respectful

1 and sensitive to the needs of -- to the needs as
2 expressed by the people that are living in areas
3 where projects might have impacts.

4 So, again, I recognize that we are a
5 state agency, but your comments, I assure you,
6 will be heard and will be taken into
7 consideration.

8 Thank you.

9 HEARING OFFICER FAY: Yes, ma'am.

10 MS. CALVERT: Sally Calvert, C-a-l-v-e-
11 e-r-t, San Bruno resident.

12 I just want to make the comment, very
13 general. I think that we're fortunate that this
14 is a three-year peaker plant, because where there
15 is the larger permanent plant, which is ten times
16 bigger than this and there's going to be a
17 separate approval and hearing process for that,
18 although it's not going to be at the end of the
19 three years, it's probably going to start --
20 probably it's already started. But we are going
21 to have a time period to see what type of citizen
22 El Paso is for our neighborhood.

23 This is a bias. Texas has a terrible
24 environmental record. I don't think, in general,
25 that they are good corporate citizens and I'm

1 talking about other companies, not just energy
2 companies.

3 I recently retired from Pacific Bell.
4 SVC Communications bought them. I think there's a
5 different type of culture in Texas that sometimes
6 is incompatible with California. I think of
7 Tosco. It may not be true of El Paso, but we will
8 be watching. I'm skeptical, but we've got this
9 time with the peaker plant that we can kind of
10 check them out for the much larger permanent
11 plant.

12 But I want it on record that I'm
13 concerned and I'm going to be watching very
14 closely. And I do also think it would be very
15 nice if they gave something back to the
16 communities of San Bruno and South San Francisco,
17 like donate money to their park and rec
18 department, something that, as we're living with
19 whatever effect this has, and a private company is
20 having a commercial venture in our backyard that's
21 causing us some strain maybe, that we can feel
22 that we aren't just being taken advantage of and
23 price gouged, maybe, with electric rates that
24 they're charging that we might not even be able to
25 afford to pay for, that we at least have something

1 in our neighborhoods to show for it.

2 I'm not talking about a bribe.

3 (Laughter.)

4 MS. CALVERT: Although --

5 (Laughter.)

6 MS. CALVERT: That's my comment.

7 HEARING OFFICER FAY: Thank you very
8 much.

9 PRESIDING MEMBER LAURIE: Thank you.

10 HEARING OFFICER FAY: On that note, Mr.
11 Frederick, what are your plans for filing the
12 application for the large facility? Do you know
13 right now?

14 MR. FREDERICK: We're probably going to
15 be filing towards the middle of February is what
16 we're thinking right now. We're trying to get
17 clear of all the documents and paperwork to make
18 sure that we get this shortened fast track project
19 taken care of first.

20 HEARING OFFICER FAY: Mid-February and
21 when they file that does not begin the clock,
22 because the Commission staff has about a month to
23 review the filing and determine whether or not it
24 is a complete filing, adequate to begin the
25 process. And once the staff determines and

1 recommends to the Commission that it's an adequate
2 filing, if the Commission accepts it, then the
3 clock begins, either a 12-month clock or possibly
4 a six-month clock if this larger project is
5 eligible for a new six-month process.

6 So the answer to both questions as to
7 when the process starts and how long the process
8 will run is ahead, but I encourage you to stay in
9 touch with the Public Adviser's Office so that you
10 can be on the list to get notification when the
11 application comes in.

12 Notification is automatically sent out
13 to all the public agencies that would have to
14 comment on it, but if you have your name in with
15 the Public Adviser you can also receive it
16 directly. And we'll try to a better job on the
17 big project of getting the word out.

18 Ms. Barnes.

19 MS. BARNES: Alice, do I need to spell
20 that.

21 Commissioners, I have two other points
22 that I feel are very important.

23 The first one has to do with fire
24 protection and in the materials we see that the
25 San Francisco Fire Department would like to have

1 additional personnel and equipment and training,
2 if this plant is built.

3 Last week when I asked the question,
4 what about mutual support, you know, San Bruno is
5 usually the first fire unit to be there, somebody
6 shrugged their shoulders from San Francisco and
7 said, I can't remember the last time San Bruno
8 came out to the airport.

9 So I went to our fire department there
10 and the fellows there will rattle off the times,
11 you know, real easy. There was a fire in the
12 construction of the San Francisco International
13 terminal that San Bruno assisted with putting out,
14 etcetera. There was an explosion in a private
15 jet, etcetera.

