

**DOCKET**

**09-AFC-4**

DATE	MAR 09 2011
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March 09, 2011

California Energy Commission  
Docket Unit  
1516 Ninth Street  
Sacramento, CA 95814-5512

Subject: **CONTRA COSTA GENERATING STATION, LLC'S  
PREHEARING CONFERENCE STATEMENT  
OAKLEY GENERATING STATION  
DOCKET NO. (09-AFC-4)**

Enclosed for filing with the California Energy Commission is the original of **CONTRA COSTA GENERATING STATION, LLC'S PREHEARING CONFERENCE STATEMENT**, for the Oakley Generating Station (09-AFC-4).

Sincerely,



Marie Mills

Scott A. Galati  
**GALATIBLEK LLP**  
455 Capitol Mall  
Suite 350  
Sacramento, CA 95814  
(916) 441-6575

STATE OF CALIFORNIA

Energy Resources  
Conservation and Development Commission

In the Matter of:

Application for Certification for the  
**OAKLEY GENERATING STATION**

**DOCKET NO: 09-AFC-4**

**CCGS, LLC'S PREHEARING  
CONFERENCE STATEMENT**

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**INTRODUCTION**

Contra Costa Generating Station LLC (CCGS LLC), a wholly owned subsidiary of Radback Energy LLC, in accordance with 20 CCR § 1718.5 and the Committee Order dated February 18, 2011, hereby files its PreHearing Conference Statement for the Oakley Generating Station (OGS). At the time this PreHearing Conference Statement was prepared, CCGS LLC had not yet received any testimony from Intervener Sarvey and therefore the information provided below may need to be supplemented.

**A. Topic Areas Complete and Ready to Proceed To Evidentiary Hearing**

CCGS LLC believes that all topic areas are complete and ready for adjudication at the Evidentiary Hearing. We believe the Committee has ample evidence to conclude that the OGS will not result in significant environmental impacts and will comply with all applicable laws, ordinances, regulations and standards (LORS). CCGS LLC also does not believe the evidentiary hearing scheduled for March 25, 2011 will be required.

**B. Topic Areas That Are Not Complete**

CCGS LLC does not believe there are any topic areas that are not complete.

**C. Disputed Topic Areas**

CCGS LLC disputes three areas with Staff. Table 1 includes a brief summary of each dispute.

**D. Proposed Witnesses and Testimony**

Table 1 identifies the witnesses proposed by CCGS LLC including a brief summary of the subject areas of the testimony and an estimate of the amount of time necessary for direct live testimony, if needed. The table also identifies those areas where CCGS LLC believes live testimony is not warranted and therefore offers to submit the testimony upon sworn declaration.

**E. Cross-Examination**

Table 1 also identifies those witnesses (topic areas) that CCGS LLC requests be available for cross-examination, with an estimate of the amount of time necessary for cross-examination. CCGS LLC does not challenge the qualifications of any Staff witness to provide expert testimony and therefore waives voir dire. A brief description of the subject areas in dispute that will encompass the scope of cross-examination is included in Table 1.

**F. Exhibit List**

Table 2 is CCGS LLC's Proposed Exhibit List.

**G. Public Benefit and Need: Finding of Override**

CCGS LLC is not requesting a Finding of Override from the Commission as the OGS will not result in significant unmitigatable impacts and will comply with all applicable laws, ordinances, regulations and standards.

**H. Scheduling**

At this time, CCGS LLC proposes to complete all topic areas at the March 15, 2011 evidentiary hearing. Since the disputes are few, CCGS LLC does not request briefs. In lieu of briefs, CCGS LLC requests oral argument at the close of evidence. CCGS LLC proposes that evidence for the topic areas of Soil and Water Resources and Biological Resources be taken together with witnesses participating as a panel because the disputes relating to Wetland E affect conditions in both topic areas.

**I. Proposed Modifications to Conditions of Certification**

CCGS LLC has carefully reviewed the FSA and agrees with the substantial majority of the Conditions of Certification. Conditions of Certification where CCGS LLC respectfully requests modifications are presented in its Opening Testimony and include **AQ-SC7** and **-SC8**; **SOIL&WATER-4, -6, -8, and -9**; and **BIO-19**.

## CONCLUSION

CCGS LLC is prepared to proceed to evidentiary hearing and believes that all of the evidence can be received and the record closed at the end of the evidentiary hearing scheduled for March 15, 2011. CCGS LLC appreciates the Committee's dedication to move the OGS to a Decision by May 18, 2011.

