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**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE
STATE OF CALIFORNIA**

In the Matter of the Application of San
Diego Gas & Electric Company for a
Certificate of Public Convenience and
Necessity for the Sunrise Powerlink
Transmission Project

Application No. 06-08-010
[Filed August 4, 2006]

COMMENTS ON THE DRAFT
ENVIRONMENTAL IMPACT REPORT/ENVIRONMENTAL IMPACT STATEMENT
FOR THE SDGE SUNRISE POWERLINK TRANSMISSION PROJECT

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1.0 INTRODUCTION

These comments are submitted in response to the Draft Environmental Impact Report/
Environmental Impact Statement (“DEIR”) prepared for the Sunrise Powerlink Transmission
Project (“Sunrise”) proposed by the San Diego Gas & Electric Company (“SDGE”). These
comments are intended to clarify for the Commission that the Lake Elsinore Advanced Pump
Storage Project Transmission Line (LEAPS TL) proposed by the Nevada Hydro Company
(TNHC) will not meet any of the Sunrise project objectives articulated in the DEIR, thus
establishing that the LEAPS TL is not a project alternative within the meaning contemplated by
the California Environmental Quality Act (CEQA) and the National Environmental Policy Act
(NEPA). Therefore, LEAPS TL should not even be considered an alternative to the Sunrise
project, let alone the environmentally preferred transmission option. These comments also
address various procedural concerns related to Forest Service participation in the LEAPS TL
project as described in the DIER and proposed by TNHC.

As an owner of the only private property located within the Cleveland National Forest
that is threatened with eminent domain action in the LEAPS TL proceeding, I have a direct and
substantial interest in the outcome of the Sunrise Project. I have participated in the Sunrise

1 Proceeding from the instant it became apparent that that the LEAPS TL project would be
2 considered as an alternative to Sunrise, and I provided public testimony to the Commission in
3 February, 2007 articulating that LEAPS TL is not a viable alternative to Sunrise. Apparently, the
4 information I provided at that time was insufficient to convince the Commission that the LEAPS
5 TL is inadequate to serve the Sunrise Project purpose and need. Therefore, I am submitting
6 additional and more detailed information herein to supplement the testimony I provided more
7 than one year ago.

8 **2.0 PROCEDURAL CONCERNS RELATED TO THE LEAPS TL PROJECT**

9 TNHC recently submitted an application for a Certificate of Public Convenience and
10 Necessity (CPCN) to the Commission for the proposed LEAPS TL project (A.07-10-005). The
11 Commission is advised that TNHC has not submitted an application to the Forest Service for any
12 entitlements related to construction and operation of the LEAPS TL (such as a Special Use
13 Permit application or an Application for Transportation and Utility Systems and Facilities on
14 Federal Lands). Given these circumstances, it seems both odd and inappropriate that the Sunrise
15 DEIR makes repeated reference to all the conditions that the Forest Service will impose on the
16 LEAPS TL project when in fact the Forest Service has never received any application for the
17 project from the project proponent (TNHC). It is certain that the Commission can not issue a
18 CPCN for the LEAPS TL unless and until the Forest Service becomes an active participant.

19 TNHC claims that an application for the LEAPS TL has been submitted to the Forest
20 Service, however the Commission is advised that the application was submitted by the Elsinore
21 Valley Municipal Water District (EVMWD) and not TNHC. The Forest Service is prevented
22 from issuing a permit for the LEAPS TL project to one applicant while the Commission issues a
23 CPCN for the LEAPS TL project to a different applicant. Rather, as the applicant for the LEAPS
24 TL project before the Commission, TNHC must also become an applicant for the LEAPS TL
25 before the Forest Service.

26 It is noted that 1) Any application contemplated by the Forest Service for the TNHC
27 LEAPS TL project must comply with NEPA; 2) NEPA demands that the Forest Service consider
28 reasonable alternatives that meet the project objectives; 3) The Commission's environmentally
29 preferred LEAPS TL alternative does not include the hydro dam; and 3) The Forest Service is
30 therefore obligated to consider LEAPS TL alternatives which are not co-located with the hydro
31 dam. In other words, the spectrum of options that must be considered by the Forest Service

1 pursuant to a LEAPS TL NEPA action will extend beyond the one project described in the
2 Sunrise DEIR. This issue (discussed in more detail below) is only mentioned here to clarify that
3 the LEAPS TL project contemplated by the Sunrise DEIR may not be the Forest Service's
4 "preferred alternative".

6 **3.0 DEIR LACKS A COMPARATIVE ANALYSIS REQUIRED BY CEQA/NEPA**

7 NEPA demands that the Sunrise EIS "present the environmental impacts of the
8 proposal and the alternatives *in comparative form*, thus sharply defining the issues and providing
9 a clear basis for choice among options by the decisionmaker and the public [§ 1502.14]. CEQA
10 requires that the Lead Agency consider "the key question... whether the significant effects of the
11 project would be avoided or substantially lessened by putting the project in another location"
12 [CEQA Guidelines Section 15126.6(f)(2)(A)]. To comply with NEPA and CEQA, the EIR/EIS
13 must accurately and quantitatively assess the magnitude of each impact generated by the
14 proposed project and each alternative considered. For example, if the proposed project and an
15 alternative project both pose a potentially significant wildfire danger, the EIR/EIS must quantify
16 the relative *magnitude* of the wildfire potential that is posed, as well as the degree to which each
17 will endanger life and property. Only then can it be clearly established whether or not the
18 alternative will indeed reduce potentially significant effects. This requirement for a quantitative
19 analysis is imposed by both NEPA and CEQA to ensure that decisionmakers have sufficient
20 information to make an appropriate and reasoned determination. Without such quantitative
21 information, the decisionmakers could (unknowingly) select an alternative which poses a
22 substantially greater wildfire and life-safety risk than the proposed project.

23 The Sunrise DEIR utterly lacks the necessary quantitative, comparative analysis *in 13*
24 *of the 14 potentially significant impacts* that are considered. The only impact for which a
25 rudimental quantitative analysis is provided relates to visual resources; the magnitude of this
26 potential impact is crudely established based on the number of viewpoints that are identified. Of
27 course, there are no criteria or methodologies employed to ascertain the appropriate number and
28 location of viewpoints that should established, which makes the entire analysis highly subjective.
29 To comply with CEQA and NEPA, the "checklist approach" adopted by the Sunrise DEIR to
30 compare potential impacts of the various alternatives must be supplanted with a detailed,
31 quantitative analysis. Otherwise, the decisionmakers have no real basis for making an

1 appropriate selection and indeed could select an alternative that has substantially greater impacts
2 than the proposed project itself.

3
4 **4.0 THE DEIR INCORRECTLY SUMS THE NUMBER OF LEAPS TL CLASS I**
5 **IMPACTS, THUS LEAPS TL IS NOT “ENVIRONMENTALLY SUPERIOR”**

6 The DEIR selects the LEAPS TL as the “Overall Environmentally Superior
7 Transmission Line Route Alternative” due to it’s reduced environmental impacts when compared
8 to other alternatives (ES-64). Assuming that the DEIR analytical approach and impact
9 assessments are reasonable and accurate (which is a matter I dispute), the LEAPS TL project is
10 reported to have 30 significant, unmitigable impacts, versus the SWPL and the Northern Route
11 alternatives (which have 32 and 39 significant impacts, respectively). Presumably, the LEAPS
12 TL project was found to be environmentally superior to these other alternatives because it has the
13 fewest unmitigable impacts. However, a close inspection of Section E.7 reveals that the LEAPS
14 TL *actually has 32 Class I (significant and unmitigable) impacts*, not 30¹. This certainly calls
15 into question the DEIR conclusion that the LEAPS TL is an environmentally superior
16 transmission alternative.

