

State of California
State Energy Resources Conservation and Development Commission

In the Matter of:)
)
Mariposa Energy Project)
)
)
)
_____)

Docket # 09-AFC-03

Motion: Joint Motion to
have Socioeconomics
evidentiary hearing in Mountain
House, CA

DOCKET	
09-AFC-3	
DATE	MAR 01 2011
RECD.	MAR 01 2011

Date: March 1, 2011
From: Rajesh Dighe, Jass Singh

Interveners, Rajesh Dighe and Jass Singh hereby submit this motion to request a change in the day and location of the proposed Socioeconomics Evidentiary hearing presently proposed for Sacramento, California, on March 7, 2011.

As we have expressed via prior communications, we cannot be available on that proposed date at the proposed time. See Appendix A. Moreover, due to the nature of the present issue and history of this case, it is only fair and just that the hearing is held closer to the vicinity of our community at a time when our communities' interveners can be available.

The background related to this issue is as follows:

1. The issue of Socioeconomics was raised by Mountain House's Intervener; therefore, we are the most necessary parties to attend this Evidentiary Hearing.
2. The issue of Socioeconomics was not properly heard during the prior hearing days scheduled for February 24-25, 2011.
3. Mountain House Community Services District (MHCS D) could not afford to hire attorneys to contest this matter, therefore, private citizens have had to serve as unrepresented Interveners at their own expense.
4. Despite the evidence submitted, including recent census data and attached physical voting record this committee has still not accepted the simple fact that Mountain House is a Minority Community comprised of non-native English speakers. See Appendix B and Appendix C.
5. The Committee has refused every request from the Mountain House Interveners for both translation and/or communication assistance services, which has forced the Interveners to engage in door to door campaign to raise awareness that the Mariposa Energy Project (MEP) was being proposed for development around two (2) miles from Mountain House.
6. Despite numerous requests, the Committee has refused to provide the Intervenes with any translation services during hearings, which has made it very difficult for the unrepresented Intervener's to understand the technical discussions of the experts or the complex legal arguments being presented to the Committee.

7. After a request was sent to us by the Committee, and Rajesh Dighe responded that the only day he would be unavailable would be March 7, 2011, the Committee subsequently scheduled the make-up Evidentiary Hearing on the exact day he stated he could not be in attendance, notably 2-hours from the site of our community and all other Evidentiary Hearings and 4-hours from Rajesh's place of employment.
8. The Interveners motion to host the make-up conference in Mountain House, the community raising the issue, at the end of March, so another door-to-door campaign can be initiated has been denied.

This is a key issue that will demonstrate whether the parties seeking to develop the MEP facility performed the necessary level of due diligence and meet their legal requirements through this process.

Presently, the record demonstrates that the applicant and CEC Staff of the MEP have paid no attention to either the social or economic impacts that this plant will have on the growing community in Mountain House or on future development. Respectfully, we request that this Committee does not compound injustice being placed on a racial minority community by realistically denying us the ability to have an Evidentiary Hearing to fully vet the facts underlying the case.

Accordingly, we request this Committee grant our motion for a change of venue to Mountain House, California, and for a change of date for the hearing, so that we might attend the hearing and raise local awareness that of the forthcoming hearing. Pursuant to your earlier email we have talked to Bethany Elementary School, and found the School's multi-purpose room suitable for such a hearing. Also we suggest CEC to consider MHCS D-Board room as an alternative. Supposedly, internet connections exist in both these rooms which will facilitate WebEx sessions. Also microphone and teleconferencing is feasible. Both these rooms also have large projection screens. Please note, Mountain House got two more Elementary schools (Wicklund Elementary and Questa Elementary) where such a hearing is a possibility. All these elementary schools have Capacity of about 832 – Assembly and 359 – Dining. MHCS D Board Room has less capacity around 90 (can be confirmed if needed). Rajesh Dighe has talked with Sherri Sentman of Bethany Elementary School and she advised passing her information to CEC for any further scheduling questions. Mr Jass Singh can be contacted for scheduling the MHCS D Board room.

