

DOCKET	
09-AFC-3	
DATE	Apr 15 2011
RECD.	Apr 15 2011

**State of California
State Energy Resources Conservation and Development
Commission**

In the Matter of:)) Mariposa Energy Project)) _____)))))))	Docket # 09-AFC-03 Mariposa PMPD Comments - Rajesh Dighe
---	----------------------------	---

Date: Apr 28-2011
 From: Rajesh Dighe

Intervener, Rajesh Dighe disagrees with Mariposa 09-AFC-03 PMPD. All interveners have unanimously recommended “NOT TO APPROVE” this application. There are sufficient factual reasons given by interveners in their briefs after public hearings to the Mariposa committee to “Decline” application 09-AFC-03.

Intervener, Rajesh Dighe would like to again bring out below important issues (as mentioned by him in his Opening Brief).

Potential Serious Legal Violations and pollution nuisance and burden to Mountain House Community from Mariposa Power Plant

- Williamson Act Contract does not allow Electrical Facility
- Mariposa Power Plant is not a public need at the moment on the proposed site. Hence violates Policy 13 of Alameda County ECAP
- Mariposa Power Plant is not a allowed permissible Infrastructure on proposed site

- Applicant assumed there will be no-significant impact because of this power plant and fed it into the Mariposa EIR analysis (Environmental Impact Report) causing inconsistencies in the EIR.
- Applicant wrongly used year 2000 Census data used for Environmental Justice Analysis consideration
- California State is going against its own Renewable Energy Generation AB32 initiative to reduce GHG emissions
- Power Plant causes big Environmental Justice issue because of pollution nuisance on Minority Population Mountain House Community
- It is very clear from the record that Alameda County clearly supporting this power plant for its financial benefits.
- Huge million dollar community benefit given to Alameda County by Mariposa LLC
- Mountain House Community is becoming a target of air pollution from Mariposa power plant which is really not needed at this time on the current proposed site.
- Mountain House Community Health impact not sufficiently analyzed
- Alameda County Measure D Initiative (Open space Land east of Alameda County) violated
- Outreach to Mountain on Mariposa power plant application inadequate
- “Need Analysis” not done for Power Generation
- Mariposa inconsistent on Large Parcel Agriculture Land
- No land restoration plan explained by applicant on proposed agricultural open space land site
- Project in-compatible with Contra Costa Airport land use
- Power Plant Plumes hazard to Byron Airport
- Risk analysis on Gas pipeline safety insufficient
- “No project” Alternative ignore during analysis
- No consideration towards Innovative ways for Smarter Peaker Power Generation which throws zero pollution
- Putting Solar Panels on roof tops (commercial and residential) would reduce the demand for power generation for PG&E and in

fact pump back power into the State Electrical Grid. This is the right thing to do.

Mariposa PMPD fails to justify why Mariposa Peaker Power Plant is currently required by California State. The EIR process had lot of fallacies and has arguments and decisions on incomplete evaluation and partial records (Sections like: Land Use, Airport and Transportation, Pipeline Safety, Socio Economic and EJ analysis, Need analysis, Alternatives were not completely analyzed and this fact is clearly seen from the record).

United States President, Mr. B. Obama is advocating smarter ways to generate power without throwing any extra pollution over residential communities. This power plant approval would negate any Green interest advocated by the President of United States of America.

No resident in Mountain House will feel like putting Solar Panels when the “State Government” itself is throwing pollution and not looking at innovative power generation technologies.

Why would Mountain House and California residents feel like investing in electric cars (green technology) and other innovative greener technologies and help California AB-32 initiative when “State Government” itself is going against its own AB-32 initiative?

Mariposa is not the current public need for Alameda County and the record supports this argument. Hence the proposed site is a complete misfit for power generation on Williamson contracted open space grazing, large parcel agriculture land which is voter approved in Alameda County under Measure D initiative- and mandated to be left “Open Space”. Until in future, an appropriate location further away from residential communities is found and power generation need is well-justified and thoroughly understood in conjunction with green Solar -

state and federal initiatives on residential and commercial properties which will eventually in coming decades is projected to reduce the need for centralized power generation projects like Mariposa even for Peaker Generation this application should in no way be approved.

