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Sunday, December 26, 2010

California Energy Commission
Attn: Mike Monasmith
1516 Ninth Street, MS-15
Sacramento, CA
95814-5512

Dear Mr. Monasmith

This is in response to your request for comments on licensing power plants. I listened to the WebEx call on December 14, but did not speak. I am an intevenor on the Genesis and Imperial projects.

I have not used the December 3 form you provided, since I had additional comments. The first part of this comment letter responds to some of the items on the form. The additional comments follow those.

Critical issues identified on the form supplied:

Timing and coordination with Federal permits:	No comment
Hydrologic impacts and water supply reliability.	Critical issue. Using irreplaceable fossil water for cooling is using non-renewable resources and is therefore unacceptable, as many of the desert sited projects have found out. Photovoltaic can avoid high water usage. The issue can be avoided entirely with roof-top solar in urban areas, energy conservation, smart meters, variable pricing, demand supply techniques.
Land use constraints, including availability of large tracts of developable land.	Critical issue. I am assuming 'large tracts' implies contiguous tracts and 'developable' implies land not previously disturbed. Some technologies do not need contiguous, including eSolar power tower and photovoltaic. These technologies can use smaller tracts of 'brownfields' – previously disturbed lands that tend to be available in smaller parcels. The small installations generate power independently, and can be connected with transmission lines if needed.
Impact to biological and cultural resources. Associated mitigation strategies.	Critical issues. The issue is considered important -- we've been passing legislation to protect biological and cultural resources for over a hundred years. Critical issues. Mitigation is expensive. It must be permanent. Mitigation can be avoided by choosing locations that don't need mitigation, as suggested under the Land Use response.
Visual and open space recreational issues	Critical. Our California deserts are a heritage of extreme value. To industrialized them while viable options are available that do not use desert areas is abandonment of that heritage.

Local agency and public participation.

Locals tend to feel an ownership to their surrounding land, even though it may not be technically true. They must be included in a meaningful way when such a fundamental change in land use is contemplated.

Additional Comments

1) **Documents:** This comment addresses the mechanics of documents used in the process.

I found the documents presented extremely difficult to use. I can't help but think that friendlier documents would get better responses. Comprehension should not come at such personal cost:

Tables of Contents are often incomplete, covering major headings only, and even more often do not work as links to the reference. This makes it difficult, frustrating and time-consuming to find to specific texts.

Pagination is always by section, never by pdf page. Going to page 3-5, for instance, means a search of the document or a long scroll. Pagination by pdf page number would allow use of pdf's GoTo function.

Several times I hand-made a table of contents for the more detailed sections, showing CEC's page number, pdf page number, paragraph indent level, and paragraph topic. Only after this could I efficiently move around in the sections.

Suggestions:

- All documents have tables of contents that include all headlined sections
- All table of contents entries act as links to the section
- BLM's recent Solar PEIS documents do these.
- Pagination be consecutive starting at the first page. Pdf pagination does this.

Repetitive Text occurs throughout. Rather than single text for some topics, the various authors repeat. Readers must examine each for instance differences, since any difference could be important. Examples: I discovered five, as I recall, Purpose and Need sections in the Imperial SA. I copied them to a separate document and put them side-by-side to analyze the nuances. Look at the Blythe decision document. Page pdf-11 describes location and characteristics. Then page pdf-18 again describes location and characteristics, but this time with a little different wording and detail.

Example, of insensitivity to users. On Dec 10 came a dense 26 page errata sheet for the Palen PMPD. It's organized by section, not pdf page number. Bookmarks in the parent pdf document are inoperative and incomplete. Finding the location for the errata in the parent document is tedious and time consuming. Then, what to do with the errata? I can't edit the pdf parent, so I must hand edit printed copies and future printouts. I must constantly refer to the errata sheet when viewing on the screen. Could CEC issue a revision with revision marks, instead of putting this clerical burden on readers?

- 2) **Fragmented Documents:** Occasionally documents on the CEC website appear as many small separate documents that must be downloaded. I presume this is appreciated by those who are interested in specific sections only. For me, and I presume others, who need the full document, assembling separate files from the website into a useable file on my computer is again tedious and time consuming. I realize the length of fully assembled documents sometimes calls for fragmentation, but the fully assembled document should be available for those with fast connections.
- 3) **Distribution Burden:** For a "small office" such as myself the task of distributing to the POS list is extremely onerous. It takes time from working with the substance of the matter. Would CEC consider providing a distribution service? Positive side effects would be that distribution would likely be more accurate, timely and reliable.
- 4) **Project Name Changes:** Do not allow them. They fool the public. Most people I have encountered who are interested but don't follow specific projects in detail are not aware that a new name is an older project, not a new project. Russian novels are bad enough. That kind of

confusion is not appropriate here. Sometimes I suspect the name change is deliberate, just to cause confusion, or is done for marketing purposes – not the CEC’s concern. CEC can refuse to use a changed name, which would probably prevail. Please coordinate with BLM to implement this.