17 The DEIR (Page ES-3) also justifies the selection of LEAPS TL as the environmentally
18 superior transmission route because it is shorter (only 80 miles long) rather than the 110 and 139
19 mile lengths of the SWPL and Northern Route alternatives, respectively. The fact that the DEIR
20 considers the length of the line to be of greater importance than the location is disturbing, and it
21 demonstrates the rather shallow and superficial approach employed in ranking the various project
22 alternatives. The DEIR minimizes the fact that the LEAPS TL project *creates a new 32 mile, 500*
23 *kV, above ground transmission corridor in the eastern portion of **the nearly pristine Cleveland***
24 ***National Forest (north)***, as opposed to the SWPL (which occurs largely along existing
25 transmission or roadway corridors that are already visually impacted) or the Northern alternative
26 (which occurs largely along existing transmission and roadway corridors that are already visually
27 impacted, or is placed underground which creates no discernible long term impacts). The
28
29

30 ¹ The Class I impacts identified for the LEAPS TL project include 5 Biological Resource impacts, 8 Visual
31 Resource Impacts, 4 wilderness & recreation impacts, 4 cultural impacts, 3 noise impacts, 1 transportation impact, 2
32 air quality impacts, 1 socioeconomic impact, and 4 fuels & fire management impacts

1 creation of a new, high voltage transmission corridor is always a substantial and weighty matter,
2 but it is particularly so when the new corridor will significantly impair the beauty of the only
3 large and virtually untouched public open space between the heavily populated areas of Orange
4 and Riverside Counties. The dismissive and superficial manner in which the DEIR addresses
5 this issue by declaring the LEAPS TL to be environmentally superior merely because it is shorter
6 than the other alternatives is appalling.

7

8 **5.0 THE LEAPS TL IS NOT AN ALTERNATIVE TO SUNRISE**

9 In determining the LEAPS TL project to be the preferred environmental transmission
10 alternative under CEQA and NEPA, the DEIR effectively declares that the LEAPS TL project is
11 functionally equivalent to the Sunrise project. The DEIR merely proclaims this fact to be so, and
12 provides no information or corroborating evidence to substantiate the claim. In fact, the LEAPS
13 TL is not an alternative to Sunrise project, to wit:

14 **5.1 The LEAPS Transmission Line Will Provide Only 500 MW of Import Capacity.**

15 SDGE contends that, to meet their near- and long-term planning goals, the import
16 capacity to the San Diego area must be increased by as much as more than 1,350 MW. (DEIR
17 Section A.4) The DEIR asserts that the LEAPS TL has a design capacity of 1,300 to 1,600 MW,
18 yet it cites no reference and provides no documentation to support this claim. The DEIR offers
19 no discussion of how this design capacity was established, nor does it address how it relates to
20 the actual import capacity that the LEAPS TL will achieve. It certainly does not clarify how this
21 design capacity proves that the LEAPS TL project is functionally equivalent to Sunrise or the
22 other transmission alternatives. The Commission is aware that the LEAPS TL actual import
23 capacity is barely 500 MW, as clarified in several documents filed by CAISO pursuant to the
24 Sunrise Proceedings^{2,3}. In these documents, CAISO states categorically that the LEAPS
25 transmission line will provide only a 500 MW import capacity to the SDGE territory.
26 Surprisingly, the Federal Energy Regulatory Commission (FERC) also acknowledges that the

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28
29 ² Reply Brief filed by the CAISO on November 30, 2007 in the matter of the Application of SDGE Company for
30 a CPCN for the Sunrise Powerlink Project [A.06-08-010].

31 ³ Errata to the rebuttal testimony of the CAISO Corporation Submitted July 12, 2007 in the matter of the
32 Application of SDGE Company for a CPCN for the Sunrise Powerlink Project [A.06-08-010].

1 LEAPS TL import capacity is uncertain, and establishes a maximum capacity of 750 MW in the
2 Final EIS that was prepared for the LEAPS project⁴. Even the proponent of the LEAPS project,
3 does not contend that the LEAPS transmission line will increase SDGE's import capacity by
4 1,600 MW (or even 1,300 MW⁵).

5 **5.2 The LEAPS TL Will Not Enable SDG&E To Access Needed Generation Sources**

6 Due to the pending expiration of various CDWR contracts, SDGE must increase their
7 access to additional generation resources by 25% by the year 2011 (DEIR page A-8). Naturally,
8 the LEAPS TL will only be useful in achieving this goal if SDGE intends to obtain substantial
9 generation resources within or north of SCE service territories. A review of CAISO's Large
10 Generator Interconnection Queue and the Commission's most recent RPS Contract Approved/
11 Pending list indicates that SDGE will obtain only 160 MW of power from the Kern County area
12 before 2011. Conversely, SDGE plans to acquire more than 2,000 MW of power from renewable
13 and non-renewable generation sources in Mexico, Imperial County, and San Diego County. It is
14 firmly established by evidence in the record that Sunrise and the other transmission alternatives
15 will enable SDGE to connect with adequate generation sources to meet the projected 25%
16 shortfall by 2011. The Commission is obligated to provide equally compelling evidence in the
17 record that the LEAPS TL will also meet the projected shortfall by 2011; such evidence must be
18 included in the Final EIR, and specifically identify all of SDGE's new generation resources in the
19 north and west (both renewable and non-renewable) that will deliver power to SDGE's customers
20 via the LEAPS TL. Otherwise, the underlying premise in the DEIR that the LEAPS TL will
21 provide adequate access to new generation sources is nothing more than wishful thinking and
22 worthless conjecture.

23
24 **5.3 The DEIR provides no evidence that SCE Has Sufficient Capacity To Serve SDGE**
25 **Customer Load with Power Delivered Via the LEAPS TL**

26 Power delivered to the SDGE territory by the LEAPS TL will necessarily be carried by
27 SCE transmission infrastructure, which (according to SCE), is already experiencing problems
28
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30 ⁴ Page E-79, response 277 contained in the Final EIS prepared by FERC pursuant to the LEAPS Hydro dam
31 license application issued January, 2007. [FERC Docket P-11858].

32 ⁵ Application of The Nevada Hydro Company for a Certificate of Public Convenience and Necessity for the
33 Talega-Escondido/Valley-Serrano 500-kV Interconnect [Proceeding A.07-10-005].

1 related to reliability, capacity, and load growth. In fact, SCE plans to invest more than \$8 billion
2 in the development and construction of new transmission infrastructure over the next 10 years to
3 address these problems⁶. In identifying LEAPS TL as a viable alternative to Sunrise, the
4 Commission has effectively determined that SDGE's need for added import capacity and access
5 to new generation sources will be provided by SCE via the LEAPS TL interconnect. The
6 Commission makes this determination with full knowledge that SCE is fully engaged with
7 developing infrastructure to meet their own customer load, and the DEIR provides no evidence
8 that SCE's efforts will include an expansion to accommodate SDGE's customer load.