Intervener, Rajesh Dighe's suggestion of using alternative peaker power generation techniques in his opening testimony and hearing brief needs to be well analyzed keeping in mind the long-term environmental impact on California Air. It will be a naïve argument and decision on CEC's behalf to ignore alternate strategies for peaker power generation and say it is not needed as per CEQA. Intervener, Rajesh Dighe repeatedly throughout the proceeding and as explained by him in his testimony with examples has shown how Solar Panel installation growth by California residents will ultimately decrease the demand for power from the PG&E like grids. Infact, one should expect a slow and steady reversal in power generation methodologies. With cost per square foot of KW power generation using Solar panels over residential roof tops start decreasing (which CEC in its web site has admitted and explained) it would be irrational on part of CEC to still go with natural gas peaker power plant when residents themselves will start pushing in power to the PG&E like grid.

Such an analysis even thought not mandated in CEQA cannot be ignored. Every possible attempt should be made to save our Earth from an inch of pollution and support more open space and friendly environments for citizens to come close to nature which is what Measure D- initiative wanted around the applicant's proposed site.

Sticking to LORS and REGULATIONS is a good practice if it benefits the environment and EIR study. But if LORS themselves allow and create loop holes for skipping important analysis then our Commissioners need to have the strength to support the Environment and even encourage pushing new state legislature changes (if required) to save California Air and Environment.

Alameda County has clearly expressed and explained their financial benefit as the main reason for supporting this power plant. The county is clearly not supporting its ECAP policies. And “trying” to make this project “compatible and consistent” with ECAP for its financial benefit. (See Rajesh’s brief-. It is on record).

CEQA should be and used as a guideline for EIR but there is no excuse in skipping alternate power generation techniques which would throw zero pollution. PMPD clearly does not explain why alternate solutions for peaker power generation are in-efficient. The PMPD doesn’t explain clearly why using Solar Panels over residential roof tops is not an alternate and efficient solution to natural gas power generation.

University and research professors need to be consulted and their inputs need to be fed into the EIR in today’s fast-pace technology. The record clearly shows such an analysis has been skipped.

Once power plants are approved they run for decades. CEC should in no way approve this power plant since alternate strategies and even “need” as per “demand and supply” were clearly not analyzed. Infact, the need for this power plant was not allowed to be discussed during Mariposa Hearings.

Even though “need analysis” may not be needed by CEQA, every California resident has constitutional right to completely understand “need for this power plant”. Resident’s would get charged as part of power - rate hike from PG&E. Interveners like Mr. Sarvey and others have clearly explained the current Demand and Supply Scenario and have justified “No Project” alternative by putting rationale argument in front of Mariposa committee.

http://www.energy.ca.gov/commission/mission_statement.html

Values Statement (Taken straight from above site)

The California Energy Commission's highest responsibility is to the people of California. We will strive to conduct business in a manner that results in maximum public benefit while ensuring fiscal integrity and accountability for the expenditure of public funds.

CEC should stick to its above value statement mentioned in its homepage and try to use public money judiciously for power generation. If the need to power generation is not clearly understood which is what the case in this application is (as seen from the record), CEC should have the heart and courage to decline applications for fair practice and keeping its respect high in the eyes of the citizens of California.

I am neither an Environmental attorney nor a lawyer; I am a simple hard working California resident who is trying to save California Air from getting un-necessarily polluted from “not needed” Mariposa power plant for which “Need Analysis” has not been done by CEC and when zero-pollution alternative to this project do practically exist.

Me and many other California residents are confident we can reduce our power utilization from PG&E by installing Greener efficient Solar Panels, efficient light bulbs, and utility appliances like Dish-Washer, Dryer, Refrigerator and other home appliances. This will all solve Peak Power needs in Summer Sunny days in California when this peaker power plants like Mariposa get operated. Am I missing anything?

I hope the full-committee will listen to me.

I am sorry but CEC Staff, Applicant and PMPD still haven't convinced me legally and rationally why they need another natural gas peaker power plant in California? Why should rate payers pay and be burdened for constructing this technologically backward power generation

methodology using natural gas peaker power plant when “No Project” alternative is still a feasible alternative?

It is not accurate for PMPD to argue that not constructing this power plant would increase more dependency on old power plants. Why doesn't CEC recommend “Mariposa” on researching newer alternate technologies in peaker power generation away from residential communities? PMPD has no convincing answer to this question.

PMPD has failed to explain parties why more usage of Solar Panels on Residential and Government roof tops is not a viable and more efficient solution to power needs.

Intervener, Rajesh Dighe hence respectfully requests the full-commission to decline this application for benefit of the State of California and be fair to the people and Environment of California.

I am hoping there will be Commissioners in the full-committee who would read my testimony, hearing briefs, and these PMPD comments and come to the conclusion to “deny” this application for the good of public and environment of California.