Dated: March 9, 2011

Respectfully Submitted,

// original signed //

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Scott A. Galati  
Counsel to Contra Costa Generating Station, LLC

**TABLE 1**

**OAKLEY GENERATING STATION PROJECT**  
Proposed Witness List

<b>TOPIC AREA</b>	<b>DISPUTES BETWEEN PARTIES</b>	<b>WITNESS</b>	<b>TESTIMONY SUMMARY</b>	<b>DIRECT TESTIMONY ESTIMATE</b>	<b>CROSS-EXAM ESTIMATE</b>
<b>ALTERNATIVES</b>	None	Doug Davy	Submitted on Declaration	None	None
<b>AIR QUALITY</b>	Minor dispute with Staff	Greg Darvin James McLucas	Submitted on Declaration. Requested minor modifications to Condition of Certification <b>AQ-SC7</b> and <b>AQ-SC8</b>	None	None
<b>BIOLOGICAL RESOURCES</b>	Minor dispute with Staff	Doug Davy Richard Crowe	Proposed changes to Conditions of Certification relating to:  Condition of Certification <b>BIO-19</b> – Wetland E – Staff’s version of the condition unnecessarily prohibits changes in water flow and vegetation that could benefit the Wetland E. The objective of the Wetland E management plan proposed by CCGS LLC is to enhance Wetland E which is unmanaged and in poor condition	0.5 hour	0.5 hours
<b>CULTURAL RESOURCES</b>	None	Doug Davy	Submitted on Declaration	None	None
<b>FACILITY DESIGN</b>	None	James McLucas	Submitted on Declaration	None	None

<b>TOPIC AREA</b>	<b>DISPUTES BETWEEN PARTIES</b>	<b>WITNESS</b>	<b>TESTIMONY SUMMARY</b>	<b>DIRECT TESTIMONY ESTIMATE</b>	<b>CROSS-EXAM ESTIMATE</b>
<b>GEOLOGY AND PALEONTOLOGY</b>	None	Doug Davy	Submitted on Declaration	None	None
<b>HAZARDOUS MATERIALS</b>	None	Doug Davy	Submitted on Declaration	None	None
<b>LAND USE</b>	None	Doug Davy	Submitted on Declaration	None	None
<b>NOISE AND VIBRATION</b>	None	James McLucas	Submitted on Declaration	None	None
<b>POWER PLANT EFFICIENCY</b>	None	James McLucas	Submitted on Declaration	None	None
<b>POWER PLANT RELIABILITY</b>	None	James McLucas	Submitted on Declaration	None	None
<b>PROJECT DESCRIPTION</b>	None	James McLucas	Submitted on Declaration	None	None
<b>PUBLIC HEALTH</b>	None	Greg Darvin Doug Davy	Submitted on Declaration	None	None
<b>SOCIOECONOMICS</b>	None	Doug Davy	Submitted on Declaration	None	None

<b>SOIL AND WATER RESOURCES</b>	Major dispute with Staff	James McLucas Doug Davy	Condition of Certification <b>SOIL&amp;WATER-4, -6, -8, and -9.</b> Dispute relating to the requirements to use recycled water for the water supply and Wetland E Management Plan.	0.5 hours	0.5 hours
<b>TRAFFIC AND TRANSPORTATION</b>	None	Doug Davy	Submitted on Declaration	None	None
<b>TRANSMISSION LINE SAFETY AND NUISANCE</b>	None	James McLucas	Submitted on Declaration	None	None
<b>TRANSMISSION SYSTEM ENGINEERING</b>	None	James McLucas	Submitted on Declaration	None	None
<b>VISUAL RESOURCES</b>	None	Doug Davy	Submitted on Declaration	None	None
<b>WASTE MANAGEMENT</b>	None	Doug Davy	Submitted on Declaration	None	None
<b>WORKER SAFETY and FIRE PROTECTION</b>	None	James McLucas	Submitted on Declaration	None	None
<b>GENERAL CONDITIONS: COMPLIANCE</b>	None	James McLucas	Submitted on Declaration	None	None