16 So this not at all unusual. I think the
17 term is called first strike. Obviously San
18 Francisco Fire Department Airport Division will
19 respond to any fire in this plant, but the first
20 line of defense outside of that is a combination
21 of our departments, Daly City, South City, San
22 Bruno and Milbrae. And I would like to see -- we
23 would like to see, as a part of this plant, that
24 training be provided to these local fire
25 departments, probably even equipment, if it is

1 deemed necessary.

2 When BART came through, because we are
3 not used to fighting tunnel fires, they provided
4 the San Bruno Fire Department with equipment and
5 special training to fight fires in the tunnels.
6 The thing is not even half built and we've already
7 had a fire in the tunnel.

8 So we would like to see something like
9 that happen with the powerplant, not fires, but
10 provide us with training and maybe equipment if
11 it's needed.

12 By the way, the San Bruno Fire
13 Department fights the fires for San Francisco at
14 their county jail. We fight the fires for the San
15 Francisco Water Department on their right of way
16 that slices through our community. We fight the
17 fires in their BART and in their Caltrain, you
18 know. We're going to have to fight the fires over
19 there too.

20 So that's all I have on fire protection.

21 I was grossly upset at the maps. You
22 know there's a term, what is it? Men are from
23 Mars and women are from Venus. Well these
24 cartographers are obviously from Neptune, because
25 the maps are inadequate.

1 I even brought a city map so you folks
2 know where San Bruno is. The visual observation
3 point. There is only one visual observation
4 point, taken in San Bruno and it's at the very
5 southwest corner of our community. If that
6 photographer had taken three steps to the west or
7 three steps to the south, the photographer never
8 would have been in San Bruno. It's about the
9 farthest point you can get.

10 And I like the way it's done. If you're
11 two and half miles away from a 140-foot tower, it
12 sure don't look like it's 140 feet, and that's
13 what we saw there.

14 So I feel, once again, based on a lot of
15 sections, that the information is inadequate and
16 it would be a shame to build this plant based on
17 inadequate and insufficient and incorrect
18 information.

19 Finally, I promised you, Commissioner
20 Fay, I will send my remarks to you in writing and
21 I will copy both sides and we thank you very much
22 for your patience.

23 HEARING OFFICER FAY: Thank you. Just a
24 correction. I'm the Hearing Officer and I help
25 take the evidence, but this is the Commissioner

1 and he and four others make the decisions.

2 PRESIDING MEMBER LAURIE: I promote
3 confusion in that regard as much as I possibly
4 can.

5 HEARING OFFICER FAY: However, if you
6 have ripe fruit to throw I'm told I'm to receive
7 that.

8 MS. BARNES: Is it the same E-Mail,
9 RLaurie?

10 PRESIDING MEMBER LAURIE: Yes.

11 HEARING OFFICER FAY: And you should
12 address your comments to Commissioner Laurie and
13 they'll end up in the official record of the case.

14 MS. BARNES: Be more than glad to do
15 that.

16 PRESIDING MEMBER LAURIE: Thank you.

17 MS. KAISER: Marina Kaiser.

18 This is just a general comment. The
19 newspapers are reporting this as if it were
20 already a done deal, which is troubling because I
21 spoke to a great many people and their answer was,
22 why bother to go there. It's already a done deal
23 and you're just tilting at windmills. And so I
24 was sitting there thinking about that as I hear
25 this conversation, shifting from no, no, you can't

1 do it to, gee, when you do it, will you do this.

2 That's about it. Thank you.

3 HEARING OFFICER FAY: Those of us
4 familiar with the energy picture have found a
5 number of inaccuracies in newspapers lately and so
6 I caution you to take what they say about this
7 industry with a grain of salt. But I can assure
8 you that this decision has not yet been made and
9 there will be an additional hearing, as I
10 indicated to you in February and we will probably
11 have it down there.

12 And then following that on March 7th,
13 the Commission will have its Business Meeting, at
14 which time it will consider making a final
15 decision up or down on this project. And the
16 public is invited to that as well, up in
17 Sacramento.

18 So you'll have a number of additional
19 opportunities to comment on this very project
20 before any decision is made.

21 PRESIDING MEMBER LAURIE: And again any
22 reference to a done deal meant somebody would have
23 had to have talked to me because the decision will
24 be my decision. Obviously that is not the case.

25 Upon conclusion of the evidentiary

1 portion of this hearing I will be conferring with
2 Mr. Fay to review the evidence, at which time the
3 thoughts of the Committee will be put in written
4 form, in the form of a decision, which will then
5 be published for consideration by the full
6 Commission and to be heard and commented on by
7 other interested parties.

