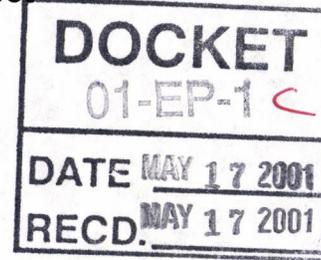


1 U. State of California Energy Resources
2 Conservation and Development Commission
3 Docket No. 01-EP-1
4 Application for Certification for the
5 **LARKSPUR ENERGY FACILITY Emergency Peaker Project**
6 CALIFORNIA ENERGY COMMISSION
7 DOCKET UNIT, MS-4
8 Attn: Docket No. **01-EP-1**
9 1516 Ninth Street
10 Sacramento, CA 95814-5512



11
12 From: CALifornians for Renewable Energy, Inc. (CARE)
13 821 Lakeknoll Drive
14 Sunnyvale, CA 94089
15 (408) 325-4690
16
17

18 **DEMAND THAT CEC TERMINATE EXPENDITURE OF PUBLIC FUNDS PENDING**
19 **RESOLUTION OF THE "ENERGY CRISES"**
20

21 PLEASE TAKE NOTICE that we respectfully demand that all administrative
22 review activities concerning applications for the siting, construction or operation of
23 natural gas powerplants in the state of California presently before the CEC in any
24 manner requiring CEQA or CEQA-equivalent compliance as part of the administrative
25 review be immediately terminated or substantially modified, and no additional public
26 funds be expended to review such applications pending the resolution of, or at least
27 the substantial stabilization of prices, supplies and other market conditions in regard
28 to, the ongoing California energy crisis declared to constitute an emergency by the
29 Governor through the issuance of executive orders commencing in January 2001.
30 The energy crisis has made it impossible to conduct the type of stable, finite and
31 accurate review of conditions as they actually exist required by CEQA. The energy
32 crisis has destroyed and continues to destroy the database essential to the
33 identification, evaluation and mitigation of potentially significant environmental impacts
34 that may occur as a result of a powerplant project. The compilation of that
35 fundamental database is the backbone of the process required by CEQA to afford,

1 we respectfully demand that the CEQA environmental review carried out in previously
2 approving all natural gas powerplant projects be immediately reopened to determine if
3 and precisely how the environmental documentation for each such previously
4 approved powerplant project must be modified to take into account the ongoing
5 energy crisis and its potentially significant effects on the powerplant project
6 themselves, as well as on the environment generally. We strongly urge you to provide
7 us with an immediate and final response to these demands, consisting of or
8 accompanied by a fair explanation of the CEC's position. Should we fail to receive
9 an adequate, good faith and fair response from you within a reasonable period
10 (reasonable in regard to our resources and fund raising as well as time elapsed), we
11 will assume and rely upon your silence as a full and final denial and we will proceed
12 accordingly without further futile efforts to correct and salvage the validity of your
13 administrative process for the siting, construction and operation of thermal
14 powerplants in California.

15 PLEASE TAKE FURTHER NOTICE that your failure to immediately cease and
16 desist from the further waste of public funds by processing applications subject to a
17 CEQA equivalent review that may not be performed because of existing, ongoing
18 conditions--i.e., the energy crisis--may become the subject of a taxpayers suit under
19 section 526a of the Code of Civil Procedure, and relief may be sought against the
20 decisionmakers personally, as well as against other parties.

21
22 *Michael E. Boyd*

23 President-CARE (408) 325-4690

24 DATED: May 16, 2001.