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

Docket Number: 09-AFC-04

Date: March 9, 2011

Project Name: Oakley Generating Station Project

**TABLE 2**  
 Tentative Exhibit List

Exhibit	Docket Transaction Number	Brief Description	Stipulation	Offered	Admitted	Refused
1	52219	<b>Contra Costa Generating Station, LLC's Application for Certification (AFC) Volumes I &amp; II</b> ; dated June 30, 2009, and docketed on June 30, 2009.				
2	52934	<b>Contra Costa Generating Station, LLC's Data Adequacy Supplement</b> ; dated August, 2009, and docketed on August 20, 2009.				
3	53217	<b>Bay Area Air Quality Management District (BAAQMD) Letter Re: Preliminary Review of the Determination of Compliance/Authority to Construct Application</b> ; dated September 9, 2009, and docketed on September 15, 2009.				
4	53554	<b>Contra Costa Generating Station, LLC's Notification of Project Name Change</b> ; dated October 5, 2009, and docketed on October 5, 2009.				
5	53784	<b>Contra Costa Generating Station, LLC's Supplement to the Application for Certification (AFC)</b> ; dated October 12, 2009, and docketed on October 20, 2009.				
6	53985	<b>Contra Costa Generating Station, LLC's Response to CEC Staff's Proposed Schedule</b> ; dated November 5, 2009, and docketed on November 5, 2009.				
7	54315	<b>Atmospheric Dynamics Wind Tunnel Modeling Protocol for the Oakley Generating Station</b> ; dated November, 2009, and docketed on December 2, 2009.				

8	54440	<b>URS/Dames &amp; Moore (Frederick Quivik, Ph.D.) Determination of Eligibility</b> ; dated October 18, 2000, and docketed on December 15, 2009.				
9	55346	<b>Contra Costa Generating Station, LLC's Response to the Oakley Generating Project Data Request Set 1 (#1-43) (Attachment DR43-1)</b> ; dated February, 2010, and docketed on February 11, 2010.				
10	55333	<b>Contra Costa Generating Station, LLC's Response to the Oakley Generating Station Project Data Request Set 1 (#1-43)</b> ; dated February, 2010, and docketed on February 11, 2010.				
11	55826	<b>Contra Costa Generating Station, LLC's Response to CEC Staff Data Requests #44-67</b> ; dated March, 2010, and docketed on March 9, 2010.				
12	56162	<b>Contra Costa Generating Station, LLC's Supplemental Filing for Air Quality &amp; Public Health Revised April 2010</b> ; dated April, 2010, and docketed on April 7, 2010.				
13	56163	<b>Contra Costa Generating Station, LLC's Phase 1 Environmental Site Assessment – Transmission Line Corridor</b> ; dated March, 2010, and docketed on April 7, 2010.				
14	56480	<b>Contra Costa Generating Station, LLC's DuPont Property Due Diligence Summary Report (Purchase and Sale Agreement between Contra Costa Generating Station, LLC (CCGS) and Pacific Gas and Electric Company (PG&amp;E)</b> ; dated January 15, 2010, and docketed on April 29, 2010.				
15	56640	<b>Contra Costa Generating Station, LLC's Response to CEC Staff Data Requests #68-73</b> ; dated May, 2010, and docketed on May 12, 2010.				
16	56772	<b>Contra Costa Generating Station, LLC's Responses to Bay Area Air Quality Management District (BAAQMD) Questions Received on April 15, 2010</b> ; dated May 20, 2010, and docketed on May 21, 2010.				

