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# **SAN FRANCISCO ELECTRIC RELIABILITY PROJECT (04-AFC-1)**

## **DATA RESPONSE, SET 1** **(Responses to Data Requests: CARE-1.1 through CARE-1.6)**

Submitted by  
**CITY AND COUNTY OF SAN FRANCISCO**

September 7, 2004



2485 Natomas Park Drive, Suite 600  
Sacramento, California 95833-2937

**SAN FRANCISCO ELECTRIC RELIABILITY PROJECT  
(04-AFC-1)  
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**DATA REQUEST**

CARE 1.1

- a. Why is CCSF making the false claim that this project is needed for “reliability”?
- b. Provide in electronic format where available all data and/or documents that CCSF has provided to or received from ISO, CEC, CPUC, and/or other agencies or organizations during the period commencing with the date of the Application being filed through today relating to the Application for Certification for this Project, in regards to the need for this project in order to serve “reliability” demands as determined by the ISO, and/or in order to shut down the Bay View Hunters Point power plant as soon as possible as determined by the plant’s owner PG&E.
- c. Identify all persons responsible for developing policies, strategies, comments and/or testimony.

**Response:**

Response prepared by Karen Kubick

Please see the City’s August 19, 2004, Objections and Notices of Need for Additional Time in Response to the First Set of Data Requests from CARE.

The City has not to its knowledge made false claims in its pleadings in this case. The City’s position on the purpose and need for the project is set forth in Section 3 of the Application for Certification (AFC) on Purpose and Need, and supplemented in the responses to the following data requests:

- Data Response Set 1A, Nos. 12 to 18 and attached documents, filed July 6, 2004
- San Francisco Community Power, Data Response Set 1, No. 6, filed August 18, 2004

The City provided an initial set of documents to CARE on August 19 (those sent in response to the August 18, 2004, San Francisco Community Power, Data Response Set 1). Key communications between the City and the California Independent System Operator relating to purpose and need were provided in the July 6, 2004, Data Response Set 1A, as attachments to Data Response 16 (Attachments ALT-16A and 16B).

The persons responsible for the preparation of the AFC are listed in AFC Volume 2, Appendix 1B. The list includes diverse consultants retained to advise/represent the City on particular topics. The persons sponsoring particular data responses are listed in the data responses. The following City employees are currently part of the SFERP extended team (the City has consulted with diverse other persons within the City, including members of the Board of Supervisors and their advisors, from time to time):

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San Francisco Public Utilities Commission:

Susan Leal (General Manager of the SFPUC)

Karen Kubick (technical director)

Ralph Hollenbacher and Russell Stepp (technical staff)

Jim Marks and Catania Galvan (communications staff)

Mayor's Office of Economic Development:

Jesse Blout (coordination and policy direction)

San Francisco Department of Environment:

Jared Blumenfeld (policy input)

Anne Eng (participation and coordination regarding the PM10 mitigation/community benefits package)

San Francisco Department of Public Health:

Richard Lee (has provided comments on the AFC sections and data requests on public health, air quality, hazardous materials, hazardous waste, and noise; and has provided input regarding the PM10 mitigation/community benefits package)

San Francisco Planning Department:

Jasper Rubin (has provided comments on the AFC land use section, and data responses)

Bill Wycko (has provided comments on AFC traffic and transportation section)

Niel Hart (has provided comments on certain cultural resources data responses)

San Francisco Port:

Mark Paez (has provided comments on AFC cultural resources section, and data responses)

CARE 1.2

- a. Why is CCSF supporting the siting of three peakers at the Mirant Potrero site over the environmentally benign alternative of transmission upgrades, as proposed by PG&E?
- b. Provide in electronic format where available communications and/or documents relating to this project and the Application of Pacific Gas and Electric Company (U-39-E) for a certificate of Public Convenience and Necessity Authorizing the Construction of the Jefferson-Martin 230 kV Transmission Project, or other transmission projects, that CCSF identified as necessary to meet the reliability demands established by ISO for San Francisco, and to shutdown the Bay View Hunters Point power plant.

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- c. Identify all persons responsible for developing policies, strategies, comments and/or testimony.

**Response:**

Response prepared by Karen Kubick

Please see the City's August 19, 2004, Objections and Notices of Need for Additional Time in Response to the First Set of Data Requests from CARE.

