

# Power of Vision

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Thursday, January 14, 2010

Commissioner Karen Douglas  
Commissioner James Boyd  
California Energy Commission  
1516 Ninth Street  
Sacramento, CA 95814

Docket No. 07-AFC-6

Dear Commissioners:

Please find attached the Pre-Hearing Conference Statement prepared by Power of Vision in the matter of the Carlsbad Energy Center Project. We look forward to seeing you next week for the Pre-hearing Conference in Sacramento.

Regards,

Arnold Roe, PhD  
Julie Baker  
Power of Vision

<b>DOCKET</b>	
<b>07-AFC-6</b>	
DATE	<u>JAN 14 2010</u>
RECD.	<u>JAN 14 2010</u>

CALIFORNIA ENERGY COMMISSION

In the Matter of: )  
Application for Certification For the )  
Carlsbad Energy Center Project )  
\_\_\_\_\_)

Docket No. 07-AFC-6

Power of Vision  
Prehearing Conference Statement

Power of Vision was formed more than 18 months ago to oppose the location of a second power plant on the Carlsbad Coastline. A broad spectrum of the Carlsbad Community is represented by POV, with our focus on preventing the location of a 550-megawatt power plant on coastal lands.

Our areas of disagreement with the CEC staff report center on Air Quality, Land Use, Visual, Noise, Socio-economic, Soil & Water, Worker Safety and Plant efficiency.

There are still several issues that Power of Vision considers outstanding.

1. To our knowledge, there is no contract with SDG&E for the output of CECP. Will the Commission request information on the latest RFO to determine if there is a need for electrical generation in this part of the region?
2. Will the EPA require a Prevention of Significant Deterioration permit from CECP? If so, will that be a part of the approval/disapproval?
3. In very recent correspondence, CECP is requesting the Regional Water Quality Board issue intake/outtake permits at the time they are needed (when units 4 & 5 shutdown) rather than getting approval on the front end. Will CEC make RWQB permits a requirement pre-construction?
4. Power of Vision attended the appeal of the San Diego County Air Pollution Control District's Final Determination of Compliance. Intervener Rob Simpson led the appeal. We were told at the time the FDOC was not a final documents until the CEC acted on the application. Since the FSA relies on the APCD for their reports and we haven't been able to appeal APCDs findings, will there be an opportunity to appeal the FDOC? If so, what is the process?

The following addresses the topic areas outlined in the Committee's "Notice of Prehearing Conference and Evidentiary Hearings", dated December 7, 2009.

1. "Topic Areas that are complete and ready to proceed to evidentiary hearing."

*Power of Vision agrees all topic areas are complete and ready for evidentiary hearing.*

2. “The topic areas that are not complete and not yet ready to proceed to evidentiary hearing, and the reasons therefore.”

*All topic areas are complete.*

3. “The topic areas that remain disputed and require adjudication, and the precise nature of the dispute for each topic.”

### **Policy**

Power of Vision believes the CECP is not in keeping of the City of Carlsbad’s desire to remove industry from the coastline.

### **Land Use**

The CECP violates land use regulations within the City of Carlsbad. Those various violations include General Plan, Zoning: CECP is not by definition a public utility, but a merchant utility that does not fit the required PU designation.

Local Coastal Program, SP44: requires a comprehensive update before a project can be approved, South Carlsbad Coastal Redevelopment Plan: requires extra-ordinary benefit to Carlsbad citizens and does not allow for intensification.

### **Cumulative Impacts**

Staff failed to account for the widening of I-5, in addition to CECP and Encina Power Station.

### **Air Quality**

There are concerns that the less stringent San Diego County Air Pollution Control District’s standards were used in determining pollution credits and ERC’s, rather than the stricter EPA rules.

### **Efficiency**

There are questions about the efficiency and state-of-the-art technology of the proposed power trains.

### **Worker Safety**

There are questions concerning the ring road.

4. “The identity of each witness sponsored by each party; the topic areas which each witness will present; a brief summary of the testimony to be offered by each witness; qualifications of each witness; and the time required to present direct testimony by each witness.”

