DOCKET
07-AFC-3
DATE MAY 13 2010
RECD. MAY 13 2010

Michael J. Carroll
Marc T. Campopiano
LATHAM & WATKINS LLP
650 Town Center Drive, Suite 2000
Costa Mesa, CA 92626
(714) 755-8105

STATE OF CALIFORNIA
ENERGY RESOURCES
CONSERVATION AND DEVELOPMENT COMMISSION

IN THE MATTER OF: APPLICATION FOR CERTIFICATION, FOR THE CPV SENTINEL ENERGY PROJECT BY CPV SENTINEL, LLC	DOCKET NO. 07-AFC-3 APPLICANT'S PREHEARING CONFERENCE STATEMENT ON THE LIMITED ISSUE OF AIR QUALITY

On behalf of CPV Sentinel, LLC (Applicant) for the CPV Sentinel Energy Project (07-AFC-3) (Project), and pursuant to 20 C.C.R. § 1718.5 and the Revised Notice of Prehearing Conference & Evidentiary Hearing on the Limited Issue of Air Quality, dated April 29, 2010, Applicant hereby submits its Prehearing Conference Statement regarding Air Quality. Applicant is prepared to proceed to evidentiary hearing on the limited issue of Air Quality. From Applicant's perspective, no substantive issues remain in dispute.

The Revised Notice of Prehearing Conference & Evidentiary Hearing on the Limited Issue of Air Quality, dated April 29, 2010, requested that the Prehearing Conference Statement address the eight issues identified below.

1. ***The Air Quality issues that are complete and ready to proceed to evidentiary hearing:***

All issues related to Air Quality are ready to proceed to evidentiary hearing.

2. ***The Air Quality issues that are not complete and not yet ready to proceed to evidentiary hearing, and the reasons therefore:***

None. All issues related to Air Quality are complete and ready to proceed to evidentiary hearing.

3. ***The Air Quality issues that remain disputed and require adjudication, and the precise nature of the dispute for each topic:***

None. From Applicant's perspective, no issues related to Air Quality remain in dispute or require adjudication.

4. ***The identity of each witness sponsored by each party (note: witnesses must have professional expertise in the discipline of their testimony); the topic area(s) which each witness will present; a brief summary of the testimony to be offered by each witness; qualifications of each witness; and the time required to present direct testimony by each witness:***

Applicant previously docketed testimony by declaration regarding Air Quality by Mark Turner, CPV Sentinel, LLC (submitted on April 21, 2010; Docket No. 56361) and John Lague, URS (submitted on April 21, 2010; Docket No. 56361), including supplemental rebuttal testimony (submitted on May 6, 2010; Docket No. pending). Mr. Turner and Mr. Lague's qualifications as experts are attached to their previously filed declarations. Applicant does not anticipate needing any time for live direct testimony from its witnesses at the evidentiary hearing. In the event that other Parties request live testimony, Applicant reserves the right to modify its Prehearing Conference Statement to include additional witnesses and/or time for direct or cross-examination of witnesses.

5. ***Air Quality issues upon which a party desires to cross-examine witnesses, a summary of the scope of each such cross-examination, and the time desired for each such cross-examination:***

Based on the testimony filed by CEC Staff, Applicant does not anticipate needing any time to cross-examine CEC Staff witnesses. Interveners have not filed any testimony or identified any witnesses. In the event that interveners request, and are permitted, to present witnesses at the evidentiary hearing, Applicant reserves the right to modify its Prehearing Conference Statement to include additional witnesses and/or time for direct or cross-examination of witnesses.

6. ***A list identifying exhibits and declarations that each party intends to offer into evidence (see following section on formats):***

All exhibits and declarations Applicant intends to offer into evidence are identified in Appendix A, attached.

7. ***Proposals for briefing deadlines, impact of vacation schedules, and other scheduling matters:***

Applicant does not anticipate the need for briefing. Applicant is not aware of any matters, beyond those of which the Committee is already aware, that would affect scheduling.

8. ***Any proposed modifications to the proposed Conditions of Certification listed in the Final Staff Analysis (FSA) Air Quality section based upon enforceability, ease of comprehension, and consistency with the evidence:***

Applicant's comments on the FSA (submitted on May 3, 2010; Docket No. 56521) include proposed minor revisions to the Conditions of Certification.

