

Rob Simpson's and Helping Hand Tools comments on the PMPD Errata For the Pico Pico 11-AFC-01

The Errata ignores most of our previous comments.

The Errata states; "In comments on the PMPD submitted September 5, 2012, Rob Simpson stated that CEC had failed to provide notice of these proceedings to affected persons in the nearby prison facilities and Mexico. As indicated above, CEC has provided all legally-required notices of the project, and has conducted community outreach throughout these proceedings."

The CEC has not contradicted our comment or indicated that Notice or outreach was conducted over the international border or at the adjacent prisons. The environmental impacts and human rights of these communities has not been considered.

The Errata states; "Mr. Simpson acknowledges that CEC decisions are not precedential or binding upon us unless so designated and the CVEUP Decision was not so designated"

The above statement misstates our comment but the CEC should clarify what basis they rely on Avenal as a precedent but decline to rely on CVEUP. The CEC should not rely on the flawed Avenal decision and instead do a realistic analysis of GHG like every other agency would under CEQA or the Clean Air Act. The CEC should rely on the CVEUP decision

The Errata states; "Neither circumstance exists here. PPEC's contribution of 300 MW of peaking and load-following capacity to the grid is substantial and not capable of being replaced in the near term by rooftop solar. Nor has our analysis in the Land Use section of this Decision found a zoning or other LORS conflict which would require the CEC to determine whether the public convenience and necessity would warrants overriding a LORS conflict."

The claim that addition of the generation is "substantial" does not indicate that the addition is beneficial. The record for this proceeding is incomplete in the void of a power purchase agreement or adequate demonstration that the system would benefit by this much more fossil fired generation. This generation prevents the development of renewable resources. All proposed facilities claim to be to support renewable resources. The CEC should stop and examine why the corresponding renewable resources are never developed perhaps if the CEC followed the Attorney Generals advice and require solar to be developed in conjunction with the facility on available roof tops and other areas the public will at least get one megawatt of clean energy. The CEC response that "while important and necessary, solar is not a complete substitute for the project. " errata 3 misstates the comment and attorney generals recommendation. Solar, at least on available onsite surfaces, is BACT for GHG and other pollutants.

The Errata states; Nor has our analysis in the Land Use section of this Decision found a zoning or other LORS conflict which would require the CEC to determine whether the public convenience and necessity would warrants overriding a LORS conflict. Simply because the CEC chooses to ignore the county nuisance ordinance for emissions does not eliminate the LORS.

Rob Simpson

Helping Hand Tools 1901 First Avenue, Ste. 219 San Diego, CA 92101