



STATE OF CALIFORNIA

Energy Resources Conservation and Development Commission

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

Docket No. 04-AFC-01

RESPONSE OF THE CITY AND COUNTY OF SAN FRANCISCO TO THE MOTION FOR EXTENSION OF TIME AND CHANGE OF EVIDENTIARY HEARING SCHEDULE OF CALIFORNIANS FOR RENEWABLE ENERGY, INC.

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 response to the motion for extension of time and change of evidentiary hearing schedule of Californians for Renewable Energy, Inc. (CARE). The City considers that CARE's concerns can be addressed without delaying the dates for the submission the testimony and, certainly, without delaying the hearing dates.

CARE's motion notes that testimony from the California Independent System Operator Corporation (CAISO) was posted on the California Energy Commission (CEC) website on Friday, April 14, 2006. The City was not served such testimony and became aware of it upon reading CARE's motion. Because the CAISO's testimony will be sponsored by CEC staff, pursuant to the Notice for Evidentiary Hearings, the testimony should have been filed by April 10, 2006, at the latest. Moreover, the testimony should have been served on the service list. However, a delay in the filing of testimony on various topics is not necessary because 1) the information in the CAISO testimony is already included in the City's application and data responses, and the Preliminary and Final Staff Assessments, and 2) CARE stated at the

prehearing conference that it would not file testimony on any topic and indicated that it had no questions about Transmission Lines Safety and Nuisance and Transmission System Engineering.

Page 1 of the CAISO's testimony is merely an introduction and sets forth that the City has submitted an Application for Certification for the San Francisco Electric Reliability Project (SFERP). This is all well known information.

Page 2 describes the CAISO's review and approval of interconnection of the SFERP. This information has already been provided to intervenors in the following documents and data responses:

- Application for Certification for San Francisco Electric Reliability Project, dated March 2004 (Docket No. 04-AFC-1), Volume 2, Appendix 5.
- Supplement in Response to Data Adequacy Comments on the Application for Certification for the SFERP, questions on transmission system engineering, dated April 16, 2004.
- Supplement A to the Application for Certification for the San Francisco Electric Reliability Project, Volume 1, dated March 24, 2005, Section 5 (Electric Transmission).
- Applicant's Response to CEC Staff Requests, Data Response Set 1A, Responses to Data Requests 70 through 79, dated July 6, 2004.
- Applicant's Response to CEC Staff Data Requests, Informal Data Response Set 3, Response to Data Request 146, dated August 20, 2004.
- Applicant's Response to CEC Staff Data Requests, Data Response Set 3A Final, Responses to Data Requests 182 and 183, dated June 3, 2005.
- Applicant's Response to CEC Staff Data Requests, Data Response Set 3B, Response to Data Request 182, dated June 22, 2005.
- Applicant's Response to CEC Staff Data Requests, Data Response Set 3C, Response to Data Request 183, dated July 19, 2005.
- Preliminary Staff Assessment, Section 5.5 Transmission System Engineering, September 12, 2005.
- Final Staff Assessment, Section 5.5 Transmission System Engineering, December February 21, 2006.

Page 3 and the beginning of Page 4 describes the CAISO action plan and its rationale.

This information has been provided previously in the following documents and data responses:

- Supplement A to the Application for Certification for the San Francisco Electric Reliability Project, Volume 1, dated March 24, 2005, Sections 3.4.1.1, 3.4.1.2, 3.4.1.3 and 3.4.1.4 (Purpose and Need).
- Applicants Response to CEC Staff Data Requests 179-180, Set 3A, dated June 3, 2005,
- Applicant's Response to CARE Data Requests, Data Response Set 3, Responses to Data Requests 3.1-2, 3.4-2, dated June 9, 2005.

Page 4, lines 4-17 merely describes the CAISO and its responsibilities, which were summarized in the Final Staff Assessment at page 5.5-1.

Further, CARE's request for additional time to file its testimony and for a delay in the evidentiary hearing dates, is at odds with its representations at the prehearing conference that it would file no testimony in this case, and that it had no questions on Transmission System Engineering or Transmission Line Safety and Nuisance. In light of these representations, it is hard to understand why CARE needs more time on these topics. Also, it is the City's understanding that the CAISO testimony on the San Francisco Action Plan goes to Local System Effects; thus there is no reason to delay Power Plant Reliability either on account of the CAISO testimony.

If the Committee determines that intervenors should be given additional time to respond to the CAISO testimony, the relief should be proportional to the purported problem. There is only one paragraph in the CAISO testimony that could be viewed in any way to present any new information -- a general statement on page 3, lines 25-28 and page 4, lines 1-3 about the rationale for the CAISO Action plan. To avoid any possible prejudice to CARE and other intervenors from the late filing of the CAISO's testimony, all parties could be given one additional week, until April 24, 2006, to respond to this one paragraph in the CAISO's testimony. This one week time period preserves the one week interval between the filing of the staff's supplemental testimony and the filing of intervenor testimony set forth in the Notice of Hearing. In fact,

CARE will have an extra business day to prepare any testimony as it became aware of the CAISO testimony on Friday.

