

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

**APPLICATION FOR
CERTIFICATION FOR THE
CHULA VISTA ENERGY UPGRADE
PROJECT**

DOCKET NO. 07-AFC-4
(AFC Filed 8/10/07)

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DATE ^{SEP 16 2008}
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**MMC CHULA VISTA'S
PREHEARING CONFERENCE STATEMENT**
September 16, 2008

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I. INTRODUCTION

Pursuant to the Notice of Prehearing Conference dated August 22, 2008 (the "Notice") and Title 20 of the California Code of Regulations § 1718.5, MMC Chula Vista ("MMC") hereby files its Prehearing Conference Statement. Pursuant to the Notice, this Prehearing Conference Statement responds to the eight items listed therein.

II. TOPIC AREAS READY TO PROCEED TO EVIDENTIARY HEARINGS

MMC believes all topics are ready to proceed to evidentiary hearings. In response to Raul Renaud's e-mail of Friday, September 12, 2008, MMC believes land use is ready to proceed to hearing. The Chula Vista Energy Upgrade Project (CVEUP) is not the first peaking facility proposed in a "limited", "light" or other industrial zone category where that category would not be considered the "heavy" industrial zone. Many jurisdictions have found zoning conformance for peaking and in some instances combined cycle projects located in the "limited" or "light" industrial zones. And, there are many peaking power plants in the equivalent of the City of Chula Vista's ("City") Limited Industrial (I-L) Zone. Included in Attachment 1 is a list of power plants licensed by the California Energy Commission in the equivalent of the City's I-L Zone. Also attached is a list of peaking facilities recently built by Southern California Edison in equivalent zoning districts. As can be seen from the list of facilities, it is not unusual to place a peaking power plant in a zoning classification similar to the I-L Zone.

Furthermore, a specific use need not be specifically listed in order for a jurisdiction to find the use consistent with the existing zoning.

The City has determined that the proposed project is a permitted use in the Limited Industrial Zone. While not set out in the enumerated uses for the I-L Zone, the use is nevertheless permitted pursuant to Section 19.44.020(P) of the Chula Vista Zoning Ordinance. This section allows the City to determine that a use not specifically enumerated under Section 19.44.020 may nevertheless be permitted in the I-L Zone if the use is similar in character to the enumerated uses (and if the use is not otherwise specifically prohibited under Section 19.44.050, which it is not). This would allow the City to make a determination that the existing project is a permitted use if it is in character with other permitted uses in the I-L Zone. In fact, the City made such a finding in 2000 in Resolution No. 1699, "the Project is in conformance with the city zoning ordinance and general plan." The applicable sections of the City's Zoning Ordinance pertaining to the Limited Industrial and General Industrial Zones have not been substantially modified since the 1970s and 1980s.

III. TOPIC AREAS NOT READY TO PROCEED TO EVIDENTIARY HEARINGS

As stated above, MMC believes that all topic areas are complete and ready to proceed to evidentiary hearings.

IV. TOPIC AREAS IN DISPUTE AND REQUIRING ADJUDICATION

At this time MMC does not believe there are any topic areas in dispute and that require adjudication. MMC does not know what topic areas may or may not be in dispute with the Environmental Health Coalition (EHC). MMC is not aware of any disputed topics with any other party.

V. MMC'S WITNESS LIST

Set forth below is a list of hearing topics, associated witnesses, and estimated time for their direct testimony, based upon current information. The witnesses' qualifications were

included in Appendix A of MMC's Testimony in Support of the Application for Certification filed on September 10, 2008. Each witness will testify as to the project's compliance with applicable laws, ordinances, regulations and standards (LORS), the environmental impacts of the project, and the proposed conditions intended to mitigate potential impacts.

DIRECT TESTIMONY WITNESS LIST			
<u>Topic</u>	<u>Witness</u>	<u>Summary of Testimony</u>	<u>Time</u>
Air Quality	- Gregory Darvin, Atmospheric Dynamics, Inc.	Sponsoring the Application for Certification (AFC), supplement to the AFC and Applicant's Data Responses.	5 minutes, if not presented by declaration.
Alternatives	- Sarah Madams, CH2M HILL	Sponsoring the AFC, supplement to the AFC and Applicant's Data Responses.	5 minutes if not presented by declaration.
Biological Resources	- Sophia Chang, CH2M HILL	Sponsoring the AFC, supplement to the AFC and Applicant's Data Responses.	5 minutes, if not presented by declaration.
Cultural Resources	- Clint Helton, CH2M HILL	Sponsoring the AFC, supplement to the AFC and Applicant's Data Responses.	5 minutes, if not presented by declaration.
Executive Summary	- Harry Scarborough, MMC Energy, Inc. - Douglas Davy, CH2M HILL	Sponsoring the AFC, supplement to the AFC and Applicant's Data Responses.	5 minutes, if not presented by declaration.
Facility Design	- Steven Blue, Worley Parsons.	Change language in Condition of Certification GEN-1 to reflect that actual design engineering has already begun for the project. Wording changes to Conditions of Certification GEN-2, GEN-4, and GEN-5. Delete Condition of Certification STRUC-3.	

