

Rajesh Dighe
395 W Conejo Ave
Mountain House, CA 95391
(415) 533 4289

DOCKET
09-AFC-3
DATE _____
RECD. JAN 20 2011

Date: Jan 25-2011

State of California
State Energy Resources Conservation and Development Commission

In the Matter of:	)	Docket # 09-AFC-03
)	
Mariposa Energy Project	)	Prehearing Conference Statement
	)	Rajesh Dighe
)	
_____)	

a) The topic areas those are complete and ready to proceed to Evidentiary Hearing:

All topics are ready to proceed except biology.

b) The topic areas those are not complete and not yet ready to proceed to Evidentiary Hearing and the reasons therefore:

All topics are ready to proceed except biology. The mitigation measures have not been finalized for the parties to evaluate and provide testimony. Interveners witness in biology cannot evaluate whether the projects mitigation measures are adequate to reduce the significant impact identified by Staff to less than significant. After the mitigation measures have been approved by USFW Intervener should be able to provide testimony within two weeks.

c) The topic areas that remain disputed and require adjudication, and the precise nature of the dispute for each topic;

Socioeconomics: The project fails to thoroughly analyze socioeconomic effects on nearby troubled community Mountain House Community which is plagued with foreclosures and is epicenter of US foreclosure crisis.

Air Quality: Project design does not incorporate best available technologies to reduce the Greenhouse Gas emissions. Emissions of Ammonia should be mitigated.

Public Health: Neither Staff nor applicant have provided a public health assessment of the projects particulate matter impacts on human health.

Land Use: The project does not comply with the East County Area Plan (ECAP). The project does not comply with the Williamson Act contract on the property. The project does not meet the requirements for a conditional use permit. The project does not mitigate the impact to agricultural resources.

Alternatives: The applicant has failed to research alternate sites away from residential community. Also numerous technological considerations to reduce GHG emissions are not part of applicant's study and design. These would have helped reduce project's impact to the environment. It is arguable that project is even needed.

Worker Safety and Fire Protection: Project's potential safety issues to Mountain House Community are not taken care of. The project is located in the extreme remote section of both the Alameda County Fire and Tracy Rural Fire service areas. Both departments are underfunded and current fees are not supporting the expanded responsibilities for these department. Scenarios like explosion and other major crisis at applicant's proposed site and effects of rumbles to nearby residential Mountain House Community is not well studied. Mountain House Community Services District (MHCS D) has no funds to take care of these risky scenarios.

Hazardous Materials: The project proposes to connect to PG&E Line 002 which has significant corrosion issues and does not meet current requirements for Natural Gas Line Safety. MHCS D Fire Department will be far from sufficient to take care of multiple fire and explosion situations in Mountain House residential community along with fire handling situations at Mariposa site. Situations like San Bruno PG&E pipeline explosion need more discussions and clarifications.

Environmental Justice: The Mountain House community is a minority community that is being exposed to the combined impacts of the MEP and the East Altamont Energy Center. Despite this the Mountain House Community is being asked to provide emergency services through its funding of the Tracy Rural Fire Department. The air emissions from the MEP and the EAEC impacts Mountain House. However mitigation for air emissions is inadequate and no public health assessment of the projects PM 2.5 impacts has been conducted.

d) The identity of each witness sponsored by each party (*note*: witnesses must have professional expertise in the discipline of their testimony); the topic area(s) which each witness will present; a brief summary of the testimony to be offered by each witness; qualifications of each witness; the time required to present direct testimony by each witness; and whether the party seeks to have the witness testify in person or telephonically;

Dick Schneider: Land Use Co-Author of Measure D. Mr. Schneider will provide testimony on the intent of the citizens who voted for the Measure D which established many policies in the ECAP. (30 minutes)

Bill Powers PE: Alternatives Mr. Power is a professional engineer who has participated in many sitting cases at the CEC including the East Altamont Energy Center, the Tesla Power Project, Chula Vista and many others. Mr. Powers will present reasonable and cost effective alternatives to the Mariposa Project. (30 minutes)

Robert Sarvey: Land Use, Alternatives, Socioeconomics, Air Quality, Water Resources, and Hazardous Materials, Worker Safety and Fire Protection. Mr. Sarvey has provided testimony before the California Energy Commission and the Public Utilities Commission on power projects and as a local resident has unique knowledge of the project area. Mr. Sarvey will provide testimony in Air Quality, Cumulative Air Quality Impacts, and Greenhouse Gas issues. In alternatives Mr. Sarvey will address the no project alternative, and technological alternatives to reduce the projects significant impacts. In Socioeconomics Mr. Sarvey will identify the significant impact to ratepayers that approval of the MEP will have. In worker Safety and Fire Protection Mr. Sarvey will provide testimony on the significant impacts to the Tracy and Alameda County Fire departments and provide conditions of Certification to mitigate the projects significant impacts. In hazardous materials Mr. Sarvey will describe the condition of PG&E Line-002 the natural gas line the project proposes to connect to.
(About 1 hour total)

e) Topic areas upon which a party desires to cross-examine witnesses, a summary of the scope of each such cross-examination (including voir dire of any witness' qualifications), and the time desired for each such cross-examination:

Topic	Witness	Issues	Time
Air Quality	1. BAAQMD 2. Applicant 3. SJVAPCD 4. Staff	Permit, Compliance Various Mitigation Agreement Air Quality Modeling	30 min 1 hour 30 min 1 hour
Public Health	1. Staff	Particulate Matter Assessment	30 min
Land Use	1. Alameda County 2. Applicant 3. Interveners	LORS Compliance LORS Compliance	1 hour 1 hour
Alternatives	1. Applicant, Interveners	Site Alternatives No Project Alternative Technology Alternative	1 hour 1 hour 1 hour
Safety, Fire	1. Staff, Applicant, Interveners	Mountain House Safety	30 min

		Byron Airport Landing Safety	30 min
Biology	1. Staff, Applicant	Mitigation Proposals	15 min
Hazardous Materials	1. Staff, Applicant, Interveners	Risk to Mountain House	30 min
Socioeconomics	1. Staff, Applicant Interveners	Effects to Mountain House	2 hour
Environmental Justice	1. Staff and Applicant	Effects on Mountain House	1 hour
Mitigation and Community Benefits	1. Staff, Applicant and Interveners	With Counties, Cities, Communities	2 hour

f) A list identifying exhibits and declarations that each party intends to offer into evidence and the technical topics to which they apply (as explained in the following section on Formats for Presenting Evidence);

Exhibit	Brief Description	Offered	Admitted
Exhibit 600	Rajesh Dighe- Effects of Mariposa on Mountain House Community	Nov 22 2010	
Exhibit 601	Jon Rubin Comments on Staff Assessment	Dec 8 2010	
Exhibit 602	Kishore Bhatt Comments on Staff Assessment	Dec 8 2010	
Exhibit 603	New Home Buyer Comments	Jan 7 2011	
Exhibit 604	San Ramon Mayor Abram Wilson Opposing Proposed site of Mariposa	Oct 26 2011	
Exhibit 605	Rajesh Dighe Data Request – 1-4	Feb 08 2010	
Exhibit 606	Rajesh Dighe Data Request 5-14	Feb 28 2010	
Exhibit 607	NY Time Article on Foreclosure -	Mentioned in Exhibit 600	
Exhibit 608	Mountain House haunted town- CBS video	Jan 07 2011	
Exhibit 609	Rajesh Dighe- Opening Testimony	Jan 07-2011	

g) Topic areas for which the Applicant will seek a commission override due to public necessity and convenience pursuant to Pub. Res. Code § 25525.

Land Use
Alternatives
Socioeconomics

h) Proposals for briefing deadlines, impact of vacation schedules, and other scheduling matters

Propose the opening brief be due three weeks after receipt of the recorded transcript. Reply briefs two weeks after opening Briefs.

i) For all topics, any proposed modifications to the proposed Conditions of Certification listed in the Supplemental Staff Assessment (SSA) based upon enforceability, ease of comprehension, and consistency with the evidence.

