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April 13, 2009

California Energy Commission
1516 9th Street
Sacramento, CA 95814

DOCKET
07-AFC-4

DATE	APR 13 2009
RECD.	APR 20 2009

RE: SUPPORT for the Chula Vista Energy Upgrade Project (07-AFC-4)

Dear Presiding Commissioner Boyd and Commissioners:

On behalf of the Mexican American Business and Professional Association (MABPA), I am writing to urge your approval of the Chula Vista Energy Upgrade Project (CVEUP). We have followed the progress of this project from the very beginning and were very pleased when the Preliminary Staff Assessment (PSA) concluded that the proposed CVEUP could be licensed without causing significant environmental impacts with implementation of staff's proposed mitigation measures. This followed the Air Pollution Control District Preliminary Determination of Compliance for the CVEUP that determined that, "Based on emissions calculations, emissions offsets are not required for this project." Even so, the mitigation package presented by MMC and the City of Chula Vista offers exceptional energy conservation alternatives for the community and local energy reliability.

For all of these reasons we are surprised and disappointed with the Presiding Member's Proposed Decision (PMPD) and respectfully disagree with the findings in the PMPD that the CVEUP does not comply with all applicable Land Use Laws, Ordinances, Regulations, and Standards (LORS). We are also concerned that the PMPD appears to give more weight to interveners' opinions of interpretation of the City's General Plan and the City zoning code over the City's own opinion. The Environmental Health Coalition (EHC) is only one of many groups including MABPA that provided input to the City on its General Plan. The City has consistently interpreted its zoning code to allow flexibility in siting uses that are neither specifically allowed nor specifically precluded. Just as the City approved the original peaker as an unclassified quasi-public use in a limited industrial zone, the proposed CVEUP would similarly be proper in that zone for the same reasons.

We believe the CEC Staff's Alternatives analysis which considered both the availability of sites and the possibility of site control adequately demonstrated that there are no feasible alternatives to the proposed project including the "no project" alternative. This while a discussion of site alternatives is not required if the commission finds that the project has a strong relationship to the existing industrial site (which it does) and that it is therefore reasonable not to analyze alternative sites for the project.

Page 2
California Energy Commission
April 13, 2009

The CEC has recognized peaking generation projects as necessary to support the shift to large-scale renewable baseload generation. In fact, quick-start peaking generation facilities such as the proposed CVEUP are required to support large-scale renewable baseload generation from sources such as "rooftop" Photovoltaic (PV) generation. The Committee should acknowledge this basic difference between these generation technologies and their respective purposes.

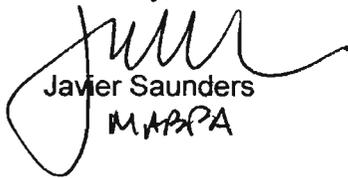
As demonstrated by the evidentiary record, there are no unmitigated significant adverse environmental impacts from the proposed project. The "no project" alternative is not acceptable. The alternative would leave our community with the existing antiquated 1970's technology of the Chula Vista Power Plant, which is much less efficient and emits much higher concentrations of air pollutants. Oxides of nitrogen emissions (a precursor to ozone formation) produced by the CVEUP will be at least 90 percent less per megawatt than those produced by many older, existing power plants. In addition to the significant reduction of emissions, the CVEUP operating efficiency will be such that the plant will consume less fuel than older plants of similar size.

In conclusion, we applaud the efforts of the CEC, the City of Chula Vista and MMC Energy for working collaboratively to identify and present benefits for the residents and businesses surrounding the proposed CVEUP. We have met with many of the residents and businesses in the surrounding area and are encouraged by the support we found for the CVEUP. They expressed appreciation for the portfolio of local mitigation commitments and for the economic benefits that will result of the millions in tax increments generated from the CVEUP.

MABPA, founded in 1978, is comprised of successful business owners, senior level professionals, and public official representatives that collectively offer a wide range of expertise and hands on involvement on issues that impact our community. In addition, a significant percentage of our members reside and work in the Southern Region of San Diego County.

MABPA strongly urges the Commission's approval of the CVEUP.

Sincerely,


Javier Saunders
MABPA