DIRECT TESTIMONY WITNESS LIST			
<u>Topic</u>	<u>Witness</u>	<u>Summary of Testimony</u>	<u>Time</u>
Hazardous Materials	- Sarah Madams, CH2M HILL	Sponsoring the AFC, supplement to the AFC and Applicant's Data Responses.	5 minutes, if not presented by declaration.
Land Use	- Greta Kirschenbaum, CH2M HILL - Jennifer Scholl, CH2M HILL	Wording change to Condition of Certification LAND-1 to move development plan requirement to the Verification. Sponsoring the AFC, supplement to the AFC and Applicant's Data Responses.	5 minutes if not presented by declaration.
Noise and Vibration	- David Baker, CH2M HILL - Steven Blue, Worley Parsons	Change to Condition of Certification NOISE-7 to reflect technological availability of pile driving equipment. Sponsoring the AFC, supplement to the AFC and Applicant's Data Responses.	5 minutes, if not presented by declaration.
Project Description	- Steven Blue, Worley Parsons	Change language in Condition of Certification GEN-1 to reflect that actual design engineering has already begun for the project. Wording changes to Conditions of Certification GEN-2, GEN-4, and GEN-5. Delete Condition of Certification STRUC-3. Wording change to Condition of Certification LAND-1 to move development plan requirement to the Verification. Change to Condition of Certification	5 minutes, if not presented by declaration.

DIRECT TESTIMONY WITNESS LIST

<u>Topic</u>	<u>Witness</u>	<u>Summary of Testimony</u>	<u>Time</u>
		<p>NOISE-7 to reflect technological availability of pile driving equipment.</p> <p>Change to Condition of Certification SOIL&WATER-2 to reflect that MMC has no authority over linear facilities controlled by SDG&E and on-site is not a retention basin.</p> <p>Wording change to text of Final Staff Assessment and Condition of Certification TSE-2 to reflect SDG&E's responsibilities.</p>	
Public Health	- Gregory Darvin, Atmospheric Dynamics, Inc.	Sponsoring the AFC, supplement to the AFC and Applicant's Data Responses.	5 minutes, if not presented by declaration.
Socioeconomic Resources	- Fatuma Yusuf, CH2M HILL	Sponsoring the AFC, supplement to the AFC and Applicant's Data Responses.	5 minutes, if not presented by declaration.
Soil and Water Resources	- Steve Long, CH2M HILL - Steven Blue, Worley Parsons - Laurel Karren, CH2M HILL	<p>Change to Condition of Certification SOIL&WATER-2 to reflect that MMC has no authority over linear facilities controlled by SDG&E and on-site is not a retention basin.</p> <p>Sponsoring the AFC, supplement to the AFC and Applicant's Data Responses.</p>	5 minutes, if not presented by declaration.
Traffic and Transportation	- Loren Bloomberg, CH2M HILL	Sponsoring the AFC, supplement to the AFC and Applicant's Data Responses.	5 minutes, if not presented by declaration.
Transmission System	- Steven Blue, Worley Parsons.	Wording change to text of Final Staff	5 minutes, if not presented

DIRECT TESTIMONY WITNESS LIST			
<u>Topic</u>	<u>Witness</u>	<u>Summary of Testimony</u>	<u>Time</u>
Engineering		Assessment and Condition of Certification TSE-2 to reflect SDG&E's responsibilities. Sponsoring the AFC, supplement to the AFC and Applicant's Data Responses.	by declaration.
Visual Resources	- Maria Elena Conserva, CH2M HILL	Sponsoring the AFC, supplement to the AFC and Applicant's Data Responses.	5 minutes, if not presented by declaration.
Waste Management	- Sarah Madams, CH2M HILL	Sponsoring the AFC, supplement to the AFC and Applicant's Data Responses.	5 minutes, if not presented by declaration.
Worker Safety	- Sarah Madams, CH2M HILL	Sponsoring the AFC, supplement to the AFC and Applicant's Data Responses.	5 minutes, if not presented by declaration.

VI. CROSS-EXAMINATION

MMC does not anticipate cross-examination requirements for Energy Commission Staff. At this time, MMC does not yet know what other testimony will be submitted beyond that of the Energy Commission Staff. Because MMC cannot anticipate the timing or scope of topic areas that may be addressed by other parties, MMC hereby reserves the right to cross-examine witnesses introduced by those other parties.