17	56917	<b>Contra Costa Generating Station, LLC's Response to CEC Workshop Query #7</b> ; dated August 7, 2009, and docketed on May 27, 2010.				
18	57035	<b>Contra Costa Generating Station, LLC's Record of May 20, 2010 Conversation between CH2M Hill and California Department of Fish and Game regarding Wetland E Management Plan</b> ; dated May 20, 2010, and docketed on June 7, 2010.				
19	57230	<b>Contra Costa Generating Station, LLC's Wetland E Management Plan Updated June 2010</b> ; dated June 18, 2010, and docketed on June 18, 2010.				
20	57295	<b>Email from California Department of Fish and Game, dated June 21, 2010, regarding Wetland E Management Plan</b> ; dated June 21, 2010, and docketed on June 21, 2010.				
21	57377	<b>City of Oakley Review and Approval of the Landscape Plan and Screen Tree Plan for the Oakley Generating Station Project</b> ; dated June 23, 2010, and docketed on June 29, 2010.				
22	57445	<b>Contra Costa Generating Station, LLC's Response to CEC Staff Workshop Queries # 3-17</b> ; dated July, 2010, and docketed on July 2, 2010.				
23	57688	<b>Contra Costa Generating Station, LLC's Supplemental Information Item (SII) #1 – Topographic Survey Map, Oakley Generating Station</b> ; dated March 4, 2009, and docketed on July 21, 2010.				
24	57689	<b>Contra Costa Generating Station, LLC's Supplemental Information Item (SII) #2 – Oakley Generating Station Landscape Plan, Revised 6-24-10</b> ; dated June 24, 2010, and docketed on July 21, 2010.				
25	57804	<b>Oakley Generating Station Air Quality Modeling Files, Supplement to Previous Submittals with New/Revised Analysis (Response to Workshop Queries 3-4)</b> ; dated April, 2010, and docketed on July 22, 2010.				
26	57993	<b>Contra Costa Generating Station, LLC's Air Quality Modeling Files</b> ; dated August, 2011 and docketed August 5, 2010.				
27	58070	<b>Contra Costa Generating Station, LLC's Internal E-mail regarding an Updated Landscape Plan</b> ; dated July 9, 2010, and docketed on August 17, 2010.				

28	58115	<b>Contra Costa Generating Station, LLC's Transition Cluster Phase II Interconnection Study Report</b> ; dated July 30, 2010, and docketed on August 17, 2010.				
29	58189	<b>Letter from East Contra Costa County Habitat Conservancy to California Energy Commission (CEC) regarding HCP/NCCP</b> ; dated August 26, 2010, and docketed on August 26, 2010.				
30	58282	<b>Contra Costa Generating Station, LLC's Technical Memorandum – Oakley Generating Station Off-site Consequence Analysis</b> ; dated August 25, 2010, and docketed on September 3, 2010.				
31	58523	<b>Contra Costa Generating Station, LLC's Draft HCC HCP-NCCP Planning Survey Report</b> ; dated September 17, 2010, and docketed on September 17, 2010.				
32	58574	<b>Contra Costa Generating Station, LLC's Supplemental Information Item #3: Sanitary Sewer Force Main</b> ; dated September, 2010, and docketed September 21, 2010.				
33	58675	<b>Contra Costa Generating Station, LLC's Supplemental Information Item #4: Revised Stormwater Drainage Design</b> ; dated September, 2010, and docketed on September 28, 2010.				
34	58810	<b>City of Oakley Letter to Radback Energy enclosing Oakley Generating Station Cooperation and Community Benefits Agreement</b> ; dated April 7, 2010, and docketed on October 20, 2010.				
35	58819	<b>Contra Costa Generating Station, LLC's Cumulative Air Quality Impact Analysis (Supplemental Filing in Response to California Energy Commission Staff Data Request #23)</b> ; dated October 2010, and docketed on October 20, 2010.				
36	58957	<b>Contra Costa Generating Station, LLC's Oakley Generating Station Mitigation Strategy</b> ; dated November 3, 2010, and docketed on November 3, 2010.				
37	58963	<b>Contra Costa Generating Station, LLC's Bay Area Air Quality Management District (BAAQMD) Application 20798, Preliminary Determination of Compliance</b> ; dated October, 2010, and docketed on November 4, 2010.				
38	58968	<b>Contra Costa Generating Station, LLC's Transition Cluster Phase II Interconnection Study Report</b> ; dated September 22, 2010, and docketed on November 5, 2010.				