8 That decision will be made only upon the
9 closure of all the evidence. Thank you.

10 And, by the way, I think you're aware
11 that we have rules regarding my ability to
12 communicate with the parties. I am not permitted
13 to speak with the Applicant. I've never spoken to
14 the Applicant. I'm not permitted to speak to my
15 own staff in regards to this project.

16 So the only information I receive is
17 what we've been hearing today.

18 HEARING OFFICER FAY: In other words, it
19 has to be part of the official record that
20 everybody had access to, no side deals, no behind
21 closed doors discussions, that sort of thing. And
22 we call that our ex parte rule and all the parties
23 are subject to that.

24 Yes, sir.

25 MR. GONZALES: Pedro Gonzales, South San

1 Francisco Council Member.

2 Just extending my recommendation for the
3 outreach and also having in consideration the
4 ethnic diversity that we have in our state, in our
5 cities, in South City we have two, three
6 newspapers. I don't know if you have reached the
7 Filipino newspaper, the Hispanic newspaper, the
8 channels, Spanish speaking channels.

9 When I came to this country we only had
10 about 12 hours of Spanish speaking radio. Today
11 we have about a dozen Spanish speaking radio
12 stations, 24 hours a day. So I'm sure many of
13 these people, even though they are in the
14 transition to become citizens, active citizens who
15 will become English speaking persons, I think they
16 need to be informed.

17 Thank you very much.

18 HEARING OFFICER FAY: That you for your
19 comments. We appreciate that.

20 MR. KAISER: Paul Kaiser, resident of
21 San Bruno.

22 Commissioner Laurie, I just want to take
23 note of something that may be obvious, but hasn't
24 been said and that's the current political
25 climate. And that, whether consciously or

1 unconsciously can affect everybody's decision
2 making.

3 And the comments earlier about
4 streamlining are coming from some of our same
5 elected officials who fast tracked or who didn't
6 go through deregulation. So we rushed into this
7 current mess and now their solution is to rush out
8 of it, by speeding up this process.

9 The member of your staff who talked
10 about economic justice, if I understood him
11 correctly, he takes what the rest of the staff
12 gives him and he sees that conclusion again, that
13 phrase, no significant adverse impact.

14 He bases his actions on that. So if
15 that initial conclusion is wrong, his conduct is
16 wrong. So if one of those reports on public
17 health or air quality actually said significant
18 adverse impact, then he would have done more work.

19 And I wonder when the income level is
20 looked at, in talking about who's close to the
21 poverty line or not, I wonder if our astronomical
22 housing and rental prices are taken into account
23 when deciding who is at the poverty level and who
24 is not.

25 In talking about minority population in

1 the area, it's just not the fact that they're
2 minorities. It's the fact that they're recent
3 immigrants to this country. And historically
4 recent immigrants have very little participation
5 in the political process, because they have
6 learned in the past that you don't become noticed
7 by governments because it can hurt you.

8 Even if those people could get a workday
9 off and come here today, it's very likely that
10 they'd be afraid to.

11 PRESIDING MEMBER LAURIE: I don't know
12 if that's a philosophy maintained only by recent
13 immigrants.

14 MR. KAISER: Excuse me, that if you come
15 from a --

16 PRESIDING MEMBER LAURIE: That being
17 noticed by government may be something that may
18 result in your detriment. I think that's a
19 philosophy that a lot of people still maintain.

20 MR. KAISER: Can you say that again?

21 PRESIDING MEMBER LAURIE: Not necessary,
22 just an aside comment. My apologies for taking
23 you off track.

24 MR. KAISER: Okay. My argument would be
25 if --

1 HEARING OFFICER FAY: He's not
2 disagreeing.

3 MR. KAISER: Oh, okay, thank you.

4 Again, the part of the process that can
5 be speeded up, can continue on the fast track, you
6 can call it a dual fast track. I'm going back to
7 my point of talking to physicians, pediatricians
8 who treat kids in this area.

9 Something that I didn't see in the
10 report or the appendices, which has been reported
11 a number of times in the national media over the
12 last year, is the massive increases in respiratory
13 ailments among children throughout the entire
14 United States in the last five years. And when I
15 use the term massive, we're talking percentages of
16 30, 40 and 50 percent.

17 There's a variety of factors that come
18 into play, but a key ingredient is the continued
19 poor air quality in metropolitan areas.

