

COMMITTEE STATUS CONFERENCE  
BEFORE THE  
CALIFORNIA ENERGY RESOURCES CONSERVATION  
AND DEVELOPMENT COMMISSION

In the Matter of:                    )  
  )  
Application for                        )  
Certification for the                 ) Docket No. 98-AFC-1  
PITTSBURG DISTRICT                   )  
ENERGY FACILITY (PDEF)               )  
  )  
-----) )

PITTSBURG CITY HALL  
CITY COUNCIL CHAMBERS  
65 CIVIC AVENUE  
PITTSBURG, CALIFORNIA

TUESDAY, JULY 20, 1999  
6:00 P. M.

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

PETERS SHORTHAND REPORTING CORPORATION (916) 362-2345

COMMITTEE MEMBER PRESENT

David Rohy, Vice Chairman  
Presiding Member

STAFF PRESENT

Susan Gefter, Hearing Officer  
Bob Eller, Adviser to Vice Chairman Rohy  
Arlene Ichien, Staff Counsel  
Lorraine White, Project Manager

PUBLIC ADVISER

Roberta Mendonca

REPRESENTING THE APPLICANT

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Samuel Wehn, Director  
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INTERVENORS PRESENT

Paulette Lagana  
CAP-IT

Bryan Bertacchi  
Delta Energy Center

Jack Hall  
City of Antioch

Richard Texier  
CURE

ALSO PRESENT

Gerald Dunbar  
City of Pittsburg

Greg Baatrup  
Delta Diablo

Nasser Shirazi  
City of Pittsburg

Cecilia Blackwood  
Central Addition

Mike Lengyel  
Central Addition

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

2 VICE CHAIRMAN ROHY: I think we're ready  
3 to begin this hearing. If everyone is ready, we  
4 will begin. I'm Commissioner David Rohy,  
5 Presiding Member of the Committee for the  
6 Pittsburg District Energy Facility. To my right  
7 is Ms. Susan Gefter, who is the Hearing Officer  
8 and to her right is Mr. Bob Eller, who is my  
9 principal adviser.

10 I'd like to welcome all of you here.  
11 There are many familiar faces, having gone through  
12 many of these meetings with you here and we look  
13 forward to hearing a lot of good comments tonight.

14 I'd like to turn over the podium to our  
15 Hearing Officer, Ms. Gefter.

16 HEARING OFFICER GEFTER: This is a  
17 Committee Conference on the Presiding Member's  
18 proposed decision on the Pittsburg District Energy  
19 Facility that's proposed by Enron. I would like  
20 the Applicant to introduce your representatives  
21 please?

22 MR. THOMPSON: Thank you. My name is  
23 Allan Thompson, counsel for Enron and the project.  
24 To my left is Mr. Sam Wehn of Enron. He is  
25 Enron's Project Manager for the project.

1 HEARING OFFICER GEFTER: And would staff  
2 please introduce your representatives?

3 STAFF COUNSEL ICHIEN: My name is Arlene  
4 Ichien, I am sitting in for Dick Ratliff, who is  
5 Staff Counsel for the staff, and to my right is  
6 Lorraine White, Project Manager.

7 HEARING OFFICER GEFTER: Thank you. And  
8 we'd like the intervenors to introduce themselves.  
9 Is anyone here from the City of Antioch?

10 MR. HALL: Jack Hall from the City of  
11 Antioch.

12 HEARING OFFICER GEFTER: And from Delta  
13 Energy Center, is there a representative here  
14 tonight?

15 MR. BERTACCHI: Yes, Brian Bertacchi  
16 from Delta Energy Center.

17 HEARING OFFICER GEFTER: Thank you.  
18 And from CAP-IT?

19 MS. LAGANA: Paulette Lagana, L-a-g-a-n-  
20 a.

21 HEARING OFFICER GEFTER: And we'd ask  
22 our Public Adviser to introduce herself to the  
23 group here?

24 PUBLIC ADVISER MENDONCA: Roberta  
25 Mendonca, Public Adviser to the Energy Commission.

1 HEARING OFFICER GEFTER: Thank you. Are  
2 there representatives from the responsible  
3 agencies here tonight? From the City of  
4 Pittsburg?

5 MR. DUNBAR: Gerry Dunbar, City of  
6 Pittsburg and joining me is Nasser Shirazi also of  
7 the City of Pittsburg and Director of Community  
8 Development.

9 HEARING OFFICER GEFTER: And from Delta  
10 Diablo Wastewater Facility?

11 MR. BAATRUP: Greg Baatrup with Delta  
12 Diablo Sanitation District.

13 HEARING OFFICER GEFTER: Is anyone here  
14 from Cal ISO?

15 Are there any other agencies represented  
16 here this evening?

17 Members of the public who wish to  
18 address us, if you'd please come forward and  
19 introduce yourself first, at this point.

20 MR. BLACKWOOD: Cecilia Blackwood, I'm  
21 the representative for the Central Addition  
22 Neighborhood on the PPAC Committee.

23 HEARING OFFICER GEFTER: Thank you. Is  
24 there anyone else who wants to introduce  
25 themselves right now?

1                   The purpose of this -- oh, yes, please  
2                   come forward.

3                   MR. TEXIER: Rich Texier with CURE, with  
4                   Adams, Broadwell.

5                   HEARING OFFICER GEFTER: Oh, I'm sorry I  
6                   didn't -- I missed you. We were looking for Kate  
7                   Poole. Thank you.

8                   The purpose of this conference is to  
9                   receive comments from the parties as well as from  
10                  members of the public on the Presiding Member's  
11                  proposed decision which was published on June  
12                  30th. We also want to hear from agency  
13                  representatives and any other interested  
14                  organizations.

15                  The parties have filed written comments  
16                  that are available for distribution on the back  
17                  table, back there. Also copies of the proposed  
18                  decision are available.

19                  At the evidentiary hearing we held on  
20                  June 15th, the Contra Costa County Fire Protection  
21                  District presented concerns regarding its capacity  
22                  to respond to emergencies at the project site.  
23                  The Committee directed the parties to conduct a  
24                  public workshop regarding these concerns. We will  
25                  discuss the results of the workshop this evening

1 as well.

2 If additional evidence is required to  
3 support the parties' proposal regarding the fire  
4 district we will entertain a motion to reopen the  
5 record for that limited purpose, if necessary.

6 We will begin with the Applicant's  
7 comments on the PMPD. We will discuss the Fire  
8 District proposal after we conclude discussion of  
9 the PMPD comments. Following the Applicant, we'll  
10 hear staff's comments and the intervenor's  
11 comments, agencies and members of the public.

12 This is an informal process. Although  
13 the proceeding is being reported we won't be  
14 taking testimony. We'll provide time at the end  
15 of each presentation for parties to ask questions  
16 and to clarify issues. We also ask the parties to  
17 state whether they have any objections to any of  
18 the other proposed comments from each other. And  
19 if there are any questions about the process, we  
20 can begin now.

21 Okay, Applicant, please begin.

22 MR. THOMPSON: Thank you. Applicant  
23 submitted its comments to the PMPD -- well, let me  
24 first of all say that we are impressed with the  
25 quality of the Presiding Member's report. We are

1 very happy with the speed at which it was  
2 prepared. The paucity of comments that we have, I  
3 think reflects upon the diligence with which it  
4 was obviously prepared, the thoughtfulness that  
5 went into it, and it is a fine document. And with  
6 that, we submitted comments on the 16th which were  
7 fairly minor in nature, I believe.