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 Jan-25-2011, I served and filed copies of this Prehearing Conference Statement dated Jan-25-2011. 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

Jan-25-2011

From: Jon Rubin <rubinjon@gmail.com>
To: <CHoffman@energy.state.ca.us>
Date: 12/6/2010 12:00 AM
Subject: Concerns about items not included in recent Mariposa CEC Staff Assessment

Dear Mr. Hoffman,

I attended the evening session of the recent Mariposa public workshop that was held at the Byron Bethany Irrigation District on November 29th. I have been a resident of Mountain House for 6+ years. I am concerned about some items that were not part of the CEC Staff Assessment:

1. There was no analysis of what effect an inversion layer would have on trapping particulates from Mariposa in Mountain House. Inversion layers are very common throughout much of California, and especially in the Central Valley. During summer months they can lead to very hazy days that make it difficult to see the coast ranges and Sierras, and during the winter the valley is often plagued by Tule fog that lasts for days on end, trapped by an inversion layer that keeps the fog sealed in. I have often witnessed the temperature on my car's external gauge plummet as I drove down the Altamont Pass to Mountain House, with the coldest temperatures being in Mountain House itself. It is as if all the cold air descends and collects within Mountain House. This makes me wonder what effect having a power plant at the base of the Altamont would have on the air quality in Mountain House during a strong inversion layer. Would all the particulates from the plant collect within Mountain House, the same way that the cold air does? Would the particulates accumulate as the inversion layer lasts for days on end, not able to escape, just as the Tule fog lasts for days (and even weeks) on end? A lot of emphasis has been placed on the wind in Mountain House, but what about the stagnant air that exists under an inversion layer at other times of the year? I think some analysis and modeling needs to be done to see what the effect would be on air quality within Mountain House.

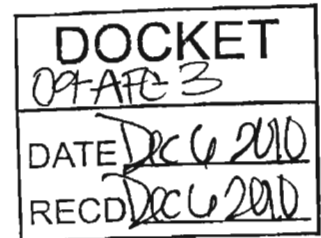
2. A study has been cited that concluded that a power plant similar to Mariposa near a community like Mountain House would result in real estate values going down by 5%. Assuming an average home price of \$300,000 in Mountain House, this mean that the average homeowner would lose \$15,000 in equity. I did not hear any discussion as to how this economic impact would be mitigated. When Mountain House broke ground, the initial infrastructure (i.e. storm water and waste water facilities) was funded by the developer, Trimark, and is now being paid back by residents in the form of pledge components on our water bill. These pledge components add approximately \$100 per month to an average water bill. Mitigation in the form of paying off this infrastructure debt would go a long way in mitigating the equity losses that Mountain House homeowners would suffer if Mariposa was to come to fruition.

It is my hope that there will be another workshop to discuss these and other issues that were not covered in last month's session.

Thank you for your time.

Sincerely,

Jon Rubin



(12/7/2010) Docket Optical System - Fwd: comments/question about the proposed Mariposa power plant workshop Page 1

From: Craig Hoffman

To: Docket Optical System

Date: 12/7/2010 7:41 AM

Subject: Fwd: comments/question about the proposed Mariposa power plant workshop

Please docket for the Mariposa project

Craig Hoffman

Project Manager

California Energy Commission

Siting, Transmission and Environmental Protection Division

1516 Ninth Street, MS 15

Sacramento, CA 95814

phone: 916-654-4781

cell: 916-261-6405

fax: 916-654-3882

>>> Kishor M Bhatt <kmbhatt@comcast.net> 12/6/2010 7:12 PM >>>

Dear Mr. Hoffman,

I am a Mountain House resident, and attended public workshop on Nov. 29th.

I appreciate the opportunity to learn about the impacts of the power plant.

Following are my question and comments:

1) The figure 1 during the workshop showed Mariposa in center, Mtn House to east and hills to the west. It also showed, pollutant in the hills to west, but none coming to Mtn House. If I understood correctly, this was due to colder temperatures in the hills. But there are couple of problems with the above scenerio: Most of the times winds flow from west to east, so there is more probability of pollutants coming to MH than going to Hills. Also, the hills might be colder in summer compared to MH, it's the other way around at times in other seasons. I think, these possibilities should be considered in future reports.

2) We, Mtn House residents, would appreciate, if there is a bigger emphasis on economic and social impact of the plant. Here are the reasons:

Currently, MH residents pay high utility bills and property taxes to pay for the development cost of a new community. Our hope is that MH develops in to full fledge city with 40-50K residents, so new residents also share the costs. If the plant comes, Mtn House may never develop into the city planned, and the current residents, who are already burdened by nation's highest foreclosure rates, will continue to pay big taxes and utilities. In addition, house price and rent drop will hurt.

Please consider combined cost of current house price drop and future non-development.

3) We would appreciate, workshops/hearing in Mtn House, particularly in the late evenings or weekends, as many residents commute farther in bay area.

Again, Thanks to you and staff members for hearing our concerns,

Kishor Bhatt

DATE DEC 06 2010

RECD. DEC 07 2010

DOCKET

09-AFC-3

(12/7/2010) Docket Optical System - Fwd: comments/question about the proposed Mariposa power plant workshop Page 2

Sacramento, CA 95814
Phone: 916-654-4781
E-mail: CHoffman@energy.state.ca.us

Craig, please docket these concerns from a potential MH home buyer who is one amongst many undecided new home buyers of Mountain House.

Regards
Rajesh Dighe
Intervener to Mariposa Power Plant Project- 09-AFC-03

On Mon, Jan 3, 2011 at 2:08 PM, Sashi Gundimeda
<sashi_gundimeda@yahoo.com>wrote:

> Hi Rajesh,
>
> Would like to ask you few questions
>
> What kind of impact will this power plant have as far as living conditions
> at Mountain House goes? i.e. I am looking to see if I can buy a house in MH
> area, but I am really not sure what impact will the plant have on:
> (1) health (we are a family of 4, with 2 small kids). Is there a danger for
> health related issues because of the plant's pollutants?
> (2) Future house prices. I see that houses are being sold at 50% loss. Do
> they have potential to go down even further because of the plant or is the
> impact of the plant already factored into current low price?
> (3) How long do you think before the plant starts pumping pollutants into
> the air?
>
> You may really not know the answer to these questions....but thought I
> would ask them for your inputs.
>
> I truly appreciate your responses. Thanks in advance for your time. This
> power plant is really bothering me from taking a plunge and buying a house
> in MH town.
>
> Regards,
> -Sashi.
>
>
>

On Fri, Jan 7, 2011 at 7:44 AM, Craig Hoffman <CHoffman@energy.state.ca.us> wrote:
Rajesh and Sashi

I will have this email docketed for the Mariposa proceedings.

Please feel free to call me about this project.

I can answer these questions.

Craig Hoffman
Project Manager

California Energy Commission
Siting, Transmission and Environmental Protection Division
1516 Ninth Street, MS 15
Sacramento, CA 95814
phone: 916-654-4781
cell: 916-261-6405
fax: 916-654-3882

>>> Rajesh Dighe <dighe.rajesh@gmail.com> 1/6/2011 6:26 PM >>>
Hi Sashi

I have cc'ed

1. Craig Hoffman, at Energy Commission who is the project manager for Mariposa 09-AFC-03.
2. Jass Singh is also an interverner of Mariposa and an elected Mountain House Board of Director.

Supplemental staff assessment is out which details CEC staff's evaluation on Mariposa Power Plant.

<http://www.energy.ca.gov/sitingcases/mariposa/documents/index.html>

Feel free to call Craig and he will more than willing to address your questions around Mariposa. and Mountain House

Craig Hoffman
Project Manager
Siting, Transmission and Environmental Protection (STEP) Division
California Energy Commission
1516 Ninth Street, MS-15

DOCKET	
09-APC-3	
DATE	OCT 26 2010
RECD.	OCT 27 2010

Mrs. Farron,

Attached is my letter in opposition to the Mariposa power plant that is being built on the Alameda County/San Joaquin boarder. Know that I will do everything in my power to oppose this power plant. I have been opposed to it from the day I heard about it.

Thank you for your time,

Abram Wilson

Letter:

October 26, 2010

Commissioner Jeffrey D. Byron
Commissioner Robert Weisenmiller, PhD
California Energy Commission
1516 Ninth Street
Sacramento, CA 95814

Dear Commissioners Byron and Weisenmiller,

I write today to discourage your approval of the Mariposa Energy Project being proposed by Diamond Generating Corporation. While I applaud the steps this project takes toward the goals of improving our state's energy infrastructure and compliance with the environmental regulations in AB 32, I take issue with the proposed location of the project.

