

STATE OF CALIFORNIA

Energy Resources Conservation and Development Commission

DOCKET	
04-AFC-1	
DATE	APR 13 2006
RECD.	

In the Matter of:)
)
 Application for Certification)
 For the San Francisco)
 Electric Reliability Project)

Docket No. 04-AFC-01

MOTION FOR AN EXTENSION OF TIME AND CHANGE OF SCHEDULE OF THE CITY AND COUNTY OF SAN FRANCISCO

In accordance with rule 1716.5 of the California Energy Commission's Rules of Practice and Procedure, the City and County of San Francisco (CCSF or City) respectfully files this motion for an extension of time to file testimony on one topic, and for a change in the hearing date for one topic. In particular, the City requests an additional two weeks to address the matter discussed in Staff's Supplemental Testimony filed on April 10, 2006, namely the existing contamination on the proposed site. In addition, due to recent changes in the schedule of the City's witness on traffic and transportation, the City requests that this topic be heard on May 1 rather than April 27.

At the prehearing conference, the City indicated that the one potential issue that remained outstanding with staff relates to addressing the existing contamination on the proposed site for the San Francisco Electric Reliability Project (SFERP). Two business days prior to the prehearing conference, the City filed and served a draft field investigation summary report which contained information that had been requested by staff to complete its review of this matter. At the prehearing conference, the City expressed optimism that, with the submission of this information, the issue could be resolved satisfactorily between the City and staff, and

consequently pressed for a prompt date for the filing of testimony. Based on the discussion at the prehearing conference, a notice of evidentiary hearings was issued on April 10, 2006 (Notice). The Notice required that 1) staff file any supplemental testimony on April 10, 2006; and 2) the City and intervenors to file their testimony on April 17, 2006. The Notice sets evidentiary hearings on Soil and Water Resources, and on Waste Management for May 1, 2006.

Consistent with the Notice, staff filed testimony on April 10, 2006 that supplemented its testimony on the existing contamination on the site in the Final Staff Assessment (FSA). The existing contamination is discussed in two topic areas in the FSA, Soil and Water Resources and Waste Management, and is addressed by the following proposed conditions of certification, WASTE-6, WASTE-7, SOIL & WATER-6 and SOIL & WATER-7. As the City understands staff's supplemental testimony, because the City has already undertaken the assessment required by the FSA WASTE-6, the staff is withdrawing the FSA WASTE 6 and replacing FSA WASTE-7 with a new WASTE-6. In addition, staff is proposing a new SOIL & WATER 13.

The City now requests an additional two weeks until May 1, 2006, to submit testimony on the limited subject area covered by staff's supplemental testimony, the existing contamination on the site. The topic has turned out to be more difficult to describe clearly and resolve to everyone's satisfaction. The City requires an additional two weeks to prepare testimony in order to be able to fully understand, absorb and respond to staff's testimony based as it is on the recently developed additional information on the site.¹

Consistent with the Notice, the City is prepared to submit its testimony on all other topics on April 17, 2006, including all aspects of Soil and Water Resources and Waste Management other than the existing contamination on the site. In fact, the City considers that it is important to

¹ The City very much appreciates staff's efforts to evaluate and prepare testimony very promptly using the recently submitted information.

maintain the current schedule on all other topics to minimize any delays in the conclusion of the evidentiary hearings. Moreover, the City would be prepared to go forward with evidentiary hearing on Soil and Water Resources, and Waste Management as to all aspects other than the existing contamination on the site, on the date currently scheduled for evidentiary hearing on these topics, May 1. The City notes that both these topics cover a wide range of matters that are unrelated to the existing contamination on the site and that are ready for adjudication.

Evidentiary hearings on the existing contamination could then proceed on May 22 or May 31.

In addition, the City learned recently that its witness for traffic and transportation has a conflict on the date set for evidentiary hearings on this topic, April 27, 2006. Accordingly, the City respectfully requests that the topic be shifted to May 1, 2006. The topic was towards the bottom of the list of topics to be addressed on April 27, 2006 in any event; thus, the potential already existed that it would be heard on May 1, 2006. Accordingly, the City is hopeful that this change will be acceptable to other parties.

In sum, the City respectfully requests an additional two weeks until May 1, 2006, to file testimony on the topic of existing contamination on the proposed site. The City requests that the schedule be maintained for all other topics, including unrelated aspects of Soil and Water Resources, and Waste Management. In addition, the City respectfully requests that traffic and transportation be heard on May 1, 2006 rather than April 27, 2006 as initially scheduled.

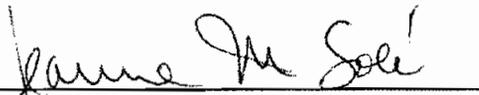
Dated: April 13, 2006

Respectfully submitted:

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SAN FRANCISCO ELECTRIC RELIABILITY PROJECT
APPLICATION FOR CERTIFICATION,
DOCKET NO. 04-AFC-1

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I declare that I transmitted the foregoing document via e-mail, or as indicated by first class postal mail, to the above named on the date indicated thereby. I declare under penalty of perjury that the foregoing is true and correct.

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Please find attached a copy of the City's motion for an extension of time and change of schedule. Hard copies are also being mailed to the parties.

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