VII. EXHIBIT LIST

The table below sets forth a list of exhibits MMC expects to present at the evidentiary hearings. This list is based upon currently available information. As MMC's reviews any testimony provided by EHC, MMC may need to develop rebuttal testimony and additional items may be added and unnecessary items may be removed. MMC does not know the subject areas or extent of testimony other parties may offer at the evidentiary hearings. MMC anticipates using

additional exhibits if other parties offer testimony. MMC is not specifically referencing any LORS as exhibits, but plans on using them.

Exhibit	Document Name	Technical Area(s)
<i>Project Owner's Exhibits</i>		
1	Chula Vista Energy Upgrade Project, Application for Certification (AFC), September 2006	All Sections
2	Supplement to AFC – Response to Data Adequacy Review.	Air Quality, Biological Resources, Cultural Resources, Land Use, Socioeconomic Resources, Traffic and Transportation, Waste Management, Water Resources
3	Response to Energy Commission's Data Requests 1-47 and Workshop Query 1.	Air Quality, Cultural Resources, Hazardous Materials Handling, Soil and Water Resources, Transmission System Engineering
4	Response to Energy Commission's Data Requests 2-5, and 25.	Air Quality
5	Response to Environmental Health Coalition's Data Requests 1-35.	Air Quality, Hazardous Materials, Soil and Water Resources, Alternatives, Transmission System Engineering
6	Response to Energy Commission's Data Request 6.	Air Quality
7	Response to Environmental Health Coalition's Data Requests 36-54.	Transmission System Engineering, Air Quality, Cultural Resources, Noise, Soil and Water Resources, Alternatives
8	Response to Environmental Health Coalition's Data Requests 55, 56	Land Use
9	Appendix 3A – System Impact Study	Transmission System Engineering
10	MMC Fact Sheet for the Chula Vista Energy Upgrade Project (English and Spanish Version)	All Sections
11	Appendices A-D, referenced in the CA-ISO Interconnection Facilities Study and MMC Comment Letter dated 3/28/08	Transmission System Engineering
12	Air Modeling Files	Air Quality
13	MMC's Objection to Energy Commission Staff Data Request 40	Water Resources
14	Letter from Downey Brand Re: Application for Confidential Designation of Confidential Cultural Resources Reports Provided in Response to Data Request 36.	Cultural Resources
15	Letter approving confidentiality for Cultural Resources	Cultural Resources

Exhibit	Document Name	Technical Area(s)
16	Response to South West Chula Vista Civic Association Flyer	Executive Summary
17	CA-ISO Interconnection Facilities Study and MMC Comment Letter	Transmission System Engineering
18	MMC Energy, Inc.'s Preliminary Comments on the Preliminary Staff Assessment – Chula Vista Energy Upgrade Project	Air Quality, Biological Resources, Cultural Resources, Hazardous Materials, Traffic and Transportation, Visual Resources, Waste Management, Worker Health and Safety, Geological Resources, Paleontological Resources, Transmission System Engineering
19	MMC Energy, Inc.'s Final Comments on the Preliminary Staff Assessment	Air Quality, Biological Resources, Cultural Resources, Hazardous Materials, Land Use, Soil and Water Resources, Traffic and Transportation, Visual Resources, Waste Management, Geological Resources, Paleontological Resources, Alternatives
20	Letter CA-ISO Re: Reliability Must-Run Status	Transmission System Engineering
21	Agreement with the City of Chula Vista on Mitigation and Consistency of the Project with the Chula Vista General Plan	Executive Summary, Land Use
22	Form DPR523 for the Lorenzo Anderson House and Finding of Effect Memorandum	Cultural Resources
23	Declarations and Testimony	All Sections
24	List of Power Plants in I-L Equivalent Zones	Land Use
<i>Remaining numbers reserved for additional exhibits.</i>		

VIII. SCHEDULING MATTERS

MMC projects the need for no more than two hearing days to complete the testimony.

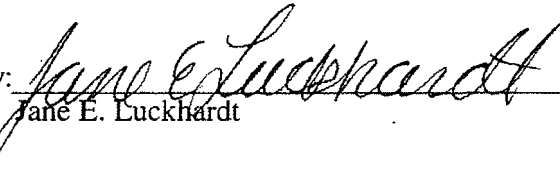
IX. CONDITIONS OF CERTIFICATION

MMC's comments on the Conditions of Certification contained in the Final Staff Assessment (FSA) are set forth in MMC's Testimony in Support of the Application for Certification filed on September 10, 2008. In addition, the City of Chula Vista has stated that it would like the conditions it has agreed to with MMC included in a proposed form in Condition

of Certification Attachment 2 to be incorporated into the FSA as Conditions of Certification.
MMC has no objection to this request.