20 Again, I would ask that, I realize
21 you're an appointed official and so you cannot be
22 fired. So I ask you --

23 PRESIDING MEMBER LAURIE: Well, that's
24 not exactly true.

25 MR. KAISER: -- all right.

1 HEARING OFFICER FAY: You can't be voted
2 out, I think you can say that.

3 MR. KAISER: The people -- and this, in
4 my opinion, a bias I noticed through reading a
5 good chunk of the report. Coming away from
6 reading that report, someone would get the
7 impression that within a mile and a half of the
8 proposed plant site all you have is industrial or
9 planned industrial. And I think the other phrase
10 was highly urbanized area.

11 So the flavor of it is that people don't
12 live around here. There's no mention of Belle Air
13 school. Okay, that's significant. It's 450 kids
14 and there's no mention -- does anybody know, we're
15 talking low-income kids, what access to health
16 care do they have now? If you want to get serious
17 have a member of your staff who's bilingual come
18 out and talk to five families, establish a
19 rapport, find out how many of those kids currently
20 have respiratory problems, how many of those kids
21 currently do not have access to health care.

22 And the point I mentioned earlier,
23 monitoring devices are crucial. I don't know if
24 you stayed here overnight or if it's stopped
25 raining. When you go out take a napkin with you,

1 wipe it across the top of your car and look at it.
2 That's just in a few hours of one day.

3 And in reading about the modeling and
4 the considering of the variables. The way, if you
5 have bad air days, the way to make it look not so
6 bad is look at it on a yearly basis or look at it
7 on a three monthly basis.

8 I've lived in this area a long time.
9 Our worst weather, our hottest weather is going to
10 be when this plant's proposed to be in operation
11 in late August to September. We have had years
12 where we've had four and five consecutive days in
13 San Bruno of 100 degrees temperature. Those
14 monitoring stations in Redwood City and San
15 Francisco are not going to pick up a pollution
16 from this proposed plant, the pollution is not
17 going to go there.

18 The air is still. There's an inversion.
19 So all the pollution from all the sources in this
20 area sit here day after day after day before they
21 get flushed out. And I refuse to believe that
22 that does not constitute a significant adverse
23 impact on the public health.

24 I do not believe a college professor
25 looking at how this report was constructed would

1 give a passing grade to the conclusion. It's a
2 house of cards. I don't believe the structure is
3 adequate. It may be able to be made adequate, but
4 you need additional information.

5 A cynic might say if you obtain certain
6 additional information, it won't reflect well and
7 you'll be bound to report it, and you don't want
8 that. Hopefully that cynic's view is not correct.

9 Thank you.

10 HEARING OFFICER FAY: Thank you.

11 PRESIDING MEMBER LAURIE: Thank you.

12 MR. JACOBBERGER: My name is Donald
13 Jacobberger. I live in South San Francisco.

14 HEARING OFFICER FAY: Could you spell
15 that, sir?

16 MR. JACOBBERGER: J-a-c-o-b-b-e-r-g-e-r.

17 I'm amazed that a lot of people in this
18 room are content with rolling blackouts and higher
19 electric prices, but I'm not. There were some
20 political comments made. I think that four and a
21 half years ago a Republican Governor and
22 Democratic Legislature got us into this problem,
23 so I think partisanship should not be put into it.

24 I was amazed at the comments from some
25 teachers that they're satisfied with the higher

1 prices, which means that their salaries probably
2 are very adequate.

3 There was a lot of comment about air
4 pollution and there is a lot of air pollution, but
5 I've got to ask everybody, including the Energy
6 Commission and the audience who uses the cars and
7 who rides on the planes and who uses the
8 electricity that causes the pollution? More
9 people.

10 There were some comments made on the
11 visual impact of a 140-foot tower. It's east of
12 the United maintenance base from San Bruno. The
13 light poles around the terminal buildings are 105
14 feet high. Of course the tower is much higher
15 than that.

16 There was a comment about the fire
17 protection. I know that the airport fire
18 department and the local fire departments have a
19 very detailed mutual aid program. They are
20 already highly trained. A gas turbine plant
21 presents no more of a hazard than the existing jet
22 engines and jet engine testing and existing gas
23 turbine plants that are already on the airport.

24 I would ask the Energy Commission one
25 question about peak electricity use. On the

1 Altamont wind farm, which I passed several times
2 in the last few weeks, the windmills have been
3 still. Is there a reason for that?

4 HEARING OFFICER FAY: I would assume
5 there's not enough wind to move them.

6 MR. JACOBBERGER: No, it was very windy
7 those times. I don't know if anybody can answer
8 that. We're talking about peak plants at this
9 time and I see a need, a great need for these
10 plants and the benefits, especially when my lights
11 go out, far outweigh any risks or hazards.