Thanking you and Sincerely

Rajesh Dighe



Mar 01-2011

Jass Singh



Mar 01-2011

STATE OF CALIFORNIA

State Energy Resources

Conservation and Development Commission

In the Matter of: [DOCKET NUMBER 09-AFC-03]

[MARIPOSA ENERGY PROJECT] **DECLARATION OF SERVICE**

I, Rajesh Dighe declare that on Mar-01-2011, I served and filed copies of this document dated Mar-01-2011. The original document, filed with the Docket Unit, is accompanied by a copy of the most recent *Proof of Service* list (most recent version is located on the proceeding's web page at: <http://www.energy.ca.gov/sitingcases/mariposa/index.html>)

The document has been sent to both the other parties in this proceeding (as shown on the *Proof of Service* list) and to the Commission's Docket Unit, in the following manner:

For service to the applicant and all other parties:

sent electronically to all email addresses on the Proof of Service list;

by personal delivery or by depositing in the United States mail at Sacramento, California with first-class postage thereon fully prepaid and addressed as provided on the *Proof of Service* list above to those addresses **NOT** marked "email preferred."

AND

For filing with the Energy Commission:

sending an original paper copy and one electronic copy, mailed and emailed respectively, to the address below (preferred method);

OR

depositing in the mail an original and 12 paper copies, as follows:

CALIFORNIA ENERGY COMMISSION
Attn: Docket No. [09-AFC-03]
1516 Ninth Street, MS-4
Sacramento, CA 95814-5512
docket@energy.state.ca.us


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

Rajesh Dighe



Mar-01-2011

Jass Singh



Mar-01-2011



APPENDIX A

Jass Singh <jass.singh2000@gmail.com>

Mariposa Evidentiary Hearing

4 messages

Jennifer Jennings <JJenning@energy.state.ca.us>

Tue, Feb 8, 2011 at 12:42 PM

To: Sarveybob@aol.com, emainland@comcast.net, dighe.rajesh@gmail.com, jass.singh2000@gmail.com, rob@redwoodrob.com, andy_psi@sbcglobal.net, jlamb@sjgov.org, mgroover@sjgov.org, carltonal@yahoo.com

Hi,

The Commission really wants to conclude the Mariposa Evidentiary Hearing after the two days of hearings scheduled for the 24th and 25th of February. However, in case that does not happen, I need to know of your availability for additional hearing dates. Please let me know if you are available on

March 3

March 7

At this point, any third day of hearings would be in Sacramento.

Thank you,

Jennifer Jennings
Public Adviser

California Energy Commission
1516 Ninth Street, MS #12
Sacramento, CA 95814-0027

jennifer.jennings@energy.state.ca.us
[916.653.5898](tel:916.653.5898)

Sarveybob@aol.com <Sarveybob@aol.com>

Tue, Feb 8, 2011 at 1:05 PM

To: JJenning@energy.state.ca.us, emainland@comcast.net, dighe.rajesh@gmail.com, jass.singh2000@gmail.com, rob@redwoodrob.com, andy_psi@sbcglobal.net, jlamb@sjgov.org, mgroover@sjgov.org, carltonal@yahoo.com

I cant make the 3rd but the 7th could work.

Jennifer Jennings <JJenning@energy.state.ca.us>

Wed, Feb 9, 2011 at 11:11 AM

To: dighe.rajesh@gmail.com, jass.singh2000@gmail.com, rob@redwoodrob.com, andy_psi@sbcglobal.net, jlamb@sjgov.org

Please respond to the e-mail below as soon as possible. Thank you,

Jennifer Jennings
Public Adviser

California Energy Commission
1516 Ninth Street, MS #12
Sacramento, CA 95814-0027

jennifer.jennings@energy.state.ca.us
[916.653.5898](tel:916.653.5898)

>>> Jennifer Jennings 2/8/2011 12:42 PM >>>

[Quoted text hidden]

Rajesh Dighe <dighe.rajesh@gmail.com>

Wed, Feb 9, 2011 at 4:18 PM

To: Jennifer Jennings <JJenning@energy.state.ca.us>

Cc: Sarveybob@aol.com, emainland@comcast.net, jass.singh2000@gmail.com, rob@redwoodrob.com, andy_psi@sbcglobal.net, jlamb@sjgov.org, mgroover@sjgov.org, carltonal@yahoo.com

Hi Jennifer

I would definitely prefer Mar 3.

I have a conflict in my schedule for March 7

Thanks

Rajesh

[Quoted text hidden]



Rajesh Dighe <dighe.rajesh@gmail.com>

Mariposa Evidentiary Hearing - 3rd day

1 message

Rajesh Dighe <dighe.rajesh@gmail.com>

Sun, Feb 27, 2011 at 10:52 PM

To: Jennifer Jennings <JJenning@energy.state.ca.us>

Hi Jennifer

Can the 3rd day of hearing be scheduled on the week of March 13.?

