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July 28, 2010

California Energy Commission
Attn Docket No. 09-AFC-8
1516 Ninth Street, MS-4
Sacramento, CA 95814-5512

DOCKET	
09-AFC-8	
DATE	<u>JUL 28 2010</u>
RECD.	<u>JUL 28 2010</u>

Re: Genesis Solar Energy Project; 09-AFC-8

Dear Docket Clerk:

Enclosed are an original and copy of Rachael Koss' letter to all parties in the Genesis proceeding, attaching letters from the United Association of Journeymen and Apprentices of the Plumbing and Pipe Fitting Industry of the United States and Canada and the International Brotherhood of Electrical Workers to Commissioner Weisenmiller.

Please docket the original, conform the copy and return the copy in the envelope provided.

Thank you for your assistance.

Sincerely,

/s/

Rachael E. Koss

REK:bh
Enclosures

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July 28, 2010

To All Parties in the Genesis Proceeding, 09-AFC-08

The attached letters from the United Association of Journeymen and Apprentices of the Plumbing and Pipe Fitting Industry of the United States and Canada and the International Brotherhood of Electrical Workers to Commissioner Weisenmiller are being served and docketed for your information.

Sincerely,

/s/

Rachael E. Koss

REK:bh
Attachments



**INTERNATIONAL
BROTHERHOOD
OF ELECTRICAL
WORKERS®**

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EDWIN D. HILL
International President

LINDELL K. LEE
International
Secretary-Treasurer

July 23, 2010

Commissioner Robert B. Weisenmiller
California Energy Commission
1516 Ninth Street
Sacramento, CA 95814

Re: Genesis Solar Project – 09-AFC-08

Dear Commissioner Weisenmiller:

I recently received a copy of the letter to you from Douglas McCarron, General President of the United Brotherhood of Carpenters. I have also learned of the statements made by representatives of the Carpenters Union at your July 12 hearing on the Genesis Project. For several reasons, the letter and the statements are highly disturbing and inappropriate.

The California Energy Commission has a well-known national reputation for carefully protecting California's environment and for welcoming broad public participation in its proceedings, while successfully permitting many new power plants. It is highly unfortunate that the Carpenters Union would assert that the Commission should ignore legitimate environmental issues or devalue public participation because of the identity of the participant. We have confidence that the Commission has far too much integrity to give any weight to such a demeaning, petty request.

It is equally unfortunate that the Carpenters Union would attempt to inject irrelevant labor issues into the Commission's environmental proceeding. That attempt reflects both ignorance of the Commission's jurisdiction and the IBEW's history of successful environmental advocacy.

Unlike the Carpenters Unions, you well know that the Commission has the duty to fully analyze all relevant environmental issues regardless of which party raises those issues. The Commission has shown innumerable times in the past that it takes its obligation quite seriously. We are frankly baffled by the Carpenters Union's bizarre suggestion that the significance of an environmental issue depends on which party raised the issue.

You also know, unlike the Carpenters Union, that the Commission is not the forum to air or resolve labor issues. The IBEW has never asked the Commission to consider labor issues and will not start now. We have too much respect for the legitimate, and very difficult mission of the Commission to ask you to do anything other than faithfully carry out your genuine obligations.



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Commissioner Robert B. Weisenmiller
July 23, 2010
Page Two

The Commission has many times in the past defended the right of labor organizations to participate as full parties in Commission proceedings, while rejecting attempts to unfairly constrain the participation of any party. That commitment to full public participation has served the public very well and allowed the IBEW, often as a participant in the California Unions for Reliable Energy, to successfully advocate for cleaner projects that enable sustainable development.

I won't attempt to catalogue all of the environmental benefits resulting from the IBEW's participation with CURE in Commission proceedings. A short list would include cutting in half the NOx BACT limit for gas fired plants, having several plants dry cooled rather than wasting fresh water, making oxidation catalysts standard on all new plants and reducing air pollutant emissions during construction. Indeed, it is quite ironic that at the very hearing that the Carpenters Union asked you to devalue CURE's participation, NextEra finally agreed that its Genesis Project would be dry cooled – the position that CURE has been vigorously advocating for both of the NextEra projects.

Thank you for your consideration and continuing value you put on full public participation in Commission proceedings.