12 Thank you.

13 HEARING OFFICER FAY: Thank you.

14 MR. JACOBBERGER: But I'd like an answer
15 to the wind farm.

16 MR. FREDERICK: Commissioner, can I
17 venture an answer to the wind?

18 HEARING OFFICER FAY: If you know.

19 MR. FREDERICK: Yes. A lot of the wind
20 turbines have wind speed limits -- the older
21 turbines. Some of the newer turbines have less
22 constraint, but they haven't been installed in
23 many instances and if the wind is blowing too hard
24 they actually have to stop and feather to avoid
25 overspinning.

1 HEARING OFFICER FAY: That sounds right
2 to me. The Altamont Pass turbines is an older
3 technology. We are building wind farms elsewhere
4 in the state that I believe have much greater,
5 more advanced technology and a lot more
6 efficiency.

7 MR. JACOBBERGER: All right, thank you.

8 HEARING OFFICER FAY: Thank you for your
9 comments.

10 Any other comments?

11 Last call. All right, I see no
12 indication -- oh, yes, ma'am, please come forward.

13 MS. CHATFIELD: My name is Kate
14 Chatfield and that's C-h-a-t-f-i-e-l-d.

15 And I just wanted to say I grew up in
16 Sacramento and both my parents at one time or
17 another worked for a state commission, so I have
18 the utmost respect for your impartial presence.

19 One thing that I want to just comment on
20 or bring up or see if somebody could answer this
21 question and this is a huge issue, is an economic
22 issue. And that is, you know, I feel kind of bad,
23 like, oh, this affects me because I don't want it
24 in my backyard, but maybe, you know, it will bring
25 lower rates to the citizens of California. But

1 are there any safeguards within the application
2 that the electricity generated will be sold in
3 this state?

4 Somebody mentioned, you know, we could
5 sell the electricity in Nevada. And, you know, I
6 feel like well we get all the negative impacts,
7 what are the benefits?

8 PRESIDING MEMBER LAURIE: And the answer
9 to that is no, because that would require a rule
10 by the Federal Energy Regulatory Commission. The
11 state does not have the ability or authority to
12 regulate that. You are correct.

13 MS. CHATFIELD: Okay.

14 So I mean I just, as regards the last
15 speaker, that this would, you know, help us in
16 roving blackouts or, you know, help lower our
17 rates. In fact, there's nothing that -- or that
18 this energy would be used, you know, by the
19 peninsula. Of course, they can't regulate that
20 anymore.

21 PRESIDING MEMBER LAURIE: I would
22 anticipate, however, and I'm not going to ask the
23 Applicant to comment, at least on the record, they
24 can if they want, but I think peaker plants are
25 different, because peaker plants will only come on

1 line when demand is the highest and therefore
2 there is incentive to provide it into the
3 California grid as opposed to sending it to Idaho.

4 MS. CHATFIELD: So in other words they
5 can get the most money at that time in California.

6 PRESIDING MEMBER LAURIE: Well, they're
7 merchant powerplants --

8 MS. CHATFIELD: That's their right, I
9 understand.

10 PRESIDING MEMBER LAURIE: -- and the
11 business is a private business.

12 MS. CHATFIELD: I understand. Okay,
13 that would be my comment, thanks.

14 HEARING OFFICER FAY: There's another
15 thing, too, that is hard for the public to
16 recognize, but something goes on in the physics of
17 electrical generation. It's not just a case of
18 this company packaging up the electrons and
19 shipping them to the highest bidder, wherever that
20 may be.

21 They have to feed it into the system at
22 the airport, right there where the substation is.
23 And when they do that they provide something
24 called voltage support that helps the electrical
25 health, if you will, of that system in the

1 peninsula, so that it makes it less likely that
2 the system will approach either actually collapse
3 or get so close to collapse that PG&E would have
4 to start having rotating outages.

5 So that's why powerplants can't all be
6 way out in the desert and all the electrons
7 shipped in for hundreds of miles. There have to
8 be generation plants nearby to where people use
9 electricity and one of the reasons is to shorten
10 loss over transmission lines. But another reason
11 is what is called voltage support, that helps
12 balance the system. And so that is a factor that
13 a project, any project in the San Francisco
14 peninsula would be beneficial in that sense.