I ask that the Commission consider that, while the location is within unincorporated Alameda County, it is only 2.5 miles from the semi-rural community of Mountain House. The residents of Mountain House are currently struggling with falling property values and one of Northern California's highest foreclosure rates. Prior to the foreclosure crisis, Mountain House was a blossoming town with a plan for twelve schools and a vibrant commercial corridor. Further negative pressure to property values with nearby smoke stacks and pollution would add another serious detriment to recovery.

Furthermore, the specific location of the project on the border of Alameda and San Joaquin Counties negates any tax benefit for Mountain House to offset the negative impact of such a close proximity plant. I understand the need for improvements to California's energy production capabilities and do not oppose the eventual approval of this project. I simply request that the commission denies approval until a location be found that does not jeopardize the vitality of one of our communities.

If elected to the State Assembly this year, I intend to pursue a series of public hearings on this matter to ensure the CEC fully understands the impact to nearby communities.

Respectfully Yours,
Abram Wilson
Candidate, California Assembly District 15

Date: Feb 08, 2010

From:

Rajesh Dighe
395 W Conejo Avenue,
Mountain House, CA 95391

To:

Mr Bohdan Buchynsky
Diamond Generating Corporation
333 S. Grand Ave., Suite 1570
Los Angeles, CA 90071

RE: MARIPOSA ENERGY PROJECT (MEP) (09-AFC-3)
DATA REQUEST SET 1 (Nos. 1-4)

Dear Mr. Buchynsky:

Pursuant to Title 20, California Code of Regulations, Section 1716, Rajesh Dighe seeks the information specified in the enclosed data requests.

The information requested is necessary to:

1. More fully understand the project.
2. Assess whether the facility will be constructed and operated in compliance with applicable regulations.
3. Assess whether the project will result in significant environmental impacts.
4. Assess whether the facilities will be constructed and operated in a safe, efficient and reliable manner.
5. Assess potential mitigation measures.

This set of data requests (Nos. 1-4) is being made in the areas of:

1. Power Plant Site Alternatives
2. Technology Alternatives

If you are unable to provide the information requested, need additional time, or object to providing the requested information, please send a written notice to both the Committee and me within 20 days of receipt of this notice. The notification must contain the reasons for not providing the information, and the grounds for any objections (see Title 20, California Code of Regulations, Section 1716 (f)).

AREA: Power Plant Site Alternatives Section 6.3
BACKGROUND

The proposed project site located at "*Southeast of the intersection of Bruns Road and Kelso Road on a 10-acre portion of a 158-acre parcel (known as the Lee Property) immediately south of the Pacific Gas and Electric Company (PG&E) Bethany Compressor Station and 230-kilovolt(kV) Kelso Substation*" **is only 2.5 miles to a fastly growing Mountain House Residential Community.**

Infact, all the alternative project sites mentioned in Section 6.3 are also very close to Mountain House Residential Homes.

Proposed site: MEP 3200 feet from nearest residence
Alternative site 1: Costanza 2500 feet from nearest residence
Alternative site 2: Gomes - 2100 feet from nearest residence

In the Executive Summary, Section 1.1.1 Project Objectives Mariposa mentions:

"...peaking capacity is **needed to respond to increases in the local demand for electricity** that typically occur in the afternoons of summer days.As a peaking facility, MEP **will not run continuously, but instead will start, run for as many hours as necessary, and then shut down. ..**"

In the coming decade, California is going to push electric cars into the consumer market. As consumers and commercial charging stations start plugging in electric cars and other potential electric devices into the existing electric grids, the existing base power stations could start getting overloaded throughout the year (not just summer). This will cause MEP like gas-fired peaker plants to trigger many times more than as designed above and expected and at more frequents yearly rates, causing excessive pollution and health hazard to Mountain House residents.

Hence more analysis is needed by the applicant to understand the above and investigate other **remote locations further away from residential communities.**

Additionally, all the above sites are blessed with high winds and good sunshine and constructing a non-renewable energy plant and causing any extra pollution to surrounding residential neighbourhood needs more justification.

DATA REQUEST 1:

Please provide details of other researched location sites by the applicant which are sufficiently away (like 50-60 miles away) from residential homes. Comparing the proposed site with a site further away from residential homes would help California Energy Commission (CEC) and other party members.

DATA REQUEST 2:

As explained above, isn't it a high risk to construct a peaker plant too close to Mountain House residential community because of its susceptibility to be running more often in the year and hence increasing the pollution for Mountain House community? Applicant is hereby kindly requested to explain in detail why they would prefer the current discussed project site as oppose to other remote location sites further away from residential communities?

AREA: Technology Alternatives Section 6.6

BACKGROUND

In Section 6.6.2 - Fuel Technology Alternatives states:

"Solar and wind technologies are generally not dispatchable and, therefore, are not capable of providing fast-starting, flexible generating capacity and are not capable of producing ancillary services other than reactive power."

During peak summer days, Government's push towards Photo Voltaic (PV) panels on rooftops of residential and businesses will bring down the load on the gas-fired base power plants(<http://www.gosolarcalifornia.ca.gov/>). Also in the coming decades, California has planned aggressively towards increasing the California's Renewable Portfolio Standard (RPS) to 33 percent by 2020 -

Essentially, the reduced loads on the existing gas-fired base plants because of spreading PV panels on rooftops will save lots of MW of energy which can be potentially be consumed in hot nights.

The continuing research in the area of **battery technology** to drive efficient home **Air Conditioning** units using inverters and alternators will continue to be the focus as we go green.

Putting "dispatchable energy" as part MEP requirement causes "renewable" energy solutions to be discarded very early in the process. This doesn't seem correct.

The application requirement should emphasize on ***"Solving the peak power needs of PG&E in summer"*** with **all possible alternatives (renewable and/ or non-renewable solutions locally and remotely and in combination with overall California state's total renewable energy solution targets).**

PV alternative takes the solution close to the problem location (consumers -both residential and commercial cause the peak load in summer). Hence is interesting to investigate.

DATA REQUEST 3:

Please provide technology alternatives using solar photo voltaic (PV) panels.

Answers to below questions are requested:

1. How many homes on average need to be installed with PV panels to bring down the load on the current gas-fired power plant by 200 MW- which is the current proposed MEP power plant's requirement?
2. In summer days, PV panels will help save existing gas-fired plants power consumption. Hence why can't this saved power from the existing gas-fired power plants be used for summer evening and night peak loads caused by switching on AC units by consumers, instead of creating another "pollution monster" around the Mountain House residential community?

AREA: Safety BACKGROUND

The applicant has sections in the application detailing Land, Air Quality, Biological and Cultural Resources, Geological Resources and Hazards, Noise effects.

God forbidden, if a catastrophic scenario- like an explosion at the Applicant's site occurs, it is unclear from the application about the effects to the close Mountain House residential community. This is a concerning point since Mountain House is only 2.5 miles away from the proposed site.

The recent Feb 7, 2010 explosion of the gas-fired Kleen Energy LLC plant at Middletown, Connecticut caused a huge distress and earthquake like shakes even 10 miles away.

DATA REQUEST 4:

Applicant is requested to provide details and facts about the potential dangers to Mountain House residents under such catastrophic explosion and why the applicant still thinks of constructing a power plant at 3200 feet of an upcoming new residential Mountain House community ?

If you have any questions, please call me at (415) 533-4289 or email me at dighe.rajesh@gmail.com

Sincerely,

Rajesh Dighe

(On Original Sent to Docket)

Feb 8-2010

Name

Signature

Date

Enclosed: Proof of Service and Declaration of Service

DOCKET

09-AFC-3

DATE FEB 28 2010

RECD. MAR 02 2010

Date: Feb 28, 2010

From:

Rajesh Dighe
395 W Conejo Avenue,
Mountain House, CA 95391

To:

Mr Bohdan Buchynsky
Diamond Generating Corporation
333 S. Grand Ave., Suite 1570
Los Angeles, CA 90071

RE: MARIPOSA ENERGY PROJECT (MEP) (09-AFC-3)
DATA REQUEST SET 2 (Nos. 5-14)

Dear Mr. Buchynsky:

Pursuant to Title 20, California Code of Regulations, Section 1716, Rajesh Dighe seeks the information specified in the enclosed data requests.