9 Additionally, the DEIR does not provide any evidence that SDGE will (or even can)
10 acquire substantial generation resources that can be delivered to the LEAPS TL via SCE
11 transmission infrastructure. The DEIR merely declares that the LEAPS TL is an alternative to
12 Sunrise *without a shred of corroborating evidence*; in so doing, the DEIR ignores the essential
13 failure of the LEAPS TL in that it does not go anywhere or do anything other than connect with
14 SCE. The only way to conclusively demonstrate that the LEAPS TL is a viable alternative to
15 Sunrise is if the DEIR were revised to 1) Identify the generation resources that SDGE would
16 access via SCE; 2) Demonstrate that these generation sources are adequate to meet SDGE's short
17 term and long term renewable and non-renewable energy demands; and 3) Demonstrate that
18 SCE's existing transmission infrastructure is adequate to deliver power from these resources to
19 SDGE via the LEAPS TL. Without such an analysis, the DEIR finding that the LEAPS TL is a
20 viable alternative to Sunrise is simply rubbish.

21 22 **5.4 The LEAPS TL Does Not Provide Power To San Diego Urban Centers**

23 The proposed Sunrise Project includes substantial transmission infrastructure and
24 system upgrades between the Imperial Valley and the urban centers just north of San Diego. In
25 proposing this route, SDG&E has obviously identified the urban corridors north and east of San
26 Diego as the key areas where additional energy resources are needed. Unfortunately, the LEAPS
27 TL terminates in Escondido, 15 miles away from San Diego, so it does not deliver additional
28 power to San Diego's urban corridors where it is needed. As clarified in Section B.2.7.1 of the
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31 ⁶ SCE Transmission Projects Summary at: www.sce.com/PowerandEnvironment/GoalsandImprovements/

1 DEIR, SDGE has no pressing need for additional power into Escondido, and in fact may not link
2 Escondido with additional power resources *for decades*. By itself, the LEAPS TL project does
3 not provide additional energy resources where they are needed, and it is certainly not a viable
4 alternative to the Sunrise project.

6 6.0 THE LEAPS TL PROJECT DOES NOT MEET ANY PROJECT OBJECTIVES

7 The Commission and the BLM together have established the following Objectives for
8 the proposed Sunrise Project:

- 9 1) Maintain reliability in the delivery of power to the San Diego region.
- 10 2) Reduce the cost of energy in the region;
- 11 3) Accommodate delivery of renewable energy from Imperial Valley & San Diego County.

12
13 As discussed in the following paragraphs, the LEAPS TL will not meet *any* of these objectives,
14 thus the DEIR conclusion that the LEAPS TL is the environmentally superior transmission
15 alternative is contrary to the very essence of CEQA and NEPA.

16 6.1 The LEAPS TL will not maintain reliability in the delivery of power into San Diego

17 The DEIR states that SDGE's ability to reliably import power is defined by the
18 simultaneous import limit (SIL) and the non-simultaneous import limit (NSIL) [Page A-11, last
19 paragraph]. Currently, SDGE's SIL and NSIL are rated at 2,850 and 2,500 MW, respectively,
20 and their import capability is often fully subscribed [page A-11]. Obviously, SDGE must
21 increase their SIL and NSIL ratings in order to maintain reliability in the delivery of power to the
22 San Diego region. Unfortunately, the DEIR fails to quantify the SIL and NSIL increases that
23 may be necessary to meet this (non-specific and ambiguously described) reliability objective.
24 However some guidance is provided by the DEIR screening analysis parameters. The DIER
25 screens out projects which only increase the import capability by 300 MW or less because they
26 provide only "a short term solution to SDGE's need for import capacity" [Table C-3, page C-23].
27 Thus, to meet the long term reliability objective, SDGE must increase their import capability
28 substantially more than 300 MW. Additionally, , SDGE proposes the Sunrise Project to meet
29 this reliability objective because it will increase the SIL by 1,350 MW and the NSIL by 1000
30 MW [Page A-12].

1 From this information (taken directly from the DEIR) it is immediately apparent that
2 any project which does not achieve a minimum import capacity of 1,000 MW does not meet the
3 reliability objective established for the project. As discussed above, CAISO has clarified that the
4 LEAPS TL will not increase SDGE's import capacity by more than 500 MW, which (according
5 to Table C-3 of the DEIR) is barely adequate to meet SDGE's short term import capability needs.
6 These data indicate that the LEAPS TL import capability is substantially inferior to any other
7 alternative considered by the DEIR, and it certainly does not meet the reliability objective
8 established for the project. In fact, the LEAPS TL project should have been eliminated in the
9 screening process because it has virtually the same import capability as other projects that were
10 deemed inadequate [Table C-3].

11 Perhaps what is most disturbing about the LEAPS TL discussion is that the DEIR
12 never provides a shred of evidence that the LEAPS TL will meet the project reliability objective.
13 Instead, the DEIR merely declares the LEAPS TL "would have a design capacity of 1,300 MW to
14 1,600 MW" [page E.7-7]. The DEIR assiduously avoids any discussion of the SIL, NSIL, or
15 functioning import capacity increases that the LEAPS TL will provide (if any). The DEIR
16 ignores all the evidence that has been provided in the record that the LEAPS TL will only
17 marginally increase SDGE's import capacity. The public will not be fooled by mindless
18 declarations presented in the DEIR without corroborating evidence or substantive discussion.
19 The Commission is reminded that "the EIR must contain facts and analysis, not just the agency's
20 bare conclusions or opinions"⁷. To comply with CEQA, the DEIR must be revised to 1)
21 Specifically quantify the reliability objective in terms of either actual import capacity or
22 SIL/NSIL goals; and 2) Clearly demonstrate (based on substantial evidence in the record) that the
23 LEAPS TL will meet this quantitative objective. Otherwise, the LEAPS TL should be eliminated
24 from the list of viable project alternatives.

25

26 **6.2 The LEAPS TL Will Not Reduce the Cost of Energy in the Region**

27 SDGE asserts that energy cost reductions will be achieved by accessing lower cost
28 power sources and reducing reliance on older and less efficient generators [Page A-6]. The
29 simple fact is that the LEAPS TL does not provide SDG&E with access to *any* power sources
30

31 ⁷ Concerned Citizens of Costa Mesa, Inc. v 32nd District Agricultural Assoc. (1986) 42Cal.3d 929.

1 (low cost or otherwise), because it merely provides a connection to SCE. Indeed, for SDGE to
2 successfully harness LEAPS TL to access to lower cost power, SDGE must make additional
3 arrangements to acquire substantial energy resources from the north and west via SCE's Valley-
4 Serrano transmission line. As discussed above, the DEIR provides no evidence that SDG&E is
5 making any such arrangements. To the contrary, the Commission is aware that SDG&E intends
6 to access lower cost power sources located in the south and east which *cannot* be accessed via
7 SCE's Valley-Serrano transmission line. Because the LEAPS TL does provide access to any
8 additional power resources, it obviously *will not* reduce SDGE's reliance on older, less efficient
9 generators. Thus, the LEAPS TL will not reduce the cost of energy in SDGE's service territory,
10 and it is quite remarkable that the DEIR concludes otherwise.

11 Incidentally, (and contrary to CEQA), the DEIR provides no data to substantiate the
12 claim that the LEAPS TL will reduce energy cost, it merely declares it to be true because the
13 LEAPS TL is a new "extra-high voltage interconnection into the SDG&E system" [Page E.7-7].
14 The DEIR fails to point out that the LEAPS TL will not be connected to any substantial power
15 resources operated under contract to SDGE either now or in the future, therefore it is a high
16 voltage connection that effectively goes nowhere and does nothing. To comply with CEQA, the
17 Commission must either provide substantial evidence in the record that the LEAPS TL will
18 successfully reduce energy costs, or remove the LEAPS TL from the list of project alternatives
19 that is considered viable.