8 I'd prefer not to go through them. We  
9 don't have any changes to them. They were served  
10 on all parties, but clearly if there are any  
11 questions of any party that pertained to our  
12 comments, we'd be happy to try to respond.

13 HEARING OFFICER GEFTER: Thank you.  
14 Yeah, we didn't expect to go through each comment  
15 one by one. We're mostly interested if any of the  
16 other parties have any comments on your comments,  
17 so I think I'll just do that right now. I'll ask  
18 our staff if you have comments on the Applicant's  
19 comments?

20 PROJECT MANAGER WHITE: Staff received  
21 the Applicant's comments and have reviewed them,  
22 considered them in relationship with the record  
23 and our testimony.

24 We find that most of them are  
25 acceptable. The only exception to that happens to

1 be Comment 8 in which the Applicant is asking for  
2 specificity in this condition, that the condition  
3 only applied during the combustion process.  
4 Unfortunately, we feel that that would be too  
5 limiting and, in fact, would not capture all of  
6 the emissions during the start-up shutdown, that  
7 would be appropriate to be monitoring. There is a  
8 period of time outside of combustion that you're  
9 continuing to monitor, you want to be able to  
10 capture that data.

11 Other than that, we have no problem with  
12 the air quality comments. We would suggest that  
13 Comment 12 not be accepted because it would  
14 provide an internal conflict between soils and  
15 water Verification 1 and soils and water  
16 Verification 3.

17 That's the extent of our comments.

18 HEARING OFFICER GEFTER: Thank you.

19 Does CURE have any comments on the  
20 Applicant's comments?

21 If you could come forward and state that  
22 on the record? Thank you.

23 MR. TEXIER: No, CURE has no comments.

24 HEARING OFFICER GEFTER: Thank you.

25 Does the City of Antioch have any

1 comments on the Applicant's comments?

2 MR. HALL: The City of Antioch has no  
3 comments.

4 HEARING OFFICER GEFTER: Okay.  
5 Thank you.

6 And does Delta Energy have any comments?

7 MR. BERTACCHI: Yes, Delta Energy  
8 submitted its comments regarding AQ-58.

9 HEARING OFFICER GEFTER: Thanks, we'll  
10 take that, and while we ask you for your comments,  
11 I wanted to know whether you have any objections  
12 to the comments proposed by Applicant?

13 MR. BERTACCHI: No.

14 HEARING OFFICER GEFTER: And your answer  
15 is no?

16 MR. BERTACCHI: No.

17 HEARING OFFICER GEFTER: Thank you.

18 And does CAP-IT have any comments on the  
19 Applicant's comments?

20 MS. LAGANA: Paulette Lagana, no, we  
21 have no comment.

22 HEARING OFFICER GEFTER: Thank you.

23 Now we'll move on to the staff's  
24 comments that were filed on the PMPD. Thank you.

25 PROJECT MANAGER WHITE: Staff's comments

1 filed on July 16th addressed primarily fine-tuning  
2 that we felt was required as a result of the  
3 elimination of the truck bypass road and project  
4 description. And then also minor changes that we  
5 felt would be necessary to provide clarity and  
6 enforceability of the conditions of certification.

7 Most of our comments are fairly minor.  
8 I'd be happy to answer any questions or concerns  
9 that people have with what we've put forth.

10 HEARING OFFICER GEFTER: Thank you.

11 At this point I'd ask the Applicant if  
12 you have any questions or comments on staff's  
13 comments?

14 MR. THOMPSON: We have two really and  
15 they relate to the same issue and that's the issue  
16 of the sound wall, and I suppose to a lesser  
17 extent the park. And let me make two points in  
18 referencing the staff's comment on the second one.

19 HEARING OFFICER GEFTER: And this is  
20 referencing what page?

21 MR. THOMPSON: Well, first of all page  
22 one in the text under deletion of truck bypass  
23 road, the third full paragraph, the first sentence  
24 states that, "Staff does not believe the record  
25 supports the requirement that the Applicant build

1 a sound wall or the linear park."

2 And I guess our view was that the sound  
3 wall not only helped shield residents from the  
4 sound of the trucks, but also shielded them from  
5 the sounds of train tracks and had a minor benefit  
6 from the sound of the power plant itself. And I  
7 can't cite you a record citation but I think it  
8 was in the area of one to two DBs.

9 I also think, in terms of visual, many  
10 of the photo simulations that we did had the sound  
11 wall in it and from most of the residents the  
12 sound wall acted as a barrier to the industrial  
13 facilities and the trains on the other side. So  
14 to that extent I would ask that the sound wall be  
15 kept in and the linear park as well.

16 As a part of that, I go back to page  
17 eight and the, if I'm reading this right, the area  
18 in quotes under VIS-4, here in the second sentence  
19 it calls for "The wall to be completed no later  
20 than three months after the start of  
21 construction." Do I read this right that that's  
22 what you want put in, page 12, VIS-4, the new area  
23 in quotes?

24 PROJECT MANAGER WHITE: Well, our point  
25 was essentially that, at least in terms of what

1 staff had provided in testimony, we had never  
2 looked at the project without the wall. Because  
3 of the inclusion of the wall it was a foregone  
4 conclusion that it was required as mitigation for  
5 the road, the linear park, the mitigation of the  
6 wall so on and so on. And so we had never looked  
7 at visual requirements with a direct nexus to the  
8 power plant without the road --

9 MR. THOMPSON: Got it.

10 PROJECT MANAGER WHITE: -- and its  
11 associated facilities. We certainly cannot find  
12 anything in our record that would remotely support  
13 the road being built behind the homes on Columbia  
14 if you don't have the road. And if you build a  
15 sound wall, as it's currently proposed, it goes  
16 from Pittsburg/Antioch Highway behind Columbia,  
17 north of Santa Fe to Harbor. And so we found it  
18 difficult in the record that at least we provided  
19 to justify that.

20 If, in fact, there is enough to  
21 substantiate the inclusion of a wall for a visual  
22 screen of the power plant we felt that it would  
23 need to be written in such a way that it just  
24 deals with a wall on Santa Fe. Keeping in mind,  
25 of course, Enron's commitment to build a road to

1 provide the mitigation requirements for that road  
2 if that goes ahead and is permitted and to have to  
3 accommodate a complete wall behind the homes on  
4 Columbia and the linear park there, as well as  
5 that which would be built along Santa Fe.

6 So we were providing this as kind of a  
7 stopgap.

8 MR. THOMPSON: Okay. And the only  
9 comment I'd have here is that we -- in the second  
10 sentence you have the wall being completed no  
11 later than three months after the start of  
12 construction. And I guess I would say that we  
13 would prefer language that would require the wall  
14 to be coordinated with the Truck Bypass Road, if  
15 the Truck Bypass Road is built.

16 I mean it may take longer to resolve the  
17 location and the timing of the road and we'd  
18 rather not be under a requirement to build a wall  
19 sooner than we can to coordinate with the Truck  
20 Bypass Road, that's all.

21 PROJECT MANAGER WHITE: I don't think  
22 staff has any difficulty with that. The only  
23 thing I would be concerned about if, in fact, the  
24 road does fall through and it is not constructed  
25 in a timely manner, that a -- if a visual screen

1 is required in the way of the wall, that there be  
2 some kind of contingency put in to ensure that  
3 that visual screen is provided at some point in  
4 time, no later than some point in time, regardless  
5 of what happens with the road.