Please see the response to Data Request 1.1 above regarding the City's position on the purpose and need for the project. The City's position on alternatives is set forth in the AFC, Section 9: Alternatives, and supplemented in the responses to the following data requests:

- Data Response Set 1A, Nos. 12 to 18 and attached documents, filed July 6, 2004
- San Francisco Community Power, Data Response Set 1, Nos. 1, 3, 6, and 9, filed August 18, 2004

The City provided an initial set of documents to CARE on August 19 (those sent in response to the August 18, 2004, San Francisco Community Power, Data Response Set 1). The City is today sending to CARE by overnight mail a further set of documents. A set will also be sent to the CEC by overnight mail. Copies of these documents will be sent by the City to other parties upon request. The City will continue to review documents and will provide a further status report no later than September 20.

Please see the response to Data Request #1.1 above for persons currently on the SFERP extended team. The persons responsible for the preparation of pleadings, testimony and data responses in the Jefferson-Martin case before the California Public Utilities Commission (CPUC) are listed in the documents submitted in the proceeding before the CPUC.

**CARE 1.3**

- a. On November 6, 2001, San Francisco voters overwhelmingly approved a landmark \$100 million bond initiative that pays for solar panels, energy efficiency and wind turbines for public facilities. What if any of the \$100 million bond has been sold, and what expenditures of these funds have been made?
- b. Provide in electronic format where available all communications and/or documents relating to any new renewable energy projects in San Francisco California that CCSF has identified.
- c. Identify and provide the last known address for all persons responsible for, or who participated in, any such communications.

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**Response:**

Prepared by Edward Smeloff

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Pending the resolution of legal and business matters, to date none of the \$100 million bond has been sold and hence, no expenditures of bond funds have been made. In the meantime Hetch Hetchy Water and Power (HHW&P) has budgeted funds in its capital budget to implement energy efficiency and solar power projects. A first large solar project at the Moscone Convention Center has been completed. A contract for the development of a second solar project at the Southeast Wastewater Treatment Facility has been awarded and system design is about to commence. A request for proposals for a third large-scale solar project at Pier 96 will be released this week. Funds for two additional projects are included in this year's capital budget for Hetch Hetchy Water and Power. When bonds are ultimately sold, some of the funding for some of these projects may be recoverable by HHW&P from the proceeds.

The City provided an initial set of documents to CARE on August 19 (those sent in response to the August 18, 2004, San Francisco Community Power, Data Response Set 1). The City is today sending to CARE by overnight mail a further set of documents. A set has also been sent to the CEC by overnight mail. Copies of these documents will be sent by the City to other parties upon request. The City will continue to review documents and will provide a further status report no later than September 20.

Please see the response to Data Request 1.1 above for persons who are currently part of the SFERP extended team.

**CARE 1.4**

- a. Section 501 of the federal New Source Review states, "The term 'major source' means any stationary source (or any group of stationary sources located within a contiguous area and under common control)". Why doesn't CCSF's analysis include Mirant's Unit 7 combined cycle project AFC that is on hold not withdrawn and therefore should include an existing Mirant application as required by NSR? Why doesn't CCSF's analysis include the two existing peakers and all other available Mirant units at the proposed project site as NSR requires?
- b. Provide in electronic format where available all communications and/or documents analyzing or evaluating the impacts of the proposed project including the impacts of existing generation, and other new generation under consideration in San Francisco, with those of PG&E's likely transmission upgrades, on air quality, biological resources, water resources, natural gas supplies and energy efficiency.

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- c. Identify and provide the last known address for all persons responsible for, or who participated in, any such communications.

**Response:**

Prepared by Gary Rubenstein

Please see the City's August 19, 2004, Objections and Notices of Need for Additional Time in Response to the First Set of Data Requests from CARE.

The citation in the data request is unclear. The applicable definition is of the term "facility," which is contained in Regulation 2, Rule 2-215. It contains the following language:

"Facility: Any property, building, structure or installation (or any aggregation of facilities) located on one or more contiguous or adjacent properties and under common ownership or control of the same person that emits or may emit any air pollutant and is considered a single major industrial grouping (identified by the first two-digits of the applicable code in The Standard Industrial Classification Manual)."

Since the Potrero facility and SFERP are not under common ownership or control of the same person, they are not considered to be part of the same facility for purposes of new source review. The cumulative impacts analysis prepared for SFERP does, however, reflect different possible scenarios for operation of the Potrero facility if SFERP is built. The cumulative impacts analysis prepared for SFERP does not include potential operation of the Potrero Unit 7 project in addition to SFERP because that is not a reasonably foreseeable possibility, given the physical constraints at the site.

The City provided an initial set of documents to CARE on August 19 (those sent in response to the August 18, 2004, San Francisco Community Power, Data Response Set 1). The City is today sending to CARE by overnight mail a further set of documents. A set has also been sent to the CEC by overnight mail. Copies of these documents will be sent by the City to other parties upon request. The City will continue to review documents and will provide a further status report no later than September 20.