20 21 **6.3 The LEAPS TL will not accommodate delivery of renewable energy from the** 22 **Imperial Valley or San Diego County**

23 The DEIR states; "The LEAPS Project Alternative would only partially achieve the
24 objective to accommodate delivery of renewable energy from the Imperial Valley..." This
25 statement is baffling, because the LEAPS Project Alternative *does not achieve this objective at*
26 *all*. The conclusion that the LEAPS TL "partially" achieves this project objective is patently
27 false and completely absurd. The LEAPS TL transmission line *is not even connected* to the
28 Imperial Valley. The only way that such a connection could ever happen is if the Green Path
29 Coordinated projects (Green Path) are completed *in addition to* SCE's second Devers-Valley 500
30 kV transmission line. These projects involve substantial infrastructure development, including:
31 1) A 500 kV connection between the Imperial Irrigation District (IID) transmission system and

1 the SCE Devers substation; 2) Completion of SCE's second Devers-Valley 500 kV transmission
2 line, and 3) Completion of a new 500 kV line from Imperial Valley to the San Felipe Substation;
3 3)A new 500 kV line between Indian Hills and the new Devers II substation; 4) A new 500 kV
4 line between the new Devers II substation and the existing Devers substation; 5) New 230 kV
5 infrastructure between the IID Midway substation and the new Bannister substation, between the
6 New Bannister substation and the new San Felipe substation, between the Imperial Valley
7 substation and the El Centro substation, and between IID's El Centro and Highland substations;
8 6) Construction of 6 new substations; and 7) Upgrades to other transmission lines and 8)
9 Expansions of the El Centro, Midway, Cahuilla, and Coachella Valley substations. The amount
10 of additional infrastructure that is necessary for the LEAPS TL to meet this project objective *is*
11 *staggering*.

12 The DEIR offers that the LEAPS TL could provide access to renewable resources in
13 the Tehachapi and San Gregonio wind resource areas (WRAs) or perhaps even out of state.
14 However, the DEIR fails to point out that any of these alternatives would still require much of
15 the additional infrastructure described above. Acquiring renewable energy from Arizona is not
16 an option for several reasons, the most obvious being that SCE is building the line to service
17 their own customer load and does not seem to be contemplating the need to provide an additional
18 1000+ MW of capacity to serve SDG&E customers. Of course, there is also the little problem
19 that *the State of Arizona has stomped all over the second SCE Devers-Palo Verde project*. The
20 DEIR simply ignores the fact that the second SCE Devers-Palo Verde project will not be
21 completed before 2010, thus it cannot be relied upon by SDG&E to access renewable resources.
22 There is just no getting around the simple fact that the LEAPS TL does not provide access to any
23 renewable energy; it is merely an SCE grid connection which does not go anywhere or do
24 anything.

25 There are, of course, other problems associated with the concept of relegating SDGE's
26 transmission responsibilities to the LEAPS TL project. For example, in the event the
27 Commission approves LEAPS TL in lieu of Sunrise, it will become the combined responsibilities
28 of SCE, LADWP, IID, TNHC, and the State of Arizona to ensure SDGE acquires access to the
29 renewable energy sources required by law. It will also be the combined responsibilities of SCE,
30 LADWP, IID, TNHC, and the State of Arizona to serve SDGE customers and find sufficient
31 capacity to compensate for the imminent loss of 25% of SDGE's power resources. In effect,

1 responsibility for SDGE customers will be in the hands of every utility in the area *except* SDGE.
2 The stakes for SDGE's customers are *very* high, so it must be definitively established with
3 evidence in the record that SCE, TNHC, IID, LADWP, and the State of Arizona will deliver
4 power to SDGE when and where it is needed on behalf of SDGE customers. There is certainly
5 ample evidence in the record that they will not.

6 A final note on this particular topic: The DEIR has determined that the LEAPS TL
7 will enable SDGE to meet the project objective related to accessing renewable power only if
8 some or all of the combined Green Path and second SCE-Devers-Palo Verde projects are
9 completed. As necessary components of the LEAPS TL project to meet this objective, both
10 CEQA and NEPA demand that the environmental impacts of the combined Green Path and the
11 second SCE Devers-Palo Verde projects be included in the discussion of LEAPS TL impacts
12 when it is compared to the impacts created by the other project alternatives. Obviously, when
13 this oversight is corrected in the Final EIS/EIR, *the LEAPS TL project will no longer be*
14 *considered the environmentally superior transmission route.*

15 16 **7.0 THE LEAPS TL IS MERELY A PART OF THE FULL LOOP ALTERNATIVE**

17 It is immediately apparent that the LEAPS TL project is functionally the same as the
18 Full Loop Alternative. Both projects provide a 500 kV line from a new Lake substation to the
19 existing Talega-Escondido ROW and have identical alignments south of the Lake substation to
20 the San Diego County/Riverside County border (see Figures C-15 and E.7.1-1 in the DEIR). The
21 only routing difference is that the LEAPS TL proceeds south beyond the Lilac substation, while
22 the Full Loop alternative turns east at the Lilac substation towards the Warner substation.

23 The DEIR determines that the Full Loop alternative proposed by SDGE is merely an
24 extension of the proposed project rather than an alternative to the project itself. Recognizing that
25 the LEAPS TL project proposed by TNHC is identical to the Full Loop alternative proposed by
26 SDGE (other than the detail regarding where it terminates), it is obvious that the LEAPS TL is
27 merely an extension of the proposed project as well. In effect, by dismissing the Full Loop
28 alternative, then recommending it (using a different name) as the environmentally preferred
29 transmission alternative, the DEIR nullifies its own conclusions.

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31

8.0 THE LEAPS TL WILL NOT ENABLE SDGE TO MEET RPS GOALS

In their 2007 Long Term Renewable Procurement Plan, SDGE clarifies that their ability to meet the renewable portfolio standards (RPS) is contingent upon establishing new transmission infrastructure to access renewable resources in Imperial Valley and eastern San Diego County. Unlike the LEAPS TL project, the Sunrise project and the other transmission alternatives considered in the DEIR will provide SDG&E with direct access to renewable resources in these areas. The LEAPS TL will not even provide SDG&E with *indirect* access to renewable resources in these areas until both the Green Path AND the second Devers-Valley project are completed (as discussed above). There is simply no way that these projects will be completed by 2010 (and they may not even be completed by 2014). If the Commission and the BLM ultimately deny the Sunrise CPCN in favor of the LEAPS TL project, then SDG&E will fail to meet their state-mandated RPS goals.

9.0 THE LEAPS TL FUELS & FIRE MANAGEMENT ANALYSIS IS DEFICIENT

Of all the impacts considered in the CEQA/NEPA analysis of a transmission line project, wildfire impacts are the most important simply because they transcend all others. Wildland fires have severe and long term impacts on biological resources, visual resources, wilderness & recreation activities, agricultural resources, cultural resources, public health and safety, air quality, water resources, property values, and public services. Mudslides originating in burn areas will cause long term impacts to property values, water quality, public health and safety, and even transportation. For example, major highway arterials in North Los Angeles County were closed *for months* by mudslides that originated in areas severely burned in 2003. Beyond the transcendancy of wildfire impacts, there is the inescapable fact that wildland fires are, quite simply, *a matter of life and death*. It is imperative that the discussion of wildland fire impacts be given proper weight in any CEQA/NEPA assessment of high voltage transmission projects. Unfortunately, the Sunrise DEIR is substantially lacking in this regard.