The information requested is necessary to:

1. More fully understand the project.
2. Assess whether the facility will be constructed and operated in compliance with applicable regulations.
3. Assess whether the project will result in significant environmental impacts.
4. Assess whether the facilities will be constructed and operated in a safe, efficient and reliable manner.
5. Assess potential mitigation measures.

This set of data requests (Nos. 5-14) is being made in the areas of:

Mariposa LLC's discussions with Alameda county's around:

1. Use of large parcel agricultural land for commercial power plant construction
2. Applying carbon storage techniques to achieve zero pollution
3. Emission health consequences on children studying in Wicklund Elementary school, Bethany Elementary school in Mountain House. Close proximity of to the proposed the power plant make these locations as sensitive receptors.
4. Pollution to Mountain House/San Joaquin County residents and Power to Alameda county. Mitigation terms used for many policy compliances in the applicant's AFC to CEC
5. Mountain House/ San Joaquin county growth hampered. - Mountain House residents, Home builders and land owners effected.

If you are unable to provide the information requested, need additional time, or object to providing the requested information, please send a written notice to both the Committee and me within 20 days of receipt of this notice. The notification must contain the reasons for not providing the information, and the grounds for any objections (see Title 20, California Code of Regulations, Section 1716 (f)).

AREA: Use of large parcel agricultural land for commercial power plant construction
BACKGROUND

Mariposa is clearly breaking the 158 acre Lee property into two zones- 10 acre area for

MEP site for doing commercial infrastructure development of power plant and remaining 148 acre for non-agricultural purpose. MEP is trying to mitigate the ECAP and Williamson act by stating:

"Mariposa Energy to increase the agricultural output on the parcel by supplying year-round cattle watering capability and re-seeding the 5-acre temporary construction laydown and parking area will be consistent with the ECAP goal of maximizing long-term productivity of East County's agricultural resources."

DATA REQUEST 5:

Please provide documented emails, memos and memorandums with Alameda county and their acceptance of ECAP program specific sections listed below:

1. ECAP program 40, which specifies "A-160" zoning district program classified as "Wind Resource Area". The proposed site is a border case and "nearly" falls under this zoning law because of high wind availability on the site. Provide documents from Alameda county approving this site as falling outside the ECAP program 40 and allowing the land use for natural gas power plant construction and not for Wind Power Generation.
2. Communications around Alameda county's acceptance of using A-District zone for commercial purpose
3. Provide a copy of the "Alameda county conditional use permit" for the proposed site parcel.
4. How does providing help in increasing the agricultural output on the A-District zone parcel by supplying year-round cattle watering capability and re-seeding the 5-acre temporary construction laydown and parking area consistent with the ECAP goal of maximizing the productivity of East County's agricultural resources ? Please provide all emails and correspondence with Alameda county approving applicant's efforts and allowing the 10 acre section of the whole 158 parcel which falls currently under ECAP A-District zoning permit.
5. Section 5.6.1.6 Population and Growth Trends for ECAP, you mention the growth of Alameda county only on the west section of Alameda county - Livermore, Dublin and Pleasanton. Provide communications if any from Alameda county on their concerns around MEP project affecting residential community growths inside Alameda County and their neighbouring San Joaquin county- specifically Mountain House community? The reason for asking this specific question is to allow the certification committee to understand the inherent view of this project from MEP and Alameda county's perspective since Mountain House city falls under San Joaquin county which has no jurisdiction over this parcel but is a sensory receptor of this project.

DATA Request 6: Applicant has made conflicting comments in Section 5.6.2.2.2 and 5.6.2.2.4.

In section 5.5.2.2.2 Applicant is making use of mitigation strategy by providing year round cattle-watering capability and saying that will enhance agriculture production. But immediately down the paragraph the applicant is taking a stand in section 5.6.2.2.4 that he is not converting farmland to non-agricultural use but in reality the applicant is actually going to reduce the parcel acres into non-agriculture land. Applicant is requested to provide details on their communication and documented approvals from Alameda County and EACCS heads on dividing an agriculture parcel by shear mitigating on the remaining 5 acres of the parcel?

DATA Request 7: Table 5.6.3 - Policy 52. The conformity to this policy is not justifiable since it is clearly in close proximity to neighbouring residential communities and has high natural resource wind power generation ability. Applicant is requested to provide his correspondence, memorandums, memos with Alameda county and documented approval on this policy 52 from Alameda county

Data Request 8: Table 5.6.3 - Policy 76. The applicant's conformity for this policy is not justifiable since it is clearly breaking the Mountain House Community. Note that the entire residence of Mountain House are against the MEP project. The residents are looking for a greener no-pollution solution aligned to state's reduce pollution targets. Please provide all communications with Mountain House Community Service District (MHCS) and Mountain House Home builders and Trimark Communities LLC, around their approval and support for the applicant's project.

This is being requested since Mountain House community has already been under the foreclosure umbrella as a part of general California state foreclosure issues. The MEP project will further aggravate the situation and will cause the community characteristics from being changed by driving home buyers and home builders because of air pollution threats from the MEP power plant.

Data Request 9: Table 5.6.3 Policy 85 - Williamson Act. and Policy 93 The applicant is violating the act since it is not supporting agricultural use clearly. The applicant's statement of providing year round cattle watering capability does not make him compliant since they will be using 10 acre of the parcel which will be violating the act. Please provide detail approvals and communications (emails, documents, memos and memorandums) from Alameda county and any state authorities.

Data Request 10- Table 5.6.3 Policy 218 - The applicant is clearly not complying with Warren-Alquist act since the ECAP A-District parcel is getting abused by clear division of the 158 parcel. The applicant is requested to provide documented conditional permits approving this policy and certification compliance respecting the Warren-Alquist Act.

Area: Technical Design

Europe and even developing countries like India are on the path of designing power plants with carbon storage allowing zero emissions.

Data Request 11- Applicant is requested to provide cost analysis for carbon storage as a part of the design for cutting down health consequences because of emissions. This request is being made considering California state and federal agencies efforts around cutting down pollution and stepping towards greener implementations.

Area: Pollution

Data Request 12- Applicant is requested to provide detailed communications (emails, documents, memos, memorandums) with Mountain House Elementary schools a) Wicklund Elementary School and b) Bethany Elementary School since the kids are sensitive receptors to the emissions from the project. Have they been communicated of the potential health hazards since the wind is going to blow the pollution right into these locations which is just 2.3 miles from the proposed site.

Data Request 13- Applicant is requested to provide details around any meetings, presentation sessions it has made to Mountain House residents and their feedbacks about the support or concerns about MEP ? Mountain House residents are going to be victims of the pollution and are sensitive receptors over which Alameda county is counting on earning tax and power generation benefits. Applicant's feedback will throw more light to the certification committee.

Area: Pollution to Mountain House- San Joaquin County and Economic Advantage to Alameda County

The strategic location of the proposed site on the border of Alameda county and on the east of the Altamont Mountains shields the entire Alameda population from emission effects. The project is going to help Alameda county in power and tax sector. Mountain House is going to get no benefits. Infact, the Mountain House residential community development will be hampered because of lowering of home

prices caused by increased foreclosures. This will further alienate home developers and builders.

Data Request 14- Has applicant taken efforts to explain and advise Alameda county around the health consequences from emissions caused by MEP and the potential breaking of the Mountain House community because of price impacts on home prices and inducing more foreclosures being a sensitive receptor to the power plant. Please provide documented emails, memos around this topics discussed with Alameda county.

If you have any questions, please call me at (415) 533-4289 or email me at dighe.rajesh@gmail.com

Sincerely,

Rajesh Dighe	(On Original Sent to Docket)	Feb 28-2010
Name	Signature	Date

Enclosed: Proof of Service and Declaration of Service

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 Feb-28-2010, I served and filed copies of the ***RajeshDighe-DataRequests-Nos-5-14*** dated Feb-28-2010. 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

Feb 28- 2010

Name

Date



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 2/8/2010)

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A Town Drowns in Debt as Home Values Plunge

Published: November 10, 2008

MOUNTAIN HOUSE, Calif. — This town, 59 feet above sea level, is the most underwater community in America.