DATED: September 16, 2008

DOWNEY BRAND LLP

By: 
Jane E. Luckhardt

ATTACHMENT 1

"Lists of Powerplants in I-L Equivalent Zones"

Zoning Designations of the SCE Peakers

Site Name	Location	County	Zoning	Allowable Uses
Barre	City of Stanton (Dale and Cerritos Rd)	Orange	Light Industrial (M-1)	Residential - Existing; Public and Semi-Public - Public Safety facilities; Health Facilities - Medical of dental lab and Wireless communications facilities; Recycling Facilities - Certified small used oil collection; Transportation - Parking lots and Parking structure; Commercial and Support Uses - Ambulance services and Animal boarding/hospitals, Art Studios Artist/craft, Building materials and services, Catering services, Commercial Recreation and Entertainment; Copy centers/postal services and blueprinting/ reprographics; Maintenance and repair services (no auto), Nurseries (horticultural); Communications (commercial) - Wireless communication facilities; Retail Commercial Support - Limited commercial; Vehicle Services - Towing services; Vehicle/Equipment Sales/Rentals - Wholesale auto parts and accessories, including new tires; Vehicle and Equipment Repair - Upholstery; Industrial/Manufacturing Uses; Storage; Other Uses - Accessory structures/uses typically appurtenant to a principally permitted land use activity.
Center	City of Norwalk (I-605 and Firestone Road)	LA	Light Manufacturing (M-1)	Allowable uses include electrical distribution and transmission substations. Zoning designations for land uses in the immediately surrounding area include "Single Family Residential" (R-1), "High Density Residential" (R-3), and "General Commercial" (C-3).
Grapeland	City of Rancho Cucamonga (Etiwanda & 6th Street)	San Bernardino	General Industrial (I)	Provides for the widest possible range of light and medium industrial type activity, including; manufacturing, assembling, fabrication, wholesaling, heavy commercial, and office uses. This land use category is appropriate as a buffer between nonindustrial uses and heavy industrial uses. (This city also has a Heavy Industrial zone).
Mira Loma	City of Ontario (Milliken Rd, South of HWY 60)	Riverside	Ag Preserve (AG)	Animal Production - Animal Keeping; Crop Production ; Residential - Home Occupations, Second Units, Single Family Residences; Communication - Satellite Dishes / Ham Radio Antennas and other facilities (for private use only)
McGrath Beach	City of Oxnard (N. Harbor and Ventura Gonzales)		(EC) Coastal Energy Facility (in the coastal zone boundary)	

CEC-Certified Power Plants Since 2001 with Light Industrial or Public/Quasi-Public Zoning

Project Name	Megawatts	Date Certified or Submitted	Zoning Designation	Jurisdiction	Allowable Uses
Niland Peaker	93	10/11/2006	Light/Medium Industry (M-1)	Imperial County	The M-1 zone designates areas for wholesale commercial, storage, trucking, assembly type manufacturing and other similar light industrial uses.
Roseville Combined Cycle	160	4/13/2005	Public/Quasi-Public (P/QP)	City of Roseville	The permitted include emergency, general power production, and passive power facilities.
Riverside Energy Resources Center	96	12/15/2004	Manufacturing Park (MP)	City of Riverside	Low-intensity and low-impact industrial, office, and related uses. City also has General Industrial zone.
Donald Von Raesfeld Power Plant Project	147	9/9/2003	Public/Quasi-Public (B)	City of Santa Clara	Site located between Light and Heavy Industrial Zones
Woodland II Combined Cycle	80	9/19/2001	Light Industrial (M-1)	City of Modesto	Electrical utilities a permitted use.
Escondido	49.5	6/6/2001	Light Industrial (M-1)	City of Escondido	Light industrial firms engaged in processing, assembling, manufacturing, storage warehousing and distribution, research and development, and other light industrial uses not typically suited to commercial zones by virtue of operational characteristics and space needs.
Wildflower Larkspur	90	4/4/2001	Industrial Park (IP)	City of San Diego	City also has Heavy Industrial and Light Industrial zones. IP is for limited industrial, research and development, and mixed industrial and office uses.

ATTACHMENT 2

**"MMC's Proposed Conditions of Certification Incorporating the Agreement with the City
of Chula Vista"**

**Draft Conditions of Certification Including the Mitigation Measures Agreed to Between
MMC and the City of Chula Vista**

AQ-SC 11 The project owner shall provide \$210,000 to the City of Chula Vista to provide a program to obtain additional emission reductions through energy efficiency and related improvements to homes and local businesses in the affected local community. These funds are intended to directly benefit the local residents potentially most directly affected by the reconstructed plant and shall be payable to the City within 30 days of the CEC final decision approving CVEUP.

Verification: The project owner shall provide \$210,000 to the City of Chula Vista within 30 days of the CEC final decision approving CVEUP. The project owner shall provide verification of payment to the City of Chula Vista to the CPM within 10 days of payment.

