

STATE OF CALIFORNIA

Energy Resources Conservation
and Development Commission

In the Matter of)
Application for Certification of the)
San Francisco Electric Reliability Project) Docket No. 04-AFC-1
(SFERP))
_____)

**APPLICANT'S CLARIFICATIONS, RESERVATION OF OBJECTIONS,
AND NOTICES OF NEED FOR ADDITIONAL TIME IN RESPONSE TO
JUNE 4 DATA REQUESTS**

June 14, 2004

Dennis J. Herrera
City Attorney
Theresa Mueller
Jeanne M. Solé
Deputy City Attorneys
San Francisco City Attorney's Office
1 Dr. Carlton B. Goodlet Place
City Hall, Room 234
San Francisco, CA 94102
(415) 554-4700 (Telephone)
(415) 554-4763 (Facsimile)

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Pursuant to Rule 1716 of the California Energy Commission’s (CEC) Rules of Practice and Procedure, the City of San Francisco (“City” or “Applicant”) submits the following clarifications, reservation of objections, and notices of need for additional time in response to the data requests submitted by CEC staff to the City on June 4 regarding the San Francisco Electric Reliability Project (SFERP) .

The City notes that to comply with Rule 1716, the City must submit its objections and notifications of the need for additional time within 10 days, well before responses are due. The City submits these clarifications, reservation of objections, and notices of need for additional time, but will, as set forth herein, endeavor to answer all questions to the extent possible and consistent with the law, notwithstanding these reservations.

Data Request 16: Page 9-3 in Section 9.4, Proposed and Alternative Sites, discusses a recent Cal-ISO analysis that indicates that all of Hunters Point Power Plant (HPPP) can be retired (which is one of the project objectives) if at least three of the four combustion turbines are located north of Martin Substation. Please provide a copy of the Cal-ISO analysis and conclusion.

- a. Does the Cal-ISO state that HPPP units could not be retired if the new turbines were located south of the Martin Substation?
- b. Does the Cal-ISO analysis assume the construction of PG&E’s Jefferson-Martin 230 kV Transmission Project? If it does not, how many of the turbines would need to be north of Martin Substation to allow for closure of HPPP assuming that the Jefferson-Martin 230 kV line is operational?

Comment: The City will provide the information that it has that is responsive to this question but reserves the right to object to the request to the extent that the request asks for information that 1) is unavailable to the City, 2) is within the

purview of another entity and is therefore hearsay, and/or 3) is a conclusion from an entity that is outside of Applicant's control.

Data Request 17: Section 3.02 of the Department of Water Resources (DWR) Power Purchase Agreement and Implementation Agreement says that the "City will use its best efforts to identify and control a site(s) at or near the City or at the San Francisco International Airport for the location of the Facility either through the optioning of a site or an equivalent governmental memorandum of understanding, acquisition of a site, or the leasing thereof, for a term sufficient to comply with the provisions of the Facility Agreements."

- a) Please explain how the DWR Power Purchase Agreement and Implementation Agreement affected the siting of alternatives? Why were no sites near the airport studied when the DWR agreement specifically presents the airport sites as viable options?
- b) Please explain the relevance of the DWR Power Purchase Agreement to the alternatives siting process. Are there cost limitations in the DWR Agreement that might prohibit the use of certain sites?

Comment: The City will answer this question to the extent it can do so without making legal interpretations or drawing legal conclusions but reserves its right to object to the extent the request asks for information that requires the City to provide legal interpretations or to make legal conclusions.

Data Request 18: The CPUC is currently conducting environmental review of the Potrero-Hunters Point 115 kV Project (an underground 115 kV line that would connect the Potrero and Hunters Point Switchyards). This project will be undergoing CEQA review during the next 6 months or so. Is the installation of the Potrero-Hunters Point 115 kV Project considered to be essential to the SFERP? Please describe how power would be distributed from the Potrero Switchyard, and whether any capacity limitations exist, with or without the proposed new line.

Comment: The City will provide the information that it has that is responsive to this question but reserves the right to object to the request to the extent that the request asks for information that is unavailable to the City.

Data Request 24: Please complete a literature review and consult historic maps to identify potential subsurface cultural resources that could be impacted by the proposed pipelines. The literature review should include, but not be limited to, the following:

- Potrero 7: Phase 1 Cultural Resources Overview and Inventory (Wirth Associates 1979);
- Central Waterfront Cultural Resources Survey (San Francisco Planning Department 2001); and
- Dogpatch Historic District Survey (Christopher VerPlanck 2001).