15 MS. CHATFIELD: Thank you.

16 HEARING OFFICER FAY: Any other
17 comments?

18 Yes, please.

19 MS. WILLIAMS: Jackie Williams.

20 My question is as far as where this
21 power is going. You said something, there's going
22 to be 4,000 hours it's going to be operating, 11
23 hours a day. I read somewhere that it said that
24 the airport has 11 to 13 backup generators. Would
25 it be possible that the airport, United Airlines,

1 could be going to use this generator for
2 themselves, seeing as the airport is going to get
3 so much bigger and they're going to need,
4 obviously, backup capacity? Is it possible that
5 what we're talking about here is giving the
6 pollution to the neighborhoods, but the energy to
7 the airport or is that not a factor at this time,
8 or in the future?

9 HEARING OFFICER FAY: Would you like to
10 answer?

11 MR. FREDERICK: Yeah, let me go ahead
12 and answer that real quick.

13 This peaker plant that's being put in
14 under the emergency legislation will not be wired
15 to the airport proper. There will be a backfeed
16 from a preexisting location, because we're using
17 an older substation that's already there, that
18 does have some backfeed provision to the airport,
19 but it's not intended for that service at all, and
20 it would be an extraordinary event, such as an
21 earthquake, that that might even be utilized.

22 The output from this facility is going
23 into the 115 kv system that feeds the peninsula.
24 It's not intended to be fed to the airport. The
25 larger project, which is going to be sometime in

1 the future, as Commissioner Laurie has pointed
2 out, we'll be submitting those documents in the
3 future as well, will have a provision where there
4 will be an emergency backup to the airport that
5 will be designed specifically to ensure that the
6 airport is able to safely land planes and continue
7 its operation for, you know, reasons that people
8 have to land those airplanes and that will be on a
9 separate bus.

10 But the rest of the facility, again, the
11 larger powerplant, the 500 plus megawatts, will be
12 going again into the 115 kv system that serves the
13 peninsula.

14 MS. WILLIAMS: But you said it serves
15 the -- I heard before that you first said it
16 serves the peninsula. Then you changed your mind
17 and said the power could be sold to anybody. It
18 would go into the peninsula transmission lines,
19 but the power was not for the peninsula, it could
20 be for anybody who came up with the highest bid.

21 MR. FREDERICK: It was a hypothetical,
22 intended to just point out that no matter where
23 the contracts go, the power has to serve the
24 peninsula, because it has to go at the peninsula,
25 and we specifically looked at the 115 kv system,

1 because it has a maximum benefit to the peninsula
2 itself, as opposed to the 230 kv system, which has
3 a different arrangement.

4 We looked at the 115 because it does
5 support the peninsula and I personally know that
6 because I pushed to make sure it went into the 115
7 system, as opposed to other parties who wanted it
8 to go into the 230.

9 The electricity sold from this facility
10 will never leave the peninsula in terms of
11 contracts for two real good reasons. One,
12 physically it's a difficult place to get out of.
13 We need --

14 MS. WILLIAMS: The transmission lines --

15 MR. FREDERICK: Because the
16 transmission's constrained. We're going to use it
17 to support the system, not to sell to somebody
18 else. And two, the electricity that's generated
19 at this facility, because of its extraordinary
20 location, is probably going to be the most
21 expensive electricity that's generated in the
22 state and it will not leave the peninsula because
23 the value is here and it could never compete with
24 somebody who -- you know, people are building
25 powerplants in Nevada, you can rest assured. And

1 a lot of that electricity is not going to leave
2 Nevada either.

3 But you could never sell electricity
4 from the peninsula and deliver to someplace else
5 in the valley probably, either. And it's not
6 practical economics for powerplants to be built in
7 the high cost areas and then sell electricity to a
8 low cost area.

9 MS. WILLIAMS: So you're saying we're in
10 a high cost area. You're going to get high cost
11 -- this is going to be high cost electricity --

12 MR. FREDERICK: It has nothing to do
13 with the price that you're going to pay for
14 electricity. It has to do --

15 MS. WILLIAMS: On the market -- under
16 ISO, are you going to sell it like -- does it get
17 sold with --

18 MR. FREDERICK: It has to be sold on the
19 ISO market or it has to be sold in a marketplace
20 that is governed at the state level and the
21 federal level. And the pricing points are
22 entirely different. You know, you've got to
23 understand that you can't generate electricity and
24 just put it in buckets and run over to someplace.

25 If we generate electricity here and it

1 costs two cents to generate, let's just use a
2 number for the sake of argument, and it costs a
3 penny somewhere else. It's like, the old saying
4 goes, selling coal to Newcastle. It just won't
5 work.

6 So, you know, we're putting the plant
7 here, not because of a pricing benefit. We're
8 putting the plant here because there's a definite
9 need for the generation.

