DOCKET
04-AFC-1
DATE MAR 17 2006
RECD MAR 17 2006

ENERGY RESOURCES CONSERVATION AND DEVELOPMENT COMMISSION

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

COMMISSION STAFF PRE-HEARING CONFERENCE STATEMENT

I. Topic Areas Complete; Topic Areas Not Yet Complete

Staff believes that all topic areas addressed in the Final Staff Assessment ("FSA") are ready to proceed to hearings, with the exception of Waste Management and Soil and Water Resources. These areas are not yet ready for hearing because the project site is still being characterized for contaminated soils. Applicant has taken site soil and water samples based on a sampling plan approved by the staffs of this agency, the San Francisco Regional Water Quality Control Board ("SFRWQCB"), and the State Department of Toxic Substances Control ("DTSC"). Applicant states that the sample data will be available to all parties and agencies in the month of March, with a new health risk assessment and screening analysis to follow. When the sampling information and characterization documents have been provided Staff will file its supplemental testimony with conclusions regarding whether toxics in the soil at the site are causing or are likely to cause significant health or environmental risks, and if so, appropriate mitigation measures. Based on Applicant's statements at a recent workshop, Staff believes soil and water sampling information and attendant studies will be provided in late March or early April. Supplemental testimony can be filed within three weeks of receiving the promised information.

II. Topic Areas that Require Adjudication

Staff published the FSA in early February. Applicant had provided workshop comments regarding certain portions of the FSA, and particularly certain mitigation requirements proposed in the FSA, but has yet to file written comments. Staff does not believe that the issues raised by Applicant are ones that will require adjudication, but this will only be certain with the filing of Applicant's pre-hearing conference statement. Intervenors have commented at the workshop on the FSA, particularly with regard to the FSA's Public Health (cumulative risk assessment), Hazard Materials Management ($SCONO_x$), Waste Management (site characterization and possible remediation), and Air Quality analyses, but Staff is unsure from such comments whether there are particular conditions or

conclusions that require adjudication. Presumably such issues, if any, will be identified by the other parties in their pre-hearing conference statements.

III. Witnesses, Testimony, and Exhibits

The FSA is Staff's testimony, and includes the names of witnesses and their qualifications. Staff will present only witnesses for issues that require adjudication, or that the Committee indicates that it wants to testify at the hearing for informational purposes. As stated above, Staff will file supplemental testimony for topic areas that are related to site characterization for toxic contamination. Staff respectfully requests to reserve its right to cross-examine witnesses for other party witnesses that have not yet filed testimony. Staff will also sponsor testimony from the California Independent System Operator and from the Bay Area Air Quality Management District.

IV. Schedules

All issues are ready for hearing other than those identified above. Staff believes that those issues requiring supplemental testimony should be ready for hearing in late April or May, but this depends on when Applicant provides the site characterization data and health risk assessment. Counsel for Staff will be on vacation in July.

Date: March 17, 2006

RICHARD C. RATLIFF
Staff Counsel

BEFORE THE ENERGY RESOURCES CONSERVATION AND DEVELOPMENT COMMISSION OF THE STATE OF CALIFORNIA

APPLICATION FOR CERTIFICATION FOR THE SAN FRANCISCO ELECTRIC RELIABILITY PROJECT

Docket No. 04-AFC-01
PROOF OF SERVICE
Revised 2/17/06

DOCKET UNIT

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Sacramento, CA 95814-5512

Also send a printed ***or*** *electronic copy of all documents to each of the following:*

APPLICANT

Barbara Hale, Power Policy Manager
San Francisco Public Utilities Commission
1155 Market Street, 4th Floor
San Francisco, CA 94102
BHale@sfwater.org

Applicant Project Manager
Karen Kubick
SF Public Utilities Commission
1155 Market St., 8th Floor
San Francisco, CA 94103
kkubick@sfwater.org

APPLICANT'S CONSULTANTS

Steve De Young
De Young Environmental Consulting
4155 Arbolado Drive
Walnut Creek, CA 94598
steve4155@astound.net

John Carrier
CH2MHill
2485 Natomas Park Drive, Suite 600
Sacramento, CA 95833-2943
jcarrier@ch2m.com

COUNSEL FOR APPLICANT

Jeanne Sole
San Francisco City Attorney
City Hall, Room 234
1 Dr. Carlton B. Goodlet Place
San Francisco, CA 94102-4682
Jeanne.sole@sfgov.org

INTERESTED AGENCIES

Emilio Varanini III
Special Counsel
California Power Authority
717 K Street, Suite 217
Sacramento, CA 95814
drp.gene@spcglobal.net

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

Donna Jordan
CA Independent System Operator
151 Blue Ravine Road
Folsom, CA 95630
djordan@caiso.com

Dept. of Water Resources
SERS
Dave Alexander
3301 El Camino Avenue, Ste. 120
Sacramento, CA 95821-9001

INTERVENORS

*** Jeffrey S. Russell**
VP West Region Operations
Mirant California, LLC
P.O. Box 192
Pittsburg, California 94565
Jeffrey.russell@mirant.com

*** Mark Osterholt**
Mirant California, LLC
P.O. Box 192
Pittsburg, California 94565
mark.osterholt@mirant.com

Michael J. Carroll
Latham & Watkins LLP
650 Town Center Drive, Suite 2000
Costa Mesa, CA 92626
michael.carroll@lw.com

Potrero Boosters Neighborhod Association
Dogpatch Neighborhood Association
Joseph Boss
934 Minnesota Street
San Francisco, CA 94107
joeboss@joeboss.com

San Francisco Community Power
c/o Steven Moss
2325 Third Street # 344
San Francisco, CA 94107
steven@sfpower.org

Californians for Renewable Energy, Inc. (CARE)
Michael E. Boyd, President
5439 Soquel Drive
Soquel, California 95073
michaelboyd@sbcglobal.net

Lynne Brown – Member, CARE
Resident, Bayview Hunters Point
24 Harbor Road
San Francisco, California 94124
L_brown123@yahoo.com

Robert Sarvey
501 West Grantline Road
Tracy, CA 95376
sarveyBob@aol.com

DECLARATION OF SERVICE

I, Scott McDonald, declare that on March 17, 2006, I deposited copies of the attached Commission Staff Pre-Hearing Statement, in the United States mail at Sacramento, California with first class postage thereon fully prepaid and addressed to those identified on the Proof of Service list above. Transmission via electronic 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.

3-17-06

[signature]

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Bill Pfanner
Project Manager
MS-15

Dick Ratliff
Staff Counsel
MS-14

Margret J. Kim
Public Adviser
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