The name changes I am aware of are:

NextEra Ford Dry Lake Solar Project	Genesis Solar Energy Project
Calico Solar Project	SES Solar One Project
Imperial Valley Solar	SES Solar Two Project

- 5) **Local Meetings:** Hearings and many of the workshops must be local. Local residents have little opportunity to travel to Sacramento. Since the projects are injected into remote communities respectful consideration dictates that the local population be as close to the process as possible. I realize this is a burden for the CEC, but consider that the projects are often imposed on the community, not requested by the community.
- 6) **Surprise Issues:** There was some complaint at the Lessons Learned workshop of issues that appeared ‘at the last moment’. I advise rejection of this complaint. These are complex sitings, with many complex issues and no experts familiar with all of them. That it takes time for the issues to emerge is to be expected. The source of the complaint is more likely the rush to complete the process.
- 7) **Ex-parte Communication:** I can understand the complaint about the prohibition, since often a simple totally innocent conversation can clear up a point that would otherwise take weeks. I would suggest a solution might be that all ex-parte be in writing, in letter form, and immediately docketed, with document indexing tools to make a conversation thread easy to follow. (Since I am not legally trained and certainly not an expert on ex-parte communication, please take this as a suggestion, not a strong opinion.)
- 8) **Put ALL documents on-line:** It is vitally important to be able to pull up documents immediately to avoid interrupting work flow of the moment. This is especially true during off hours, when CEC docketing staff are not available. A corollary requirement is to be able to list documents by date, source (applicant, CEC, interveror, as done now), author, topic, etc. Modern websites dealing with large amounts of data now do this.
- 9) **Summary Judgment:** (Please again excuse my lack of legal training). Scott Galati expressed some frustration concerning what he feels was excessive discussion of some lesser topics, the solution being a summary judgment to put the issue to bed early. I disagree. It’s in the same category as Surprise Issues above. In these complex sitings that start from a position of substantial ignorance of the issues, it takes time for the issues to mature, and summary judgments would preclude that. It also does not recognize that seemingly small topics can legitimately inflate in importance on scrutiny.
- 10) **Indian Consultation:** Bridget Nash-Chrabascz observed that the CEC was not competent at informing and including the tribes. This characteristic of a different culture absolutely must be considered. Probably because Native Americans did not live in dense concentrations, they did not develop procedures as precise as ours. To expect the tribes to respond with the responsiveness of our culture is disrespectful. The CEC must learn more proactive techniques to truly include Native Americans in the process. The Quechan suit, though directed at the BLM, illustrates. We must make the necessary efforts needed to accommodate the differences.

Political Comments

- 11) **Price, Quality and Speed:** I am intrigued by Scott Galati’s truism that you can have two of Price, Quality and Speed, but not all three. Fast Track has hijacked Speed. Price is dictated by limited resources. The odd-man out is Quality, which is probably the core genesis of requests to preclude last minute issues and have summary judgments. Note that postulating unlimited resources still would not get Quality, just as nine women can’t make one baby on one month. Quality can’t be decreed.

Fast track was dictated. The problem is with the dictator. We are left with the consequences.

12) Desert Knowledge: Ignorance of the properties and qualities of the desert is monumental. We know a lot, but it is small compared to full understanding. This is a good deal of what bothers the environmentalists, that we don't know what we are destroying. It makes many mitigations and conditions of certification acts of hubris, since in this state of ignorance we have no right to assume the mitigations and C/Cs are solutions.

13) Pre-decision: The commission denies that the fast-track projects were slated to be approved, independent of anything else. Evidence and observation suggest otherwise. Many of the projects have large unmitigable impacts. Legitimate concerns by all except the applicant about the viability of SunCatchers were ignored in favor of the override. Economics is fundamental to the success of any commercial business, and environmental impact results from that success or failure. Yet the staff assessments refuse to analyze economic viability. Boilerplate reasons for elimination of alternatives that appeared in staff assessments were laughably flimsy. Successes of distributed generation and photovoltaics in other parts of the world were not considered and not used as lessons for alternatives. Purpose and needs analyses were slanted toward restricting alternatives considered. Previously disturbed lands were not given adequate consideration. On the Imperial project Staff recommended override, despite staff's theoretical status as an independent party.

Pressure from on-high is well known. The Secretary of the Interior added indirect pressure by approvals at his level, with President Obama standing in support. Governor Schwarzenegger's statements leave no question about his position, leaving almost certain his instructions to his appointees, the CEC commissioners. Some of the Governor's statements:

<i>If we cannot put solar power plants in the Mojave desert, I don't know where the hell we can put it.</i>	Yale University speech, 2009.
<i>Some people look out into the desert and see miles and miles of emptiness. I see miles and miles of gold mine. The construction of this renewable energy plant is great news for our state and further proof that it is possible to both protect the environment and grow the economy.</i>	Oct 27, 2010, Ivanpah groundbreaking.
<i>The sun and the wind available in California's deserts are a 'goldmine' of renewable power</i>	Dec 9, 2010, Sunrise Power Link groundbreaking

I agree with Mike Boyd and some other intervenors that participation had no effect. I probably will not attempt intervention again – the reward of the education I got hardly compensates for the effort and neglect of other parts of my life. I am bitter that the Commission can ignore CEQA and can decree overrides, and that the prohibition against legal action in California, Supreme Court excepted, effectively removed fundamental rights to have grievances heard.

Regards,

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