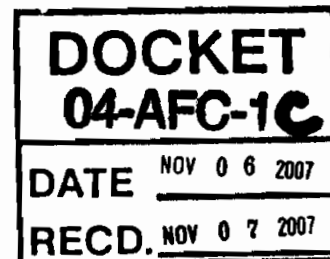


**From:** Michael Boyd <michaelboyd@sbcglobal.net>  
**To:** <debra.bolton@mirant.com>, <Jeffrey.russell@mirant.com>  
**CC:** <docket@energy.state.ca.us>, <el00-95@lists.ferc.gov>, <cityattorney@sfg...>  
**Date:** 11/6/2007 11:26 PM  
**Subject:** 04-AFC-1 and EL00-95-000 I am attempting to determine if Mirant has entered in to negotiations with the City and County of San Francisco (CCSF) to shutdown their Potrero Hill power plant once the California Independent System Operator Corporation determines it is no longer needed for reliability?  
**Attachments:** Agreed Order Disallowing Claim.pdf

Debra Raggio-Bolton  
Mirant Americas, Inc.  
601 13th St NW Ste 850N  
Washington, DISTRICT OF COLUMBIA  
UNITED STATES  
debra.bolton@mirant.com

Jeffrey S. Russell  
VP West Region Operations  
Mirant California, LLC  
P.O. Box 192  
Pittsburg, California 94565  
Jeffrey.russell@mirant.com



Dear Debra Bolton and Jeffrey Russell,

I am attempting to determine if Mirant has entered in to negotiations with the City and County of San Francisco (CCSF) to shutdown their Potrero Hill power plant once the California Independent System Operator Corporation determines it is no longer needed for reliability? If the answer is yes can I please have a copy of the agreement the Chronicle states the Mayor's office has made with Mirant.

CAIifornians for Renewable Energy, Inc. (CARE's) claims against Mirant in behalf of energy ratepayers arose prior to Mirant's bankruptcy. This is demonstrated by the attached ruling by the Mirant bankruptcy court granting CARE leave to pursue our claims that arose out of the energy crisis of 2000 and 2001 against Mirant.

Likewise our claims against the California Department of Water Resources (DWR) arose out of the energy crisis of 2000 and 2001. In this case the CCSF's combustion turbine project is a DWR contract that arose out of a settlement agreement between Williams Energy, CCSF, and the state that arose out of the energy crisis of 2000 and 2001.

Mr. Lynne Brown, who is the Vice-President of CARE, resides at 24 Harbor Road in Bay View Hunters Point San Francisco, along with his family. CARE has a lease for office space with the Grace Tabernacle Church at 1125 Oakdale Avenue also located in Bay View Hunters Point San Francisco and Mr. Brown has his office there. Mr. Brown is a Plaintiff in a suit in the Federal District Court in San Francisco Case No.: C-07-4936-JCS against the CCSF CTs and Mirant's agreement with CCSF might prejudice his case before the court so I am seeking to determine whether or not Mirant is taking action that is adverse to CARE's members interests in this regard?

Thank you for your clarification of this matter.

Michael E. Boyd President CARE  
5439 Soquel Drive  
Soquel, CA 95073  
Phone (408) 891-9677

here -->

Regulators approve S.F. power plant  
David R. Baker, SF Chronicle Staff Writer  
Thursday, November 1, 2007

San Francisco energy officials have unanimously approved building a \$230 million power plant near Potrero Hill, a project they say will finally let the city close an older, dirtier plant nearby.

Wednesday's vote by the San Francisco Public Utilities Commission represented one of the last government approvals needed before construction can begin on the plant, which will be located near the bay at 25th Street.

The commission's staff now must finalize an agreement with J-Power, a Japanese power company that would build the plant.

That agreement must then be approved by the Board of Supervisors to take effect, with a vote possible before Thanksgiving. The board endorsed the project in concept earlier this week.

Once up and running, the plant will eliminate the need for an older power plant nearby, owned by Mirant Corp. of Atlanta. Neighbors and city officials have wanted to close Mirant's Potrero Hill plant for years. But they have been blocked by the managers of California's power grid, who insist that San Francisco have at least one working power plant within city limits to ensure that power stays on during an emergency.

"To me, this is the only way we can get it done and get Potrero closed, once and for all," said Ann Moller Caen, the commission's vice president.

The project's opponents had feared that Mirant might keep its plant open anyway, giving southeastern San Francisco two fossil-fuel power plants instead of one.

But on Tuesday, Mirant and city officials reached an agreement to shut the older plant as soon as the state's power grid managers say it's not needed.

In return, the city will help the company explore ways to redevelop the 27-acre site and will give speedy consideration to rezoning the property, said Jesse Blout, Mayor Gavin Newsom's director of economic development.

That agreement changed the terms of the debate, erasing one of the utilities commission's main concerns.

Commissioners also insisted that the agreement with J-Power limit the new plant's operations. The plant - which will have three combustion turbines burning natural gas - was designed to be a peaker, supplying power only when the state's need for electricity is high.

