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David Pettit, SBN 67128
Tim Grabiell, SBN 231045
Natural Resources Defense Council
1314 Second Street
Santa Monica, CA 90401
310/434-2300 • fax 310/434-2399
Attorneys for Intervenors

DOCKET
06-AFC-4
DATE FEB 21 2008
RECD. FEB 22 2008

STATE OF CALIFORNIA
State Energy Resources
Conservation and Development Commission

In the Matter of:

Vernon Power Plant Project

DOCKET NO: 06-AFC-4

**APPLICATION OF INTERVENORS
MOTHERS OF EAST L.A., BOYLE
HEIGHTS RESIDENT
HOMEOWNERS ASSOCIATION,
INC., ANTONIA MEJIA AND
MIGUEL ALFARO FOR LEAVE TO
SERVE DATA REQUESTS ON
APPLICANT CITY OF VERNON;
DECLARATION OF DAVID
PETTIT IN SUPPORT THEREOF**
[20 C.C.R. § 1716 (e)]

1 Pursuant to California Code of Regulations Title 20, Section 1716(e), Intervenors Mothers of
2 East L.A., Boyle Heights Resident Homeowners Association, Inc., Antonia Mejia, and Miguel
3 Alfaro (collectively "Intervenors") hereby apply for leave to serve a set of 16 data requests on
4 Applicant City of Vernon. A copy of the data requests that Intervenors wish to serve are
5 attached to the Declaration of David Pettit filed and served herewith as Exhibit "A."

6
7 Intervenors bring this application because more than 180 days have elapsed from the date the
8 Commission determined that the City of Vernon's application in this matter was complete.
9 However, good cause exists for granting the application under 20 C.C.R. § 1716(e) because
10 Intenor's Petition to Intervene was not granted until October 17, 2007, and less than 180 days
11 have elapsed from that date. In addition, it has taken Intervenors time to get "up to speed" on the
12 complex factual and legal issues involved in the City of Vernon's application, and certain issues
13 referenced in Intervenors' proposed data requests only surfaced in Vernon Power Plant Project
14 (06-AFC-4) Status Reports #4 and #5. Given that there is no status report or hearing now
15 scheduled, Applicant will not suffer any prejudice from the granting of this Application.

16
17 WHEREFORE, Intervenors Mothers of East L.A., Boyle Heights Resident Homeowners
18 Association, Inc., Antonia Mejia, and Miguel Alfaro respectfully request that the Committee
19 grant them leave to serve on Applicant City of Vernon the set of data requests attached to the
20 Pettit Declaration as Exhibit "A," and that those data requests be deemed served on Applicant on
21 the date that this Application is granted.

22 DATED: February 21, 2008

23 Respectfully submitted,

24 David Pettit
25 Tim Grabiell
26 Natural Resources Defense Council

27 By: 
28 David Pettit

Attorneys for Intervenors Mothers of East L.A.,
Boyle Heights Resident Homeowners
Association, Inc., Antonia Mejia, and Miguel
Alfaro

1 **Proof of Service**

2 I am employed in the County of Los Angeles, State of California. I am over the age of
3 18 and not a party to this action. My business address is 1314 Second Street, Santa Monica,
4 CA, California 90401. On February 21, 2008 I served the document described as:

5 **APPLICATION OF INTERVENORS MOTHERS OF EAST L.A., BOYLE HEIGHTS**
6 **RESIDENT HOMEOWNERS ASSOCIATION, INC., ANTONIA MEJIA AND**
7 **MIGUEL ALFARO FOR LEAVE TO SERVE DATA REQUESTS ON APPLICANT**
8 **CITY OF VERNON**

9 **DECLARATION OF DAVID PETTIT IN SUPPORT THEREOF**

10 **PROPOSED DATA REQUESTS**

11 on the following interested parties in this action via electronic mail:

12 CALIFORNIA ENERGY COMMISSION 13 Attn: DOCKET NO. 06-AFC-4 14 1516 Ninth Street, MS-4 15 Sacramento, CA 95814-5512 16 docket@energy.state.ca.us	Donal O'Callaghan Director of Light & Power City of Vernon 4305 So. Santa Fe Avenue Vernon, CA 90058 docallaghan@ci.vernon.ca.us rtoering@ci.vernon.ca.us e.fresch@sbcglobal.net
17 John Carrier, CH2M Hill 18 Environmental Consultant 19 2485 Natomas Park Dr., #600 20 Sacramento, CA 95833-2937 21 john.carrier@ch2m.com	Yolanda Garza & Christine Bucklin Dept. Toxic Substances Control 1011 N. Grandview Street Glendale, CA 91201 ygarza@dtsc.ca.gov cbucklin@dtsc.ca.gov
22 Jeff A. Harrison, City Attorney 23 City of Vernon 24 4305 So. Santa Fe Avenue 25 Vernon, CA 90058 26 jharrison@ci.vernon.ca.us 27 jharrison@karnskarabian.com	Mohsen Nazemi South Coast Air Quality Mgmt. District 21865 E. Copley Drive Diamond Bar, CA 91765-4182 jvee@aqmd.gov
28 Michael Carroll, Counsel for Vernon Latham & Watkins 650 Town Center Drive, 20th Floor Costa Mesa, California 92626-1925 michael.carroll@lw.com	Jennifer Pinkerton City of Los Angeles Environmental Affairs Department 200 N. Spring St., Rm. 2005, MS 177 Los Angeles, CA 90012 jennifer.pinkerton@lacity.org