10 MS. CHATFIELD: Thank you very much.

11 HEARING OFFICER FAY: And I'd like to
12 add a follow-up question. In the event of the
13 type of emergency where the large project would
14 feed power to the airport, what would the
15 alternative be in that emergency if the large
16 project didn't exist? Would the airport run
17 diesel generators?

18 MR. FREDERICK: Well, they do have
19 emergency standby generation. It's a very, you
20 know, complicated process. They have to shed
21 nonessential loads, ensure that they meet FAA
22 requirements for managing the air traffic, and
23 we've had numerous discussions. Or they can just
24 take feed off the system and they will be -- and
25 this is an important -- thank you, Gary, it's a

1 good question.

2 They are an essential load to the system
3 and when blackouts would occur or load shed has to
4 occur, the airport is one of the last to go. So
5 when the airport is able to take its own
6 generation directly over the fence it ensures that
7 the rest of the surrounding area is able to take
8 that much more electricity before they are forced
9 to shed in support of these much greater essential
10 emergency services, such as hospitals, airports,
11 fire stations, etcetera.

12 HEARING OFFICER FAY: Well, what I was
13 wondering, though, is if the powerplant is
14 available to the airport in an emergency, is the
15 alternative, the no project alternative, that in an
16 emergency the airport would burn diesel --

17 MR. FREDERICK: Yes.

18 HEARING OFFICER FAY: It would. All
19 right.

20 MR. FREDERICK: It would burn diesel or
21 Jet A in some preexisting unit that probably has a
22 much lower efficiency and a higher emission rate.

23 HEARING OFFICER FAY: What we're seeing
24 in the system, since the system is on such a raw
25 edge now, to the point of failure in California,

1 is that many emergency generators are being used.
2 And those generators are, because they're
3 emergency backup, they are not as efficient or as
4 clean as a modern powerplant and so it is harming
5 the air quality.

6 MS. WILLIAMS: That's my concern, is the
7 pollution aspect. That's why I feel it's so
8 important that if you do go ahead with this
9 project -- that's why I've been kind of talking to
10 different people trying to find out who we talk to
11 to get something done as far as this -- it was
12 brought by BART that we do need this monitoring
13 system because it seems like this four months'
14 quick fix, as we call it, is going through -- I
15 should never say it's going to go through, but it
16 seems so hard to fight government these days that
17 where our problem is going to come in down the
18 line is when you get fast track for the one year,
19 for this other facility.

20 And we've got no air monitoring
21 qualities in place. Like I understand there's
22 only one air monitor checking the air for the
23 whole of San Mateo and that's in Redwood City.
24 One air quality monitor for the whole of our
25 county.

1 I mean it's crazy and yet you're going
2 to put this fast one and expect us to, you know,
3 not have very much input. And now in six months
4 you're going to come up with this bigger plant and
5 then we're going to be back here again and we're
6 still not going to have anybody monitoring our
7 air, and yet we live here.

8 Maybe a lot of people that make our
9 decisions for us don't live here. Like I go to
10 council meetings and I say, well, maybe later on
11 you won't live here. But we live here and we like
12 living here. And it's like surely you can make
13 some type of -- I don't know how to call it. I've
14 been told it comes down to money, that they don't
15 know how much money it's going to cost or the
16 calibration, it doesn't know how much calibration
17 to put in a monitor.

18 Well I think it's time that someone does
19 something for us, and I don't think we're asking
20 that much that you do something for us. You get
21 us an air monitor and I don't care how much money
22 it costs. Everybody is going to make a lot of
23 money out of this project.

24 So I think that we should be listened to
25 and I think it's about time. And I don't know

1 what else to say, I just get very frustrated with
2 the whole system. I still participate, but
3 sometimes I think what the hell is the use.

4 So I'm just trying to get my -- the
5 community is here and really, if you figure every
6 person here counts for a hundred people, you've
7 got a lot of people here, compared to -- you can
8 go to council meetings and there's two people.

9 So I mean a lot of people have come out
10 to have their comments heard and I don't know -- I
11 want to know how we get it done and how we get
12 what the public wants done. You know, and we can
13 work as a group, because I think it's got to come
14 to that, we've got to work as a group. And you've
15 got to listen to us saying -- you know, there's
16 projects coming in like Costco just north of here
17 which is going to bring in 14,000 cars and it's
18 coming before the planning Commission on February
19 15th.

20 You know, that's another project and
21 there's another project, and there's another
22 project and nobody gets together and thinks
23 regionally. We hear from, I think, Kevin now is
24 saying, well, we're going to think regionally.

