

Docket Optical System - RCEC's petition: Docket No. 01-AFC-7C

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Date: 6/11/2008 12:42 PM
Subject: RCEC's petition: Docket No. 01-AFC-7C
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DATE	JUN 11 2008
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Mary,

We spoke the week of June 2, 2007, concerning the application the CEC received from Russell City Energy Center to extend for a second time its permit to construct. As we discussed, I represented the parties California Pilots Association, San Lorenzo Village Homes Association, Hayward Area Planning Association, Hayward Democratic Club and Citizens for Alternative Transportation Solutions which sought to intervene as group intervenors during the siting process. Also, the County of Alameda and Chabot Las Positas College District sought to intervene in the RCEC amendment proceedings, however, due to "timing" issues all petitions were denied. Since then, California Pilots Association, San Lorenzo Village Homes Association, Hayward Area Planning Association and the County, Chabot and City of Hayward timely became intervenors in the related Eastshore siting application for which a proposed decision yet has to be rendered.

As we discussed, under these circumstances we should be receiving a notice concerning the schedule to review RCEC's petition filed on May 30, 2007 and be entitled to participate in this proceeding as a party. However, this confirms that I have not received any notice nor is any notice docketed. Additionally, although by August 2007 all parties seeking to intervene were listed on the RCEC proof of service as "interested parties," based on the July 2007 proof of service presently posted, we are not included. This is to request that the proof of service be updated and that all parties which sought to intervene in 2007 be included on an updated proof of service.

Based on our telephone conversation, you had anticipated the notice providing a public comment opportunity on the petition, followed by a staff recommendation and a short public comment period on that recommendation. With that information in hand, the petition would be heard at a CEC business meeting. As we discussed, we would urge staff to recommend denying this second petition based on a multitude of reasons.

So that all parties and the public will have the opportunity to fully and meaningfully participate in these proceedings, we would appreciate it if CEC staff advised us of the contemplated schedule to review this petition no later than by Friday, June 13, 2007. (Before Friday the 13th works well too!)

Thank you for your prompt attention in this matter. Jewell

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