

STATE OF CALIFORNIA
**Energy Resources Conservation
and Development Commission**

**APPLICATION FOR CERTIFICATION
FOR THE QUAIL BRUSH
GENERATION PROJECT**

DOCKET NO. 11-AFC-03

**JOINT STATUS REPORT OF
PRESERVE WILD SANTEE AND
THE CENTER FOR BIOLOGICAL DIVERSITY**

Pursuant to the October 2, 2012 Revised Committee Schedule for Quail Brush Generation Project, Intervenors Preserve Wild Santee (“PWS”) and the Center for Biological Diversity (the “Center”) submit this Joint Status Report.

PWS and the Center believe that it is in the public’s best interest to immediately withdraw the Quail Brush Application for Certification (AFC) due to the conflict with LORS, the impacts upon public health and safety, the degradation of the regional park/multiple species preserve and the need to transition from fossil fuels to distributed rooftop solar generation in San Diego County. We continue to review AFC associated documents and have participated in efforts to educate the community about the Project and its potential impacts. The community response from individuals, community organizations¹, planning groups, land use authorities and elected officials has been outspoken and decisive in opposition to the Quail AFC. The Applicant has failed to gain the support of a single planning group from the City of San Diego, the City of Santee and County of San Diego. City Council votes taken by the two immediately impacted jurisdictions were unanimously opposed to the AFC (5-0 in Santee and 8-0 in San Diego). All candidates up for election that have considered the issue have taken a position opposed to the AFC. Thousands of citizens have signed petitions, spoken at hearings or written letters of opposition because the Project is detrimental to the public welfare.

¹ Preserve Wild Santee, Center for Biological Diversity, San Diego River Coalition, Save Mission Trails, Sierra Club, San Diego Chapter, Environmental Health Coalition, California Chaparral Institute, California Native Plant Society, San Diego Chapter, Cleveland National Forest Foundation, Endangered Habitats League, Green Party of San Diego, League of Women Voters, Mountain Defense League, Save Our Forests & Ranchlands, San Diego Energy District Foundation, San Diego Coastkeeper, San Diego Canyonlands, San Diego Mountain Biking Association, San Diego Audubon Society, Santee Taxpayers Association, Santee School District, Wilderness4All, 350.org, Highland Trails HOA, Mission View HOA, Sunset Greens HOA, East County CRA & Greater Santee CRA, Crest/Dehesa/Granite Hills/ Harbison Canyon Subregional Planning Group.

Should the Applicant opt to continue the AFC, we request that the deadline for Public and Agency Comments on the PSA be extended from January, 31, 2013 to February 28, 2013 because the PSA is scheduled for release in conflict with the holidays. The large numbers of concerned and engaged members of the public should have the opportunity to review the PSA without the holiday conflict.

We have also concluded that, contrary to CEQA, the applicant has failed to evaluate any feasible alternatives regarding location, generation type, demand response, energy storage, distributed energy or otherwise. This appears to be a calculated strategy by the Applicant (whose Project is in conflict with numerous LORS) to prevent the Commission from obtaining evidence within the record that would allow a conclusion that there “are more prudent and feasible alternatives.” The Applicant is keenly aware that failure to identify “a more prudent and feasible alternative” is one of the two findings required for the Commission to override local land use authority. It would be both disingenuous and contrary to CEQA for CEC staff not to insist on a broad and rigorous alternatives analysis, which is currently lacking, including demand response, distributed rooftop solar, grid-scale energy storage, and combinations thereof.

Finally, since the City of San Diego refused to allow initiation of an application to change LORS, City staff cannot be compensated for time and has no authority to work with the CEC or the Applicant to work through the myriad of issues.² This means that the CEC and Applicant cannot rely on local land use expertise to assure the accuracy and completeness of material expected to provide foundation for the PSA and FSA. This introduces the increased probability of critically flawed documents the Commission will need to rely upon. In reality, despite all of the clear information and messages that the Project is inappropriate, the Applicant pushes on only because the Commission has the *potential* to override LORS and approve the AFC. While the Applicant may have this right, our conclusion is that it is a bad faith insistence on processing of the AFC and an enormous waste of all parties’ time and resources.

Sincerely,



Van Collinsworth
Resource Analyst/Executive Director
Preserve Wild Santee
9222 Lake Canyon Road
Santee, CA 92071
(619) 258-7929
SaveFanita@cox.net

² Manager Morris E. Dyes letter to Connie Farmer, Tetra Tech , August 3, 2011, and City of San Diego “Cycle Issues Report” L64A-003A attachment. CEC Docket 12/14/2011



**BEFORE THE ENERGY RESOURCES CONSERVATION AND DEVELOPMENT
COMMISSION OF THE STATE OF CALIFORNIA
1516 NINTH STREET, SACRAMENTO, CA 95814
1-800-822-6228 – WWW.ENERGY.CA.GOV**

**APPLICATION FOR CERTIFICATION FOR THE
QUAIL BRUSH GENERATION PROJECT**

**DOCKET NO. 11-AFC-03
PROOF OF SERVICE
(Revised 10/08/2012)**

APPLICANT

Cogentrix Energy, LLC
C. Richard "Rick" Neff, Vice President
Environmental, Health & Safety
9405 Arrowpoint Boulevard
Charlotte, NC 28273
rickneff@kogentrix.com

Cogentrix Energy, LLC
John Collins, VP Development
Lori Ziebart, Project Manager
Quail Brush Generation Project
9405 Arrowpoint Blvd.
Charlotte, NC 28273
johncollins@kogentrix.com
loriziebart@kogentrix.com

APPLICANT'S CONSULTANTS

Tetra Tech EC, Inc.
Connie Farmer
Sr. Environmental Project Manager
143 Union Boulevard, Suite 1010
Lakewood, CO 80228
connie.farmer@tetrattech.com