39	58972	<b>Contra Costa Generating Station, LLC's Errata Sheet for Bay Area Air Quality Management District (BAAQMD) Application 20798, Preliminary Determination of Compliance;</b> dated November 4, 2010, and docketed on November 5, 2010.				
40	58984	<b>Contra Costa Generating Station, LLC's Email from CH2MHill to the CEC Regarding Annual Solid Waste Generated During Operation;</b> dated November 9, 2010, and docketed on November 9, 2010.				
41	59042	<b>Contra Costa Generating Station, LLC's Construction, Drainage, Erosion, and Sediment Control/Stormwater Pollution Prevention Plan;</b> dated November 2010, and docketed on November 19, 2010.				
42	59048	<b>Contra Costa Generating Station, LLC's Supplemental Information Item #5: Revised ECCCHC City/County of Oakley/Contra Costa County Application Form and Planning Survey Report;</b> dated November 22, 2010, and docketed on November 22, 2010.				
43	59312	<b>Contra Costa Generating Station, LLC's Appendix A – Revision 2 – Transition Cluster Phase II Interconnection Study Report;</b> dated November 18, 2010, and docketed December 20, 2010.				
44	59418	<b>Contra Costa Generating Station, LLC's Assessor's Parcel Map for the Oakley Generating Station Site APN 037020019 and Contra Costa County Mapping Information Center view of APN 037020019;</b> dated January 3, 2011, and docketed on January 3, 2011.				
45	59531	<b>Bay Area Air Quality Management District (BAAQMD) Final Determination of Compliance;</b> dated January 2011, and docketed on January 24, 2011.				
46	59571	<b>Contra Costa Generating Station, LLC's Initial Comments on the Preliminary Staff Assessment;</b> dated January 28, 2011, and docketed on January 28, 2011.				
47	59577	<b>Contra Costa Generating Station, LLC's Recorded Lot Line Adjustment;</b> dated May 12/13, 2009, Recorded on October 5, 2009, and docketed on January 27, 2011.				
48	59608	<b>City of Oakley Response to Preliminary Staff Assessment Parts A and B, and Department of Fish and Game's Conservation Easement;</b> dated February 2, 2011, and docketed on February 3, 2011.				
49	59671	<b>Letter from First American Trust to the California Energy Commission (CEC) regarding Bay Area Air Quality Management District (BAAQMD) Emission Reduction Credits;</b> dated January 31, 2011, and docketed on February 11, 2011.				

50	59683	<b>Contra Costa Generating Station, LLC's Final Comments on the Preliminary Staff Assessment;</b> dated February 11, 2011, and docketed on February 11, 2011.				
51	59719	<b>Contra Costa Generating Station, LLC's Transmission Line Reconductoring Analysis (Response to Data Request 74);</b> dated February 2011, and docketed on February 17, 2011.				
52	59735	<b>Email from City of Oakley to California Energy Commission (CEC) regarding Traffic and Transportations Clarifications;</b> dated February 16, 2011, and docketed on February 22, 2011.				
53	59748	<b>Contra Costa Generating Station, LLC's Technical Memorandum: Arborist Survey of the Oakley Generating Station Project and Transmission Line Upgrade Route;</b> dated February 22, 2011, and docketed on February 22, 2011.				
54	59794	<b>Contra Costa Generating Station, LLC's Supplemental Noise Information;</b> dated February 22, 2011, and docketed on February 22, 2011.				
55	59883	<b>Contra Costa Generating Station, LLC's Opening Testimony;</b> dated March 4, 2011, and docketed on March 4, 2011.				

**TABLE 2A**

**OAKLEY GENERATING STATION PROJECT**

Tentative Exhibit List

Exhibit	Docket Transaction Number	Brief Description	Topic(s)
1	52219	<b>Contra Costa Generating Station, LLC's Application for Certification (AFC) Volumes I &amp; II</b> ; dated June 30, 2009, and docketed on June 30, 2009.	All
2	52934	<b>Contra Costa Generating Station, LLC's Data Adequacy Supplement</b> ; dated August, 2009, and docketed on August 20, 2009.	Air Quality (4-8) Cultural Resources (9-11) Project Description (1) Transmission System Engineering(2-3) Waste Management (12)
3	53217	<b>Bay Area Air Quality Management District (BAAQMD) Letter Re: Preliminary Review of the Determination of Compliance/Authority to Construct Application</b> ; dated September 9, 2009, and docketed on September 15, 2009.	Air Quality
4	53554	<b>Contra Costa Generating Station, LLC's Notification of Project Name Change</b> ; dated October 5, 2009, and docketed on October 5, 2009.	Project Description
5	53784	<b>Contra Costa Generating Station, LLC's Supplement to the Application for Certification (AFC)</b> ; dated October 12, 2009, and docketed on October 20, 2009.	Project Description
6	53985	<b>Contra Costa Generating Station, LLC's Response to CEC Staff's Proposed Schedule</b> ; dated November 5, 2009, and docketed on November 5, 2009.	Project Description
7	54315	<b>Atmospheric Dynamics Wind Tunnel Modeling Protocol for the Oakley Generating Station</b> ; dated November, 2009, and docketed on December 2, 2009.	Air Quality
8	54440	<b>URS/Dames &amp; Moore (Frederick Quivik, Ph.D.) Determination of Eligibility</b> ; dated October 18, 2000, and docketed on December 15, 2009.	Waste Management