9.1 The DEIR methodology used to analyze wildland fire impacts is substantially flawed.

It is a substantial failing of the DEIR that potential wildland fire impacts are not quantitatively determined for each alternative considered. Instead, the DEIR merely establishes that all the project alternatives have potentially significant associated wildfire impacts, thus rendering them equal in this regard. Because the DEIR fails to provide a quantitative discussion

1 of the wildfire impacts, the Commission has no basis for determining which of the alternatives
2 will present the largest or smallest wildland fire risk. This is wholly inconsistent with CEQA and
3 NEPA, which demand that environmental impact results for each option be presented in
4 comparative form, thus providing the decisionmakers a clear basis for choice. The lack of any
5 sort of quantitative analysis of wildfire impacts is a substantial failing of the DEIR.

6 To correct this deficiency, I developed a detailed and quantitative analysis of the burn
7 probability data scattered throughout the DEIR. Results of this analysis indicate that only 2.4%
8 of the entire 150 mile length of the Sunrise project has a very high burn probability (VHBP) and
9 only 3.4% has a high burn probability (HBP). Conversely, 14% of the 31.8 mile length of the
10 Lake-Pendleton segment of the LEAPS TL has a very high burn probability, and 16% has a high
11 burn probability. In fact, there are more miles of both high and very high burn probability area in
12 the short (31.8) mile Lake-Pendleton segment than in the entire 150 mile length of the proposed
13 Sunrise Project. Even more surprising is that the *Lake-Pendleton segment has 300% more*
14 *VHBP area and 150% more HBP area than the Northern Route alternative.* Compared to the
15 preferred Southern Route, *the Lake-Pendleton segment has 150% more VHBP area.* These
16 statistics firmly establish that the LEAPS TL is not the environmentally preferred option.

17 It is noted that the DEIR firehshed assessment considers only the Lake-Pendleton
18 portion of the LEAPS TL project, and chooses not to consider the additional 50 miles of 230 kV
19 transmission line because it will be located within the existing Talega-Escondido ROW. The
20 firehshed analysis was omitted even though 48 miles of the Talega-Escondido ROW traverses
21 both high and very high CALFIRE hazard severity areas. It is also noted that, for all other
22 transmission alternatives considered, the DEIR provides a firehshed analysis of all portions of the
23 transmission lines which are located in high or very high fire zones *even if these lines are located*
24 *in existing transmission corridors.* By omitting the firehshed analysis of (and ignoring the
25 wildland fire impacts posed by) 56% of the LEAPS TL, the DEIR applies a less rigorous standard
26 to the LEAPS TL impact analysis. The Commission does not subject the LEAPS TL to the same
27 level of scrutiny applied to the other transmission alternatives, which calls into question the
28 legitimacy of the DEIR's conclusion that the LEAPS TL is the environmentally preferred
29 transmission alternative.

30
31

1 **9.2 The Discussion Of LEAPS TL Wildfire Impacts Is Misleading And Inaccurate**

2 The DEIR discussion of wildfire impacts created by ignitions within the Lake-
3 Pendleton transmission line segment of the LEAPS TL project is disingenuous in that it
4 improperly describes wildland fire conditions and, worse yet, substantially underestimates the
5 size and severity of wildland fire impacts. The DEIR states [pgs E.7-204-205]:

6 *“During normal weather conditions, ignitions along the transmission line would burn towards*
7 *the northeast within the border zone and up to a mile further in area of dense vegetation. The*
8 *communities of Wildomar, Lakeland Village, Margarita, La Cresta, la Cresta Highlands, and De*
9 *Luz would be threatened if a fire started within the nearby transmission corridor, putting as*
10 *many as 719 homes and 19,074 acres at risk in two burn periods..... Under extreme weather*
11 *conditions, ignitions along the transmission line would burn to the southeast spreading rapidly*
12 *through the CNF. The communities of Trabuco Heights, Mission Viejo, and Margarita would be*
13 *threatened if a fire started within the transmission corridor and spread through the CNF. The*
14 *potential area at risk of being consumed in a wildfire igniting along the transmission corridor in*
15 *the Lake Elsinore Fireshed would be more than 8 times greater during extreme Santa Ana*
16 *weather conditions compared to normal conditions, The potential area at risk of being*
17 *consumed in a wildfire ignited along the transmission corridor in the Margarita Fireshed would*
18 *be seven times greater during extreme Santa Ana weather conditions compared to normal*
19 *conditions, putting 812 homes and 147,644 acres at risk in two burn periods”.*

20 There are numerous errors and inconsistencies contained in these statements, and it is
21 recommended that the following comments, corrections and additions be incorporated in the final
22 EIR/EIS:

- 23 • According to Figures E.7.1.17-6B and 7B, ignitions along the Lake-Pendleton transmission
24 line during extreme weather conditions will create a wildland fire that could spread an
25 enormous (but undetermined) distance beyond the western border of the Cleveland National
26 Forest. The figures do not illustrate the extent to which such a wildland fire could progress,
27 rather they depict a solid red area extending to the margins of each figure. A glance at any
28 map of south Orange County also reveals that the DEIR fails to accurately account for the
29 communities that will be threatened by such a wildland fire events. However, a list of the
30 threatened communities can be compiled by reconciling Figures E.7.1.17-6B and 7B with an
31 area map of Orange County. This analysis clearly indicates that the communities threatened

1 by such wildland fire events during extreme weather conditions include Portola Hills,
 2 Foothill Ranch, Rancho Santa Margarita, Mission Viejo, Coto de Caza, San Juan Capistrano,
 3 and San Clemente. Densely populated residential communities such as these are not immune
 4 from the devastating effects of wildland fires (as clearly evidenced by the 2003 Cedar Fire
 5 which consumed more than 2,000 residences).

- 6 • There are tens of thousands of residents living in these established Orange County
 7 communities who will be threatened by wildland fires that are ignited within the Lake-
 8 Pendleton corridor; it is unlikely that these communities are even remotely aware of the
 9 danger. It is certain they are unaware that a project which so substantially threatens their
 10 lives and property has actually been deemed by the Commission to be the “environmentally
 11 preferred transmission alternative” to the Sunrise project.
- 12 • Under extreme weather conditions, ignitions along the transmission line would burn to the
 13 ***SOUTHWEST***, and (according to the Fire Behavior Trend Model Results) threaten all of the
 14 Trabuco Ranger District area of the Cleveland National Forest south of the Modjeska Canyon
 15 Nature Preserve. This area represents approximately 80% of the entire Cleveland National
 16 Forest located between Riverside County and Orange County.
- 17 • There are many thousands of homes located within the communities of Wildomar, Lakeland
 18 Village, La Cresta, la Cresta Highlands, and De Luz, yet the DEIR estimates that only 719
 19 homes in these communities are at risk in the event of a fire during “normal” weather
 20 conditions. The DEIR should explain why the estimated number of threatened homes within
 21 these populated communities is so low.
- 22 • The reference to 812 homes at risk of fire occurring in the Margarita Fireshed is unclear. If it
 23 refers to the number of homes that would be at risk of fire during extreme conditions, then it
 24 is substantially underpredictive (as discussed above). If it refers to the number of homes that
 25 would be at risk of fire during normal conditions, then it also seems rather low. Please clarify
 26 what the “812 homes at risk” refers to and why the number is so very low.