Please see the response to Data Request #1.1 above for persons who are currently part of the SFERP extended team.

**CARE 1.5**

a to c Note: No data requests were received for these numbers.

- d. Provide in electronic format when available all data and/or documents that CCSF or SFE has provided to or received from Greenaction in regards to the \$150,000 received in order to "Empower [the San Francisco Bayview Hunters Point] community to play a role and make an impact on the neighborhood through outreach, education and

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advocacy for the following: The shutdown of power plant and increased energy conservation/efficiency and renewables”, and the \$50,000 for “continuation of the Green Energy Environmental Justice Project, Greenaction will conduct outreach in Bayview Hunters Point to promote energy conservation and support the shut down of the Hunters Point Power Plant. Greenaction will work to ensure the community will be able to influence government decisions surrounding energy issues.” Data and documentation should include any contract(s), cost analysis, budget, time sheets, receipts for materials, goods, and services performed, include all revenue and expense records reports provided by the Grant Recipient with full justification for all expenditures made for the purported benefit of the San Francisco Bayview Hunters Point Community.

- e. As a recipient of government grant funds from CCSF provide all communications and/or documents relating to the recipient’s agreement to hold CCSF harmless from legal action by the recipient in return for said grant(s).
- f. As a recipient of government grant funds from CCSF provide all communications and/or documents relating to the recipient’s actions to shut down PG&E’s Bayview Hunters Point and or support siting of three CCSF owned gas fired combustion turbines (CTs) at the Mirant Potrero Hill power plant site in Southeast San Francisco.
- g. Identify all persons responsible for developing any agreements, policies, strategies, comments and/or testimony before the CCSF and /or SFE or other Agency in regards to the Grant(s).

**Response:**

Prepared by Anne Eng

Please see the City’s August 19, 2004, Objections and Notices of Need for Additional Time in Response to the First Set of Data Requests from CARE.

Since filing its objections on August 19, 2004, counsel for the City on the SFERP was informed that CARE submitted an identical public records act request to the City on May 6, 2004. The City, after discussions with CARE, responded to the request on May 12, providing 24 documents. The City has confirmed that there are no relevant updates to these documents. In addition, on May 12, the San Francisco Department of Environment (SFE) invited CARE to review and reproduce documents available at SFE by scheduling an appointment. CARE was advised that it had the option of either using City facilities to copy additional documents at a cost of 10 cents a page, or bringing its own copy machine and paper and having the copy charge waived. CARE never followed up on the invitation. The City renews the prior invitation to CARE.

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Finally, Ms. Anne Eng administers the environmental justice grants program on behalf of the SFE.

CARE 1.6

- a. Provide in electronic format when available all data and/or documents that CCSF or SFE has provided to or received from San Francisco Community Power Cooperative \$1,500,000 for the purported "Creation of an energy-cooperative in BVHP and Potrero Hill. Education of energy reduction measures and implementation of energy saving strategies. Train residents on co-op jobs such as community organizing, energy audits and installation." Data and documentation should include any contract(s), cost analysis, budget, time sheets, receipts for materials, goods, and services performed, include all revenue and expense records reports provided by the Grant Recipient with full justification for all expenditures made for the purported benefit of the San Francisco Bayview Hunters Point Community.
- b. As a recipient of government grant funds from CCSF provide all communications and/or documents relating to the recipient's agreement to hold CCSF harmless from legal action by the recipient in return for said grant(s).
- c. As a recipient of government grant funds from CCSF provide all communications and/or documents relating to the recipient's actions taken for the creation of an energy-cooperative in BVHP and Potrero Hill, education of energy reduction measures and implementation of energy saving strategies. Evidence of training BVHP residents on co-op jobs such as community organizing, energy audits and installation with evidence of employment or other positive outcome provide all documentation.
- d. Identify all persons responsible for developing any agreements, policies, strategies, comments and/or testimony before the CCSF and /or SFE or other Agency in regards to the Grant.

**Response:**

Prepared by Anne Eng

Please see the City's August 19, 2004, Objections and Notices of Need for Additional Time in Response to the First Set of Data Requests from CARE.

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SFE by scheduling an appointment. CARE was advised that it had the option of either using City facilities to copy additional documents at a cost of 10 cents a page, or bringing its own copy machine and paper and having the copy charge waived. CARE never followed up on the invitation. The City renews the prior invitation to CARE.

Finally, Ms. Anne Eng administers the environmental justice grants program on behalf of the SFE.