9	55346	<b>Contra Costa Generating Station, LLC's Response to the Oakley Generating Project Data Request Set 1 (#1-43) (Attachment DR43-1)</b> ; dated February, 2010, and docketed on February 11, 2010.	Transmission System Engineering
10	55333	<b>Contra Costa Generating Station, LLC's Response to the Oakley Generating Station Project Data Request Set 1 (#1-43)</b> ; dated February, 2010, and docketed on February 11, 2010.	Air Quality (1-33) Geology & Paleontology (34 & 40) Land Use (35-39) Transmission System Engineering (41-43)
11	55826	<b>Contra Costa Generating Station, LLC's Response to CEC Staff Data Requests #44-67</b> ; dated March, 2010, and docketed on March 9, 2010.	Cultural Resources (44-46) Soil & Water Resources (47-67)
12	56162	<b>Contra Costa Generating Station, LLC's Supplemental Filing for Air Quality &amp; Public Health Revised April 2010</b> ; dated April, 2010, and docketed on April 7, 2010.	Air Quality Public Health
13	56163	<b>Contra Costa Generating Station, LLC's Phase 1 Environmental Site Assessment – Transmission Line Corridor</b> ; dated March, 2010, and docketed on April 7, 2010.	Waste Management
14	56480	<b>Contra Costa Generating Station, LLC's DuPont Property Due Diligence Summary Report (Purchase and Sale Agreement between Contra Costa Generating Station, LLC (CCGS) and Pacific Gas and Electric Company (PG&amp;E)</b> ; dated January 15, 2010, and docketed on April 29, 2010.	Waste Management
15	56640	<b>Contra Costa Generating Station, LLC's Response to CEC Staff Data Requests #68-73</b> ; dated May, 2010, and docketed on May 12, 2010.	Air Quality
16	56772	<b>Contra Costa Generating Station, LLC's Responses to Bay Area Air Quality Management District (BAAQMD) Questions Received on April 15, 2010</b> ; dated May 20, 2010, and docketed on May 21, 2010.	Air Quality
17	56917	<b>Contra Costa Generating Station, LLC's Response to CEC Workshop Query #7</b> ; dated August 7, 2009, and docketed on May 27, 2010.	Soil & Water Resources

18	57035	<b>Contra Costa Generating Station, LLC's Record of May 20, 2010 Conversation between CH2M Hill and California Department of Fish and Game regarding Wetland E Management Plan</b> ; dated May 20, 2010, and docketed on June 7, 2010.	Biological Resources Soil & Water Resources
19	57230	<b>Contra Costa Generating Station, LLC's Wetland E Management Plan Updated June 2010</b> ; dated June 18, 2010, and docketed on June 18, 2010.	Biological Resources Soil & Water Resources
20	57295	<b>Email from California Department of Fish and Game, dated June 21, 2010, regarding Wetland E Management Plan</b> ; dated June 21, 2010, and docketed on June 21, 2010.	Biological Resources Soil & Water Resources
21	57377	<b>City of Oakley Review and Approval of the Landscape Plan and Screen Tree Plan for the Oakley Generating Station Project</b> ; dated June 23, 2010, and docketed on June 29, 2010.	Land Use Visual Resources
22	57445	<b>Contra Costa Generating Station, LLC's Response to CEC Staff Workshop Queries # 3-17</b> ; dated July, 2010, and docketed on July 2, 2010.	Air Quality (3-4) Transmission System Engineering (5) Soil & Water Resources (6-17)
23	57688	<b>Contra Costa Generating Station, LLC's Supplemental Information Item (SII) #1 – Topographic Survey Map, Oakley Generating Station</b> ; dated March 4, 2009, and docketed on July 21, 2010.	Land Use Project Description
24	57689	<b>Contra Costa Generating Station, LLC's Supplemental Information Item (SII) #2 – Oakley Generating Station Landscape Plan, Revised 6-24-10</b> ; dated June 24, 2010, and docketed on July 21, 2010.	Land Use Visual Resources
25	57804	<b>Oakley Generating Station Air Quality Modeling Files, Supplement to Previous Submittals with New/Revised Analysis (Response to Workshop Queries 3-4)</b> ; dated April, 2010, and docketed on July 22, 2010.	Air Quality
26	57993	<b>Contra Costa Generating Station, LLC's Air Quality Modeling Files</b> ; dated August, 2011 and docketed August 5, 2010.	Air Quality
27	58070	<b>Contra Costa Generating Station, LLC's Internal E-mail regarding an Updated Landscape Plan</b> ; dated July 9, 2010, and docketed on August 17, 2010.	Land Use Visual Resources