DATED: May 13, 2010

Respectfully submitted,

Michael J. Carroll
LATHAM & WATKINS LLP

APPENDIX A
AMENDED TENTATIVE EXHIBIT AND DECLARATION LIST

APPLICANT'S AMENDED TENTATIVE EXHIBIT AND DECLARATION LIST (AIR QUALITY ONLY)

CPV SENTINEL ENERGY POWER PLANT PROJECT
Docket No. 07-AFC-03
(as of 5/13/10)

Exhibit No.	CEC Log No.	Date	Description	Topic Area	Sponsoring Party	Pages
7.	41166	6/25/07	AFC Section 7.1 – Air Quality	Air Quality	J. Lague M. Turner	81
33.	41166	6/25/07	AFC Appendix I-1 – Seasonal Wind Roses	Air Quality	J. Lague	4
34.	41166	6/25/07	AFC Appendix I-2 – Construction Emissions	Air Quality	J. Lague	9
35.	41166	6/25/07	AFC Appendix I-3 – Operating Emissions	Air Quality	J. Lague	16
36.	41166	6/25/07	AFC Appendix I-4 – Greenhouse Emissions	Air Quality	J. Lague	3
37.	41166	6/25/07	AFC Appendix I-5 – Modeling Protocol	Air Quality	J. Lague	36
38.	41166	6/25/07	AFC Appendix I-6 – VISCREEN and PLUVUE 2 Modeling Inputs	Air Quality	J. Lague	17
39.	41166	6/25/07	AFC Appendix I-7 – BACT Analysis	Air Quality	J. Lague	7
62.	41768	7/31/07	Permit To Construct / Permit To Operate Application For the CPV Sentinel Energy Project	Air Quality	J. Lague	343
63.	43226	11/05/07	CD Copy of Air Dispersion Model Input and Output in Response to Data Request 3	Air Quality	J. Lague	1 CD
87.	47861	8/29/08	FDOC for CPV Sentinel Proposed 850 Megawatt Power Plant Project	Air Quality	J. Lague M. Turner (unless sponsored by SCAQMD)	165
92.	48424	10/03/08	CPV Sentinel Construction Emissions	Air Quality	J. Lague	11
138.	54001	10/30/09	Applicant's Air Permit Application Amendment to SCAQMD	Air Quality	J. Lague	101
139.	54430	12/11/09	Air Dispersion Modeling Data related to the Amended Application for the Permit To Construct/Permit to Operate	Air Quality	J. Lague	2 (and a CD)
140.	46187	5/07/08	SCAQMD's Preliminary Determination of Compliance	Air Quality	J. Lague M. Turner (unless sponsored by SCAQMD)	207
141.	55739	3/02/10	SCAQMD Addendum to Determination of Compliance and POC	Air Quality	J. Lague M. Turner (unless sponsored by SCAQMD)	196

CPV SENTINEL ENERGY POWER PLANT PROJECT
Docket No. 07-AFC-03

Exhibit No.	CEC Log No.	Date	Description	Topic Area	Sponsoring Party	Pages
142.	56330	4/20/10	CPUC Decision: Opinion Granting Application Of Southern California Edison Company For Approval Of Contract	Air Quality	M. Turner	19
143.	56361	12/19/09	Declaration of John Lague regarding Air Quality	Air Quality	J. Lague	9
144.	56361	12/19/09	Declaration of Mark Turner regarding Air Quality	Air Quality	M. Turner	6
146.	56479	4/29/10	Final Coachella Valley PM10 Redesignation Request and Maintenance Plan	Air Quality	J. Lague	220
147.	56521	5/03/10	Applicant's Comments on the Final Staff Assessment Air Quality Addendum	Air Quality	J. Lague	7
148.	pending	5/06/10	Supplemental Declaration of John Lague regarding Air Quality	Air Quality	J. Lague	4

650 Town Center Drive, 20th Floor
Costa Mesa, California 92626-1925
Tel: +1.714.540.1235 Fax: +1.714.755.8290
www.lw.com

LATHAM&WATKINS LLP

FIRM / AFFILIATE OFFICES

Abu Dhabi	Moscow
Barcelona	Munich
Beijing	New Jersey
Brussels	New York
Chicago	Orange County
Doha	Paris
Dubai	Riyadh
Frankfurt	Rome
Hamburg	San Diego
Hong Kong	San Francisco
Houston	Shanghai
London	Silicon Valley
Los Angeles	Singapore
Madrid	Tokyo
Milan	Washington, D.C.