**Power of Vision individual witnesses:**

Julie Nygaard, (see Attachment A for credentials), former Carlsbad City council woman, will discuss land use decision in Carlsbad and the LOSAN rail corridor.

See Exhibit 741 in Power of Vision’s Opening Testimony (January 6, 2010) for Julie Nygaard’s testimony. Approximately 20 minutes

**Rebuttal Witness**

William Canepa, (see Attachment B for credentials).

See Attachment C for William Canepa’s testimony.

Approximately 10 minutes

**General witnesses relating to Power of Vision’s written testimony, oral testimony that may be presented at hearings, and available for cross-examination:**

Julie Baker, Carlsbad City Planning Commissioner (see Attachment D for credentials).

Arnold Roe, Ph.D., Professor Emeritus, Engineering (see Attachment E for credentials).

- 5. “The identities of the witnesses, if any, that the party desires to have testify via telephone.”

Noise: Staff witness Baker 5 minutes

Water: Staff witness Latteri/Marshal 5 minutes

- 6. “Topic areas upon which a party desires to cross-examine witnesses, a summary of the scope of such cross-examination, and the time desired for such cross-examination.”

Project Description

Staff Witness Monosmith Cross estimate: 10 minutes

Summary: Completeness of project description and cumulative project treatment.

Air Quality:

Staff Witness Walters Cross estimate 15 minutes

Summary: methodology used

Land Use

Staff Witness Vahidi Cross estimate: 20 minutes

Summary: Coastal act, Redevelopment intent, and consistency with local land use regulations. Petition will be submitted

Noise

Staff witness Baker Cross estimate 10 minutes

Summary: Sound wall studies

Visual Resources

Staff witness Kanemoto Cross estimate: 20 minutes

Summary: Sufficiency of screening, acceptable screening materials, cumulative impacts and visual impact conclusions. Photos will be presented

Worker Safety and Fire Protection

Staff Witness Greenberg                      Cross estimate:                      10 minutes

Summary: Fire protection concerns, location of Coastal Rail Trail, impacts from widening of highway I-5, ring road

Water & Soil

Staff witness Latteri & Marshall                      Cross estimate                      5minutes

Summary: intake permits, usage,

Power Plant Efficiency

Staff witness Koshmashrab                      Cross estimate                      15 minutes

Summary: efficiency of technology

System Operations

CAISO witness Jim McIntosh                      Cross Estimate                      15 minutes

Summary: On January 6, 2010, Staff introduced as Appendix A new testimony not hitherto contained in the FSA, providing Power of Vision little time to research the validity of this testimony. Notwithstanding the above, we will cross-examine the witness on the issues raised in his testimony.

7. "A list identifying exhibits and declarations that each party intends to offer into evidence and the technical topics to which they apply."

Signatures on petition stating opposition to siting  
Photos of visual impacts

8. Proposals for briefing deadlines, vacation schedules, and other scheduling matters."

- a. Briefing deadlines:                      No position
- b. Vacation schedules:                      None
- c. Scheduling matters:                      None

9. "A description of any modifications to the Conditions of Certification listed in the Final Staff Assessment that the party intends to propose."

Power of Vision strongly believes that this project should not be approved as currently proposed. However, pending our review of prehearing conference and/or rebuttal statements from the applicant and CEC staff, we reserve the right to list our proposed Condition of Certification prior to the January 21<sup>st</sup>, 2010 Prehearing Conference.