One homeowner bought a foreclosed property on Prosperity Street in Mountain House, Calif.

This week, a real estate office in Tracy, Calif., near Mountain House, was advertising foreclosure sales.

Because of plunging home values, almost 90 percent of homeowners here owe more on their mortgages than their houses are worth, according to figures released Monday. That is the highest percentage in the country. The average homeowner in Mountain House is “underwater,” as it is known, by \$122,000.

A visit to the area over the last couple of days shows how the nationwide housing crisis is contributing to a broad slowdown of the American economy, as families who feel burdened by high mortgages are pulling back on their spending.

Jerry Martinez, a general contractor, and his wife, Marcie, an accounts clerk, are among the struggling owners in Mountain House. Burdened with credit card debt and a house losing value by the day, they are learning the necessity of self-denial for themselves and their three children.

No more family bowling night. No more dinners at Chili’s or [Applebee’s](#). No more going to the movies.

“We make decent money, but it takes a tremendous amount to pay the mortgage,” Mr. Martinez, 33, said.

First American CoreLogic, a real estate data company, has calculated that 7.6 million properties in the country were underwater as of Sept. 30, while another 2.1 million were in striking distance. That is nearly a quarter of all homes with mortgages. The 20 hardest-hit ZIP codes are all in four states: California, Florida, Nevada and Arizona.

“Most people pay very little attention to what their equity stake is if they can make the mortgage,” said First American’s chief economist, Mark Fleming. “They think it’s a bummer if the value has gone down, but they are rooted in their house.”

And yet the magnitude of the current declines has little precedent. “When my house is valued at 50 percent less than it was, does this begin to challenge the way I’m going to behave?” he said.

Mountain House, a planned community set among the fields and pastures of the Central Valley about 60 miles east of San Francisco, provides a discomfiting answer.

The cutbacks by the Martinezes and their neighbors are reflected in a modest strip of about a dozen stores in nearby Tracy. Three are empty while a fourth has only a temporary tenant. Some of those that remain say they are just hanging on.

“Before summer, things were O.K. Not now,” said My Phan of Hailey Nails and Spa. “Customers say they cannot afford to do their nails.” She estimated her business had fallen by half.

At Cribs, Kids and Teens, Jason Heinemann says his business is also down 50 percent. He opened the store in early 2006; last month was his worst ever. “Grandparents are big buyers of kids’ furniture, but when their 401(k)’s are dropping \$10,000 and \$20,000 a week, they don’t come in,” he said.

Mr. Heinemann laid off his one employee, a contribution to an unemployment rate in San Joaquin County that has surpassed 10 percent. He dropped his advertising in the local newspaper and luxury magazines.

As Mr. Heinemann’s sales sink, he is tightening his own belt. “I used to be a big spender,” he said. “We’re setting a budget for Christmas.”

In the window of another tenant, [Wells Fargo](#) Home Mortgage, a placard shows two happy homeowners holding a sign saying, “Someday we’ll owe a lot less than we thought.”

Someday, maybe, but not now. First American has been refining its figures on underwater mortgages, formally known as negative equity. The data company evaluated 42 million residential properties with mortgages. (Though Maine, Mississippi, North Dakota, South Dakota, Vermont, West Virginia and Wyoming were excluded because of insufficient data, none of those states have been central to the mortgage crisis.) A computer model was used to calculate current values, using comparable sales. More than 10 million homes do not have mortgages.

The figures rank the 20 ZIP codes that are furthest underwater. The 95391 ZIP code, which includes all of Mountain House and some properties outside it, has the unwelcome distinction of being first in the country.

Out of 1,856 mortgages in the ZIP code, First American calculates that nearly 90 percent are underwater. Only 209 owners owe less on their mortgages than the homes are worth.

(Page 2 of 2)

The first homes in Mountain House were sold in 2003, just as the real estate boom began to go into overdrive. Its relative proximity to San Francisco drew many who traded a longer commuting trip for a bigger place.

The Martinezes bought their house in early 2005 for \$630,000. It is now worth about \$420,000. They have an interest-only mortgage, a popular loan during the boom that allows owners to forgo principal payments for a time.

But these loans eventually become unmanageable. In 2015, Mr. Martinez said, his monthly payments will be \$12,000 a month. He laughed and shook his head at the absurdity of it.

They fear the future, so they stay home. They rent movies. They play board games. (But not Monopoly — with its real estate theme, it reminds them too much of real life.)

“It’s a vicious circle,” Mr. Martinez said. The economy is faltering because he and millions of others are not spending. This killed his career in home remodeling this year, and threatens his current work as a contractor on commercial properties.

For the moment, the family is just trying to hold on. But Mr. Martinez acknowledges that it has entered his mind to turn his house back over to the bank. “By next June, if things aren’t better, I’m walking,” Mr. Martinez said.

Many in Mountain House have already taken that option. Banks took over 101 properties in the 95391 ZIP code in the third quarter, according to DataQuick Information Systems.

Even relatively recent arrivals are feeling a pinch.

[Kenny Rogers](#), a data security specialist, moved into Mountain House last year, buying a foreclosed property on Prosperity Street for \$380,000. But the decline in values has been so fierce that he too is underwater.

He has cut his DVD buying from 50 a month to perhaps one, and is waiting until the Christmas sales to buy a high-definition television. He does not indulge much anymore in his hobbies of scuba diving and flying. “Best to wait for a better price, or do without,” Mr. Rogers, 52, said.

People deciding to do without are hurting a second mall close to Mountain House. There is a shuttered Linens ‘n Things, part of a chain that went bankrupt. Another empty storefront used to be a Fashion Bug. Soccer World could not make it. Shoe Pavilion is festooned with going-out-of-business signs.

Chris and Janet Ackerson can survey this carnage from their own store with a certain equanimity. Their business, a member of the Vino 100 chain of wine outlets, is doing well.

The store opened at the beginning of the year, so long-term trends are not clear. But sales did not plunge in the last few months as they did for so many other retailers. Four more people joined the store's wine club last weekend.

"My house is underwater, so I'm not doing too much impulse shopping or any renovation. But I'm not cutting back on this," said Ray Lopez, a database administrator, as he placed a \$24 petite sirah on the counter. "Life's too short."

Original Link: http://www.nytimes.com/2008/11/11/business/11home.html?_r=2

On Fri, Jan 7, 2011 at 10:22 AM, Craig Hoffman <CHoffman@energy.state.ca.us> wrote:
This will be docketed.

Craig Hoffman
Project Manager

California Energy Commission
Siting, Transmission and Environmental Protection Division
1516 Ninth Street, MS 15
Sacramento, CA 95814
phone: 916-654-4781
cell: 916-261-6405
fax: 916-654-3882

>>> Rajesh Dighe <dighe.rajesh@gmail.com> 1/7/2011 9:16 AM >>>

<http://sanfrancisco.cbslocal.com/category/watch-listen/video-on-demand/?autoStart=true&topVideoCatNo=default&clipId=5447358&flvUri&partnerclipid>

Quick salient points of this recent CBS 13, - Jan 06 2011 - Eyewitness broadcast video around Mountain House- Housing Boom and Bust

1. Mountain House Home Price Bust
2. Land of of no money down and low interest rate
3. American dream crashed and huge number of homes under water
4. Researchers predict some home prices might never come back.
5. Prices and full recovery if it ever happens will be extremely slow, predicted to happen by year 2030
6. Mountain House compared again to modern day ghost town
7. Home prices dropped by more than 60 % Prices. Some home prices at one time were as high as 800k
8. People struggling to pay rent and mortgage
9. Reality of many struggling first time home buyers
10. Lot of homes empty and unoccupied.
11. Questions remain in resident and expert minds on whether Mountain House Community will ever come back?

Adding to the docket so that everyone understands "Mountain House Community's" ground reality struggle- financially, economically and socially.

Thanks and Regards
Rajesh Dighe

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

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

Date: Jan 07-2011
From: Rajesh Dighe

Mountain House Community and History?