6 MR. THOMPSON: Okay.

7 HEARING OFFICER GEFTER: In the decision  
8 I believe it states no later than commercial  
9 operation that the visual screen would be  
10 provided, the sound wall and the landscaping would  
11 be installed.

12 PROJECT MANAGER WHITE: We were trying  
13 -- we were actually going back to our original  
14 discussions related to the road and the wall and  
15 trying to respond to community input about the  
16 timing of that -- those features.

17 HEARING OFFICER GEFTER: So the comment  
18 from the staff to the Committee is that you would  
19 prefer to see a sooner timeframe for a sound wall  
20 as a screening, visual screening mitigation to be  
21 built sooner than -- you know, right before the  
22 start of commercial operation.

23 PROJECT MANAGER WHITE: Because you also  
24 want to provide the screen, I would assume for  
25 construction related activities. Not having done

1 that part of the analysis without the wall it's  
2 difficult for me to provide you evidence that, in  
3 fact, that impact would need to be mitigated.

4 VICE CHAIRMAN ROHY: Excuse me, just a  
5 clarification. You said you hadn't done that  
6 analysis without the wall. Did you mean without  
7 the road or did you actually mean without the  
8 wall?

9 PROJECT MANAGER WHITE: Well, we've  
10 always included the road and the wall as part of  
11 the features in the project. We had never looked  
12 at using a wall without a road as mitigation to  
13 any power plant related impact. It was always  
14 presumed to just be there.

15 VICE CHAIRMAN ROHY: I just wanted -- so  
16 I could understand what you were trying to tell  
17 me. Thank you.

18 PROJECT MANAGER WHITE: Thank you.

19 HEARING OFFICER GEFTER: Does the  
20 Applicant have any further comments on the staff's  
21 comments?

22 MR. THOMPSON: No and I don't believe we  
23 have comments on any of the other comments.

24 HEARING OFFICER GEFTER: Well, thank  
25 you, that will speed things up.

1 I wanted to turn to our intervenors and  
2 ask if CURE has any comments on staff's comments?  
3 And the best way is to state your name and then  
4 speak into the microphone.

5 MR. TEXIER: Rich Texier with CURE. No,  
6 we have no comments, thank you.

7 HEARING OFFICER GEFTER: Okay.

8 And CAP-IT, do you have any comments on  
9 the staff's comments?

10 MS. LAGANA: Paulette Lagana, no  
11 comment.

12 HEARING OFFICER GEFTER: And City of  
13 Antioch?

14 MR. HALL: Jack Hall, City of Antioch,  
15 no comment.

16 HEARING OFFICER GEFTER: And from the  
17 Delta Energy Center, please?

18 MR. BERTACCHI: Bryan Bertacchi from  
19 Delta Energy Center, we have no comment.

20 HEARING OFFICER GEFTER: Thank you.

21 We also received comments from the  
22 intervenors as well and I'd like to ask the  
23 representative from CURE to come forward and tell  
24 us about your comments?

25 MR. TEXIER: Rich Texier with CURE, in

1 Kay Poole's stead, this evening. I'll just -- I  
2 don't have anything to add except our written  
3 statement, would you like me to read that for the  
4 record?

5 HEARING OFFICER GEFTER: No, we've read  
6 it, thank you very much.

7 MR. TEXIER: Okay, thanks.

8 HEARING OFFICER GEFTER: Does the City  
9 of Antioch have any comments on your own?

10 MR. HALL: Jack Hall, City of Antioch,  
11 no comments.

12 HEARING OFFICER GEFTER: Thank you.

13 And from Delta Energy Center, we  
14 received your comment and we wanted to talk to you  
15 about that.

16 MR. BERTACCHI: Bryan Bertacchi from  
17 Delta Energy Center. We have nothing beyond the  
18 written comments that we've submitted.

19 HEARING OFFICER GEFTER: Okay.

20 And I was going to ask --

21 MS. LAGANA: I do have comments.

22 HEARING OFFICER GEFTER: And Paulette  
23 does have comments.

24 MS. LAGANA: I have some comments about  
25 the Delta Energy Center. Paulette Lagana with

1 CAP-IT.

2 And on reading the AQ, the Air Quality  
3 Number 58, a suggestion in the changing of the  
4 wording that the air monitoring station, the  
5 purchase order be presented -- I see the project  
6 -- the solar operator fund the purchase of the  
7 installation and operation 60 days after the start  
8 of construction.

9 We would like the wording to remain the  
10 same as it is, which is 60 days prior to  
11 construction. We base this on the comparison of  
12 the submission of 60 days prior to the start of  
13 construction of the transmission, the TSE-1,  
14 conditions of certification, which is Chapter  
15 five, Section D, page ten, and the verification  
16 they need to submit 60 days prior to the start of  
17 construction of the transmission facilities. I  
18 don't see any difference between the purchase  
19 order of the air monitoring station or the other  
20 pieces of information that need to be submitted  
21 prior -- 60 days prior to construction.

22 Our concern is that once a purchase  
23 order is submitted it doesn't just instantly  
24 happen. Time will lag and we want to make sure  
25 that this gets in as quickly as possible.

1 HEARING OFFICER GEFTER: Thank you.

2 Any other comments?

3 MS. LAGANA: Regarding this?

4 HEARING OFFICER GEFTER: Yes.

5 MS. LAGANA: No.

6 HEARING OFFICER GEFTER: Thank you.

7 Does the Applicant have comment on Delta  
8 Energy's proposed changes to the language of AQ-  
9 58?

10 MR. THOMPSON: Actually I just commented  
11 to my client that I blew it on this one and didn't  
12 catch the fact that we are within 60 days,  
13 hopefully within about 20 days of construction, if  
14 you define -- it depends on how you define  
15 construction activities. So, I guess we would  
16 agree with giving us some more time to locate the  
17 equipment and do this and we think 60 days after  
18 the start of construction does that. We could not  
19 comply now, because I think we would start -- we  
20 anticipate starting construction immediately. And  
21 I assume that's construction of the PDEF Power  
22 Plant.

23 HEARING OFFICER GEFTER: Are there any  
24 other comments on the proposed change to AQ-58,  
25 staff?

1 PROJECT MANAGER WHITE: The staff's  
2 position is that the language remain the same as  
3 it's featured in the PMPD. The monitoring station  
4 will be picking up all sources so we're not  
5 exactly sure what the purpose of the added  
6 language at the beginning of that condition would  
7 provide. To us it would appear to be a bit  
8 misleading and that in terms of the requirement  
9 for it to be before or after construction we feel  
10 that it was fine as proposed by the Committee  
11 originally.

12 HEARING OFFICER GEFTER: Are there any  
13 other comments on the condition AQ-58?

14 Okay.

15 Does CAP-IT want to present your other  
16 comments that you submitted on the PMPD at this  
17 point?

18 MS. LAGANA: That I submitted?

19 HEARING OFFICER GEFTER: Yeah, you had  
20 sent in some questions and some comments on the  
21 PMPD. I wanted to know if you could go over that  
22 right now.

23 MS. LAGANA: Certainly.

24 My first comment was Chapter Four on  
25 compliance on page two, are the notes from the

1           preconstruction and preoperation compliance  
2           meetings part of the public record? This had to  
3           do with the compliant Project Manager who would be  
4           conducting those meetings.