Thanking you
Sincerely

Rajesh Dighe

Apr 28 2011

STATE OF CALIFORNIA

State Energy Resources

Conservation and Development Commission

In the Matter of: [DOCKET NUMBER 09-AFC-03]

[MARIPOSA ENERGY PROJECT] DECLARATION OF SERVICE

I, [Rajesh Dighe](#) declare that on Apr 28-2011, I served and filed copies of this document dated Apr-28-2011. The original document, filed with the Docket Unit, is accompanied by a copy of the most recent *Proof of Service* list (most recent version is located on the proceeding's web page at: <http://www.energy.ca.gov/sitingcases/mariposa/index.html>)

The document has been sent to both the other parties in this proceeding (as shown on the *Proof of Service* list) and to the Commission's Docket Unit, in the following manner:

For service to the applicant and all other parties:

sent electronically to all email addresses on the Proof of Service list;

by personal delivery or by depositing in the United States mail at [Sacramento, California](#) with first-class postage thereon fully prepaid and addressed as provided on the *Proof of Service* list above to those addresses **NOT** marked "email preferred."

AND

For filing with the Energy Commission:

sending an original paper copy and one electronic copy, mailed and emailed respectively, to the address below (preferred method);

OR

depositing in the mail an original and 12 paper copies, as follows:

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.

Rajesh Dighe

Apr 28 2011



BEFORE THE ENERGY RESOURCES CONSERVATION AND DEVELOPMENT
COMMISSION OF THE STATE OF CALIFORNIA
1516 NINTH STREET, SACRAMENTO, CA 95814
1-800-822-6228 – WWW.ENERGY.CA.GOV

**APPLICATION FOR CERTIFICATION
FOR THE *MARIPOSA ENERGY PROJECT*
(MEP)**

Docket No. 09-AFC-3

PROOF OF SERVICE
(Revised 3/18/2011)

APPLICANT

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

Edward A. Mainland
Sierra Club California
1017 Bel Marin Keys Blvd.
Novato, CA 94949
emainland@comcast.net

ENERGY COMMISSION

KAREN DOUGLAS
Commissioner and Presiding Member
KLdougla@energy.state.ca.us

APPLICANT'S CONSULTANTS

Doug Urry
2485 Natomas Park Dr #600
Sacramento, CA 95833-2975
Doug.Urry@CH2M.com

Rob Simpson
27126 Grandview Avenue
Hayward CA. 94542
Rob@redwoodrob.com

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

COUNSEL FOR APPLICANT

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

California Pilots Association
c/o Andy Wilson
31438 Greenbrier Lane
Hayward, CA 94544
andy_psi@sbcglobal.net

Galen Lemei
Advisor to Commissioner Douglas
E-Mail Service preferred
glemei@energy.state.ca.us

INTERESTED AGENCIES

California ISO
E-mail Service Preferred
e-recipient@caiso.com

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

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

INTERVENORS

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

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

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

Mr. Jass Singh
291 N. Altadena Street
Mountain House, California 95391
jass.singh2000@gmail.com

Jennifer Jennings
Public Adviser
E-mail Service Preferred
publicadviser@energy.state.ca.us

DECLARATION OF SERVICE

I, Janet Preis, declare that on April 6, 2011, I served and filed copies of the attached Staff's Reply Brief dated April 6, 2011. The original document, filed with the Docket Unit, are accompanied by a copy of the most recent Proof of Service list, located on the web page for this project at:

[\[http://www.energy.ca.gov/sitingcases/mariposa/index.html\]](http://www.energy.ca.gov/sitingcases/mariposa/index.html). The document has been sent to both the other parties in this proceeding (as shown on the Proof of Service list) and to the Commission's Docket Unit, in the following manner:

(Check all that Apply)

FOR SERVICE TO ALL OTHER PARTIES:

sent electronically to all email addresses on the Proof of Service list;

by personal delivery;

by delivering on this date, for mailing with the United States Postal Service with first-class postage thereon fully prepaid, to the name and address of the person served, for mailing that same day in the ordinary course of business; that the envelope was sealed and placed for collection and mailing on that date to those addresses NOT marked "email preferred."

AND

FOR FILING WITH THE ENERGY COMMISSION:

sending an original paper copy and one electronic copy, mailed and emailed respectively, to the address below (*preferred method*);

OR

depositing in the mail an original and 12 paper copies, as follows:

CALIFORNIA ENERGY COMMISSION

Attn: Docket No. 09-AFC-3

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, that I am employed in the county where this mailing occurred, and that I am over the age of 18 years and not a party to the proceeding.

/s/ Janet Preis _____