Mountain House Community is just 2.5 miles East of the proposed Mariposa Energy Project site. In 1994 the master plan for Mountain House was approved which consists of 12 distinct neighborhoods housing 44,000 residents. The community will possess a Town Center, designed to be a commerce hub for the community. Offices, retail shops will be planned. It is anticipated that it will take 20 years to complete the Master plan.

Each neighborhood is expected to have its own elementary school and park. So there will 12 Elementary schools planned as per the current master plan.

Today, Mountain House has three elementary schools (Wicklund Elementary, Bethany Elementary, Questa Elementary school) and about 3000 to 3500 homes.

http://www.ci.mountainhouse.ca.us/master-plan.asp?section=about_mountain_house

Mountain House Epicenter of Foreclosure

Mountain House has been the epicenter of recent foreclosure and is still recovering. In November 2008, Mountain House was declared the most underwater community in America. Below is quote from New York Times, Nov 2008 article:

Because of plunging home values, almost 90 percent of homeowners here owe more on their mortgages than their houses are worth, according to figures released Monday. That is the highest percentage in the country. The average homeowner in Mountain House is “underwater,” as it is known, by \$122,000.

<http://www.nytimes.com/2008/11/11/business/11home.html? r=1>

Even CALPERS (California Public Employees Retirement System) investment is losing ground in Mountain House. Below is a snippet from Tracy Press Report, Apr 2010

The report said the company has put about \$1.1 billion into the Mountain House investment since 2005 and estimated the land was worth about \$197 million in 2009.

http://www.tracypress.com/view/full_story/7107892/article-CalPERS-losing-ground-in-Mountain-House

**MHCSD (Mountain House Community Services District) has no revenue coming in from Businesses
MHCSD big chunk of revenue comes from Mountain House Resident's Property Taxes**

Mountain House Community is still recovering from foreclosure and economic downturn. Trimark developer owns most of the commercial undeveloped land in Mountain House. It's a big challenge for this developer who is struggling to grow businesses in Mountain House. For the record, apart from a very small store there are absolutely no businesses here in Mountain House.

This is a critical point causing near zero business tax revenue to MHCSD. Entire burden of MHCSD operation costs is handled via Mountain House resident taxation.

Mountain House residents hence end up paying high water bills (because of developer loan pledge components), high property taxes (about 2% of property value) of which 1% goes into special tax

MHCSD budget is difficult to balance because of current economy and high foreclosure rates (foreclosures cause reduction in MHCSD property tax revenue) and lack of business growth.

Hundreds of Mountain House homes are currently closed and facing foreclosures and many more in the pipeline. MHCSD Board together with resident volunteers is trying best to keep the community together during this tough financial time.

<http://www.ci.mountainhouse.ca.us/admin/upload/MHCSD%20Annual%20Audit%202009.pdf>

Green Mountain House Community

Mountain House residents love their home and enjoy their community at the foot hills of the Altamont. The wind mills in their backyards and their inclination towards installing solar panels on roof tops and their continual lookout for greener solutions in their community's infrastructure development like water treatment plants etc. clearly shows their forward thinking and support for cleaner and greener California. The residents are doing their part of responsibility in helping meet California's Solar and Green initiatives.

<http://www.arb.ca.gov/cc/ab32/ab32.htm>

The proposed Power Mariposa Power Plant is just 2.5 miles west of this Green Mountain House. Residents here are very concerned because of Mariposa Power Plant's GHG (greenhouse gas) thrown in their atmosphere so close to their elementary schools and future senior citizen community (Shea Homes- Trilogy Senior Living) which is the community's growth plan.

Mountain House Community and New Home Buyers

New home buyers will definitely get alienated because of the Mariposa Power Plant. Berkeley study shows about 3 to 7% decline in home values and rent because of close proximity to Power plants.

Details already docketed.

http://www.energy.ca.gov/sitingcases/mariposa/documents/others/2010-10-12_Effect_of_Power_Plants_on_Local_Housing_Values_Rents_TN-58732.pdf

Quick Mathematics:

Let's say:

Number of Homes in Mountain House=3000
Avg Price of Mountain House home=\$300,000
Avg Decrease in Home Price=5%

Then we have about \$15,000 value lost per home because of power plant.
For 3000 homes, Mountain House community would lose about \$45,000,000
(\$45 million loss in residential property value)

We have not even considered loss in undeveloped commercial property in our calculations which could be 100's of millions of dollar loss for Mountain House.

As mentioned earlier, MHCS D does not have a balanced budget. The community is struggling in its finance. This loss is a big deal for the Mountain House community. It is interesting to even think on how Mariposa Energy LLC will mitigate this issue.

Mountain House residents who are plagued with foreclosures are worried about this home value loss which will be triggered by Mariposa Power Plant.

San Ramon Mayor Abram Wilson Statement

Mayor Abram Wilson has also shown concern in having Power Plant so close to Mountain House community. Below is a quote from his letter to CEC

The residents of Mountain House are currently struggling with falling property values and one of Northern California's highest foreclosure rates. Prior to the foreclosure crisis, Mountain House was a blossoming town with a plan for twelve schools and a vibrant commercial corridor. Further negative pressure to property values with nearby smoke stacks and pollution would add another serious detriment to recovery

Furthermore, the specific location of the project on the border of Alameda' and San Joaquin Counties negates any tax benefit for Mountain House to offset the negative impact of such a close proximity plant. I understand the need for improvements to California's energy production capabilities and do not oppose the eventual approval of this project. I simply request that the commission denies approval until a location be found that does not jeopardize the vitality of one of our communities.

[http://www.energy.ca.gov/sitingcases/mariposa/documents/others/2010-10-26 Letter from Abram Wilson Opposing Proposed location of MEP TN-58876.pdf](http://www.energy.ca.gov/sitingcases/mariposa/documents/others/2010-10-26%20Letter%20from%20Abram%20Wilson%20Opposing%20Proposed%20location%20of%20MEP%20TN-58876.pdf)

San Joaquin County misses Air Pollution Control deadline

Mountain House comes under San Joaquin County. Today this county is facing tough challenges in controlling its pollution. Below is a quote from Nov 15 New10 article

Twenty years ago, the U.S. Environmental Protection Agency set firm ozone standard deadlines for cities and regions across the nation. The Clean Air Act of 1990 gave San Joaquin Valley until Nov. 15, 2010 to clean up its air but the area failed.

Last month, the San Joaquin Valley Air Pollution Control District voted to add an additional \$10 fee to car registrations to both penalize the automobile drivers who contribute to air pollution, and use the funds to develop better pollution control, such as buying green school buses and cleaner farm equipment.

<http://www.news10.net/news/local/story.aspx?storyid=106271>

Mariposa Energy needs to show the will to use advanced technologies to reduce GHG and not just use mitigation to buy air pollution credit here in San Joaquin County.

Any additional power plant pollution over San Joaquin will be detrimental for the county's Air Quality.

Mountain House residents signed petition to oppose Mariposa Power Plant

Mountain House residents have opposed this power plant because of the above said reasons. Hundreds of Mountain House residents who are already suffering because of

underwater mortgages and struggling to make their daily financial ends meet are getting stressed because now their kids are going to be sensory receptors to MEP air pollution.

All these residents have already petitioned their opposition to Mariposa Power Plant in large numbers.

I, Rajesh Dighe (MEP 09-AFC-03 application intervener and Mountain House resident) have talked to thousands of Mountain House residents. Here are some of the quotes from Mountain House residents which will show their concerns around Mariposa Power Plant.

“How can CEC approve power plant so close to young growing community?”

“I will have to leave my home and walk away if the Power Plant gets approved”

“This will further cripple Mountain House economically and financially”

“Mountain House will not get a chance because of Mariposa to come out of its current foreclosure crisis”

“Mariposa Power Plant will add more mental stress to already troubled home buyers”

“Power Plant so close to the Schools should not be allowed”

“In this age of Solar and Green initiatives building smoke stack power plants close to Mountain House is interesting”

“We here in Mountain House support Green but Mariposa will offset our true green efforts by throwing more pollution on top of us. Not fair”

“We hope CEC will investigate this power plant applicant carefully”

“Power plants are good but close to residential green community is unjust”

“Throwing in a gas-fired power plant to support intermittent renewable power generation (Wind and Solar) is a good idea but not so close to Mountain House please. Did they study alternate locations?”