SOCIO-2 The project owner acknowledges and agrees that pursuant to the Chula Vista Municipal Code, the CVEUP is subject to the City's utility users' tax ("UUT"). The project owner further acknowledges and agrees that CVEUP regardless of any change in ownership is subject to UUT and hereby agree to remit such tax to the appropriate franchise natural gas, electricity and/or telecommunications service provider in accordance with the City's Municipal Code.

Should for whatever reason, the UUT payable by the project owner directly to the City or through the franchise agent, direct access or other service provider, is determined by a court of competent jurisdiction to be invalidly imposed or collected, the project owner agrees to comply with any and all appropriate modifications to the City's Municipal Code or franchise agreement to cure such invalidity so as to continue the payment of equivalent value or consideration to the City throughout the term of the CVEUP's operation.

Verification: The project owner shall provide verification of payment of the UUT to the CPM in the annual report.

LAND-2 By the time CVEUP is operational, the project owner shall shut down the existing 44.5 MW facility and remove the equipment including the gas turbines from the 44.5-MW facility that will not be used for CVEUP. Furthermore, the project owner shall not seek permission from the Commission for any expansion of the Project beyond the generation capacity set forth in this decision.

Verification: The project owner shall remove the gas turbines and associated equipment from the CVEUP site within 180 days of the commercial operation date of CVEUP.

TSE-8 Should the project owner, SDG&E or the CAISO desire to upgrade the portion of TL 649A along Albany Avenue between Main Street and Orange Avenue in the future, the project owner will consult with the City to determine if the City would like to underground this portion of TL 649A. Should the City desire to underground those lines, the project owner will pay for half of the additional cost required to place those transmission lines below ground.

Verification: Upon the project owner learning about the potential upgrade of TL 649A along Albany Avenue between Main Street and Orange Avenue, the project owner will contact the CPM and the City of Chula Vista to set a meeting to determine the City's interest in placing this section of transmission line underground. This mitigation will avoid the undesirable outcome of an improvement to this line increasing the cost of future efforts by the City to underground this line. The project owner shall provide a report on the action taken by the City. If the City of Chula Vista desires to underground the specified section of transmission line, the project owner shall pay half of the additional cost to underground the specified transmission line.

ATTACHMENT 3

"Resume of Jennifer Scholl, CH2M Hill"

Jennifer Scholl

Senior Project Manager

Education

B.A. University of California, Santa Barbara, Environmental Studies and Political Science International Relations, 1989

Distinguishing Qualifications

- Project management
- NEPA/CEQA compliance
- Industrial Facility Siting Studies
- Environmental planning and permitting
- Permit compliance management
- Land use planning
- Socioeconomic evaluation
- Public participation and community involvement

Relevant Experience

Ms. Scholl has more than seventeen years of experience in environmental planning and permitting of complex and controversial development projects. Specifically, Ms. Scholl has been involved with the permitting and construction compliance for power generation projects and ancillary facilities (i.e., transmission, gas, water, and sewer lines) and offshore oil and gas facilities with onshore processing and storage components in California. In addition to serving in a management capacity, Ms. Scholl's specific emphasis on these projects has been to conduct the land use and socioeconomic analyses. She also has extensive experience in leading Public Participation Programs. Prior to her work in private consulting, Ms. Scholl managed the permitting and environmental review of major oil and gas development projects, resort and residential developments, and oversaw the implementation of mitigation monitoring plans for the Santa Barbara County Planning and Development Department. Prior work experience includes the following:

Representative Projects and Dates of Involvement

Market Segment Projects

Electric Power Generation Experience

Project Manager; Lompoc Wind Energy Project Environmental Impact Report (EIR); Lompoc, Santa Barbara County; California; August 2006 – Present. Project Manager for preparation of an EIR for the development of a 120 MW wind energy electrical generation project on private ranch land in the Lompoc Valley. Public Draft expected to be released in May 2007.

Assistant Project Manager; Eastshore Energy Center; City of Hayward; Alameda County; California; June 2006 – Present. Assistant Project Manager for preparation of an Application for

Jennifer Scholl

Certification (AFC) (CEQA EIR equivalent) to the California Energy Commission (CEC) for a 115 MW peaker power plant in the City of Hayward. Responsible for assisting the Project Manager with day-to-day coordination with the client, CEC, and City of Hayward staff for addressing agency requirements. AFC submitted to the CEC in September 2006 and is expected to go through AFC processing and be approved and in commercial operation in 2009.

Project Manager; Pastoria Energy Facility 160 MW Expansion Project; Calpine Corporation; Kern County; California; October 2004 to August 2006. Project Manager for preparation of an AFC to the CEC for a 160 MW simple cycle addition to the existing Pastoria Energy Facility in southern Kern County. Responsible for day-to-day coordination with the client and CEC staff for addressing agency requirements. AFC submitted to the CEC in April 2005 and is expected to go through AFC processing and be approved and in commercial operation in Summer 2007.