**City Council Member:**  
✓1990 ✓1994 ✓1998  
✓2007  
✓1998

**Julianne Nygaard**  
**Former Carlsbad**  
**City Council Member**

**Mayor Pro Tem:**  
✓1994-1996

**Carlsbad Unified School**  
**District**  
**Board of Trustees:**  
✓1981-1990

## Regional Government Participation

- NCTD Board Member (currently representing Carlsbad)
- NCTD Past Chair
- ✍ NCTD Past Chair to LOSSAN Rail Corridor Agency
- ✍ NCTD Representative to High Speed Rail Corridor Agency
- ✍ Southern California Intercity Rail Group Past Chair
- ✍ Local Agency Formation Commission (LAFCO) Past Chair
- ✍ SANDAG Housing Element Committee Past Member
- ✍ San Diego County Social Services Advisory Board Past Member and Chair
- ✍ San Diego County School Boards Association Past Member and Chair
- ✍ League of California Cities Executive Committee Past Member
- ✍ League of California Cities Revenue and Taxation Policy Committee Past Member
- ✍ North County Homeless Task Force Past Member
- ✍ Tri City Hospital/Carlsbad Community Health Care Advisory Council
- ✍ Tri City Hospital Financing Committee
- ✍ Alcohol and Drug Abuse Prevention Task Force (ADAPT) Past Member
- California School Boards Association Delegate Past Assembly Member
- Former Chairperson of the Carlsbad Agricultural Conversion Mitigation Fee Ad Hoc Citizens Advisory Committee
- Citizens Advisory Committee for Regional Airport Authority
- Mayor Jerry Sanders Ad Hoc Airport Regional Policy Committee

## Carlsbad Community Involvement

- ✍ League of Women Voters Member
- ✍ Carlsbad Republican Women’s Club Member
- ✍ Carlsbad Junior Women’s Club Past Member
- ✍ Buena Vista Lagoon Foundation Member
- ✍ Agua Hedionda Lagoon Foundation Incorporated
- ✍ Carlsbad Child Care Commission Past Member
- ✍ Carlsbad Open Space Task Force Past Member
- ✍ Carlsbad Unified School District/City Council Coordinating Committee Member
- ✍ Carlsbad Community Television Foundation Past Member

## Accomplishments and Awards

- ✍ 1999 State Assembly “Woman of the Year” – Nominated by Assemblywoman Pat Bates
- ✍ 2000 “Woman of the Year” – Women’s Transportation Seminar San Diego Chapter
- ✍ 2001 “Community Partner Health Hero” – Community Health Care Center & Council for Community Clinics

## Educational Background

- ✍ Bachelor of Arts, Education - Arizona State University
- ✍ Palomar College
- ✍ Vista High School

## Professional and Personal

- ✍ Former Elementary School Teacher
- ✍ Married to Paul Nygaard
- ✍ Three adult children – Alex, Ben and Vanessa and three grandchildren (triplets)

**Attachment B: William Canepa**

William Canepa  
Owner, Wave Crest Resorts II, LLC  
829 Second Street, Encinitas, CA 92024  
Owner Hilton Garden Inn, Carlsbad, CA  
Owner Tamarack Beach Resort, Carlsbad, CA  
Developer Ponto Hilton, Carlsbad, CA

**Attachment C: Testimony of William Canepa**

Mr. Canepa will testify on the economic impact CECP will have on the tourism industry in Carlsbad, California. This is in rebuttal to the applicant and CEC Staff's contention that CECP will be an economic benefit to Carlsbad.

**Attachment D: Julie Baker**

**Julie Berglund Baker**

Relevant Area of expertise: Land use planning/decision in Carlsbad, California

Present:

- Commissioner, City of Carlsbad Planning Commission.
- Member, City of Carlsbad Agricultural Conversion Citizens Committee
- Member, City of Carlsbad Envision Carlsbad Citizens Committee
- Chair, Power of Vision, Intervener with the California Energy Commission
- Board member, Carlsbad Educational Foundation
- Carlsbad Hi-Noon Rotary Club
- Board Member Carlsbad Village Association
- Board of Trustees, Pacific University Oregon
- Advisor, Carlsbad High School Interact Club

Previous Activities

- Member, City of Carlsbad Design Review Board
- President, Carlsbad Village Improvement Partnership
- Secretary, Carlsbad Hi-Noon Rotary Club
- International Chair, Carlsbad Hi-Noon Rotary Club
- City of Carlsbad Excess Dwelling Unit Citizens Committee
- City of Carlsbad Parks & Recreation Commission
- Chair, Downtown Enhancement Task Force, Carlsbad Chamber of Commerce
- Chair, City of Carlsbad Child Care Commission
- Board Member; Agua Hedionda Lagoon Foundation
- Co-founder Kids Are Worth A Million fundraising campaign
- Chair, Carlsbad Unified School District Legislative Action Committee
- Executive Director, Carlsbad Educational Foundation