“What kind of advanced technologies will Mariposa use to prevent pollution?”

Alternatives

- a. Carbon Capture of Mariposa emission. Applicant has failed to do detail costing for installing this system and estimating to what level it could reduce Air Quality

emissions. Getting to near zero emissions will help improve Air Quality here in California.

- b. Combined cycle engine to reduce GHG emissions in this plant can potentially be implemented to reduce yearly GHG emission by half.
- c. Applicant suggests 2 alternative sites which are also about 2.x miles close to Mountain House. Applicant has not given convincing reasons to Mountain House residents on why an alternate site further away from residential communities was not considered during alternative site research. Mountain House elected Board of Director and Intervener Mr. Jass Singh even talked about how “State of California” should start mandating power plant applicants and have proposed sites away from residential communities. Mayor Abram Wilson of San Ramon also feels strongly around not having Mariposa Power Plant close to Mountain House Community

.
Below is reference to docket article from the Mayor who has opposed this power plant.

http://www.energy.ca.gov/sitingcases/mariposa/documents/others/2010-10-26_Letter_from_Abram_Wilson_Opposing_Proposed_location_of_MEP_TN-58876.pdf

- d. Peaker Power plants with no Carbon capture technology goes against AB 32 California Solar Initiative.
- e. Mountain House Community is aggressive and forward looking technologically and advocates Solar Panel installations inside the community. Mariposa applicant has not studied Solar Panel technologies and not analyzed alternatives using Solar Panels over homes and offices in San Joaquin County to reduce Peak Power usage in summer. As many homes and offices start installing Solar Panels, California Counties will start seeing lesser needs for Mariposa like Peaker Power Plants.

Note : The amount of power generated by sq ft of Solar Panels will keep on improving as Solar technology advances.

- f. It is not far when Solar Panels will potentially replace “GHG emitting Peaker Power Plants” as Solar and Energy Storage research keeps improving in the coming decade.

Summary:

Below table clearly summarizes why Mariposa Energy Project does not satisfy today’s green standards and goes against the development and vision of Mountain House Community.

No	Issue	Description
1	Sensory Receptors not correctly analyzed by applicant	Mountain House master plan has total 12 elementary schools , 1 high school and atleast one senior living community planned as a part of 40,000 residential homes in coming decades. Effects to all these sensory receptors as California starts becoming stricter to GHG emissions are not analyzed correctly.
2	Mountain House epicenter of foreclosure	<p>This sensitive community is under tremendous stress of foreclosure recovery. See CBS video: http://sanfrancisco.cbslocal.com/category/watch-listen/video-on-demand/?autoStart=true&topVideoCatNo=default&clipId=5447358&flvUri&partnerclipid</p> <p>Mariposa will further increase stress on Mountain House residents who pay highest tax amongst the neighboring cities (2%) and very high water bills because of pledge components going to initial developer – Trimark LLC.</p>
3	GHG emissions over MH homes which have Solar panels on roofs and Altamont wind mills in the backyard	Mariposa will alienate new home buyers. State of California AB32 teaches greener adoptions to residents. The power plant site being just 2.5 miles close to Mountain House will confuse California home buyers who like Mountain House’s location with Altamont wind mills in the backyard.
4	Mariposa and its effects on MHCS D budget	<p>Mountain House does not have any business tax revenue. Entire MHCS D operations are managed from Mountain House resident’s property taxes.</p> <p>MHCS D Budget available online http://www.ci.mountainhouse.ca.us/public-documents.asp?section=about_mhcsd</p> <p>Reduction in home prices and lesser home sales because of Mariposa will devastate MHCS D annual budget. MHCS D is currently struggling to balance its budget.</p>
5	Mountain House’s fresh and healthy environment will be lost because of Mariposa power plant site in its backyard	<p>The closest city to Mountain House is Tracy. Tracy city has retail, small businesses and other typical city infrastructure and revenue models.</p> <p>Interesting question comes in mind:</p> <p>Why do people show tendency to buy homes in Mountain House over Tracy?</p> <p>Here is the surprise:</p> <ol style="list-style-type: none"> 1) Excellent Elementary Schools- Ranked highest in Lammersville Unified School District ratings and slowly coming to ratings of San Ramon, Pleasanton, Palo Alto, Cupertino and even Fremont Mission. 2) Majority of the current Mountain House home buyers come from

		<p>San Francisco Bay area who work in highly skilled chip, Software Technology and advanced computing industries. They respect AB32 bill and have the heart and passion to stick with this AB32 bill by installing Solar Panels to help State of California reduce GHG emissions.</p> <p>3) Now if Mariposa Power Plant comes in Mountain House backyard, the majority of these home buyers will have no inclination to invest in home in Mountain House and pay extra tax and water bills and additionally have the Mariposa smog on their head.</p> <p>These new home buyers will be totally confused since nice clean weather which distinguishes Mountain House from Tracy would have been nullified.</p>
6	Zero emissions with no mitigation	<p>Putting tons of pollutants over Mountain House and then claiming emission mitigation is interesting. This seems a wrong concept in today's advanced world and it goes against California AB32 bill.</p> <p>My suggestion to CEC is to start thinking around mandating Power Plant applicants to use advanced Carbon Capture technologies to achieve zero emission. This will further motivate California residents in exercising their part of responsibility by installing Solar panels on roof tops.</p> <p>Mariposa has been supposedly mitigating with BAAQMD and SJ Air Quality for power plant emissions.</p>
7	Solar Panel over roofs becoming future Peaker Power Plants	<p>This idea has been around and does not need introduction.</p> <p>If required, residents of Mountain House Community will be willing to show "State of California and San Joaquin County" their courage and acceptance to AB32 bill by deploying efficient Solar Panels over their roof tops and even sell the extra Solar power to Alameda County- PG&E electric grid via Modesto Irrigation District (MID) Electric grid.</p> <p>Note: Mountain House Community gets electricity from MID grid</p> <p>As more and more San Joaquin county roof tops are installed with efficient Solar Panels dependencies on Peaker Power Plants should start vanishing in coming decades.</p> <p>Money going into construction of Mariposa like natural gas fired power plants needs to be diverted towards installing Solar Panels on San Joaquin roof tops.</p>

DO WE REALLY NEED MARIPOSA POWER PLANT HERE IN STATE OF CALIFORNIA?

Thanking you
Sincerely

Rajesh Dighe

Declaration of Rajesh Dighe

Re: Testimony on Mariposa Energy Project

I, Rajesh Dighe, declare as follows:

I prepared the attached testimony. I have been a resident and active member of the Mountain House Community for 4-1/2 years. It is my opinion that the attached testimony is true and correct. I am personally familiar with the facts and conclusions set forth within the attached testimony. If I was called as a witness, I could testify competently thereto.

I declare under penalty of perjury, under the laws of the State of California, that the foregoing is true and correct to the best of my knowledge.

Dated: Jan 07-2011



At: Mountain House, California

Rajesh Dighe

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 Jan-07-2011, I served and filed copies of this document dated Jan-07-2011. 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>)

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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

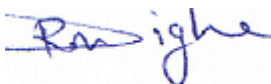
Sacramento, CA 95814-5512

docket@energy.state.ca.us

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

Rajesh Dighe

Jan-07-2011



State of California
State Energy Resources Conservation and Development Commission

In the Matter of:	)	Docket # 09-AFC-03
)	
Mariposa Energy Project)	
	)	Social Economic Effects of Mariposa
	)	Power Plant on Mountain House
_____	)	Community (By Rajesh Dighe)

Date: Nov 22-2010
From: Rajesh Dighe

Mountain House Community and History?

Mountain House Community is just 2.5 miles East of the proposed Mariposa Energy Project site. In 1994 the master plan for Mountain House was approved which consists of 12 distinct neighborhoods housing 44,000 residents. The community will possess a Town Center, designed to be a commerce hub for the community. Offices, retail shops will be planned. It is anticipated that it will take 20 years to complete the Master plan.

Each neighborhood is expected to have its own elementary school and park. So there will 12 Elementary schools planned as per the current master plan.