27
 28 **9.3 The DEIR falsely claims there is only one conflict area along the Lake-Pendleton**
 29 **line and ignores the threat to the hundreds of new and existing homes in El Cariso**

30 The DEIR states “One significant conflict area is identified by the [Wildfire Containment
 31 Conflict] model, located in the Lake Elsinore Fireshed at MP2 through MP4, which includes the

1 Lake Substation”. The DEIR then minimizes the fire danger presented to this area due to a lack
 2 of fuels (Page E.7-204). The reader is left with the distinct impression that containment of
 3 wildfires is not a substantial problem along the Lake-Pendleton line. However, the DEIR fails to
 4 point out that Very High Wildfire Containment Conflict Areas also exist on either side of
 5 Highway 74 (which, ironically, has been dedicated as the “California Wildland Firefighter
 6 Memorial Highway”). One conflict area lies within the community of El Cariso (between MP
 7 9.5 and MP 10), and the other lies just east of El Cariso (between MP 10.5 and MP 11). Any fire
 8 ignited in these particular areas (which, incidentally, also have high burn probabilities according
 9 to Figure E.7.1.15-4) will be difficult, if not impossible, to extinguish due to the proximity of the
 10 proposed transmission line. During extreme weather conditions, the fire will quickly sweep east
 11 and obliterate the entire community of El Cariso. In addition to the existing residences, El Cariso
 12 is the site of a large planned subdivision which will increase the population by several hundred
 13 people. Because of the proximity of the transmission line, the terrain, and the high fire
 14 probability, the residents and homes in the community of El Cariso will have **NO CHANCE** of
 15 surviving a wildland fire that is ignited in the nearby Lake-Pendleton corridor. It is rather
 16 baffling that this alternative is actually considered the “environmentally preferred transmission
 17 alternative”.

18 **9.4 Operation of the double circuit 230 kV line and the added 69 kV line in the Talega-**
 19 **Escondido ROW will cause a substantial, unmitigable Class I wildland fire impact**

20 According to the DEIR, the installation of an additional 230 kV circuit and the
 21 construction of an entirely new 69 kV transmission line near the double circuit 230 kV line will
 22 not increase the frequency of line faults beyond baseline (existing) conditions. The DEIR
 23 therefore asserts that the proposed modifications within the Talega-Escondido ROW will not
 24 increase the potential for wildland fires (page E.7-218). To assess the veracity of this claim, it is
 25 first necessary to analyze recent fire events in the area that were attributed to high voltage
 26 transmission line operation. Between March 2005 and December 2006, nine fires were started by
 27 transmission line infrastructure operated by SDGE⁸. Eight of these fire incidents involved
 28

29 ⁸ Report of fires attributed to power lines provided by SDGE in the Commission’s Sunrise Proceeding [A.06-08-
 30 010] in response to MGDRA Data Request #2 (item 30) reconciled with outage information provided by SDGE in
 31 the Commission’s Sunrise Proceeding [A.06-08-010] in response to MDRA data request #1 (item 17).

1 69 kV line faults; two of the faults were caused by mylar balloons, and the remaining faults were
2 attributed to a kite, line corrosion, mid-line slap, dirty insulators, a gun shot, and heavy winds
3 which brought down a line. The remaining incident was attributed to a 230 kV line which was
4 felled by heavy winds during extreme weather (Santa Ana) conditions. Interestingly enough, this
5 last incidence occurred in Camp Pendleton and probably involved the Talega-Escondido line
6 itself (although this could not be confirmed).

7 From these data, one obvious conclusion is that both 230 kV and 69 kV transmission
8 lines are susceptible to damage by high winds resulting in a “wires down” condition. Therefore,
9 the addition of a second 69 kV transmission line in the existing 230 kV Talega-Escondido ROW
10 will at least double the likelihood of such a fire-related incident. Another obvious conclusion is
11 that fire is frequently caused by debris contact with components such as insulators, relays, and
12 conductors. Therefore, increasing the number of such components will result in a proportional
13 increase in fire-related incidents. Obviously, the changes proposed to the Talega- Escondido line
14 to support the LEAPS TL project will double the number of insulators, conductors, relays, etc. on
15 the 230 kV line, and it will double the number of high voltage lines between the Pala and Lilac
16 substations. The data clearly show that the LEAPS TL project will at least double the frequency
17 of line faults above the existing (baseline) condition, and this impact is unmitigable. The Class II
18 designation applied by the DEIR to this very real and significant impact is simply not supported
19 by the data and must be revised to a Class I impact in the final document..

20 **9.5 The presence of both the double circuit 230 kV line and the 69 kV line in the Talega-**
21 **Escondido ROW will reduce firefighting effectiveness & pose a Class I impact**

22 The DEIR asserts that the presence of additional transmission infrastructure in the
23 Talega-Escondido ROW will slightly increase the safe approach distance for ground-based
24 firefighters (from >500 feet to >630 feet). However, this 25% change is deemed to be “adverse,
25 but less than significant”. To ascertain whether or not this conclusion is reasonable, it is first
26 necessary to understand wildland fire suppression tactics.

27 In the first place, aerial firefighting forces are directed to avoid dropping water and
28 retardant directly onto lines and towers because it could cause lines to short out or arc if they are
29 energized. Obviously, doubling the number of transmission lines in a ROW will at least double
30 the separation distance that will be maintained between transmission lines and aerial firefighting
31 forces. Therefore, aerial firefighting forces will be less effective in fighting a fast-moving

1 wildland fire sweeping east toward the Talega-Escondido ROW because their minimum
2 separation distance will be increased. Perhaps that is an insignificant impact to those who
3 authored the DEIR, but it is not insignificant to those residents who live adjacent to the Talega-
4 Escondido ROW as pictured in Figures E.7.1.3A and B. Any modification which reduces the
5 ability of aerial firefighting forces to control a wildland fire moving swiftly in their direction is
6 not insignificant..

7 Secondly, firefighters on the ground are trained to maintain a large separation distance
8 from transmission lines to avoid potential arcing due to smoke particles, water, retardant, etc..
9 As a transmission line ROW widens, so does the width of the area avoided by firefighters on the
10 ground. Take for example the situation faced by homeowners located just to the east of the
11 Talega-Escondido ROW as shown in Figures E.7.1.3A and B: It is quite apparent that the
12 addition of a second transmission line will force ground-based firefighters to curtail their
13 firefighting operations much sooner if the wildland fire is approaching from the west. It is not
14 clear why this adverse impact to aerial and ground based fire fighting operations is considered
15 negligible; it is certainly a substantial impact to the residents located on either side of the
16 transmission line. Fortunately for these residents, both CEQA and NEPA require that the DEIR
17 rationally contemplate the significance of impacts on those individuals who (in particular) must
18 endure them. With this perspective, it is apparent that the DEIR should properly categorize this
19 impact as Class I.

20 **10. THE DISCUSSION OF PROPERTY VALUE IMPACTS IN THE DEIR IS**
21 **SUBSTANTIALLY FLAWED**

22 The DEIR concludes that construction of a 200 ft high, 500 kV transmission line
23 adjacent to miles of private property located either adjacent to or within a virtually pristine
24 National Forest and which generates a constant 40dB hiss as far as 1,000 feet away will have an
25 insignificant impact on property values in the area (impact S5). The DEIR relies heavily on a
26 2003 study performed by EPRI to support this conclusion. The 2003 EPRI study discusses the
27 impacts of transmission lines on property values as reported by 18 groups of researchers who
28 collectively published 26 papers; results of these studies are summarized in Exhibit 1. Please
29 note that 12 of these research groups found that transmission lines will have a significant impact
30 on property values and/or marketability; 2 found slightly negative impacts, 1 had inconclusive
31 results, and 3 report no impact. Unfortunately, the DEIR relies disproportionately upon the 3

1 research groups who reported no impact on property values, and gives little or no weight to the
2 14 research groups who found negative impacts. The DEIR does not address why the “No
3 Impact” conclusion is so heavily skewed toward the minority results reported in the EPRI study.
4 The DEIR does acknowledge that “quantitative generalizations from studies cannot be reliably
5 made” and “under some conditions, facilities result in negative economic impacts, and under
6 other conditions they do not”.