- Mirant Corporation response to staff Data Requests, Set 6, (Cultural Resources) Nos. 216 through 220, Cooling Tower System Amendment to the Potrero Power Plant Unit 7 Project (00-AFC-4). Submitted to California Energy Commission, September 11, 2003.

Comment: The City requests an additional two weeks to respond to this data request as it requires the City to locate and review several cultural studies that may take time to locate. The City will provide its response by July 19.

Data Request 29: Please provide the name and location of the aqueous ammonia supplier the City plans to use.

Comment: The City will provide the names and locations of the aqueous ammonia suppliers, of which the City is aware, that could supply aqueous ammonia for the SFERP. The City cannot at this time provide the name and location of the specific aqueous ammonia supplier that the City plans to use since by law the City must follow detailed City procedures to contract with a supplier and the supplier must meet stringent City requirements. The City will keep the CEC apprised of progress when it undertakes its process to select an aqueous ammonia supplier. If this information and timing is deemed to be insufficient, the City reserves its right to object to the extent the request 1) requires the City to identify a supplier without first going through the legally required procedures to select a supplier and 2) asks the City to provide information that is not currently available.

Data Request 31: Please provide the legal description for the newly created parcel and revised parcel map.

Comment. The City will provide a legal description but does not have, and does not intend to prepare, a revised parcel map. Because the City is a municipal corporation, the conveyance of this property to the City is exempt from the subdivision map act pursuant to Cal. Government Code section 66428(a). Therefore, the recordation of the deed describing the 4.5 acres creates the separate parcel. If the legal description, supplemented by this information, is deemed to be insufficient, the City reserves the right to object to the request to the extent that it requests information that is not available and is not required for the City to obtain the property.

Data Request 34: Please provide a copy of the recorded final map, lot line adjustment map, or Certificate of Compliance for the property (ies).

Comment: For the reasons stated above as to data request 31, the City does not now have and will not have a recorded final map or a lot line adjustment map. The City can provide the CEC with a copy of its ALTA survey before closing on the property, and a Certificate of Compliance at the time of closing. If this information and timing is deemed to be insufficient, the City reserves the right to

object to the request to the extent that it requests information that is not currently available and not required for the City to obtain the property.

Data Request 36: Provide details on the project's sign program that includes the following:

- a) The location, size and number of all signs proposed.
- b) The materials that will be used to construct the signs.
- c) The lighting technique that will be used for the signs.
- d) The height of all proposed signs.
- e) The type of signs to be used (For example, a monument sign or a building mounted sign).
- f) If signs will be located on buildings identify the distance from the surface of the sign to the surface of the structure to which it will be attached.
- g) Architectural renderings of all signs proposed.
- h) The content of each sign proposed.

Comment: Much of the information requested will not be available until the City is in the final stages of detailed project construction or even after. The City will provide the information that is available now and will commit to abide by applicable requirements of San Francisco law with regards to its signs and to demonstrate compliance with such requirements to the CEC. If this information and timing is deemed to be insufficient, the City reserves the right to object to the extent that the request seeks information that is not currently available.

Data Request 51: Please provide "will-serve" letters for the potable water, process water, and waste discharge (power plant the wastewater treatment plant and construction dewatering).

Comment: The City will provide indications of the capability to provide these services. Additional commitments may not be obtainable until the Board of Supervisors has approved the SFERP subsequent to the CEQA review undertaken by the CEC. The City will provide additional commitments when they become available. If this information and timing is deemed to be insufficient, the City reserves the right to object to the extent that the request seeks documentation that is not currently available and cannot be obtained until after CEQA review is complete.

Data Request 53: Please provide the estimate of soil loss with BMPs and mitigations in place. List the BMPs to be employed and estimate the effectiveness of each.

Comment: The City will respond to this request to the best of its ability. The City does not believe it is possible to create a reasonable estimate of how much soil loss will be prevented by implementation of each individual BMP. Where possible, the estimated effect of specific BMPs on soil loss will be provided, as

will an estimate of the cumulative effect of all BMPs. If this information is deemed to be insufficient, the City reserves the right to object to the extent that the request seeks information that is not reasonably ascertainable.

Data Request 69: Please work with San Francisco School District transportation staff on the Commission staff's May 18, 2004 request for a phone conference to discuss school bus route issues.

Comment: The City does not have a copy of the Commission staff's May 18, 2004 request and requests that a copy be provided. The City will seek clarification about this request from CEC staff and will attempt to assist staff to set up any necessary meetings with the San Francisco School District transportation staff but reserves its right to object to the extent the request remains vague or unduly burdensome.