5                       HEARING OFFICER GEFTER: Okay. I  
6           believe staff can answer that question.

7                       PROJECT MANAGER WHITE: Actually, I'll  
8           have Arlene respond.

9                       STAFF COUNSEL ICHIEN: I'm sorry, could  
10          you please repeat the question?

11                      MS. LAGANA: Certainly. In Chapter  
12          four, page two, under the compliant Project  
13          Manager's responsibilities, was some of his  
14          responsibilities or her responsibilities would be  
15          to conduct preconstruction and preoperation  
16          compliance meetings as part -- and what we'd like  
17          to know is that part of the public record? Does  
18          the notes from those meetings become part of the  
19          public record?

20                      STAFF COUNSEL ICHIEN: Yes, they are  
21          public records and they're available upon request  
22          for review or copying, and we could provide you  
23          with a contact person to telephone if you request  
24          to review or to receive copies.

25                      MS. LAGANA: Okay. And the second

1 question was, since the Energy Commission shall  
2 maintain as public record the various compliance  
3 documents, just where is that kept? Would it be  
4 available on the Internet, at the Pittsburgh  
5 Library or at your CEC Office? I'm assuming that  
6 staff would answer.

7 STAFF COUNSEL ICHIEN: Compliance  
8 documents are available through our compliance  
9 staff and documents would probably be available  
10 upon request, either through our files that are  
11 kept on all projects or in the library, a small  
12 internal library that we have in the Compliance  
13 Unit. If there are any proposed amendments or  
14 changes to the project as certified, all of that  
15 information would be posted on the Web, on the  
16 Internet and would be available that way.

17 MS. LAGANA: So if there were complaints  
18 and the resolution of the complaints, which is  
19 within the jurisdiction of this person, would that  
20 be on the Web or would that have to be asked for?

21 STAFF COUNSEL ICHIEN: You probably  
22 would need to contact the Compliance Project  
23 Manager, whose name could be provided to you and  
24 request to see either a copy or to have copies  
25 sent to you of any notes taken or any

1 documentations drafted.

2 MS. LAGANA: Okay, thank you.

3 STAFF COUNSEL ICHIEN: But all of that  
4 is a matter of public record and available upon  
5 request.

6 MS. LAGANA: Thank you, that's what I  
7 needed.

8 HEARING OFFICER GEFTER: Do you have any  
9 other comments?

10 MS. LAGANA: Do you want me to just go  
11 through the rest of my comments?

12 HEARING OFFICER GEFTER: Well, if you  
13 have questions perhaps you can have these  
14 questions answered by staff, you know, later after  
15 we close this meeting.

16 MS. LAGANA: I just have one more.

17 HEARING OFFICER GEFTER: Okay.

18 MS. LAGANA: And that is for the record  
19 in Chapter Eight, Section Eight, Pages five and  
20 seven, regarding the underground line placed  
21 beneath the eastbound lanes of Eighth Street as  
22 described as being between Harbor and Montezuma  
23 Streets, for the record, I'd like to know, it was  
24 our understanding that that underground line was  
25 to be between Harbor and Beacon Streets, that it

1 was extended. And I know there's a kind of jury-  
2 rigged way that the underline -- it's going to  
3 kind of jump around, but that there is not going  
4 to be an above-ground transmission hole at  
5 Montezuma is what we're trying to verify. That if  
6 it's anything, it would be near the Beacon side,  
7 near the Beacon Street side, is that correct?

8 HEARING OFFICER GEFTER: I'm going to  
9 ask the Applicant to answer that question.

10 MR. THOMPSON: I've lost my walking  
11 library --

12 HEARING OFFICER GEFTER: Okay, we'll go  
13 off the record now.

14 (Thereupon a recess was taken.)

15 HEARING OFFICER GEFTER: Okay. We're on  
16 the record.

17 MR. SHIRAZI: Nasser Shirazi, City of  
18 Pittsburg.

19 Montezuma is really used as a reference  
20 point. The undergrounding goes beyond that and it  
21 gets, I don't know how many feet, but it gets  
22 pretty close to the City of Pittsburg boundary  
23 with the County. So it goes beyond Montezuma, it  
24 does not stop there. So at Montezuma it is  
25 undergrounded.

1 HEARING OFFICER GEFTER: Okay.

2 MR. SHIRAZI: Thank you.

3 PROJECT MANAGER WHITE: Just as a point  
4 of clarification, on the project description  
5 provided in the Presiding Member's proposed  
6 decision on page nine, there is an appropriate  
7 description of how the transmission line will  
8 travel underground along Eighth Street, going  
9 around the Delta Diablo Sanitation District's  
10 pumping station, resurfacing on the northwest  
11 side. This is the routing that staff and the  
12 Applicant and other parties had discussed at  
13 length to minimize any types of impacts to the  
14 Sanitation District's facility, and to also  
15 address concerns about visual impacts.

16 The description there on page nine in  
17 the first section is accurate. I'd just like to  
18 offer that for clarity's sake in other sections of  
19 the PMPD where you're referencing the underground  
20 portion of the line, you do clarify that it  
21 resurfaces at that northwest corner, north of  
22 Beacon Street to avoid any confusion.

23 HEARING OFFICER GEFTER: Thank you, does  
24 that clear that up for you, Ms. Lagana?

25 MS. LAGANA: Yes, thank you.

1 HEARING OFFICER GEFTER: Okay. Do you  
2 have any other questions or comments?

3 MS. LAGANA: Well, I wanted to make one  
4 more comment, since Allan had mentioned about the  
5 AQ-58. If 60 days prior is not within the scope  
6 that you could apply to, then would the time of  
7 beginning of construction -- we would like to  
8 offer that as a compromise. Thank you very much.

9 HEARING OFFICER GEFTER: At this point  
10 we'd like to take comments from members of the  
11 public who are here this evening. And I know that  
12 Ms. Blackwell is here and would like to speak and  
13 also Mr. Lengyel is here. And if Ms. Blackwell  
14 would like to come forward and offer your  
15 comments, we'd like to hear from you now.

16 MS. BLACKWELL: Thank you.

17 Regarding the changes to the soundwall,  
18 because of this whole thing with the bypass road  
19 that now it's no longer a part of the project. I  
20 believe that the sound wall does need to be  
21 addressed as far as visual impacts and especially  
22 to those residents along Santa Fe.

23 I will also tell this Commission that I  
24 have virtually no doubt whether or not the bypass  
25 road will be built. And I have no doubts at all

1 as to whether or not Enron will do the things that  
2 they have committed to the people of the Central  
3 Addition Neighborhood. It might be the sound  
4 walls along Santa Fe and Columbia, the greenbelt  
5 areas and central park.

6 At this point I would like to urge the  
7 Commission to issue the permit for this project in  
8 a most timely manner and let's get on with it.

9 Thanks.

10 HEARING OFFICER GEFTER: Thank you.

11 Mr. Lengyel.

12 Would you please introduce yourself for  
13 the record?

14 MR. LENGYEL: Yes, I am Mike Lengyel a  
15 resident of the Central Addition and I've been  
16 commentator on this Truck Bypass for more than I  
17 probably should have. But I have a brief  
18 statement that I'd like to read to Vice Chairman  
19 Rohy and to the distinguished guests and experts  
20 at this gathering.