Sincerely,

Edwin D. Hill
International President

EDH:jkb

Copy to Michael S. Mowrey, International Vice President, Ninth District, IBEW



United Association of Journeymen and Apprentices of the
Plumbing and Pipe Fitting Industry of the United States and Canada

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Founded 1889

General Office File Reference: WPH

William P. Hite
General President

Patrick R. Perno
General Secretary-Treasurer

Stephen F. Kelly
Assistant General President

July 26, 2010

Robert B. Weisenmiller, Commissioner
California Energy Commission
1516 Ninth Street
Sacramento, CA 95814

Re: Genesis Solar Project

Dear Commissioner Weisenmiller:

I recently learned of the surprising letter sent to you by Doug McCarron, President of the Carpenters Union, and the similar uninformed statements made by representatives of the Carpenters Union at the recent hearing on NextEra's Genesis project. Their attacks on CURE, of which the Pipe Trades is a key member, are completely unfounded. The Carpenters have misunderstood the history of our union and their self centered attacks are irrelevant to the California Energy Commission process. I am writing this letter to you in the hope I can set the record straight.

The United Association of Plumbers and Pipefitters has a very long history of participating in public proceedings to improve public health and safety. Since the late 19th century, the UA has played a critical role in reducing urban infection and disease by advocating mandatory standards for plumbing systems to protect community health. We have continued this tradition and in December 2004, in *Plastic Pipe and Fittings Association v. California Building Standards Commission*, the Court of Appeals, in Los Angeles, agreed with us that new plastic potable water pipe materials must be tested for potential health and safety risks prior to state approval. In December 2009, in *Center for Environmental Health v. California Building Standards Commission*, the court upheld our claims and overturned the State's approval of cross-linked polyethylene (PEX) plastic drinking water pipe for use in California homes, schools, daycare centers and other buildings because the State failed to evaluate health risks from chemicals that leak from PEX pipe such as MTBE.

As part of our participation with CURE at the Energy Commission, we have improved many of the power plants approved by the Commission. Most recently, we reached a settlement with Solar Millennium for its 1,000 MW Blythe project that includes a range of measures to protect biological resources and measures to protect construction workers from unexploded ordnance. An extensive Joint Statement listing the details of that settlement was filed with the Commission.

All of these activities serve the public interest by protecting public health and safety, and the environment, and encouraging the sustainable development that is critical to our future. This activity is exactly what is intended by California law – CEQA and the Warren-Alquist Act – in order to ensure that issues are fully examined.

Unfortunately, the Carpenters Union does not seem to understand any of this. They ask the Commission to ignore the valid issues we raise simply because they have unrelated labor

issues. We have more faith in the Commission. We are confident the Commission will evaluate our advocacy on the merits, undistracted by the Carpenters attempt to inject their labor issues into an environmental proceeding.

Thank you for your consideration and thank you for the work you and your commission do on behalf of the citizens of California.

Sincerely,

A handwritten signature in black ink that reads "William P. Hite". The signature is written in a cursive, flowing style.

William P. Hite
General President



PROOF OF SERVICE

I, Bonnie Heeley, declare that on July 28, 2010 I served and filed copies of the attached **Rachael Koss' letter (7/28/10) to all parties in the Genesis proceeding, attaching letters from the United Association of Journeymen and Apprentices of the Plumbing and Pipe Fitting Industry of the United States and Canada and the International Brotherhood of Electrical Workers to Commissioner Weisenmiller.** 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 www.energy.ca.gov/sitingcases/genesis. 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 electronically to all email addresses on the Proof of Service list and by either depositing in the U.S. Mail at South San Francisco, CA with first-class postage thereon fully prepaid and addressed as provided on the Proof of Service list to those addresses NOT marked "email preferred," via personal service or via overnight mail as indicated.

I declare under penalty of perjury that the foregoing is true and correct. Executed at South San Francisco, CA on July 28, 2010.

_____/s/_____
Bonnie Heeley

<p>CALIFORNIA ENERGY COMMISSION Attn: Docket No. 09-AFC-8 1516 Ninth Street MS 4 Sacramento, CA 95814-5512 docket@energy.state.ca.us</p>	<p>Ryan O'Keefe, Vice President Genesis Solar LLC 700 Universe Boulevard Juno Beach, Florida 33408 Ryan.okeefe@nexteraenergy.com EMAIL ONLY</p>	<p>Scott Busa/Project Director Meg Russell/Project Mgr Duane McCloud/Lead Engr NextEra Energy 700 Universe Boulevard Juno Beach, FL 33408 Scott.bus@nexteraenergy.com Meg.Russell@nexteraenergy.com Daune.mccloud@nexteraenergy.com</p> <p>Matt Handel/Vice Pres. Matt.Handel@nexteraenergy.com VIA EMAIL ONLY</p> <p>Kenny Stein, Environmental Srvs Mgr Kenneth.Stein@nexteraenergy.com VIA EMAIL ONLY</p>
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