28	58115	<b>Contra Costa Generating Station, LLC's Transition Cluster Phase II Interconnection Study Report</b> ; dated July 30, 2010, and docketed on August 17, 2010.	Transmission System Engineering
29	58189	<b>Letter from East Contra Costa County Habitat Conservancy to California Energy Commission (CEC) regarding HCP/NCCP</b> ; dated August 26, 2010, and docketed on August 26, 2010.	Biological Resources
30	58282	<b>Contra Costa Generating Station, LLC's Technical Memorandum – Oakley Generating Station Off-site Consequence Analysis</b> ; dated August 25, 2010, and docketed on September 3, 2010.	Hazardous Materials
31	58523	<b>Contra Costa Generating Station, LLC's Draft HCC HCP-NCCP Planning Survey Report</b> ; dated September 17, 2010, and docketed on September 17, 2010.	Biological Resources
32	58574	<b>Contra Costa Generating Station, LLC's Supplemental Information Item #3: Sanitary Sewer Force Main</b> ; dated September, 2010, and docketed September 21, 2010.	Air Quality Biological Resources Cultural Resources Geology & Paleontology Hazardous Materials Land Use Noise & Vibration Public Health
33	58675	<b>Contra Costa Generating Station, LLC's Supplemental Information Item #4: Revised Stormwater Drainage Design</b> ; dated September, 2010, and docketed on September 28, 2010.	Soil & Water Resources
34	58810	<b>City of Oakley Letter to Radback Energy enclosing Oakley Generating Station Cooperation and Community Benefits Agreement</b> ; dated April 7, 2010, and docketed on October 20, 2010.	Socioeconomics
35	58819	<b>Contra Costa Generating Station, LLC's Cumulative Air Quality Impact Analysis (Supplemental Filing in Response to California Energy Commission Staff Data Request #23)</b> ; dated October 2010, and docketed on October 20, 2010.	Air Quality
36	58957	<b>Contra Costa Generating Station, LLC's Oakley Generating Station Mitigation Strategy</b> ; dated November 3, 2010, and docketed on November 3, 2010.	Air Quality
37	58963	<b>Contra Costa Generating Station, LLC's Bay Area Air Quality Management District (BAAQMD) Application 20798, Preliminary Determination of Compliance</b> ; dated October, 2010, and docketed on November 4, 2010.	Air Quality

38	58968	<b>Contra Costa Generating Station, LLC's Transition Cluster Phase II Interconnection Study Report</b> ; dated September 22, 2010, and docketed on November 5, 2010.	Transmission System Engineering
39	58972	<b>Contra Costa Generating Station, LLC's Errata Sheet for Bay Area Air Quality Management District (BAAQMD) Application 20798, Preliminary Determination of Compliance</b> ; dated November 4, 2010, and docketed on November 5, 2010.	Air Quality
40	58984	<b>Contra Costa Generating Station, LLC's Email from CH2MHill to the CEC Regarding Annual Solid Waste Generated During Operation</b> ; dated November 9, 2010, and docketed on November 9, 2010.	Waste Management
41	59042	<b>Contra Costa Generating Station, LLC's Construction, Drainage, Erosion, and Sediment Control/Stormwater Pollution Prevention Plan</b> ; dated November 2010, and docketed on November 19, 2010.	Soil & Water Resources
42	59048	<b>Contra Costa Generating Station, LLC's Supplemental Information Item #5: Revised ECCCHC City/County of Oakley/Contra Costa County Application Form and Planning Survey Report</b> ; dated November 22, 2010, and docketed on November 22, 2010.	Biological Resources
43	59312	<b>Contra Costa Generating Station, LLC's Appendix A – Revision 2 – Transition Cluster Phase II Interconnection Study Report</b> ; dated November 18, 2010, and docketed December 20, 2010.	Transmission System Engineering
44	59418	<b>Contra Costa Generating Station, LLC's Assessor's Parcel Map for the Oakley Generating Station Site APN 037020019 and Contra Costa County Mapping Information Center view of APN 037020019</b> ; dated January 3, 2011, and docketed on January 3, 2011.	Land Use
45	59531	<b>Bay Area Air Quality Management District (BAAQMD) Final Determination of Compliance</b> ; dated January 2011, and docketed on January 24, 2011.	Air Quality