Land Use Task Leader; South Bay Replacement Project; City of Chula Vista; San Diego County; California; June 2006 – Present. Land Use Task Leader for preparation of the Land Use Section of an AFC to the CEC for a 500 MW combined-cycle replacement project for the existing South Bay Power Plant. Responsible for evaluating the land use compatibility issues related to jurisdictional issues associated with the City of Chula Vista, California Coastal Commission, CEC, and the Unified Port of San Diego. AFC submitted to the CEC in June 2006 and currently going through CEC AFC processing.

Project Manager; Pastoria Energy Facility; Enron Capitol and Trade Resources; Kern County California; July 1998 to May 2001. Project Manager for preparation of an AFC to the CEC for a 750 MW cogeneration plant and ancillary facilities in southern Kern County (issue areas covered in the AFC included socioeconomics, land use, air quality, geology, water quality, biology, cultural and paleontological resources, traffic, hazards, public health, and worker safety. Responsibilities also included: preparation of a preliminary siting and issue screening study, and management of post filing activities (data adequacy, data responses, represent project before the CEC, participate in evidentiary hearings, and day-to-day project management) and pre-construction compliance planning.

Project Manager; Pastoria Energy Facility Construction Compliance; Calpine Corporation (ownership transferred from Enron to Calpine in May 2001); Kern County; California; January 2001 to Summer 2005. Project Manager for environmental compliance for pre-construction and construction activities. Construction was initiated in June 2001 and the project began commercial operations in Summer 2005. Responsibilities included managing the following activities: providing ongoing compliance support, preparing and docketing CEC license amendments, assisting with agency coordination, preparing compliance plans, managing onsite compliance monitors, providing oversight for flood control and geotechnical support, and providing ongoing historical support.

Assistant Project Manager; Pittsburg District Energy Facility/Los Medanos Energy Center; Enron Capitol and Trade Resources; Pittsburg, California; June 1998 to August 1999. Assistant Project Manager for post filing activities (data adequacy, data responses related to socioeconomic and land use information, evidentiary hearings, and management support) for an AFC for a 500 MW cogeneration plant and ancillary facilities in the City of Pittsburg.

Project Manager; Pittsburg District Energy Facility/Los Medanos Energy Center; Enron Capitol and Trade Resources; Pittsburg, California; July 1999 to September 2001. Project Manager for pre-construction and ongoing construction compliance activities including CEC

Jennifer Scholl

post-licensing issues, biology, cultural, paleontological, hazardous materials, geotechnical reporting, and process safety management monitoring and reporting.

Task Leader; Roseville Energy Facility; Enron Capitol and Trade Resources; Roseville, California; April 2001 to March 2002. Task Leader for land use, socioeconomic, cumulative, and laws ordinances, regulations, and standards (LORS) for the AFC for a 750 MW cogeneration plant and ancillary facilities in Roseville filed in August 2001. Also assisted client with addressing community land use-related concerns.

Land Use Task Leader; South City Generating Project; Confidential Client; South San Francisco, California; 1999 to 2000. Land Use Task Leader for preparation of an AFC for a 500 MW cogeneration plant and ancillary facilities in San Mateo County (AFC was never submitted).

Land Use Planning Advisor; United American Energy; San Francisco East Bay Area; 2000-2001. Provided land use permitting and CEQA support for electrical power generating projects in California.

Regulatory Advisor; Redondo Beach Generating Station (RGS); AES; Redondo Beach, California; 1999-2000. Served in an advisory capacity to RGS Plant Manager regarding the compatibility of future redevelopment proposals with ongoing and expanded power plant activities.

Assistant Project Manager; Long Beach District Energy Facility; Confidential Client; Long Beach, California; 1998-1999. Assisted project manager with preparation of an AFC for a 500 MW cogeneration plant and ancillary facilities in the Port of Long Beach (AFC was never submitted).

Regulatory Advisor/Siting Study Manager; Additional Support to Cogeneration Proposals in California; Numerous Confidential Clients; California; 1998-Present. Currently supports numerous electrical power generation proposals for multiple clients in California with siting and issue screening, project development, agency coordination, land use permit reconnaissance and strategy for AFC filing. Previous development prospects were in the following areas in California: San Jose, Arcata, Los Banos, Fresno, Antelope Valley, and several sites in southern California.

Task Manager; Antelope Transmission Project; Southern California Edison; Northern Los Angeles County; August 2005. Served as Initial Task Manager for Land Use and Socioeconomics/Environmental Justice and then Senior Technical Oversight Reviewer for two Proponent's Environmental Assessments (PEAs) for Southern California Edison's Antelope Transmission Project (66 kV/500 kV) in Kern and Los Angeles counties to serve existing and planned windfarm developments. PEA prepared for submittal to California Public Utilities Commission.

Oil and Gas Experience

Regulatory Specialist; Vahevala Project; Sunset Exploration, Inc. and ExxonMobil Corporation; Vandenberg Air Force Base, Lompoc, California; July 2004 to Present.

