

Power of Vision

Terramar Homeowners Association

DOCKET**10-SIT-OII-1**

DATE	JAN 03 2011
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Monday, January 3, 2011

Jennifer Jennings
Public Advisory
California Energy Commission
1516 9th Street
Sacramento, CA 95814

Dear Ms. Jennings:

Please find attached follow-up comments for the California Energy Commission (CEC) regarding the “Workshop on Intervening” from Terramar and Power of Vision.

1. During the three plus years that we have been involved with CEC proceedings, the energy world has changed in many ways:
 - a. Renewable energy projects have become more plentiful and significant.
 - b. Green House Gas emissions have become a significant concern in the cause of climate change.
 - c. Environmental rules have become more stringent.
 - d. The world has been through a deep recession, and power consumption projections for California have decreased.

These are just some of the changes that have been discussed throughout our proceedings. But the rules that guide approval of new power generating facilities have not changed to keep up with the times. We would therefore suggest that the California Energy Commission communicate to the legislature that the time has come to update the Warren Alquist Act.

2. CEC staff needs to maintain independence during certification proceedings from beginning to end no matter what outcome prevails per the Warren Alquist Act:

“§ 1712.5. Staff as an Independent Party.

In carrying out its duties pursuant to this chapter, the staff of the commission shall be an independent party to all notice, application, and exemption proceedings”
(From the California Code of Regulations Title 20. Public Utilities and Energy.)

CEC staff appeared to act as an advocate for the project rather than an independent voice providing research to the presiding commissioners. The Evidentiary hearing record, as well as Opening and Reply briefs, are full of language dismissive of the City of Carlsbad and their representatives. Staff did not even bother to address the issues raised by Power of Vision and Terramar in the briefs.

3. Applicants need to be able to show financial capabilities to build, and contract negotiations with the public utility to receive certification. Otherwise the certification can create financial gain to the landholder as a negotiation tool for

permits or on the possible sale of the land (while all the certification costs were paid by the taxpayer).

A "Notice of Intent" should be required of applicants to scope for environmental and public issues. Such a document, similar to a NOI to prepare an Environmental Impact Reports (for example), could save time and money. With the State of California in such severe financial crisis, it seems exceedingly wasteful of taxpayer dollars to go through the full CEC process for a project that stands a good chance of not being approved or, if approved, not built. The issues that are now before the Commissioners would have been raised and dealt with earlier in the process. If the applicant does not have a service contract with the local provider, IPEIR reports a decreased need in the region; it is a major waste of taxpayer money to proceed with the full process.

4. The process of being an intervener is a complex and expensive road. For those of us who take it seriously, more guidance would be appreciated. (We must add here that Jennifer Jennings has been extremely helpful but she may not always be available.)
 - a. Guidelines on this daunting task would be of great help. A more thorough explanation of each step and how to approach it. We made many mistakes along the way because we did not know the process and we would be happy to offer more suggestions for the guidance we would have appreciated.
 - b. We would also suggest a reference list of briefs and reply briefs that the commissions feel were well stated and well organized. This would help an intervener to know what the commission is looking for in briefs.
 - c. Examples of written testimony would have been extremely helpful. This would include an explanation of exhibits.
 - d. What it means to docket materials would help an intervener.
 - e. The difference between written and oral testimony needs to be explained.

We hope this is helpful information for the Public Advisors Office to ease the many questions that go with the task of intervening. We would be happy to go into further detail in order to assist this daunting task.

Thank you,

Julie Baker
Power of Vision

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Terramar

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