46	59571	<b>Contra Costa Generating Station, LLC's Initial Comments on the Preliminary Staff Assessment;</b> dated January 28, 2011, and docketed on January 28, 2011.	Air Quality Biological Resources Cultural Resources Facility Design Hazardous Materials Land Use Noise & Vibration Power Plant Reliability Project Description Soil & Water Resources Traffic & Transportation Transmission System Engineering Visual Resources Waste Management Worker Safety & Fire Protection
47	59577	<b>Contra Costa Generating Station, LLC's Recorded Lot Line Adjustment;</b> dated May 12/13, 2009, Recorded on October 5, 2009, and docketed on January 27, 2011.	Land Use
48	59608	<b>City of Oakley Response to Preliminary Staff Assessment Parts A and B, and Department of Fish and Game's Conservation Easement;</b> dated February 2, 2011, and docketed on February 3, 2011.	Biological Resources Land Use
49	59671	<b>Letter from First American Trust to the California Energy Commission (CEC) regarding Bay Area Air Quality Management District (BAAQMD) Emission Reduction Credits;</b> dated January 31, 2011, and docketed on February 11, 2011.	Air Quality
50	59683	<b>Contra Costa Generating Station, LLC's Final Comments on the Preliminary Staff Assessment;</b> dated February 11, 2011, and docketed on February 11, 2011.	Air Quality Biological Resources Cultural Resources Facility Design Hazardous Materials Land Use Noise & Vibration Power Plant Reliability Project Description Soil & Water Resources Traffic & Transportation Transmission System Engineering Visual Resources Waste Management Worker Safety & Fire Protection

51	59719	<b>Contra Costa Generating Station, LLC's Transmission Line Reconductoring Analysis (Response to Data Request 74)</b> ; dated February 2011, and docketed on February 17, 2011.	Transmission System Engineering
52	59735	<b>Email from City of Oakley to California Energy Commission (CEC) regarding Traffic and Transportations Clarifications</b> ; dated February 16, 2011, and docketed on February 22, 2011.	Traffic & Transportation
53	59748	<b>Contra Costa Generating Station, LLC's Technical Memorandum: Arborist Survey of the Oakley Generating Station Project and Transmission Line Upgrade Route</b> ; dated February 22, 2011, and docketed on February 22, 2011.	Biological Resources
54	59794	<b>Contra Costa Generating Station, LLC's Supplemental Noise Information</b> ; dated February 22, 2011, and docketed on February 22, 2011.	Noise & Vibration
55	59883	<b>Contra Costa Generating Station, LLC's Opening Testimony</b> ; dated March 4, 2011, and docketed on March 4, 2011.	All



**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**

**APPLICATION FOR CERTIFICATION  
FOR THE *OAKLEY GENERATING STATION***

**Docket No. 09-AFC-4  
PROOF OF SERVICE  
(Revised 3/3/2011)**

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DECLARATION OF SERVICE

I, Marie Mills, declare that on March 09, 2011, I served and filed copies of the attached **CONTRA COSTA GENERATING STATION, LLC'S PREHEARING CONFERENCE STATEMENT**, dated March 09, 2011. 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/contracosta/index.html>]. The documents have 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, in the following manner:

*(Check all that Apply)*

FOR SERVICE TO ALL OTHER PARTIES:

- sent electronically to all email addresses on the Proof of Service list;
- by personal delivery;
- by delivering on this date, for mailing with the United States Postal Service with first-class postage thereon fully prepaid, to the name and address of the person served, for mailing that same day in the ordinary course of business; that the envelope was sealed and placed for collection and mailing on that date to those addresses **NOT** marked "email preferred."

**AND**

FOR FILING WITH THE ENERGY COMMISSION:

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

**OR**

- depositing in the mail an original and 12 paper copies, as follows:

**CALIFORNIA ENERGY COMMISSION**

Attn: Docket No. 09-AFC-4  
1516 Ninth Street, MS-4  
Sacramento, CA 95814-5512  
[docket@energy.state.ca.us](mailto:docket@energy.state.ca.us)

I declare under penalty of perjury that the foregoing is true and correct, that I am employed in the county where this mailing occurred, and that I am over the age of 18 years and not a party to the proceeding.



\_\_\_\_\_  
Marie Mills