21 Thank you for listening and responding  
22 to ordinary people, in your proposed decision on  
23 Enron's power plant application, with respect to  
24 requiring a monitoring station in Pittsburg and  
25 deleting the proposed Truck Bypass Road from

1 certification. I learned of your apparent  
2 decision in the attached article that appeared in  
3 the local Ledger Dispatch newspaper section on  
4 July 8th.

5 However, a statement attributed to an  
6 Enron spokesman, Cathy Resseth, in the article  
7 disturbs me. She is quoted as saying, quote,  
8 "Enron and the City will continue to work together  
9 and will build that road as configured and  
10 submitted to the Commission," unquote. As you  
11 know, the California Air Resources Control Board  
12 last August deemed diesel exhaust emissions to be  
13 toxic air contaminants and ordered a year long  
14 study on safety measures.

15 The Truck Bypass Road would carry  
16 hundreds of heavy duty trucks a day along two  
17 sides of my neighborhood and would force  
18 relocation of partly developed Central Park behind  
19 a 12-foot high wall cut off from view and access  
20 from the neighborhood, except by pedestrian  
21 overcrossing, all the while exposing children and  
22 adults alike to diesel fuels.

23 Enron is entangled in City business  
24 through an alliance agreement that provides  
25 nontraditional payments of 60 percent of the power

1 plant profits to the City, would operate on a site  
2 near new residential areas and would be allowed to  
3 release more than 900 tons a year of five criteria  
4 air pollutants, plus more than 40,000 pounds a  
5 year of various toxins and up to 396,670 pounds of  
6 ammonia in a worst case slip.

7 In contrast, the proposed Calpine  
8 Bechtel Delta Energy Center Power Plant Site at  
9 the Dow Chemical property about a mile away is in  
10 the heart of the industrial belt away from homes,  
11 has no potentially risky bypass road associated  
12 with it, as does the Enron site, despite your  
13 attempt to cut that tie, and could still provide  
14 cheap power and steam to the steel mill located  
15 across the street from Dow.

16 The steel mill has been a vital economic  
17 asset since 1911 and deserves special support.  
18 Dow has preserved wetlands at its property and is  
19 generally regarded as a good corporate citizen. I  
20 believe that the Pittsburg area, which already has  
21 four power plants, including one that has sooted  
22 the waterfront for nearly half a century, should  
23 not have to bear more than one additional power  
24 plant, and may not be able to do so legally under  
25 air pollution regulations.

1 I urge you to reject the Enron  
2 application in favor of the site at Dow and to  
3 consider these projects in tandem because of their  
4 proximity, same year of application and use of the  
5 same limited air resource.

6 HEARING OFFICER GEFTER: Thank you very  
7 much. Do you have a copy of your statement?

8 MR. LENGYEL: Yes, I do.

9 HEARING OFFICER GEFTER: Thank you.  
10 Are there any other comments from  
11 members of the public on the PMPD proposed  
12 decision?

13 We'd like to then move on for discussion  
14 about the fire district's concerns. I understand  
15 that -- I'm sorry, there is a comment?

16 MR. DUNBAR: Perhaps agencies.

17 HEARING OFFICER GEFTER: Oh, I'm sorry  
18 -- City of Pittsburg, would you like to come  
19 forward? Do you have comments?

20 MR. DUNBAR: Just a couple.

21 HEARING OFFICER GEFTER: Thank you.

22 MR. DUNBAR: Jerry Dunbar, City of  
23 Pittsburg.

24 First, we'd like to echo Allan  
25 Thompson's earlier comments about appreciating the

1 Commission's work and the staff's work on how this  
2 has proceeded so well, we think, and how the  
3 public has had just a wealth of opportunities to  
4 participate in. And we have been very impressed  
5 by the procedure and just the whole process, the  
6 decorum of the meetings and compliment you all on  
7 the conduct of your process.

8 With that said, we are disappointed that  
9 the recommendation that the Truck Bypass be  
10 deleted. That disappointment was somewhat  
11 compounded by staff's suggestion that with its  
12 deletion that the sound wall and the amenities  
13 alongside of it go with -- go the same direction  
14 and the nature of our disappoint, something  
15 similar to Cecilia's comments, is not a concern  
16 that they won't occur. We are quite confident  
17 that the Truck Bypass Route will occur. We're  
18 quite confident that the sound wall and the linear  
19 park will occur.

20 We are concerned in a different fashion  
21 and that fashion really has to do with some of the  
22 -- I think Lorraine said it best, when she said we  
23 have never looked at this project without them.  
24 And I would like to expand her observation to  
25 really the entire community. The entire community

1 has never looked at this project without them,  
2 without the Truck Bypass Route, without the sound  
3 wall, without the linear park.

4 It has been repeatedly presented by the  
5 City, by the Applicant in public meetings and in  
6 town hall meetings, part and parcel, and we think  
7 that a great deal of the acceptance of the  
8 project, you know, there's business reasons to  
9 accept the project, there's environmental reasons  
10 to accept the project. And we think that the  
11 number of neighbors and folks in our community  
12 also found the project attractive because of the  
13 amenities that it would provide.

14 And quite clearly we think that the  
15 sound wall does have visual -- mitigates an  
16 impact. We think the Truck Bypass Route does  
17 mitigate an impact. We understand the proposed  
18 deletion of those, but when we think of how it has  
19 always been presented to the community and it has  
20 really all been part of the same project, we  
21 encourage its continued inclusion.

22 The Commission asked for the City's  
23 advice, I believe it was back in March, and it was  
24 at that time particularly focused on the issue of  
25 a variance -- what would the City do if the City

1           were the permitting agency for the stacks that  
2           exceeded the permitted hike. We took that  
3           opportunity to draft a letter that actually  
4           included a wide variety of things that, if it were  
5           the City's position to be the permitting agency,  
6           what it would require of the Applicant.

7                         And in reviewing -- and our position  
8           hasn't changed. In that letter we talked about  
9           the Truck Bypass Route. In that letter we talked  
10          about the sound wall and we even got into little  
11          specifics like it was going to be, the linear  
12          would be irrigated and things of that nature. And  
13          essentially our position hasn't changed. We are  
14          quite confident it will occur, but we are  
15          concerned that -- I don't want to over dramatize  
16          it, but it's almost for us an issue of public  
17          trust.

18                        It has been presented as the project,  
19          part and parcel, repeatedly for really a year.  
20          And we think it's best for the community if it  
21          continues in that fashion. We have -- I mean, and  
22          if you will to underscore my point, I've already  
23          mentioned that Lorraine said it, or Ms. White said  
24          it at least a couple of times, it was never looked  
25          at without it.

1           I hope you don't mind, Allan, but I  
2           wrote down, you made a comment earlier, you said,  
3           if the truck bypass is built. I wrote that down  
4           because we're quite confident it will be and, of  
5           course, we can underscore that confidence if it  
6           were one of the conditions of the certificate.

7           Ms. White made a comment sometime  
8           following Mr. Thompson's that said, if the truck  
9           route falls through, and I know she didn't mean  
10          that like it was likelihood, but in just the first  
11          hour of discussion in our first public meeting  
12          following the Presiding Member's proposed  
13          decision, and I've written down four different  
14          comments from two different people, that start  
15          with if and maybe, and that is just the kind of  
16          thing that concerns us after spending a year of  
17          talking to the community about the -- if it were  
18          approved, if it is approved, then this is a  
19          certainty and how do we know that if it's approved  
20          it's a certainty? The Applicant has announced  
21          repeatedly it is a certainty because it is part of  
22          the application.