7 In addition to the EPRI study, the DEIR relies on a 1991 study conducted by Pacific
8 Consulting Services (PCS), which reports that the presence of a transmission line can have as
9 much as a 12% adverse effect on the selling price. Factors linked to this negative impact include
10 ROW through adjacent properties and modification of the ROW after development. Please note
11 that this is precisely the situation presented by the LEAPS TL, which abuts and/or traverses many
12 miles of existing and planned residential properties. The PCS Study also notes that transmission
13 lines can have a positive impact on property values if the ROW is landscaped and designed into
14 the neighborhood. Please note that none of these measures will be implemented for the LEAPS
15 TL project. Astonishingly, the DEIR insists that the PCS study supports the DEIR contention
16 that property values will not be impacted even though the PCS study conclusively demonstrates
17 that the LEAPS TL line will negatively impact property values by as much as 12%.

18 The DEIR also cites a study conducted by CEC related to the siting of a cogeneration
19 plant in the city of Crockett, CA. The CEC study looked at nuclear power plants, industrial
20 waste incinerators and landfills, but did not consider transmission lines. This study concluded
21 that, under some conditions, negative economic impacts occur, and under conditions they do not.
22 Aside from the fact that this study is not relevant at all, it must be noted that it clearly shows that
23 industrial facilities will *potentially* result in significant negative economic impacts.

24 The DEIR states that the northern segment of the Lake-Pendleton line “would
25 potentially adversely affect residential property for a distance of about 2.5 miles”. However, the
26 DEIR minimizes these impacts based on the erroneous conclusion that affected properties have
27 lot size limitations of 5-20 acres. The DEIR fails to point out that existing residences on parcels
28 as small as 0.2 acres are located immediately adjacent to property on which the Lake-Pendleton
29 line will be built⁹. It also fails to clarify that the El Cariso Village area could be developed at

30
31 ⁹ See Riverside County Assessor Book 386, page 03.

1 residential densities as high as 8 dwelling units per acre, not 1 dwelling unit per 20 acres. The
2 DEIR also states that the southern segment of the Lake-Pendleton line “would potentially
3 adversely affect residential property for a distance of about 10.9 miles in Riverside County” and
4 “an undetermined number of properties in San Diego County”. Nonetheless, the DEIR concludes
5 the adverse impact will not be significant. The DEIR does not quantify “significant”, and it
6 provides no substantive basis for such a conclusion. To counter the erroneous and contrived
7 arguments that are presented in the DEIR and which are based on obviously skewed results from
8 theoretical research studies (some of which demonstrate the clear bias of certain researchers such
9 as Mr. Kinnard), I have included in Exhibit B absolute proof that new 500kV ROWs present
10 actual and substantial adverse impacts on the real property values.

11 The Commission is reminded that the DEIR must address impacts that are potentially
12 significant, and that these impacts are to be established by substantial evidence considered in
13 light of the whole record. The evidence presented in the DEIR clearly establishes that property
14 values in the vicinity of the Lake-Pendleton line will be adversely impacted, and that the impact
15 will be at least a 5% loss in value. The likelihood of such a substantially adverse impact on
16 property values *meets the legal standard for a Class I or Class II impact under CEQA*.
17 Furthermore, this significant adverse impact will not be mitigated by any of the measures
18 described in the DEIR (such as setbacks, ROW landscaping, shielding, ROW integration into the
19 neighborhood). Indeed these mitigation measures cannot be implemented, because the ROW
20 will be largely located on National Forest lands, thus maintenance and irrigation of landscaping
21 or integration into residential neighborhoods is not possible. Thus, this potentially significant
22 adverse impact is unmitigable, and therefore *meets the legal standard for a Class I impact under*
23 *CEQA*.

24 I understand that the definitive proof that 500 kV lines substantially impact the real
25 estate market which is provided in Exhibit B will somehow be marginalized and relegated to
26 obscurity in the Final EIR/EIS in favor of the theoretical (and in some cases clearly biased)
27 research study results. Thus, I remind the Commission that conclusions found in a Final
28 EIR/EIS regarding significant impacts MUST be properly reasoned and logically defensible; in
29 effect, such conclusions should pass the “smell” test. The DEIR conclusion that a 500 kV
30 transmission line will have no significant adverse impact on the value of nearby properties does
31 not pass this test. It is indisputable that, given the choice between 2 identical properties (one near

1 an existing or proposed 500 kV ROW and one not) the buyer will avoid the property near the 500
 2 kV *every time* because of noise, aesthetics, etc. The property near the transmission line will
 3 either sell for less money, or remain on the market longer, or both. This is certainly the situation
 4 today *and it will continue for the next several years due to the depressed real estate market*. This
 5 impact will be felt by the many hundreds of property owners in the vicinity of the LEAPS TL.
 6 There is no doubt that the 500 kV LEAPS TL will have substantial impacts on property values;
 7 these impacts are irrefutable, unmitigable, and are certainly NOT insignificant.

9 **11.0 THE ASSESSMENT OF LEAPS TL VISUAL IMPACTS IS INADEQUATE**

10 In the analysis of visual impacts of the 31.8 mile Lake-Pendleton portion of the LEAPS
 11 TL project (page E.7-64), the DEIR properly determines that visual impacts on Forest Service
 12 (FS) lands would result in Significant (Class I) effects that are in conflict with the high and very
 13 high Scenic Integrity Objectives (SIO) designated by the Cleveland National Forest Land
 14 Management Plan (CNFLMP). Yet, the DEIR determines that visual effects of the project on
 15 nearby non-FS lands merit only a Class II designation (which can somehow be mitigated to a
 16 point of non-significance). The Commission is reminded that 26 of the 32 miles of the Lake-
 17 Pendleton line are located within designated FS Developed Area Interface zones and/or are
 18 adjacent to (and actually traverse) private lands. Thus, most of the Lake-Pendleton line is located
 19 in the immediate vicinity of existing or future residential developments. The DEIR concludes
 20 (Page E.7-63) that the 500 kV line will be substantially visible on one side (looking from the FS
 21 lands) but that these same lines will be virtually invisible on the other side (looking from the
 22 non-FS lands). Apparently the transmission line will be highly visible on one side, but it can be
 23 rendered invisible on the other side. Are these magic transmission lines? The DEIR asserts that
 24 the Lake-Pendleton line will appear co-dominant with the landscape and cause view blockage on
 25 nearby non-FS lands (page E.7-64), but again this is determined to be a Class II impact which can
 26 be mitigated. Obviously, if view impacts on FS lands cannot be mitigated to a point of
 27 insignificance, then view impacts on non-FS lands adjacent to FS lands cannot be mitigated
 28 either.