Data Request 74: Provide a Short Circuit Study Report showing fault currents at important substation buses with and without the new generation and respective breaker interrupting ratings in a table side by side.

Reservation: The Facility Study undertaken by PG&E did not include a Short Circuit Study. PG&E concluded that due to the preliminary nature of the mitigation plan, it would not be meaningful to perform a short circuit analysis at this time, but reserved the right to perform a study at a later date. The City will work with CEC staff and PG&E to determine whether and how this information can be obtained. Nonetheless, the City reserves its right to object to the extent the requests seeks information that is not within the City's control and that the City is unable to obtain.

Data Request 79: Provide electronic copies of *.sav and *.drw GE PSLF and EPCL contingency and comparison files (if available).

Comment: The Facility Study undertaken by PG&E did not include this information. The City understands that the CEC has requested this information from PG&E and is working with PG&E to facilitate provision of this information to the CEC. The City will continue to work with CEC staff and PG&E to determine whether and how this information can be obtained. Nonetheless, the City reserves its right to object to the extent the request seeks information that is not within the City's control and that the City is unable to obtain.

Respectfully submitted,

DENNIS J. HERRERA
CITY ATTORNEY
THERESA L. MUELLER
JEANNE M. SOLÉ
DEPUTY CITY ATTORNEYS

Attorneys for City and County of San Francisco

By: _____ /S/ _____

Jeanne M. Solé
Deputy City Attorney
Office of the City Attorney
City Hall, Room 234
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102
(415) 554-4619 (Telephone)
(415) 554-4763 (facsimile)
jeanne.sole@sfgov.org

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Application for Certification for the)
SAN FRANCISCO ELECTRIC RELIABILITY) Docket No. 04-AFC-1
PROJECT (SFERP))
_____))
)

PROOF OF SERVICE

I, Arlene Hall, declare that on June 14, 2004, I deposited copies of the attached
APPLICANT’S CLARIFICATIONS, RESERVATION OF OBJECTIONS, AND
NOTICES OF NEED FOR ADDITIONAL TIME IN RESPONSE TO JUNE 4 DATA
REQUESTS in the United States mail in San Francisco, California, with first-class postage
thereon fully prepaid and addressed to all parties on the attached service list.

I declare under the penalty of perjury that the foregoing is true and correct.

/S/
Arlene Hall

SERVICE LIST
04-AFC-1

DOCKET UNIT

Send the original signed document plus 12 copies to the following address:

CALIFORNIA ENERGY COMMISSION
Attn: Docket No. 01-AFC-17
DOCKET UNIT, MS-4
1516 Ninth Street
Sacramento, CA 95814-5512

In addition to the documents sent to the Commission Docket Unit, also send individual copies of all documents to:

APPLICANT

Jesse Blout - Economic Development
Director
Office of the Mayor
City and County of San Francisco
1 Dr. Carlton B. Goodlett Place, Room 200
San Francisco, CA 94102-4641

Applicant Project Manager

Julie Labonte, P.E.
San Francisco Public Utilities Commission
General Manager's Office
1155 Market St., 11th Floor
San Francisco, CA 94103

APPLICANT'S CONSULTANTS

Steve De Young
De Young Environmental Consulting
4155 Arbolado Drive
Walnut Creek, CA 94598

John Carrier
CH2MHill
2485 Natomas Park Drive, Suite 600
Sacramento, CA 95833-2943

COUNSEL FOR APPLICANT

Jeanne Sole
San Francisco City Attorney
City Hall, Room 234
1 Dr. Carlton B. Goodlet Place

San Francisco, CA 94102-4682

INTERESTED AGENCIES

Emilio E. Varanini, III, General Counsel
California Power Authority
910 P Street, Suite 142A
Sacramento, CA 95814

Independent System Operator
Jeffery Miller
151 Blue Ravine Road
Folsom, CA 95630
jmiller@caiso.com

Electricity Oversight Board
770 L Street, Suite 1250
Sacramento, CA 95814

INTERVENORS

Jeffrey S. Russell
Vice President, West Region Operations
Mirant California, LLC
1350 Treat Blvd., Suite 500
Walnut Creek, CA 94597

Michael J. Carroll
Latham & Watkins LLP
650 Town Center Drive, Suite 2000
Costa Mesa, CA 92626

Potrero Boosters Neighborhood Asso.
Dogpatch Neighborhood Asso
Joseph Boss
934 Minnesota Street
San Francisco, CA 94107