Jennifer Scholl

Assisted the Project Manager with preparation of applications to the County of Santa Barbara and State Lands Commission for the development of offshore oil and gas reserves. Also assisted with researching state and local policy issues.

Project Manager; Development Plan Application for Full Field Development of the South Ellwood Field; Venoco, Inc. Goleta, California; 1998-2000. Project Manager for preparation of the Development Plan application to the County of Santa Barbara and the State Lands Commission for a slant-drilling proposal on offshore Platform Holly in Santa Barbara County.

Project Manager; Gaviota Creek Pipeline Relocation; All American Pipeline; Gaviota, California; 1999-2000. Assisted client in resolving environmental and permitting issues (geology, hydrology, and cultural resources) associated with relocating the crude oil pipeline in Gaviota Creek.

Planner; County of Santa Barbara Energy Division; Santa Barbara, California; 1989-1995. Project Manager responsible for activities associated with the permitting and regulating of onshore components of offshore oil and gas projects within Santa Barbara County. Selected projects included:

- **Mobil Clearview Project.** Managed review of Mobil Oil Co. application for the Clearview project. Included environmental, economic, engineering studies, and safety and oil spill response plans. Represented the County as the Lead Agency for this complicated and controversial project, coordinated the environmental review requirements of permitting agencies, and served as the primary media and public information contact.
- **Gaviota Marine Terminal Facility/Marine Tanker Transport Request.** Managed permitting and environmental review of proposed facility modifications, coordinated multi-agency review for project's commencement of operations and marine tankering.

Environmental Review Experience

Senior Reviewer; Orange County Sanitation District Program EIR for Collection System Upgrades; Orange County; California; June 2006 – Present. Provided technical oversight and senior peer review for the Program EIR that is presently released for public comments.

Technical Reviewer and Land Use Task Leader; Santa Barbara Ranch EIR and Transfer of Development Rights Study; County of Santa Barbara; December 2004-March 2006. Provided technical oversight and served as the Land Use Task Leader for the preparation of this EIR and TDR Study evaluating proposed residential development in the Gaviota Coast area of Santa Barbara County.

Ellwood-Devereux Joint Proposal EIRs. Project Manager and Jurisdictional Coordinator for the preparation of three EIRS and an Open Space and Habitat Management Plan for the County of Santa Barbara, UCSB, and the City of Goleta for development proposed in the Ellwood-Devereux Joint Proposal area. Also coordinated directly with the Ellwood-Devereux Joint Review, comprised of the three jurisdictions, during the preparation of these three EIRs.

Jennifer Scholl

County of Santa Barbara Planning and Development Continuous Improvement Team Member. Currently participating as a public member of the Continuous Improvement Team. This team is a product of the Process Improvement effort, currently underway in the County of Santa Barbara Planning and Development Department. As a team member, Ms. Scholl has had the opportunity to work with Planning and Development staff and managers in addressing cultural change and implementing process improvements in response to County Grand Jury and Board of Supervisor criticism.

Planner; County of Santa Barbara, Planning and Development Department, Development Review Division; Santa Barbara, California; 1995-1997. Managed various permitting, NEPA/CEQA related reviews, and operation and compliance monitoring for projects which had a high level of public controversy including resort developments, and residential subdivisions. Specific project assignments included: Bacara Resort and Spa, Windermere Ranch Peace Retreat, and numerous housing subdivisions. Responsibilities included: organizing public meetings including scoping, environmental review, and public comment hearings, serving as the key media and public outreach contact, preparing initial studies, conducting state and local policy analyses, coordinating local, state and federal agencies, managing consultants, giving presentations to County elected and appointed officials, and reviewing compliance and engineering plans.

Contract Planning, City of Oxnard. Under contract to the City, provided planning support services including review of project applications, preparation of CEQA Initial Studies, processing of minor modifications to existing commercial and residential developments, consistency review of zoning ordinance and general documents, air quality impacts analyses using the URBEMIS model, and plan checking for commercial and residential projects.

Public Participation Experience

Public Participation Coordinator; Yellowstone Pipeline EIS, Lolo National Forest, Montana; June 1997 to June 1998. Managed the public involvement efforts for the NEPA environmental review process for a proposed re-route petroleum products pipeline from Missoula to Thompson Falls, Montana. Tasks included: agency coordination, set-up and logistics for scoping and informational meetings along the project route, meeting facilitation, preparation of all meeting handouts, preparation of project newsletters and public notices, website development, and maintenance of seven project repository sites.