1		
2	City of Huntington Park	California Unions for Reliable Energy
3	Att: Albert Fontanez, Asst Planner	Marc D. Joseph & Gloria D. Smith
4	6550 Miles Avenue	Adams Broadwell Joseph & Cardozo
5	Huntington Park, CA 90255	601 Gateway Blvd., Suite 1000
	afontanez@huntingtonpark.org	South San Francisco, California 94080
		gsmith@adamsbroadwell.com
		mdjoseph@adamsbroadwell.com
6	City of Maywood	Ian Forrest, Esq., Counsel for Rite-Way
7	Att: Felipe Aguirre & Edward Ahrens	Jeffer, Mangels, Butler & Marmaro LLP
8	4319 E. Slauson Ave	1900 Ave of the Stars, 7th Fl.
9	Maywood Ca 90270	Los Angeles, CA 90067-4308
	faguirre@cityofmaywood.com	imf@jmbm.com
	eahrens@cityofmaywood.com	
10	Irwin Miller, President	Communities for a Better Environment
11	Rite-Way Meat Packers, Inc.	Bahram Fazeli
12	5151 Alcoa Avenue	5610 Pacific Boulevard, Suite 203
	Vernon, California 90058	Huntington Park CA 90255
	irwin@rose-shore.com	bfazeli@cbeocal.org
13	Communities for a Better Environment	Jackalyne Pfannenstiel, Chair
14	Shana Lazerow & Philip Huang	Presiding Committee Member
15	1440 Broadway, Suite 701	jpfannen@energy.state.ca.us
	Oakland, CA 94612	cgraber@energy.state.ca.us
	phuang@cbeocal.org	
16	James D. Boyd, Commissioner	Electricity Oversight Board
17	Associate Committee Member	Att: Eric Saltmarsh
18	jboyd@energy.state.ca.us	770 L Street, Suite 1250
		Sacramento, CA 95814
		esaltmarsh@eob.ca.gov
19	Mike Monosmith	Jared Babula
20	Siting Project Manager	Staff Attorney
	mmonasmi@energy.state.ca.us	jbabula@energy.state.ca.us
21	Public Adviser	Gary Fay
22	pao@energy.state.ca.	Hearing Officer
		gfay@energy.state.ca.us
23	* Ellen Sandt,	* Los Angeles City Council District No. 9
24	Deputy Chief Executive	Council Member Jan Perry
25	Chief Executive Office	200 N. Spring Street, Rm 420, City Hall
	Howard Choy,	Los Angeles, CA 90012
	Division Manager, Energy Management	<u>Jan.Perry@lacity.org</u>
26	Internal Services Department	
27	c/o Behnaz Tashakorian, Esq.	
28	Allison Morse, Esq.	
	628 Kenneth Hahn Hall Of Administration	
	500 W. Temple Street	
	Los Angeles, CA 90012-2713	
	<u>btashakorian@counsel.lacounty.gov</u>	

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Los Angeles City Council District No. 14 Council Member Jose Huizar 200 N. Spring Street, Rm 465, City Hall Los Angeles, CA 90012 councilmember.huizar@lacity.org	Mothers of East L. A. Lucy Ramos, President P. O. Box 23151 Los Angeles, CA 90023
Antonia Mejia 3148 Aintree Lane Los Angeles, CA 90023	Miguel Alfaro 2818 East Guirado Street Los Angeles, Ca 90023
Teresa Marquez, President Boyle Heights Resident Homeowners Association, Inc. 3122 East 3 rd Street Los Angeles, CA 90063	

Transmission via electronic mail was consistent with the requirements of California Code of Regulations, title 20, sections 1209, 1209.5, and 1210. All electronic copies were sent to all those identified on the Proof of Service list above.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed on February 21, 2008, at Santa Monica, California.