23                 And we appreciate that on the part of  
24                 the Applicant. We think that the community  
25                 appreciates that on the part of the Applicant and

1 we would suggest that it continue as part of a  
2 condition of certification. And essentially, or  
3 to summarize, we think we summarized the City's  
4 comments in our letter of March and that remains  
5 our position.

6 Are there any questions on my comments?

7 HEARING OFFICER GEFTER: Thanks. We're  
8 going to go off the record for a moment.

9 (Thereupon a recess was taken.)

10 HEARING OFFICER GEFTER: Back on the  
11 record. In response to Mr. Dunbar's comments and  
12 as we stated in the proposed decision, the City  
13 has a certified file EIR which was adopted in 1992  
14 and in difference to that document the proposed  
15 decision then severed that project from the power  
16 plant project, and that EIR still exists. And  
17 that's my response.

18 MR. DUNBAR: Just to make sure that I  
19 understand, because of the certified EIR that  
20 exists on that proposed route, because of that it  
21 is being segregated -- or separated from the  
22 application? I'm not sure?

23 HEARING OFFICER GEFTER: And the other  
24 reasons were set forth in the PMPD that it is not  
25 part of the power plant project, this very

1 attenuated nexus that connects the bypass road to  
2 the power plant project. In terms of mitigating  
3 construction traffic, there are existing truck  
4 routes through this City of Pittsburgh and, in  
5 fact, most of the heavy construction traffic will  
6 occur during the first two months of construction  
7 of the project, and that would be before the  
8 bypass road is actually constructed.

9           So when you actually -- when the PMPD  
10 actually goes through the analysis as to the nexus  
11 between the bypass road and the actual power plant  
12 project, it's a very attenuated nexus. And  
13 therefore we did not include that, because we  
14 don't believe -- we don't see that as pertinent  
15 facilities to the power plant project, which is  
16 the extent of the Energy Commission's  
17 jurisdiction.

18           MR. DUNBAR: And we appreciate your  
19 observation that the nexus for the Truck Bypass  
20 Route might be in layman's terms shallow. We  
21 think, though, for the purposes -- for the  
22 community it ran quite deep. And, like I say, a  
23 part of it is just really a public trust issue  
24 where we think that everyone, Applicant, staff,  
25 interested agencies and we know the community saw

1           it all as part of the same project. And we do  
2           appreciate how, in your deliberations, it was a  
3           much thinner connection.

4                        I guess part of our plea would be, given  
5           the Applicant's continuing willingness to have it  
6           as part of the project, given what we think is the  
7           community's interest and assumption that it would  
8           be part of the project and given my -- or the  
9           City's concern about how things, or for lack of a  
10          better word, rumors can start and everything,  
11          based on comments that people might very  
12          innocently make where we already start saying  
13          perhaps, maybe and if, we would encourage that it  
14          be included.

15                       We are aware of the thinness of the  
16          nexus from your perspective, and we understand  
17          that the Applicant has concerns about timing,  
18          because there are timing issues in the original  
19          application as to when it would have to be done,  
20          and we considered that very much an issue that can  
21          be compromised, that we are willing to compromise  
22          on, as far as the time in which it is completed.

23                       But we would go back to, we think it's  
24          part of what the community thought is the entire  
25          project. We think that there are impacts that

1           need to be mitigated on the Truck Bypass Route,  
2           albeit perhaps thin. And certainly in the case of  
3           the sound wall, we think that there are visual  
4           impacts in there that should mitigated and that it  
5           should not be separated. But it is being  
6           separated out only because -- or the staff is  
7           suggesting that it be separated out because of the  
8           truck bypass being proposed to be separated out.

9                         And I've -- I don't need to belabor the  
10           point. I think you know our position. Our City  
11           Manager is here. I don't know if there's anything  
12           you'd like to add to that.

13                        VICE CHAIRMAN ROHY: I'd just like to  
14           add some comments to it, that our decision should  
15           not be seen as either supportive or nonsupportive  
16           of the bypass road. According to Ms. Gefter's  
17           comments that it was the shallow nexus that took  
18           us there.

19                        We also retained very thoughtfully the  
20           sound wall -- or the visual wall in there as part  
21           of the visual mitigation. So we did consider the  
22           separation of the road from the wall and that's  
23           what you see in our decision.

24                        MR. DUNBAR: Thank you, again. Like I  
25           say, on behalf of the City we have very much

1 appreciated the way in which the proceedings have  
2 been conducted thus far and thank you for allowing  
3 us to participate.

4 HEARING OFFICER GEFTER: Thank you.

5 Does Mr. Kolin have -- do you have any  
6 comments from the City?

7 MR. KOLIN: No.

8 HEARING OFFICER GEFTER: The Delta  
9 Diablo Sanitation District, I know there is a  
10 representative here, Mr. Baatrup.

11 MR. BAATRUP: Thank you, Greg Baatrup  
12 with Delta Diablo Sanitation.

13 I'd like to echo Mr. Dunbar's comments  
14 on the quality of the proceedings and the  
15 documents that have been produced, the testimonies  
16 that were given. It was very impressive and we  
17 are amazed at how this process has transpired over  
18 the very brief period that it has.

19 We read the Presiding Member's proposed  
20 decision and we find that -- and concur with all  
21 the findings, conclusions and the recommendations  
22 that are in there. And we are, as we said at the  
23 very beginning of this process, quite excited  
24 about this project, as it brings opportunities in  
25 our community to develop a new water resource and

1 that is the recycled water resource. So, again,  
2 thank you, and we do support the conclusions.

3 HEARING OFFICER GEFTER: Thank you.

4 Are there any other representatives from  
5 the agencies here who wish to speak?

6 With that we can now move on to the  
7 issues raised by the Contra Costa County Fire  
8 Protection District. I understand that staff  
9 conducted a workshop on the issues and we'd like  
10 to hear what occurred at that workshop.

11 PROJECT MANAGER WHITE: You're correct,  
12 staff did conduct a workshop in which we invited  
13 the fire district to present their issues to the  
14 parties involved in this proceeding, and to  
15 provide available evidence that they might have to  
16 address the concerns that the Committee had  
17 mentioned in their hearing in which this issue was  
18 raised initially.

19 The results of the workshop were  
20 essentially that Delta Diablo -- or the first  
21 protection district does not keep the types of  
22 records necessary to conduct the proportional  
23 benefits analysis as directed by Commissioner  
24 Moore that would be used by the Committee to make  
25 a decision on the portion of the actual equipment

1 needs that Enron would be responsible for paying  
2 for.

3 The lack of data became a challenge for  
4 staff in trying to craft a resolution to the  
5 problem, because of the specific direction given  
6 to us by the Committee to provide proportional  
7 benefits analysis that would result in an  
8 allocation of cost to both Enron and Delta Energy  
9 Center in relationship to the needs identified by  
10 the fire protection district.

11 As a result of discussions held at that  
12 workshop, the Applicant and the fire protection  
13 district agreed to meet outside of the staff  
14 workshop to specifically craft a resolution or  
15 solution to the concerns raised by the district.  
16 Staff asked that whatever solution was reached  
17 that both parties inform all other parties of  
18 that.

