

September 5, 2012

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California Energy Commission

DOCKETED

01-AFC-24C

TN # 67051

SEP 07 2012

Subject: Staff Analysis Regarding Bridge Crane (Posted 2012-08-22)
 Palomar Energy Center (PEC) Docket No. 01-AFC-24C

cc: Susan Gefter (CEC) Hearing Officer sgefter@energy.state.ca.us
 James D. Boyd – Marlene Elliot melliot@energy.state.ca.us
 Jennifer Jennings (PAO) Jennifer.jennings@energy.state.ca.us

The published report dated August 10, 2011 regarding the December 22, 2010 fire at PEC that the current "Staff Analysis" is basing its decision on specifically states that the report was based on the information available at that time. At that time it was recommended, "...that no additional mitigation be required for the Palomar facility or for new facilities to be permitted by the Energy Commission in the future..."; however this points out that staff still fails to take into consideration all factual information that was available at that time as well as additional information that has since become available and therefore improperly uses the August 10, 2011 report in their conclusions. Although the current staff report mentions my July 9, 2012 request to reconsider any modifications until mitigations measures are implemented as a result of the fire this does not appear to be under consideration since staff has not taken the time to evaluate the data available. The simple fact that reporting of the incident by SDG&E to the Energy Commission did not take place is highly questionable and an indication of a lack of enforcement/compliance or rules by the CEC. Additional issues and sequence of events:

- 1) The CEC clearly defers the City of Escondido as the "primary" responder if a fire were to occur at the facility and indicates that staff interviewed the fire chief, incident commander and USMC Camp Pendleton Crash Fire Team Lead after the incident, yet a report given by the Chief of the Escondido Fire Department for the Carlsbad Energy Center Project (07-AFC-6) on May 16, 2011 evidently was not taken into consideration for this report nor was he contacted regarding comments for the CEC Business Meeting Agenda that this decision is based.
- 2) It took approximately three hours from the time Escondido Fire Department crews arrived until they were able to confirm to the incident commander's satisfaction that the plant was completely de-energized.
- 3) It was determined to apply Class B foam to the fire yet neither the power plant nor the Escondido Fire Department had a cache of Class B foam available.
- 4) By the time the USMC unit and personnel arrived on site the fire had been burning in excess of six hours resulting in the temperature of the fire to exceed the suppression threshold of the foam and resulted into the effect similar to throwing water on a grease fire.
- 5) This was the third failure of a transformer since Palomar came on-line.
- 6) The placement of existing water hydrant was not accessible because it was "exposed" during the fire preventing anyone from operating the valve raises several CEC design & safety requirement issues including the use/requirement of a fixed foam fire system at the facility.
- 7) SDG&E is currently attempting to pass \$1 billion in costs not covered by insurance onto ratepayers associated with the 2007 wildfires due to their negligence. The resulting fire ended up destroying 1,000 homes and hundreds of other structures, but Sempra/SDG&E prefers to protect the interest of shareholders and their record profits rather than their responsibilities to the public as apparent here in Escondido with their facility as well.
- 8) Indemnity and Hold Harmless Agreement between Palomar Pomerado Health (PPH) and SDG&E in order to build the "Hospital of the Future" because SDG&E was concerned about increased litigation exposure and permitting difficulties to locate adjacent to PEC prevents any objectionable criticism from PPH or the City of Escondido and has resulted in "zero" comments regarding the facility and its operation.

Thank you for your time and attention to the matter.

//Signed//

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