As mentioned earlier, March 07 is impossible for me to come to the hearing.

My wife has important follow up thyroid Cancer checkups at Stanford hospital and I have to be with her.

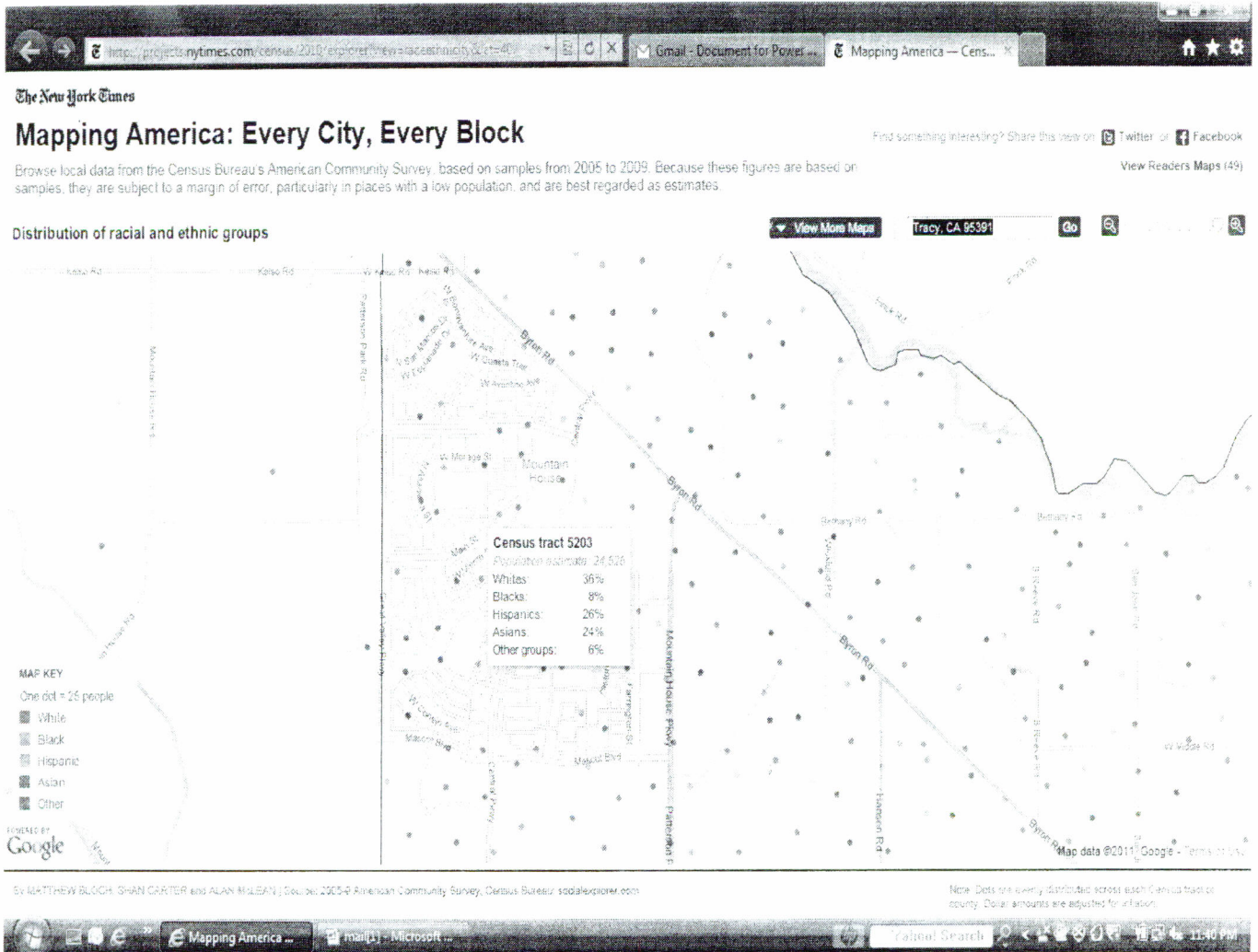
Infact, Marc 08, 09 and 11 are also dates which I cannot meet because of her other scheduled checkups.

Following week of March 13 should work fine for me.

Hoping you can accommodate my request.

Thanks
Rajesh

APPENDIX - B



Source: <http://projects.nytimes.com/census/2010/explorer?view=raceethnicity&lat=40.6311&lng=-73.994&l=12>