19 Unfortunately we have not been provided  
20 with any information on the results of that  
21 meeting or any subsequent resolution. We were  
22 able to talk to the fire protection district prior  
23 to this hearing this evening and was disappointed  
24 in finding out that, in fact, no resolution was  
25 reached. The fire district is still concerned

1 with the ability to provide the services, still  
2 has the concerns about obtaining equipment that  
3 they need to provide the services. But without  
4 the information for us to craft a solution or  
5 coming up with the perfect methodologies which  
6 would help in lieu of accurate data we are at a  
7 loss of suggesting any resolution to the  
8 Committee.

9 HEARING OFFICER GEFTER: I understand  
10 the Applicant has some comments on this?

11 MR. THOMPSON: Yes, we did meet in  
12 Sacramento, I think it was on July 7th, in the  
13 morning, adjourned and met again on July 13th for  
14 basically an all-morning session. The Delta  
15 Diablo representatives were nice enough to attend,  
16 and I guess I would characterize this as the ball  
17 being in the fire department's court.

18 We suggested various ways that we could  
19 assist the fire department in raising funds that  
20 they clearly need and I don't actually think it's  
21 a fire station or a local problem, I suspect it's  
22 a countywide problem. There's a \$40 million  
23 shortfall figure that they have used.

24 I would add that the City of Pittsburg  
25 was present, and they can speak for themselves,

1 but I got the impression that they feel fairly  
2 strongly about attempts to go outside of legal  
3 agreements that the city and the county have  
4 concerning the allocation of various tax dollars  
5 and the rate at which those tax dollars are  
6 collected.

7 In short, I memorialized what I thought  
8 were the results of the meeting and sent a letter  
9 to Acting Assistant Chief Dewey Savo. I served  
10 this at the Commission on July 16th, I realize  
11 that was just last Friday. But in there we did  
12 suggest a continued working relationship and I  
13 think Delta Diablo representatives would agree  
14 with this, to explore ways in which we, the  
15 project, can assist the fire department and  
16 includes things like the city has volunteered to  
17 assist the fire department in going to county to  
18 bring forward fire assessment fees so that the  
19 amount that the district will be able to increase  
20 its funds to made available at an earlier date.

21 City representatives will work with the  
22 district to make sure that the district applies in  
23 a timely manner for redevelopment funds and work  
24 with the district to set in motion a series of  
25 events to try and raise the allocation of 15 cents

1 per square foot figure that currently appears in  
2 the law.

3 Now, along with the letter I sent two  
4 memoranda from the city. One which contains the  
5 community facility fees fire protection section of  
6 the code and the last city council resolution  
7 which adopted the county recommendation for the 15  
8 cents. That's the legal framework that the city  
9 was concerned about.

10 I also included in the package a letter  
11 from Mr. Sam Wehn who spoke to the, an outfit  
12 called Kiewit Industrial Company who may be the  
13 EPC contractor, who gave some information about  
14 their experience of jobsite fire department  
15 requirements, for what that's worth on the record,  
16 recognizing that it's not the total picture.

17 Delta Diablo suggested to the fire  
18 district that a bond could be floated to buy those  
19 fire trucks now, backed by the new money, the new  
20 revenue stream that would come to the fire  
21 district when Delta Diablo is constructed. And if  
22 you'll look at the last page of that filing, under  
23 fire, at the bottom, it starts with an annual  
24 figure of \$237,000 and in 2000, 2001 it climbs to  
25 811,000 a year, so there's clearly enough money to

1 do that.

2 The initial reaction from the fire  
3 department is that they don't like to do those  
4 things. We urge them to rethink it. It seems to  
5 be a perfect vehicle for getting these vehicles.

6 We have not heard back yet from the fire  
7 department, but would commit to continuing to work  
8 with the city, the county, Delta Diablo and the  
9 fire district to try and raise additional funds  
10 for the fire department.

11 For our part, we agreed that the  
12 valuation of our property can be as expansive as  
13 the law allows. In other words if they define  
14 structure to mean a piece of concrete on the  
15 ground we, at least, will not fight that in order  
16 to increase the allocation, but we can't agree to  
17 something that the person making that finding  
18 finds is illegal.

19 So, if the Committee would allow us and  
20 the Commission would allow us to continue to work  
21 on this problem, we are hopeful that we can help  
22 the fire department in some real solid ways.

23 HEARING OFFICER GEFTER: Does the City  
24 of Pittsburg have comments on this issue?

25 MR. THOMPSON: I'm sorry, if I said

1 Delta Diablo, I mean the Delta Energy Center.

2 MR. DUNBAR: Greg was a little worried.

3 (Laughter.)

4 MR. DUNBAR: Particularly when it  
5 started to sound as though it was going to cost.

6 (Laughter.)

7 MR. DUNBAR: Gerry Dunbar, City of  
8 Pittsburg.

9 As Mr. Thompson said, we held a number  
10 of meetings. We held two in Pittsburg in addition  
11 to the one in Sacramento. And I think the  
12 meetings were very helpful in the sense that there  
13 was a great deal of factfinding that took place.

14 When the meetings began one thing that  
15 was clear is that the personnel from the Contra  
16 Costa County Fire Protection District that I  
17 believe addressed your Committee, I know they were  
18 the folks in the workshop and also the two  
19 committees in my office, those two individuals  
20 were not aware of some of the agreements that are  
21 currently in place.

22 There is an agreement between the City  
23 of Pittsburg and the Contra Costa Fire Protection  
24 District for passing through redevelopment in tax  
25 increment money that results from increased

1 evaluations in a redevelopment area.

2 There is a pass-through of baseline tax  
3 dollars to the Contra Costa Fire Protection  
4 District. There is a local ordinance that was  
5 passed by our City Council at the request of the  
6 fire district, establishing a facilities fee, just  
7 the kind of thing that really is supposed to help  
8 them keep up with facility improvement as  
9 development occurs. That is on the books.

10 There is a 1996 resolution where the  
11 city suggests to the Contra Costa -- or doesn't  
12 suggest, recommends, requests, that they review --  
13 and this is really the entire fire district. It's  
14 an entire fire district problem as Allan  
15 mentioned. They reported it as to be a \$40  
16 million shortfall problem.

17 There is a 1996 resolution where the  
18 city requested the county and fire district review  
19 the approach of either increasing the per square  
20 foot fee, establishing a districtwide assessment,  
21 establishing, you know, special assessment  
22 districts, if there's areas of greater risk.  
23 Really, just looking at reviewing and bringing  
24 forward to the city council different ways to  
25 increase their fees that might address their

1 capital needs.

2 Those have not come forward to the city  
3 since the adoption of that resolution. There was  
4 an impression on the part of the fire district  
5 personnel that attended our meetings that they  
6 weren't getting anything from the City of  
7 Pittsburg because it was in a redevelopment area,  
8 so we were able to share with them the three and a  
9 half million dollars they have received just in  
10 the last 18 months or so. We were able to share  
11 with them the projections of close to \$20 million  
12 over the next six or seven years.

13 And I say all this not because I'm  
14 saying it's enough for the fire district, but to  
15 point out that there was an information gap  
16 between what currently exists and what they  
17 thought currently exists. And in doing so, we  
18 talked and Allan has already discussed it, about  
19 different things that can be done. As far as  
20 coming towards the Redevelopment Agency and  
21 requesting things the fire district can do that.

22 The fire district first, though, also  
23 needs to get approval from the Contra Costa County  
24 Board of Supervisors as they are the umbrella  
25 jurisdiction for that district. And that is

1 really the step that needs to occur even before  
2 approaching the city. And then, of course,  
3 there's a mechanism and there's a mechanism in  
4 place that we have an agreement to do that.

