

Energy - Docket Optical System

From: Energy - Public Adviser's Office
Sent: Thursday, March 07, 2013 8:52 AM
To: Energy - Docket Optical System
Subject: FW: Former Agenda ID# 11757 and #11758: Decision Denying Authority of San Diego Gas & Electric to Enter Purchase Power Tolling Agreements (A1105023)

TN # 69841

MAR. 07 2013

Categories: Ready to Docket

From: Stephen Goldfarb [mailto:steveg50_94609@yahoo.com]
Sent: Tuesday, March 05, 2013 4:53 PM
To: Energy - Public Adviser's Office
Subject: Former Agenda ID# 11757 and #11758: Decision Denying Authority of San Diego Gas & Electric to Enter Purchase Power Tolling Agreements (A1105023)

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From: Stephen Goldfarb <steveg50_94609@yahoo.com>
To: Mark.Ferron@cpuc.gov; Michael.Peevey@cpuc.gov; cCatherine.Sandoval@cpuc.gov; Carla.Peterman@cpuc.gov; Michael.Florio@spuc.gov
Cc: Public.Advisor@cpuc.gov
Sent: Tue, February 26, 2013 11:53:28 AM
Subject: Agenda ID# 11757 and #11758: Decision Denying Authority of San Diego Gas & Electric to Enter Purchase Power Tolling Agreements (A1105023)

Mark J. Ferron, Lead Commissioner for A1105023
Michael R. Peevey, President
Michael Peter Florio
Catherine J.K. Sandoval
Carla Peterman

Dear Commissioner:

Items coming before the Commission on February 28, 2013 meeting (since postponed to March 21 at the San Diego meeting) are decisions whether to deny, or grant partial authority, for San Diego Gas & Electric to enter into purchase power tolling agreements with Escondido Energy Center, Pio Pico Energy Center and Quail Brush Power. The Commission will vote on a draft decision prepared by Administrative Law Judge Hallie Yacknin or the alternate draft prepared by Commissioner Ferron. I support and encourage your vote to approve either of the two drafts.

The draft prepared by Administrative Law Judge Yacknin denies authority to enter into purchase power tolling agreements with the three power generating plants (Escondido, Pio Pico and Quail Brush), and the alternate draft denies authority to Pio Pico and Quail Brush.

Both proposed decisions base their decision on the finding that a need for local power increase has not been established until 2018. Therefore the present



applications are denied (or partially granted in the case of Escondido Energy Center). San Diego Gas and Electric may process a renewed application without prejudice.

The draft documents are excellently constructed and reasoned. They review the issues in breadth and depth. They show high scholarship, workmanship and credibility. I believe the draft documents present a firm basis for the Commissioners to render a decision.

I refer you to the Findings of Fact on page 18 of Administrative Law Judge Yacknin's draft, and the Conclusions of Law starting on page 19. The recommended order to deny the power purchase tolling agreements follows logically therefrom.

The determination to construct a power plant in California is complex. A number of separate governing agencies are involved. Local authorities may establish whether a proposed power plant is in accordance with the municipality's laws, ordinances and rules. However, even if local authorities rule that a proposed power plant is contrary to its laws, the decision may be overridden by the California Energy Commission, the lead agency. Local authorities and residents are therefore reliant and must trust that the other overseeing government agencies, in this case the California Public Utilities Commission, act diligently and objectively.

My concern and interest is with the Quail Brush Project in the City of San Diego. The applicant initiated the Quail Brush Project by siting it in the East Elliott Planning Area, an open space preserve protected by the Multiple Species Conservation Program (MSCP). The MSCP is a Habitat Conservation Plan under the U.S. Endangered Species Act. The applicant threw down the gauntlet from the outset. The East Elliott Community Plan describes the area as follows:

East Elliott is dominated by native vegetation including sage scrub, chaparral, native grassland and oak and sycamore woodland and constitutes one of the largest and biologically

most important remaining open space areas in San Diego. The topography is characterized by a series of parallel north-south trending canyons and ridges. A number of endangered and

threatened wildlife species inhabit this area.

As such, a majority of the area (2,259 acres out of the 2,862 in the East Elliott planning area) will be one of the most important components of the City's Multiple

Species Conservation Plan (MSCP). These open space areas will provide habitat for a number of endangered or threatened wildlife species and will provide corridors for wildlife

movement from Mission Trails Park northward into the Miramar area.

The power plant siting area is across from Mission Trails Regional Park, the largest intra-city wilderness park in California. It is also close to residential neighborhoods. Schools and hospitals are nearby.

The issue of establishing a power plant (longer than a football field with 100 foot tall smokestacks) in the midst of this environmentally sensitive area was thoroughly vetted at community planning groups, the San Diego Planning Commission, and the City Council. Ultimately the Planning Commission and the City

Council resoundingly denied the Quail Brush application.

Now it is up to the California Public Utilities Commission to diligently perform its duties with regard to whether the application should be denied based on the fact that no need for additional power had been established till 2018.

Thank you for your review and consideration.

Sincerely,

Stephen Goldfarb

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