Tetra Tech EC, Inc.
Barry McDonald
VP Solar Energy Development
17885 Von Karmen Avenue, Ste. 500
Irvine, CA 92614-6213
barry.mcdonald@tetrattech.com

Tetra Tech EC, Inc.
Sarah McCall
Sr. Environmental Planner
143 Union Boulevard, Suite 1010
Lakewood, CO 80228
sarah.mccall@tetrattech.com

COUNSEL FOR APPLICANT

Bingham McCutchen LLP
Ella Foley Gannon
Camarin Madigan
Three Embarcadero Center
San Francisco, CA 94111-4067
ella.gannon@bingham.com
camarin.madigan@bingham.com

INTERVENORS

Roslind Varghese
9360 Leticia Drive
Santee, CA 92071
roslindv@gmail.com

Rudy Reyes
8527 Graves Avenue, #120
Santee, CA 92071
reyes2777@hotmail.com

Dorian S. Houser
7951 Shantung Drive
Santee, CA 92071
dhouser@cox.net

Kevin Brewster
8502 Mesa Heights Road
Santee, CA 92071
lzpup@yahoo.com

Phillip M. Connor
Sunset Greens Home Owners
Association
8752 Wahl Street
Santee, CA 92071
connorphil48@yahoo.com

HomeFed Fanita Rancho, LLC
Jeffrey A. Chine
Heather S. Riley
Allen Matkins Leck Gamble
Mallory & Natsis LLP
501 West Broadway, 15th Floor
San Diego, CA 92101
jchine@allenmatkins.com
hriley@allenmatkins.com
jkaup@allenmatkins.com

Preserve Wild Santee
Van Collinsworth
9222 Lake Canyon Road
Santee, CA 92071
savefanita@cox.net

Center for Biological Diversity
John Buse
Aruna Prabhala
351 California Street, Suite 600
San Francisco, CA 94104
jbuse@biologicaldiversity.org
aprabhala@biologicaldiversity.org

INTERESTED AGENCIES

California ISO
e-recipient@caiso.com

City of Santee
Department of Development Services
Melanie Kush
Director of Planning
10601 Magnolia Avenue, Bldg. 4
Santee, CA 92071
mkush@ci.santee.ca.us

Morris E. Dye
Development Services Dept.
City of San Diego
1222 First Avenue, MS 501
San Diego, CA 92101
mdye@sandiego.gov

INTERESTED AGENCIES (cont.)

Mindy Fogg
Land Use Environmental Planner
Advance Planning
County of San Diego
Department of Planning & Land Use
5510 Overland Avenue, Suite 310
San Diego, CA 92123
mindy.fogg@sdcounty.ca.gov

**ENERGY COMMISSION –
DECISIONMAKERS**

KAREN DOUGLAS
Commissioner and
Presiding Member
karen.douglas@energy.ca.gov

ANDREW McALLISTER
Commissioner and
Associate Member
andrew.mcallister@energy.ca.gov

Raoul Renaud
Hearing Adviser
raoul.renaud@energy.ca.gov

Eileen Allen
Commissioners' Technical
Adviser for Facility Siting
eileen.allen@energy.ca.gov

Galen Lemei
Advisor to Commissioner Douglas
galen.lemei@energy.ca.gov

Jennifer Nelson
Advisor to Commissioner Douglas
jennifer.nelson@energy.ca.gov

David Hungerford
Advisor to Commissioner McAllister
david.hungerford@energy.ca.gov

***Pat Saxton**
Advisor to Commissioner McAllister
patrick.saxton@energy.ca.gov

ENERGY COMMISSION STAFF

Eric Solorio
Project Manager
eric.solorio@energy.ca.gov

Stephen Adams
Staff Counsel
stephen.adams@energy.ca.gov

**ENERGY COMMISSION –
PUBLIC ADVISER**

Jennifer Jennings
Public Adviser's Office
publicadviser@energy.ca.gov

DECLARATION OF SERVICE

I, Van Collinsworth, declare that on October, 15, 2012, I served and filed a copies of the attached Joint Status Report dated October 15, 2012. This document is accompanied by the most recent Proof of Service list, located on the web page for this project at: <http://www.energy.ca.gov/sitingcases/quailbrush/index.html>.

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

(Check all that Apply)

For service to all other parties:

- Served electronically to all e-mail addresses on the Proof of Service list;
- Served by delivering on this date, either personally, or for mailing with the U.S. Postal Service with first-class postage thereon fully prepaid, to the name and address of the person served, for mailing that same day in the ordinary course of business; that the envelope was sealed and placed for collection and mailing on that date to those addresses marked **“hard copy required”** or where no e-mail address is provided.

AND

For filing with the Docket Unit at the Energy Commission:

- by sending an electronic copy to the e-mail address below (preferred method); **OR**
- by depositing an original and 12 paper copies in the mail with the U.S. Postal Service with first class postage thereon fully prepaid, as follows:

CALIFORNIA ENERGY COMMISSION – DOCKET UNIT
Attn: Docket No. 11-AFC-03
1516 Ninth Street, MS-4
Sacramento, CA 95814-5512
docket@energy.ca.gov

OR, if filing a Petition for Reconsideration of Decision or Order pursuant to Title 20, § 1720:

- Served by delivering on this date one electronic copy by e-mail, and an original paper copy to the Chief Counsel at the following address, either personally, or for mailing with the U.S. Postal Service with first class postage thereon fully prepaid:

California Energy Commission
Michael J. Levy, Chief Counsel
1516 Ninth Street MS-14
Sacramento, CA 95814
michael.levy@energy.ca.gov

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, that I am employed in the county where this mailing occurred, and that I am over the age of 18 years and not a party to the proceeding.