25 Well, it's about time, we can't keep on

1 just taking all these separate projects, one by
2 one and never looking at the whole picture,
3 because we'll be at gridlock and air will be
4 rotten and our water will be rotten. And I don't
5 know what we're going to do then. Say, well, we
6 didn't know anything, we should have done
7 something.

8 We're here today and we need you to
9 listen.

10 HEARING OFFICER FAY: Thank you.

11 Before you start, sir. Who else wanted
12 to make a comment before we adjourn?

13 Okay, I see no indication, so this will
14 be the last comment.

15 MR. JACOBBERGER: Donald Jacobberger,
16 again.

17 Airport generators are diesel, their
18 backup generators are diesel. If you use those
19 instead of gas turbines you're going to have more
20 pollution. They're totally inadequate to feed
21 back into the system.

22 The only other facility I know of is the
23 United Airlines cogeneration plant, which I think
24 is prohibited by current rules from even feeding
25 back into the system.

1 So, I don't think there's too many
2 alternatives.

3 HEARING OFFICER FAY: Thank you.

4 PRESIDING MEMBER LAURIE: Ladies and
5 gentlemen -- I'm sorry, Mr. Fay, are you
6 completed?

7 HEARING OFFICER FAY: I think that
8 completes --

9 MR. BROOKHYSER: If I could just take
10 care of two housekeeping matters.

11 First, I walked through the pieces of
12 testimony that were being introduced and, of
13 course, when you try to do that, you're making a
14 mistake. I should indicate for the record that we
15 also have the testimony of James Allen, which I
16 think in admitting the package you've also
17 admitted.

18 Second, is what is the Committee's
19 pleasure with regard to these two documents that
20 we will be filing later, the determination of
21 compliance from the air district and the
22 transmission engineering study from PG&E and the
23 ISO's comments.

24 They'll be filed before -- we intend to
25 file them before the preliminary decision is

1 issued, or at least before the hearing on the
2 preliminary decision. We expect that they will be
3 like the preliminary documents that we've seen and
4 therefore we will have no opposition to them, they
5 won't require any further testimony.

6 I would propose that when those
7 documents are filed that the Applicant and staff
8 simply file some notice that there is no further
9 need for testimony with regard to those, would
10 that be sufficient?

11 HEARING OFFICER FAY: Yes, if the
12 parties could file a stipulation, that would make
13 it very efficient. We will hold the hearing in
14 any case and take them at that time, because even
15 if they weren't coming in late we would be holding
16 a hearing then to receive comments on the
17 Presiding Member's proposed decision.

18 So we'll be doing two things on that
19 day. But if there's no dispute on those two
20 reports, then it would just be a case of allowing
21 comment on that evidence.

22 The two reports we're talking about, one
23 is the final determination of compliance, which
24 frequently is very similar to the preliminary
25 determination of compliance. These are draft and

1 final documents put out by your local air quality
2 district.

3 And the other one is the transmission
4 system engineering study, first done by PG&E and
5 then reviewed by the ISO. And we need to get
6 those in the record, but they haven't been
7 prepared yet.

8 Before Commissioner Laurie gives final
9 remarks, any other housekeeping matters?

10 The Committee anticipates that the
11 Presiding Member's proposed decision will be
12 issued a week from today and it will be available
13 for 30 days for the public to comment upon. And
14 on the 31st day, that would be March 7th, the
15 Commission will vote on the project.

16 PRESIDING MEMBER LAURIE: In closing,
17 ladies and gentlemen, I, on behalf of the Energy
18 Commission do very much appreciate you taking time
19 out of your private time to extend your comments
20 today. And again your comments and thoughts will
21 most certainly be considered.

22 Additional comments were noted that
23 there may be an application for a larger plant and
24 certainly there is an expectation that any
25 communication deficiencies have been now noted and

1 we would not expect to see a recurrence.

2 Thank you very much. The meeting stands
3 adjourned.

4 (Thereupon the California
5 Energy Commission Evidentiary
6 Hearing on Golden Gate Power
7 Project was adjourned at 2:10
8 p.m.)

9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

CERTIFICATE OF REPORTER

I, VALORIE PHILLIPS, an Electronic Reporter, do hereby certify that I am a disinterested person herein; that I recorded the foregoing California Energy Commission Evidentiary Conference; that it was thereafter transcribed into typewriting.

I further certify that I am not of counsel or attorney for any of the parties to said Hearing, nor in any way interested in the outcome of said Prehearing.

IN WITNESS WHEREOF, I have hereunto set my hand this 6th day of February, 2001.

VALORIE PHILLIPS

PETERS SHORTHAND REPORTING CORPORATION (916) 362-2345