There would be no need to delay the hearings on account of the delay in the filing responses to the CAISO testimony. As noted above, it is the City's understanding that staff is sponsoring the CAISO's testimony on the Action Plan under Local System Effects, which is scheduled for hearing on May 1. The City considers that this hearing date can be maintained as it is the City that would be primarily prejudiced from a delay in the filing of responsive testimony to the CAISO. This is because it will have to prepare to cross examine any intervenor witness(es) who respond to the CAISO testimony in one week rather than the two weeks contemplated by the existing schedule. Intervenors will still have two full weeks to prepare their cross examination of the CAISO.

CARE's request that testimony and hearings on Cultural Resources, Geology, Traffic and Transportation, Hazardous Materials Management, Air Quality and Public should be delayed is also unfounded. CARE bases its request on the existing contamination on the site. However, this topic has been addressed in Soil and Water Resources and in Waste Management, and has no or minimal impact on the bulk of the topics listed by CARE. In fact, as the City's motion for an extension of time details, even the bulk of matters under Soil and Water Resources and Waste Management can be heard on the currently scheduled date May 1. The order issued on Friday provides an extension for the filing of testimony on the topic of existing contamination and for a delay in the hearing date for this matter until May 22, 2006. This approach is sufficient to allow all parties including CARE an adequate opportunity to address the existing contamination on the site.

In sum, CARE's concerns about the late filed CAISO testimony are overstated. The testimony does not include new information. At best, there is one paragraph of new, very general information. If the Committee considers that parties should have additional time to respond to this general statement, parties could be given until April 24 to respond to the one paragraph of new information in the CAISO's testimony. The order extending time for the filing of testimony on existing contamination and delaying hearing on this matter until May 22, 2006, adequately addresses CARE's remaining concerns. CARE has not supported its requests for additional extensions.

Dated: April 17, 2006

Respectfully submitted:

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

Attorneys for City and County of San Francisco

By: 
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



CALIFORNIA
ENERGY
COMMISSION

1516 Ninth Street
Sacramento, CA 95825-5512
800-822-6228
www.energy.ca.gov

ELECTRONIC PROOF OF SERVICE LIST Revised 2-17-06

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

docket@energy.state.ca.us	Energy Commission Docket Unit
sharris@energy.state.ca.us	Commissioner Boyd's Office
lbeckstr@energy.state.ca.us	Lana Beckstrom, Executive Assistant Adviser to Commissioner Boyd
cgraber@energy.state.ca.us	Cathy Graber, Commissioner Geesman Office
jgeesman@energy.state.ca.us	Commissioner Geesman
pao@energy.state.ca.us	Margaret J. Kim, Public Adviser
svalkosk@energy.state.ca.us	Stan Valkosky, Hearing Officer
gfay@energy.state.ca.us	Gary Fay, Hearing Officer
Bpfanner@energy.state.ca.us	Bill Pfanner, Project Manager
DRatliff@energy.state.ca.us	Dick Ratliff, Staff Counsel
BHale@sflower.org	Barbara Hale, Power Policy Manager SFPUC
kkubick@sflower.org	Karen Kubick, Project Manager
steve4155@astound.net	Steve De Young, Consultant
Jeanne.Sole@sfgov.org	Jeanne Sole, SF City Attorney
Jacqueline.Minor@sfgov.org	Jacqueline Minor, SF City Attorney
drp.gene@sbcglobal.net	Emilio E. Varanini, Counsel for California Power Authority
djordan@caiso.com	Donna Jordan, Independent System Operator
no email address provided	Dave Alexander, Dept. of Water Resources, SERS
Jeffrey.russell@mirant.com	Jeffrey S. Russell, Mirant California, Intervenor
mark.osterholt@mirant.com	Mark Osterholt, Mirant California, Intervenor
Michael.carroll@lw.com	Michael J. Carroll, Latham & Watkins LLP, Intervenor
Joeboss@joeboss.com	Joseph Boss, Potrero Boosters Neighborhood Assoc, Intervenor
steven@sfpower.org	San Francisco Community Power, Steven Moss
SarveyBob@aol.com	Bob Sarvey, Intervenor
michaelboyd@sbcglobal.net	Michael E. Boyd, CARE, Intervenor
L_brown123@yahoo.com	Lynn D. Brown, CARE, Intervenor

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.

Sarah Madams
Project Consultant
CH2M HILL