Today, Mountain House has three elementary schools (Wicklund Elementary, Bethany Elementary, Questa Elementary school) and about 3000 to 3500 homes.

http://www.ci.mountainhouse.ca.us/master-plan.asp?section=about_mountain_house

Mountain House Epicenter of Foreclosure

Mountain House has been the epicenter of recent foreclosure and is still recovering. In November 2008, Mountain House was declared the most underwater community in America. Below is quote from New York Times, Nov 2008 article:

Because of plunging home values, almost 90 percent of homeowners here owe more on their mortgages than their houses are worth, according to figures released Monday. That is the highest percentage in the country. The average homeowner in Mountain House is "underwater," as it is known, by \$122,000.

http://www.nytimes.com/2008/11/11/business/11home.html?_r=1

Even CALPERS (California Public Employees Retirement System) investment is losing ground in Mountain House. Below is a snippet from Tracy Press Report, Apr 2010

The report said the company has put about \$1.1 billion into the Mountain House investment since 2005 and estimated the land was worth about \$197 million in 2009.

http://www.tracypress.com/view/full_story/7107892/article-CalPERS-losing-ground-in-Mountain-House

**MHCSD (Mountain House Community Services District) has no revenue coming in from Businesses
MHCSD big chunk of revenue comes from Mountain House Resident's Property Taxes**

Mountain House Community is still recovering from foreclosure and economic downturn. Trimark developer owns most of the commercial undeveloped land in Mountain House. It's a big challenge for this developer who is struggling to grow businesses in Mountain House. For the record, apart from a very small store there are absolutely no businesses here in Mountain House.

This is a critical point causing near zero business tax revenue to MHCSD. Entire burden of MHCSD operation costs is handled via Mountain House resident taxation.

Mountain House residents hence end up paying high water bills (because of developer loan pledge components), high property taxes (about 2% of property value) of which 1% goes into special tax

MHCSD budget is difficult to balance because of current economy and high foreclosure rates (foreclosures cause reduction in MHCSD property tax revenue) and lack of business growth.

100's of Mountain House homes are currently closed and facing foreclosures and many more in the pipeline. MHCSD Board together with resident volunteers is trying best to keep the community together during this tough financial time.

<http://www.ci.mountainhouse.ca.us/admin/upload/MHCSD%20Annual%20Audit%202009.pdf>

Green Mountain House Community

Mountain House residents love their home and enjoy their community at the foot hills of the Altamont. The wind mills in their backyards and their inclination towards installing solar panels on roof tops and their continual lookout for greener solutions in their community's infrastructure development like water treatment plants etc. clearly shows their forward thinking and support for cleaner and greener California. The residents are doing their part of responsibility in helping meet California's Solar and Green initiatives.

<http://www.arb.ca.gov/cc/ab32/ab32.htm>

The proposed Power Mariposa Power Plant is just 2.5 miles west of this Green Mountain House. Residents here are very concerned because of Mariposa Power Plant's GHG (greenhouse gas) thrown in their atmosphere so close to their elementary schools and future senior citizen community (Shea Homes- Trilogy Senior Living) which is the community's growth plan.

Mountain House Community and New Home Buyers

New home buyers will definitely get alienated because of the Mariposa Power Plant. Berkeley study shows about 3 to 7% decline in home values and rent because of close proximity to Power plants.

Details already docketed.

http://www.energy.ca.gov/sitingcases/mariposa/documents/others/2010-10-12_Effect_of_Power_Plants_on_Local_Housing_Values_Rents_TN-58732.pdf

Quick Mathematics:

Let's say:

Number of Homes in Mountain House=3000
Avg Price of Mountain House home=\$300,000
Avg Decrease in Home Price=5%

Then we have about \$15,000 value lost per home because of power plant.
For 3000 homes, Mountain House community would lose about \$45,000,000
(\$45 million loss in residential property value)

We have not even considered loss in undeveloped commercial property in our calculations which could be 100's of millions of dollar loss for Mountain House.

As mentioned earlier, MHCS D does not have a balanced budget. The community is struggling in its finance. This loss is a big deal for the Mountain House community. It is interesting to even think on how Mariposa Energy LLC will mitigate this issue.

Mountain House residents who are plagued with foreclosures are worried about this home value loss which will be triggered by Mariposa Power Plant.

San Ramon Mayor Abram Wilson Statement

Mayor Abram Wilson has also shown concern in having Power Plant so close to Mountain House community. Below is a quote from his letter to CEC

The residents of Mountain House are currently struggling with falling property values and one of Northern California's highest foreclosure rates. Prior to the foreclosure crisis, Mountain House was a blossoming town with a plan for twelve schools and a vibrant commercial corridor. Further negative pressure to property values with nearby smoke stacks and pollution would add another serious detriment to recovery

Furthermore, the specific location of the project on the border of Alameda' and San Joaquin Counties negates any tax benefit for Mountain House to offset the negative impact of such a close proximity plant. I understand the need for improvements to California's energy production capabilities and do not oppose the eventual approval of this project. I simply request that the commission denies approval until a location be found that does not jeopardize the vitality of one of our communities.

[http://www.energy.ca.gov/sitingcases/mariposa/documents/others/2010-10-26 Letter from Abram Wilson Opposing Proposed location of MEP TN-58876.pdf](http://www.energy.ca.gov/sitingcases/mariposa/documents/others/2010-10-26%20Letter%20from%20Abram%20Wilson%20Opposing%20Proposed%20location%20of%20MEP%20TN-58876.pdf)

San Joaquin County misses Air Pollution Control deadline

Mountain House comes under San Joaquin County. Today this county is facing tough challenges in controlling its pollution. Below is a quote from Nov 15 New10 article

Twenty years ago, the U.S. Environmental Protection Agency set firm ozone standard deadlines for cities and regions across the nation. The Clean Air Act of 1990 gave San Joaquin Valley until Nov. 15, 2010 to clean up its air but the area failed.

Last month, the San Joaquin Valley Air Pollution Control District voted to add an additional \$10 fee to car registrations to both penalize the automobile drivers who contribute to air pollution, and use the funds to develop better pollution control, such as buying green school buses and cleaner farm equipment.

<http://www.news10.net/news/local/story.aspx?storyid=106271>

Mariposa Energy needs to show the will to use advanced technologies to reduce GHG and not just use mitigation to buy air pollution credit here in San Joaquin County.

Any additional power plant pollution over San Joaquin will be detrimental for the county's Air Quality.

Mountain House residents signed petition to oppose Mariposa Power Plant

Mountain House residents have opposed this power plant because of the above said reasons. Hundreds of Mountain House residents who are already suffering because of

underwater mortgages and struggling to make their daily financial ends meet are getting stressed because now their kids are going to be sensory receptors to MEP air pollution.

All these residents have already petitioned their opposition to Mariposa Power Plant in large numbers.

I Rajesh Dighe (MEP 09-AFC-03 application intervener and Mountain House resident) have talked to 1000's of Mountain House residents. Here are some of the quotes from Mountain House residents which will show their concerns around Mariposa Power Plant.

“How can CEC approve power plant so close to young growing community?”

“I will have to leave my home and walk away if the Power Plant gets approved”

“This will further cripple Mountain House economically and financially”

“Mountain House will not get a chance because of Mariposa to come out of its current foreclosure crisis”

“Mariposa Power Plant will add more mental stress to already troubled home buyers”

“Power Plant so close to the Schools should not be allowed”

“In this age of Solar and Green initiatives building smoke stack power plants close to Mountain House is interesting”

“We here in Mountain House support Green but Mariposa will offset our true green efforts by throwing more pollution on top of us. Not fair”

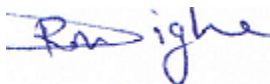
“We hope CEC will investigate this power plant applicant carefully”

“Power plants are good but close to residential green community is unjust”

“Throwing in a gas-fired power plant to support intermittent renewable power generation (Wind and Solar) is a good idea but not so close to Mountain House please. Did they study alternate locations?”

“What kind of advanced technologies will Mariposa use to prevent pollution?”

Thanking you
Sincerely



Rajesh Dighe

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

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Sacramento, CA 95814-5512

docket@energy.state.ca.us

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

Rajesh Dighe

Nov-22-2010