Public Participation Coordinator; Additional Public Participation Coordination; Various Clients; Southern California; June 1997- June 1998. Provided public participation services for Whitewater River / Thousand Palms Flood Control Feasibility Study EIS/EIR under contract to the U.S. Army Corps of Engineers, Los Angeles District, and the Santa Fe Pacific Partners Carson to Norwalk Pipeline Project under contract to the California Public Utilities Commission. Tasks included: managing the public involvement efforts for the NEPA and CEQA environmental review processes, agency coordination, set-up and logistics for scoping and informational meetings, community outreach, meeting facilitation, preparation of all meeting handouts, preparation of project newsletters and public notices, website development, and maintenance of project repository sites.

Independent Contractor; Environmental Advocacy; Various Clients; Washington D.C., Las Vegas, and New Hampshire; 1986-1989. From 1986-1989, served as an independent

Jennifer Scholl

contractor involved with environmental advocacy and public involvement in Washington D.C., Las Vegas, and New Hampshire. Responsibilities included: preparation of public information brochures, responding to public information requests, working with the media, organizing press conferences, organizing presidential forums, coordinating volunteers, and managing field offices.

Professional Organizations/Affiliations

Association of Environmental Professionals

American Planning Association

University of California at Santa Barbara Environmental Studies Associates, Founding Board Member

Professional Development

National Charrette Institute, Charette Planner, January 2005

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

**APPLICATION FOR CERTIFICATION FOR
THE CHULA VISTA ENERGY UPGRADE
PROJECT**

DOCKET NO. 07-AFC-4

**PROOF OF SERVICE
(Revised 7/14/08)**

INSTRUCTIONS: All parties shall either (1) send an original signed document plus 12 copies or (2) mail one original signed copy AND e-mail the document to the address for the docket as shown below, AND (3) all parties shall also send a printed or electronic copy of the document, which includes a proof of service declaration to each of the individuals on the proof of service list shown below:

CALIFORNIA ENERGY COMMISSION
Attn: Docket No. 07-AFC-4
1516 Ninth Street, MS-14
Sacramento, CA 95814-5512
docket@energy.state.ca.us

<p>Harry Scarborough Vice President MMC Energy Inc. 11002 Ainswick Drive Bakersfield, CA 93311 hscarborough@mmcenergy.com</p>	<p>Douglas M. Davy, Ph.D. Senior Project Manager CH2M Hill 2485 Natomas Park Drive, Suite 600 Sacramento, CA 95833 ddavy@ch2m.com</p>
<p>Steven Blue Project Manager Worley Parsons 2330 E. Bidwell, Suite 150 Folsom, CA 95630 steven.blue@worleyparsons.com</p>	<p>Jane Luckhardt, Esq. Downey Brand LLP 555 Capitol Mall, 10th Floor Sacramento, CA 95814 jluckhardt@downeybrand.com</p>
<p>California ISO P.O. Box 639014 Folsom, CA 95763-9014 e-recipient@caiso.com</p>	

<p>California Unions for Reliable Energy (CURE) c/o Marc D. Joseph Gloria Smith Suma Peesapati Adams, Broadwell, Joseph & Cardozo 601 Gateway Blvd., Suite 1000 South San Francisco, CA 94080 mdjoseph@adamsbroadwell.com gsmith@adamsbroadwell.com speesapati@adamsbroadwell.com</p>	<p>City of Chula Vista, California c/o Charles H. Pomeroy Caren J. Dawson McKenna, Long & Aldridge, LLP 444 South Flower Street Los Angeles, CA 90071 cpomeroy@mckennalong.com cdawson@mckennalong.com</p>
<p>Environmental Health Coalition Diane Takvorian & Leo Miras 401 Mile of Cars Way, Suite 310 National City, CA 91950 DianeT@environmentalhealth.org LeoM@environmentalhealth.org</p>	
<p><u>ENERGY COMMISSION</u></p> <p>Jackalyne Pfannenstiel, Chair Presiding Committee Member jpfannen@energy.state.ca.us</p> <p>James D. Boyd, Vice Chair Associate Committee Member jboyd@energy.state.ca.us</p> <p>Raoul Renaud Hearing Officer rrenaud@energy.state.ca.us</p>	<p>Chris Meyer Project Manager cmeyer@energy.state.ca.us</p> <p>Kevin Bell Staff Counsel kbell@energy.state.ca.us</p> <p>Public Adviser's Office pao@energy.state.ca.us</p>

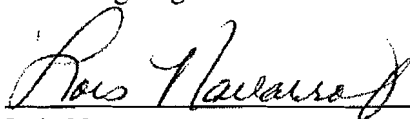
DECLARATION OF SERVICE

I, Lois Navarrot, declare that on September 16, 2008, I deposited copies of the attached **MMC's Prehearing Conference 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.

OR

Transmission via electronic mail was consistent with the requirements of the California Code of Regulations, title 20, sections 1209, 1209.5 and 1210. All electronic copies were sent to all those identified on the Proof of Service list above.

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

A handwritten signature in cursive script, appearing to read "Lois Navarrot", written over a horizontal line.

Lois Navarrot