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

BEFORE THE
STATE OF CALIFORNIA
ENERGY RESOURCES CONSERVATION
AND DEVELOPMENT COMMISSION

Application for Certification For the San Francisco Electric Reliability Project	Docket No. 04-AFC-1

Prehearing Conference Statement of CARE

On February 26, 2006 CAlifornians for Renewable Energy, Inc. (CARE) filed a following Motion to Stay this proceeding, objections and protests to the February 16, 2006 CEC staff filed "Response of Energy Commission Staff Regarding Request from CAlifornians for Renewable Energy to Delay Proceeding Pending Re-Release of Air District Final Determination of Compliance [FDOC]", the February 23, 2006 CEC siting committee's "Response Regarding Request from CAlifornians for Renewable Energy to Delay Proceeding Pending Re-Release of Air District Final Determination of Compliance [FDOC]", the February 21, 2006 CEC staff issuance of their Final Staff Assessment, the February 23, 2006 CEC siting committee's issuance of its Notice of Prehearing Conference wherein "the Committee will assess the parties' readiness for evidentiary hearings, identify areas of agreement or dispute, and discuss the remaining schedule and procedures necessary to conclude the certification process. (Cal. Code of Regs., tit. 20, §1718.5.)" in that this violates CARE's procedural due process rights as a Party in the CEC's siting case as our Prehearing Conference Statement is due six days prior to our hearing before the BAAQMD's Hearing Board on the completeness of the FDOC and the PDOC for the City and County of San Francisco, San Francisco Electrical Reliability Project, FDOC Application 12344. CARE never received a timely response from the CEC to our Motion. We respectfully object to the CEC's failure to do so.

CARE files this Prehearing Conference Statement in order to exercise the utmost caution, and because we don't know the possible outcome of our March 23, 2006 appeal before the BAAQMD Hearing Board, this statement is not exhaustive of all the issues CARE wishes to dispute in this siting case. Based on the limited amount of information available to us at this time we have disputes in the following topic areas.

PROOF OF SERVICE / REVISED 2/17/06) FILED WITH
ORIGINAL MAILED FROM SACRAMENTO ON 3/17/06

1. The topic areas that we believes are complete and ready to proceed to evidentiary hearings; **This is not known at this time.**

2. The topic areas that we believes are not complete and not yet ready to proceed to evidentiary hearings, and the reasons therefore;

Project Description

Claim of project for reliability purposes of shutting down PG&E Bay View Hunters Point power plant is without evidentiary basis and fraudulent

Air Quality

BAAQMD FDOC still pending review of BAAQMD Hearing Board. No cumulative impact analysis.

Biological Resources

Dependent on review of BAAQMD Hearing Board
Nitrogen deposition impacts on serpentine species

Hazardous Materials –

No remedial action yet identified for project site by Applicant. No cumulative impact analysis.

Land Use—

Cannot yet demonstrate compliance with all LORS[1] particularly CEQA, CCSF & BAAQMD regulations

Public Health

Dependent on review of BAAQMD Hearing Board for determination of FDOC risk assessment

Socioeconomics –

Title VI of federal Civil Rights Act of 1964 and retaliation complaint pending before USEPA, USDOE, and USDOJ against CEC BAAQMD, & CCSF for actions in project's review
No needs assessment provide by Applicant which is a public agency
No cumulative impact analysis.

Geology –

No seismic safety risk assessment provided for liquefaction hazard

Soil and Water Resources

No dust control plan for serpentine fill soil containing naturally occurring asbestos and high level of hazardous materials on site provided or on file with BAAQMD
No risk assessment provided for airborne pathogens, prions, and human hormones from project's waste water cooling system.
No cumulative impact analysis.

[1] Laws Ordinances Regulations or Standards

Traffic and Transportation
No cumulative analysis provided for mobile emission sources from diesel and freeway traffic.
Waste Management –
No hazardous spill risk containment plan provided

3. The topic areas that remain disputed and require adjudication, and the precise nature of the dispute for each topic; **Same as above.**

4. The identity of each witness a party intends to sponsor; the topic area(s) upon which each witness will present testimony; a brief summary of the substantive testimony to be offered by each witness; qualifications of each witness; and the time required to present direct testimony by each witness;

Project Description
Robert Sarvey
Air Quality
Robert Sarvey & Bill Powers PE
Biological Resources
Robert Sarvey & Dr. Smallwood (if available)
Hazardous Materials –
Robert Sarvey
Land Use—
Robert Sarvey
Public Health
Robert Sarvey
Socioeconomics –
Robert Sarvey
Michael Boyd
Lynne Brown
Francisco Da Costa
Linda Richardson
Geology –
Robert Sarvey
Lynne Brown

Soil and Water Resources
Robert Sarvey
Lynne Brown
Bill Powers PE
Traffic and Transportation
Robert Sarvey
Waste Management –
Robert Sarvey

5. Topic areas upon which we desires to cross-examine witness(es), a summary of the scope of such cross-examination, and the time desired for such cross-examination;

Project Description 30 minutes
Air Quality 180 minutes
Biological Resources 30 minutes
Hazardous Materials 60 minutes
Land Use 30 minutes
Public Health 90 minutes
Socioeconomics 240 minutes
Geology 30 minutes
Soil and Water Resources 60 minutes
Traffic and Transportation 30 minutes
Waste Management 30 minutes

6. A list identifying exhibits and declarations that we intend to offer into evidence and the technical topics to which they apply; **This is not known at this time.**

7. Proposals for hearing dates, briefing deadlines, vacation schedules, and other scheduling matters; and **This is not known at this time.**

Respectfully submitted,

Lynne Brown

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Verification

I am an officer of the Intervening Corporation herein, and am authorized to make this verification on its behalf. The statements in the foregoing document are true of my own knowledge, except matters, which are therein stated on information and belief, and as to those matters I believe them to be true.

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

Executed on this 16th day of March 2006, at Soquel, California.

Michael E. Boyd

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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

Instructions: *Send an original signed document plus 12 copies* ***or*** *an electronic copy plus one original paper copy to the address below:*

CALIFORNIA ENERGY COMMISSION
Attn: Docket No. 04-AFC-01
DOCKET UNIT, MS-4
1516 Ninth Street
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Also send a printed ***or*** *electronic copy of all documents to each of the following:*

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DECLARATION OF SERVICE

I, **Laura J. Murphy**, declare that on **March 17, 2006**, I deposited copies of the attached **Pre-Hearing Conference Statement of CARE** 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.

Laura J. Murphy

[signature]

CEC INTERNAL
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Parties DO NOT mail to the following individuals. The Energy Commission Docket Unit will internally distribute documents filed in this case to the following:

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