5 The purposes of the meetings was to  
6 clarify what currently exists, to identify some  
7 problems and also, as Allan mentioned, what are  
8 some of the potential solutions. It does not  
9 solve the problem that the representatives from  
10 our fire district need a truck replaced now. In  
11 fact, I think they need a number of trucks  
12 replaced as I recall.

13 But the problem that we were faced with  
14 is, and I won't belabor the point, there is  
15 ordinances and written agreements in place. When  
16 we talk about a shallow nexus, to use another  
17 example, I think we can envision the difficulty in  
18 what is the nexus between the need for a truck or  
19 trucks and the risk factor that increases through  
20 this particular project.

21 For example, we have one estimate from  
22 -- is it Kiewit? Is that the pronunciation?  
23 That's talking about a medical response every  
24 eight months and, based on experience, and never a  
25 fire response. Mr. Thompson mentioned that the

1 District had not been able to provide the  
2 information where we could do or identify a nexus  
3 between increased risk and how that might be  
4 mitigated.

5 What we have been able to do, I think,  
6 is improve the communication between the district  
7 and probably particularly the city's Redevelopment  
8 Agency and also help them with, I think, some  
9 mechanisms that might actually provide longlasting  
10 assistance as opposed to a shot in the arm.

11 PROJECT MANAGER WHITE: I just have a  
12 point of clarification related to your comments on  
13 pass through. In the workshop you had described  
14 that there were actually three redevelopment  
15 agencies. That the Pittsburgh District Energy  
16 Facility is in the oldest of those redevelopment  
17 agencies in which there is no pass through  
18 agreement to the fire district for many  
19 developments within that redevelopment agency, is  
20 that correct?

21 MR. DUNBAR: That is, in part, correct.  
22 It is true that there is not a -- they will not --  
23 the fire district will not get tax increment money  
24 from construction that occurs in area one.

25 PROJECT MANAGER WHITE: Right. Okay.

1                   MR. DUNBAR: But what was not discussed  
2 then is that areas two and three, recognizing that  
3 area one gets nothing, over compensate. So, for  
4 example, if you take the Delta Energy Facility  
5 Application, there is a -- let's say that were  
6 approved and constructed, that is in what we call  
7 area three and there is a disproportionate amount  
8 that goes to the fire district from that area and  
9 it's disproportionate to make following, I might  
10 add, considerable and lengthy negotiations, to  
11 make up for the fact that there wouldn't be  
12 anything in area one.

13                   So you have an agreement that takes into  
14 consideration three areas. It can be complicated,  
15 but it ultimately works.

16                   PROJECT MANAGER WHITE: Thank you for  
17 that point of clarification.

18                   HEARING OFFICER GEFTER: Thank you.

19                   Are there any other comments regarding  
20 the fire district's concerns?

21                   Okay. We're going to take a short  
22 recess, about two minutes. So, why don't you stay  
23 in your seats and we'll go off the record.

24                   (Thereupon a short recess was taken.)

25                   HEARING OFFICER GEFTER: Before we

1 conclude, we need to determine whether any of the  
2 comments are substantive in nature that would  
3 require a revised proposed decision.

4 From our standpoint, we don't believe  
5 there are substantive changes and therefore we  
6 believe we do not require a revised proposed  
7 decision, and we can move on just with the  
8 comments that were submitted by the parties and  
9 present those comments to the full Commission,  
10 along with the proposed decision.

11 With that, Vice Chair Rohy has some  
12 comments.

13 VICE CHAIRMAN ROHY: From a timing point  
14 of view, we would like to put this on the calendar  
15 for the next Business Meeting at the Commission.  
16 We don't know exactly the date for that meeting.  
17 There are certain scheduling problems that we have  
18 and, for instance, the July 28th meeting has been  
19 cancelled. So, we are working very hard to find a  
20 date, somewhere early in August. I can't promise  
21 you a date tonight. It's dependent on five  
22 Commissioners' calendars getting together.

23 I'd just like to make some summary  
24 comments. First of all, this has been the first  
25 power plant case that I've been through at the

1 Commission in total. I was involved in one  
2 partially, but I find this group of folks who have  
3 participated here particularly engaging. I've  
4 enjoyed listening to the Applicant, the staff, the  
5 intervenors and especially the public.

6 I think we have had a very good  
7 relationship among all of us, because we have  
8 listened to each other and I want to commend all  
9 of you for participating in this, especially the  
10 public. They have a hard time getting up to speed  
11 on these things. Allan has been through these  
12 things, he can probably do them in his sleep,  
13 staff does them all the time. The public in  
14 Pittsburg hasn't had one of these, maybe ever, I  
15 don't know.

16 But people, like Paulette, have come up  
17 to speed very quickly and the other public members  
18 that are here and participated in this procedure.  
19 To me that's very rewarding when we get public  
20 comments and we act in a very professional manner.  
21 So I want to commend all of you for acting very  
22 professionally during this entire procedure. At  
23 times we know it's boring.

24 There are certain legal restrictions we  
25 have to live with. If I hear, are you the same

1 John Jones that wrote this document and is that  
2 document in front of you? You know, those get  
3 boring. But overall, I believe we heard out the  
4 comments of everyone and I will certainly tell you  
5 that the Committee did, in fact, consider all the  
6 comments received from every single person that  
7 appeared before us.

8 In closing, I'd like to especially thank  
9 Ms. Gefter and Mr. Eller, who are really the power  
10 houses that made this process possible. And to  
11 those two people my hat's off and I thank you very  
12 much.

13 And with that --

14 HEARING OFFICER GEFTER: Thank you. Are  
15 there any other comments from the parties?

16 MR. THOMPSON: Recognizing that this is  
17 probably the last hearing to be held in the local  
18 of Pittsburg, I would also, you know, in addition  
19 to thanking the staff whom I enjoy working with,  
20 even though sometimes we're on the opposite side  
21 of the table and the assigned Committee and Ms.  
22 Gefter and Mr. Eller, I too want thank the  
23 citizens of Pittsburg.

24 We've held many community meetings and  
25 we recognize that these issues are very difficult

1 to understand. And while we try our best to put  
2 them in a manner that can be easily understood,  
3 the issues are so difficult that we appreciate the  
4 vigilance in which the citizenry attack the  
5 issues.

6 Along with that, the agencies, the City  
7 of Pittsburg, the City Antioch, Delta Diablo, the  
8 intervenors, I think everybody acted in an  
9 extremely responsible fashion. I think evidence  
10 of that is here tonight. All our intervenors are  
11 here and responding very well to the timeframe  
12 that we would like to see in the Commission, --  
13 the Committee's directive.

14 So I really would like to thank  
15 everybody involved for the effort.

16 HEARING OFFICER GEFTER: Thank you.

17 Are there any other comments?

18 Well, then we thank everyone very much  
19 for their help in getting through this process and  
20 at this point this conference is adjourned.

21 (Thereupon the Committee  
22 Conference and Evidentiary  
23 Hearing on Pittsburg District  
24 Energy Facility was concluded  
25 at 7:45 p.m.)

## 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 Conference and Evidentiary Hearing; 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 Hearing.

IN WITNESS WHEREOF, I have hereunto set my hand this 28th day of July, 1999.

VALORIE PHILLIPS

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