

## DOCKETED

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*Comment Received From: James N. Procter*

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## **Opposing Mission Rock Power Plant**

As a citizen of Santa Paula, I oppose this power plant for all of the technical, environmental, social justice, aesthetic and public health and safety reasons previously raised by others. However, I have an additional concern that I believe deserves very close scrutiny.

Specifically, the applicant proposes to own and operate this facility under the auspices of a limited liability company, or LLC. Presumably, the LLC will be wholly owned by Calpine. Under this arrangement, Calpine would receive the benefits of the profits from the LLC without bearing the burden of the potential liabilities. The financial exposure for any accidents, toxic emissions, remediation costs, business failures or other negative impacts would be limited to the assets of the LLC. If the assets of the LLC are insufficient to cover any such events, it is very likely that the costs of remediation would fall to the taxpayers. This scenario is hardly far fetched. History is replete with examples of taxpayers providing corporate welfare to bail out companies that have made poor business decisions in the pursuit of profit. Accordingly, while I strongly oppose the siting of this power plant on Mission Rock Road and urge you to deny the application outright, I also urge you to explore with the applicant its reasons for the LLC form of ownership.

I would request that the following specific questions be posed to the applicant:

- Why is Calpine not taking ownership of the power plant directly, as one of its corporate operations/assets?
- What contingent or potential liabilities are of concern to Calpine, such that it prefers the LLC form of ownership?
- What guarantees is Calpine willing to make to ensure that any potential problems down the road do not fall to the taxpayers?

I realize that these questions are probably very difficult for the applicant to answer. However, without satisfactory responses to these inquiries, it would be highly imprudent to allow any project to proceed under the ownership of a limited liability company.