File No. 030137-0012

May 13, 2010

VIA FEDEX

CALIFORNIA ENERGY COMMISSION
Attn: Docket No. 07-AFC-3
1516 Ninth Street, MS-4
Sacramento, California 95814-5512

Re: CPV Sentinel Energy Project: Docket No. 07-AFC-3

Dear Sir/Madam:

Pursuant to California Code of Regulations, title 20, sections 1209, 1209.5, and 1210, enclosed herewith for filing please find Applicant's Prehearing Conference Statement on the Limited Issue of Air Quality.

Please note that the enclosed submittal was filed today via electronic mail to your attention and to all parties on the attached proof of service list.

Very truly yours,

Paul E. Kihm
Senior Paralegal

Enclosure

cc: CEC 07-AFC-3 Proof of Service List (w/encl., via e-mail and U.S. Mail)
Michael J. Carroll, Esq. (w/ encl.)

OC\1064145.1

STATE OF CALIFORNIA
ENERGY RESOURCES
CONSERVATION AND DEVELOPMENT COMMISSION

In the Matter of:	)	Docket No. 07-AFC-3
	)	
Application for Certification,	)	**PROOF OF SERVICE**
for the CPV SENTINEL ENERGY PROJECT	)	
	)	(March 24, 2010]
	)	
	)	

APPLICANT

Mark Turner
Project Manager
CPV Sentinel, LLC
55 Second Street, Suite 525
San Francisco, California 94105
mturner@cpv.com

Dale Shileikis
Vice President
URS Corporation
221 Main Street, Suite 600
San Francisco, CA 94105-1917
dale_shileikis@urscorp.com

INTERESTED AGENCIES

California ISO
E-mail preferred
e-recipient@caiso.com

Mohsen Nazemi
South Coast Air Quality Management District
21865 E. Copley Drive
Diamond Bar, California 91765-4178
mnazemi@aqmd.gov

INTERVENORS

Angela Johnson Meszaros
CA Communities Against Toxics
1107 Fair Oaks Avenue, #246
South Pasadena, CA 91030
Angela@CleanAirMatters.net

Shana Lazerow
Communities for a Better Environment
1440 Broadway, Suite 701
Oakland, California 94612
slazerow@cbecal.org

ENERGY COMMISSION

James D. Boyd
Vice Chair and Presiding Member
CALIFORNIA ENERGY COMMISSION
1516 Ninth Street
Sacramento, California 95814-5512
jboyd@energy.state.ca.us

Kenneth Celli
Hearing Officer
CALIFORNIA ENERGY COMMISSION
1516 Ninth Street
Sacramento, California 95814-5512
kcelli@energy.state.ca.us

John Kessler
Project Manager
CALIFORNIA ENERGY COMMISSION
1516 Ninth Street
Sacramento, California 95814-5512
jkessler@energy.state.ca.us

Caryn Holmes
Staff Counsel
CALIFORNIA ENERGY COMMISSION
1516 Ninth Street
Sacramento, California 95814-5512
cholmes@energy.state.ca.us

Jennifer Jennings
Public Adviser
CALIFORNIA ENERGY COMMISSION
1516 Ninth Street
Sacramento, California 95814-5512
Publicadviser@energy.state.ca.us

DECLARATION OF SERVICE

I, Paul Kihm, declare that on May 13, 2010, I served and filed copies of the attached:

APPLICANT'S PREHEARING CONFERENCE STATEMENT ON THE LIMITED ISSUE OF AIR QUALITY

to all parties identified on the Proof of Service List above in the following manner:

California Energy Commission Docket Unit

☒ Transmission by depositing one original paper copy with FedEx overnight mail delivery service at Costa Mesa, California, with delivery fees thereon fully prepaid and addressed to the following:

CALIFORNIA ENERGY COMMISSION
Attn: DOCKET NO. 07-AFC-3
1516 Ninth Street, MS-4
Sacramento, California 95814-5512
docket@energy.state.ca.us

For Service to All Other Parties

☒ Transmission via electronic mail to all email addresses on the Proof of Service list; and

☒ by depositing one paper copy with the United States Postal Service via first-class mail at Costa Mesa, California, with postage fees thereon fully prepaid and addressed as provided on the Proof of Service list to those addresses **NOT** marked "email preferred."

I further declare that transmission via U.S. Mail was consistent with the requirements of California Code of Regulations, title 20, sections 1209, 1209.5, and 1210.

I declare under penalty of perjury that the foregoing is true and correct. Executed on May 13, 2010, at Costa Mesa, California.

Paul Kihm