Awards

- Carlsbad Citizen of the Year, 2006
- Carlsbad Chamber of Commerce Community Leadership Awards, 2006
- Committee Member of the Year, Downtown Enhancement Task Force, Carlsbad Chamber of Commerce - 2005
- Committee Member of the Year, Carlsbad Business Environment Committee, Carlsbad Chamber of Commerce – 2004
- Member, Paul Harris Society, Rotary International Foundation – 2006, 2007, 2008
- Team Power Award, Carlsbad Unified School District, March 2004

Graduate, University of Wyoming, B.S. Journalism

Postgraduate work; Business Administration, University of Wyoming

Carlsbad Resident since 1986

**Attachment E: Arnold Roe, Ph.D.**

Relevant areas of Expertise: Power plant design, construction, operation.

Education: University of California, Los Angeles, School of Engineering, Ph.D. 1964  
University of California, Los Angeles, School of Engineering, M.S., 1959  
New York University, Cert. Of Completion, B.S., Aeronautical engineering, 1944  
New York University, B.S., Mechanical Engineering, 1948

Registration: Formerly Registered Mechanical Engineer, California (prior to retirement)

Professional History:

- 1992 – present; Professor Emeritus, Engineering, CSUN
- 1964 – 1992; Professor of Engineering, CSUN
- 1981 – 1982; Consultant, Project Management, California Aqueduct Warne Power Plant.
- 1969 – 1972; Consultant to American Agronomics on project acquisitions.
- 1965 – 1967; Chair, Dept of Mechanics & Materials, School of Engineering, CSUN
- 1958 – 1964; Associate in Engineering, UCLA
- 1953 – 1957; Chief Mechanical Engineer, KTAM, power plant design and construction consultants to Turkish and Greek governments.
- 1949 – 1953; Power plant design, construction & operation, Ebasco International, Colombia and Ecuador.
- 1948- 1949; Power plant design and operation, American Creosoting Co.

Affiliations: Life Member, American Society of Mechanical Engineers.



BEFORE THE ENERGY RESOURCES CONSERVATION AND DEVELOPMENT  
COMMISSION OF THE STATE OF CALIFORNIA  
1516 NINTH STREET, SACRAMENTO, CA 95814  
1-800-822-6228 – [WWW.ENERGY.CA.GOV](http://WWW.ENERGY.CA.GOV)

APPLICATION FOR CERTIFICATION  
FOR THE **CARLSBAD ENERGY  
CENTER PROJECT**

**Docket No. 07-AFC-6  
PROOF OF SERVICE**  
(Revised 12/30/2009)

**APPLICANT**

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George Piantka, PE.  
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**APPLICANT'S CONSULTANTS**

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**INTERESTED AGENCIES**

California ISO  
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**INTERVENORS**

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South Carlsbad Coastal  
Redevelopment Agency  
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21 "C" Orinda Way #314  
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\*City of Carlsbad  
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Redevelopment Agency  
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California Unions for Reliable Energy  
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Center for Biological Diversity  
c/o William B. Rostov  
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\*Indicates change

## DECLARATION OF SERVICE

I, Julie Baker, declare that on January 14, 2010, I served and filed copies of the attached Power of Vision Pre-Hearing Conference Statement dated January 14, 2010. The original document, filed with the Docket Unit, is accompanied by a copy of the most recent Proof of Service list, located on the web page for this project at: <http://www.energy.ca.gov/sitingcases/carslbad/index.html>. The Document has been sent to both the other parties in this proceeding (as shown on the Proof of Service list) and to the Commission's Docket unit by:

**Electronically to all email addresses on the Proof of Service list;**

AND

**Sending an original paper copy and one electronic copy, mailed and emailed respectively, to the address below (preferred method):**

California Energy Commission  
Attn: Docket No. 07-AFC-6  
1516 Ninth Street  
Sacramento, CA 95814  
[docket@energy.state.ca.us](mailto:docket@energy.state.ca.us)

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

\_\_\_\_\_  
Julie Baker

January 14, 2010