But the project's state government permits would have allowed J-Power to run it far more often, creating more pollution as a result. So the J-Power contract will specifically state that the plant will run only when the state's power grid manager, the California Independent System Operator, decides it is needed.

The commission also will explore the possibility of running just two of the turbines instead of three.

Commissioner Richard Sklar, who had been sharply critical of the project, said the changes vastly improved the deal, enough that he could support it.

"We didn't get to perfection, but we've come a long way from where we were," he said.

But not all of the project's critics were satisfied. Southeastern San Francisco has endured more industrial pollution than the rest of the city, and many of its residents hate the idea of replacing one power plant with another.

Environmentalists, meanwhile, question the wisdom of building a new fossil fuel plant when the city is trying to cut its emissions of greenhouse gases and fight global warming.

"We ask that you find a zero-emission alternative. That hasn't happened yet," said Joshua Arce, executive director of the Brightline Defense Project, a nonprofit group that has sued to stop the plant.

E-mail David R. Baker at [dbaker@sfchronicle.com](mailto:dbaker@sfchronicle.com).

This article appeared on page C - 1 of the San Francisco Chronicle

**ENTERED**

TAWANA C. MARSHALL, CLERK  
THE DATE OF ENTRY IS  
ON THE COURT'S DOCKET

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ATTORNEYS FOR THE DEBTORS AND DEBTORS-IN-POSSESSION

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE NORTHERN DISTRICT OF TEXAS  
FORT WORTH DIVISION**

In re	)	Chapter 11 Case
MIRANT CORPORATION, et al.,	)	Case No. 03-46590 (DML)
Debtors.	)	Jointly Administered

**AGREED ORDER DISALLOWING PROOF OF CLAIM NO. 4649  
FILED BY CALIFORNIANS FOR RENEWABLE ENERGY, INC.**

WHEREAS this Court has considered the (1) *Proof of Claim No. 4649 (the "Claim")* filed by *Californians For Renewable Energy, Inc. (CARE) ("Claimant")* in the cases of the above-captioned debtors and debtors in possession (*the "Debtors"*), (2) the *"Tier IV Objection To Proof Of Claim Filed By Californians For Renewable Energy (Claim No. 4649)" (the "Objection")* with respect to said Claim and (3) CARE's notice of its requested withdrawal of said Claim;

WHEREAS this Court has jurisdiction to consider the Claim, the Objection and the Claimant's requested withdrawal pursuant to 28 U.S.C. §§ 157 and 1334;

WHEREAS due notice of the Objection has been served on all parties entitled thereto in accordance with the Bankruptcy Rules and this Court's "Second Order Amending Complex Case Treatment;" and

WHEREAS it appears that the relief requested in the Objection and CARE's requested withdrawal of its Claim is in the best interest of the Debtors, their estates and creditors, and good cause has been shown therefor,

**THE COURT HEREBY FINDS that:**

1. This Court has jurisdiction over this matter; and
2. The Claim should be disallowed with prejudice to CARE's ability to reassert the Claim in any forum; and

**THE COURT THEREFORE ORDERS that:**

1. The Objection is SUSTAINED and CARE's request to withdraw its Claim is GRANTED.
2. The Claim is disallowed and expunged in its entirety with prejudice to the Claimant's ability or right to reassert the Claim in any forum.
3. The Claimant is barred and prohibited from reasserting the Claim or a related cause of action for, or claimed right to, payment against any of the Debtors based in whole or in part on any fact, event, occurrence, condition or thing first coming into existence (in whole or in part) on or prior to the date hereof.
4. However, notwithstanding the foregoing, nothing in this Order shall prohibit CARE from participating fully in any proceedings of regulatory bodies including but not limited to the Federal Energy Regulatory Commission and the California Public Utilities Commission that are exercising regulatory jurisdiction over the Debtors, or in any judicial proceedings on review of the decisions of such regulatory bodies, notwithstanding that such proceedings might

result in regulatory action against the Debtors or their economic interests; provided that the Debtors reserve all of their rights and defenses, including under the Bankruptcy Code, in connection with CARE's participation in any such proceedings of regulatory bodies.

5. This Court shall retain jurisdiction over any and all disputes arising under or otherwise relating to the construction, performance and enforcement of the terms of this Order.

Dated: July 18, 2005

  
UNITED STATES BANKRUPTCY JUDGE

AGREED AS TO FORM AND CONTENT

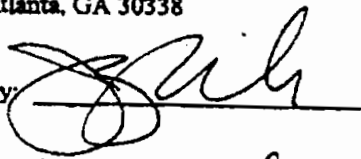
Dated: May 13, 2005

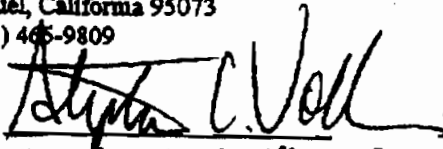
DEBTORS AND DEBTORS IN POSSESSION

CALIFORNIANS FOR RENEWABLE ENERGY, INC.

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(831) 465-9809

By:   
Attorney - Mirant Corporation

By:  5-5-05  
STEPHAN C. VOLKER  
ATTORNEY FOR CARE