Sherry Goldberg

1 David Pettit, SBN 67128
2 Tim Grabiell, SBN 231045
3 Natural Resources Defense Council
4 1314 Second Street
5 Santa Monica, CA 90401
6 310/434-2300 • fax 310/434-2399
7 Attorneys for Intervenors

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11 **STATE OF CALIFORNIA**
12 **State Energy Resources**
13 **Conservation and Development Commission**

14 In the Matter of:
15
16 **Vernon Power Plant Project**

DOCKET NO: 06-AFC-4

**DECLARATION OF DAVID PETTIT
IN SUPPORT OF APPLICATION OF
INTERVENORS MOTHERS OF
EAST L.A., BOYLE HEIGHTS
RESIDENT HOMEOWNERS
ASSOCIATION, INC., ANTONIA
MEJIA AND MIGUEL ALFARO
FOR LEAVE TO SERVE DATA
REQUESTS ON APPLICANT CITY
OF VERNON; PROPOSED DATA
REQUESTS
[20 C.C.R. § 1716 (e)]**

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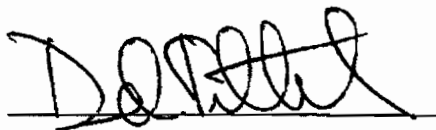
DECLARATION OF DAVID PETTIT

I, David Pettit, declare as follows:

1. I am one of the counsel of record for Intervenors Mothers of East L.A., Boyle Heights Resident Homeowners Association, Inc., Antonia Mejia, and Miguel Alfaro (“Intervenors”) in this matter. I make this Declaration of my own personal knowledge, and if called to testify could and would testify truthfully to the contents hereof.
2. Intervenors filed their Petition to Intervene in this matter on October 12, 2007. Intervenors’ Petition was granted on October 17, 2007. From my review of the record in this matter, it appears to me that the City of Vernon’s Application was deemed complete on or about September 14, 2006. More than 180 days had elapsed between that date and the date on which Intervenors filed their Petition.
3. It has taken some time for counsel for Intervenors to review the data requests and responses that currently exist and to command the factual issues in this matter. In addition, the most recent status reports of the parties and the Commission’s February 8, 2008 Order Denying Requests of Parties have identified important issues that are currently unresolved. Those issues are reflected in the 16 proposed data requests to the Applicant which are attached hereto as Exhibit “A.”

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

Executed on February 21, 2008 at Santa Monica, California.



DAVID PETTIT

1 **EXHIBIT A: PROPOSED DATA REQUESTS TO APPLICANT CITY OF VERNON**

- 2 1. Please describe the efforts you have made to enter into a contract or contracts for the
3 sale of power from the proposed project, and the responses, if any, in connection with
4 those efforts.
- 5 2. Please describe your efforts, if any, to produce energy from renewable sources at the
6 site of the proposed project.
- 7 3. Please describe the results of any updates (from the figures presented in your
8 Application) of the amount of emissions of criteria pollutants and air toxics predicted
9 for the proposed project.
- 10 4. Please describe the status of Vernon's efforts, if any, to reduce the projected emissions
11 of criteria pollutants and air toxics from the proposed project.
- 12 5. Please describe the availability of alternative energy resources, including energy
13 efficiency, to meet the demand that proposed plant is designed to fill.
- 14 6. Please describe the historical and current efforts, if any, by Vernon to promote and
15 ensure energy efficiency in its current and expected future customers.
- 16 7. Please describe the anticipated energy requirements of the City of Vernon in the next
17 5, 10 and 15 years.
- 18 8. Please describe the status of Vernon's due diligence efforts to secure emission
19 reduction credits from third parties or comply with South Coast Air Quality
20 Management District Rule 1309.1, including efforts to ensure all sources under
21 common ownership are in compliance with all rules, variances, orders, and settlement
22 agreements.
- 23 9. Please describe the project alternatives, if any, considered by you that could avoid
24 significant impacts from the project, including the "no project" scenario, and the state
25 of analysis of all such project alternatives.
- 26 10. Please explain why, in your attempts to procure energy to serve your load, you have
27 not acquired all available energy efficiency, as required by Section 9615(a) of the
28 Public Utilities Code.

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11. Please explain why you have not identified all potentially achievable cost-effective electricity efficiency savings, as required by Section 9615(b) of the Public Utilities Code.

12. Please explain why you have not established annual targets for energy efficiency savings and demand reduction, as required by Section 9615(b) of the Public Utilities Code.

13. Please explain why you have not reported your annual targets for energy efficiency savings and demand reduction to the State Energy Resources Conservation and Development Commission, as required by Section 9615(c) of the Public Utilities Code.

14. Please explain why you have not reported about your energy efficiency programs to your customers and to the State Energy Resources Conservation and Development Commission, as required by Section 9615(d) and (e) of the Public Utilities Code.

15. Please describe the expected health and air quality impacts to downwind communities, including, but not limited to, East Los Angeles and Boyle Heights.

16. Please detail the aggregate energy requirements for the City of Vernon and the manner in which they are met. Include descriptions of recent energy efficiency programs in the City of Vernon and their effect on demand. If no programs are available, please describe the amount of untapped energy efficiency potential and alternative energy alternatives within the City of Vernon.