April 7, 2010

VIA E-MAIL (c/o CHoffman@energy.state.ca.us)

CEC Commissioners
c/o Craig Hoffman – CEC Project Manager
Siting, Transmission and Environmental Protection Division
California Energy Commission
1516 Ninth Street, MS-15
Sacramento, CA 95814

Re: Mariposa Energy Project/CEC Docket #09-AFC-03

On March 10, 2010, the Mountain House Community Services District adopted Resolution R-MMX-4 in opposition to the Mariposa Energy Project. The Resolution is attached to this letter. Please include the Resolution in the Project Documents.

Morgan K. Groover, P.E.
Development Manager
Mountain House Community Services District
BEFORE THE BOARD OF DIRECTORS OF THE
MOUNTAIN HOUSE COMMUNITY SERVICES DISTRICT

RESOLUTION

R-MMX-4

RESOLUTION AMENDING RESOLUTION MMIX-18 OPPOSING THE
PROPOSED CONSTRUCTION OF A POWER PLANT ON OR NEAR THE
BORDER OF ALAMEDA COUNTY AND THE MOUNTAIN HOUSE
COMMUNITY SERVICES DISTRICT

WHEREAS, Mariposa Energy, LLC has proposed the construction of a ‘peaker’
power plant in Alameda County near our western border; and

WHEREAS, said proposed power plant will have negative impact in the form of
air pollution on our community (in a county already in non-compliance) and our citizens;
and

WHEREAS, Mariposa Energy, LLC has acquired or plans to acquire air pollution
credits to offset regional or state-wide air pollution, but has not addressed the potential air
quality degradation in Mountain House; and

WHEREAS, there is no recognition that First Responder unmitigated obligations
rest with the MHCSD safety forces, which include Tracy Fire and San Joaquin County
Sheriff; and

WHEREAS, Mariposa Energy, LLC has not specifically addressed any potential
impacts that may directly affect the Master Planned Community of Mountain House,
which was not in physical existence when the related East Altamont Energy Center
(EAEC) was licensed within one mile of the Community in 2004; and

WHEREAS, if the California Energy Commission grants a license to Mariposa
Energy, LLC in the Alameda/Altamont area, it will lead to the area becoming a power
generation corridor with significant impact to Mountain House; and

WHEREAS, The Mariposa Energy, LLC application does not absolutely limit the
hours that the plant may run for perpetuity, so that the plant may apply to become more
than a “peaker” plant in the future.

NOW, THEREFORE, BE IT RESOLVED that the Mountain House Community
Services District opposes the construction and operation of said proposed power plant
until such time as all our concerns have been addressed and mitigated.

BE IT FURTHER RESOLVED that all appropriate state and federal agencies
involved in the application process for said proposed power plant be notified of our
opposition.
PASSED AND ADOPTED this 10th day of March, 2010, by the following vote of the Board of Directors of the Mountain House Community Services District, to wit:

AYES: BALZARINI, LAMB, PAYNE, TINGLE, SU

NOES:

ABSENT:

ANDY SU, PRESIDENT
Board of Directors of the Mountain House Community Services District, County of San Joaquin, State of California

ATTEST: MIMI DUZENSKI
Secretary of the Board of Directors of the Mountain House Community Services District, County of San Joaquin, State of California

By: Mimi Duzenki
In the Matter of: Mariposa Energy Project

DOCKET No. 09-AFC-03 DECLARATION OF SERVICE

I, Morgan K. Groover declare that on April 8, 2010 I served and filed copies of the attached Letter and Mountain House Community Services District Resolution R-MMX-4, accompanied by a copy of the most recent Proof of Service list (most recent version is located on the proceeding’s web page) with the Docket Unit QR with the presiding committee member of the proceeding. The document has been sent to the Commission AND the applicant, as well as the other parties in this proceeding (as shown on the Proof of Service list), in the following manner:

(Check all that Apply)

FOR SERVICE TO THE APPLICANT AND ALL OTHER PARTIES:
X sent electronically to all email addresses on the Proof of Service list;

AND

FOR FILING WITH THE ENERGY COMMISSION:
X sending an original paper copy and one electronic copy, mailed and emailed respectively, to the address below (preferred method);

CALIFORNIA ENERGY COMMISSION
Attn: Docket No. 09-AFC-03
1516 Ninth Street, MS-4
Sacramento, CA 95814-5512
docket@energy.state.ca.us

I declare under penalty of perjury that the foregoing is true and correct.

Morgan K. Groover, P.E.
Development Director
Mountain House CSD

4 - 8 - 2010
APPLICATION FOR CERTIFICATION
FOR THE MARIPOSA ENERGY PROJECT
(MEP)

Docket No. 09-AFC-3

PROOF OF SERVICE
(Revised 2/8/2010)

APPLICANT
Bo Buchynsky
Diamond Generating Corporation
333 South Grand Avenue, #1570
Los Angeles, California 90071
b.buchynsky@dgc-us.com

APPLICANT’S CONSULTANTS
Doug Ury
2485 Natomas Park Dr #600
Sacramento, CA 95833-2975
Doug.Ury@CH2M.com

COUNSEL FOR APPLICANT
Gregg Wheatland
Ellison, Schneider & Harris L.L.P.
2600 Capitol Avenue, Suite 400
Sacramento, CA 95816-5905
glw@eslawfirm.com

INTERESTED AGENCIES
California ISO
e-recipient@caiso.com

INTERVENORS
Mr. Robert Saney
501 W. Grantline Road
Tracy, California 95376
Sarveybob@aol.com

*Rajesh Dighe
395 W. Conejo Avenue
Mountain House, California 95391
dighe.rajesh@gmail.com

Morgan K. Groover
Development Director
Mountain House Community Services District
230 S. Sterling Drive, Suite 100
Mountain House, CA 95391
mgroover@sjgov.org

ENERGY COMMISSION
JEFFREY D. BYRON
Commissioner and Presiding Member
jbyron@energy.state.ca.us

*RObERT B. WEISENMILLER
Commissioner and Associate Member
rweisenm@energy.state.ca.us

Kenneth Celli
Hearing Officer
kcelli@energy.state.ca.us

Kristy Chew
Advisor to Commissioner Byron
kchew@energy.state.ca.us

Craig Hoffman
Siting Project Manager
choffman@energy.state.ca.us

Kerry Willis
Staff Counsel
kwillis@energy.state.ca.us

*indicates change