29 The DEIR considers only one viewpoint (L6) from non-FS lands that lie within or
 30 adjacent to FS lands, and apparently this is supposed to represent the impact on all the private
 31 properties located within or near the 26 miles of the project located in FS Developed Area

1 Interface zones . This one viewpoint is inadequate; the DEIR should be revised to add a new
2 view impact category which specifically addresses the visual impacts of the project on non-FS
3 lands located within or adjacent to FS lands.
4

5 **12.0 THE LEAPS LAND USE DISCUSSION IS SUPERFICIAL & INCONSISTENT**

6 On Page E.7-194, the DEIR states that the Lake-Pendleton line will cross private
7 property slated for residential development at densities ranging from 5-20 acre minimums. On
8 page E.7-195, the DEIR states that the average parcel size in the Wildland Urban Interface area
9 (where the entire length of the Lake-Pendleton line is situated) is 2 acres, which indicates a
10 potential for future development along the route. On page E.7-104, the DEIR indicates that part
11 of the Lake-Pendleton line will traverse property located in El Cariso Village which is identified
12 as a Rural Village Overlay Study Area that permits residential densities up to 8 dwelling units per
13 acre. From these statements, it appears that the DEIR assessment of residential land uses along
14 the LEAPS TL is inconsistent and non-representative. The DEIR also fails to explain that
15 existing residences in the El Cariso Village are on parcels as small as 0.2 acres. It also does not
16 describe the new subdivision planned for the El Cariso Village, which will bring 159 new
17 residences to the area. These omissions and inconsistencies should be corrected in the DEIR, and
18 the impacts to these existing and planned residences should be more fully addressed.
19

20 **13.0 SUMMARY AND CONCLUSION**

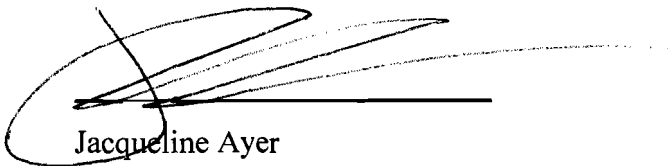
21 For the reasons provided herein, any arguments in the DEIR favoring the LEAPS TL
22 as the “Environmentally Superior Transmission Alternative” are not properly substantiated and in
23 fact are based on incomplete impact analyses (such as wildland fire) and declamatory statements
24 regarding LEAPS TL performance capabilities which have no basis in fact (i.e. it will “maintain
25 reliability in the delivery of power and reduce the cost of energy into the region”). Section
26 15088 (c) of the CEQA guidelines imposes a substantial burden on The Commission as Lead
27 Agency to describe the disposition of significant environmental issues raised, and detail the
28 reasons why specific comments or suggestions were not accepted. Described within this
29 submittal are substantive environmental issues and concerns related to:
30

- 1 • The lack of specificity in the DEIR to quantify the import capability into San Diego that is
2 required to meet the project reliability objective.
3
- 4 • TNHC’s failure to submit an application to the Forest Service for the entitlements sought by
5 the LEAPS TL prohibits the Commission from proceeding any further with the LEAPS TL
6 project.
7
- 8 • The inability of LEAPS TL to provide adequate import capability to meet the (non-specific
9 and ambiguously described) project objective related to maintaining reliability in the delivery
10 of power into San Diego.
11
- 12 • The inability of LEAPS TL to provide access to renewable resources
- 13
- 14 • The inability of LEAP TL to provide access to any energy resources (renewable or otherwise)
15 which will meet the project objective related to energy cost reductions.
16
- 17 • The inability of LEAP TL to provide access to any energy resources (renewable or otherwise)
18 to make up for SDGE’s imminent loss of 25% of their energy portfolio due to expiring DWR
19 contracts.
20
- 21 • The inability of SDGE to meet RPS goals if the LEAPS TL is approved in lieu of the other
22 transmission alternatives considered in the Sunrise DEIR.
23
- 24 • The lack of any corroborative evidence that SCE infrastructure is adequate to serve both SCE
25 customers as well as SDGE customers for the next 10 years at the LEAPS TL point of
26 connection.
27
- 28 • The lack of any corroborative evidence that SDGE has or will have contracts with energy
29 resources linked to SCE which will make up for SDGE’s imminent loss of 25 % of their
30 energy sources.
31
- 32 • The lack of any corroborative evidence that SDGE has or will have contracts with renewable
33 resources linked to SCE in sufficient quantity to achieve their 2010, 2014, and 2020 RPS
34 goals.
35
- 36 • The lack of any corroborative evidence that SCE, TNHC, IID, LADWP, and others are
37 prepared and contractually committed to delivering renewable energy to SDGE territory in
38 sufficient quantities for SDGE to meet their RPS goals.
39
- 40 • The inadequate analysis of wildland fire impacts (which transcend all other impacts due to
41 the attendant life and safety issues).
42
- 43 • The documented import capacity of the LEAPS TL is so small that it should have been
44 eliminated in the screening process.

1 Based on these concerns and others raised herein, I respectfully request that The
2 Commission eliminate the LEAPS TL from consideration as a viable alternative to Sunrise, and
3 reverse the recommendation contained in the DEIR that the LEAPS TL is the "Environmentally
4 Superior Transmission Alternative" I also ask that The Commission fully address the concerns
5 raised herein, and I remind The Commission that responses provided to address these concerns
6 must be based on reasoned analysis, and that "conclusory statements unsupported by factual
7 information will not suffice" (Section 15088(c) of the CEQA Guidelines)

8
9 Respectfully submitted

10
11
12 March 6, 2008

13 
14 Jacqueline Ayer
15 2010 West Avenue K, #701
16 Lancaster, CA 93536
17 (949) 645-7193

18 Submitted via Fax

19 Transmission of 33 pages to Aspen Environmental [(866) 711-3106]

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31 cc: Administrative Law Judge Weissman (submitted via USPS)
32 Commissioner Grueneich (submitted via USPS)

EXHIBIT 1

Transmission line Impacts on Real Property Summarized from 2003 EPRI Study (Quantitative Sales Price & Statistical Analysis Studies)

Name of Study	Impact On Value/Marketability	Impact Details
Blinder	Negative	1 of 2 Subdivisions studied showed significant negative impact of 230 kV line
Boyer et al	Negative	Sale prices were 16-29% lower in 230 kV & 500 kV line zones; fewer sales occurred near 500 kV lines.
Brown	No Impact	72 kV line affects farm productivity; no property value impact
Carriere, Chung, Lamb	Inconclusive	Some values reduced near 120 kV lines, some not
Colwell (2 studies)	Negative	Home prices affected as a function of distance from 138 kV lines
Kinnard , Webb, PS Mitchell, et al (4 papers, similar studies)	No Impact	No evidence of impact of 345 kV line on land value
B. Mitchell	No Impact	Prices not lower near power line (voltage not provided).
Pacific Consulting	Negative	5% Negative effect of 115 & 230 kV lines on property values
Thompson	Negative	More than one 64/240 kV line reduces property values
University of Quebec	Negative	735/120/161 kV lines negatively affect value by <35%
Woods, Gordon	Negative	Negative effects of 230/500 kV lines in residential areas, not in agricultural areas
Bolton	Negative	Negative effects on property values up to 21%.
Bottemiller, Cowger, Cahill, Wolverton (3 papers, similar studies)	Slight Negative	Properties near 115/500 kV lines took longer to sell and appreciated differently; no significant impact on value (although "significant" is not defined).
Des Rosiers	Negative	Pylon view of 315 kV lines negatively affected value by up to 14%.
Haidar, Haroun	Negative	4-6% decrease in property values within .6 miles of line (voltage unknown).
Hamilton, Carruthers, Schwann (2 papers, similar studies)	Negative	Non-adjacent property values are 5.8% higher; removing tower view increases value by 5.7%, etc. (500/230 kV lines considered)
Ignelzi, Priestly	Negative	115/230 kV line upgrades reduced prices 4.2-8.9%; properties next to adjacent properties had lower prices
Kinnard, B. Mitchell, Geckler (2 papers, similar studies)	Slight Negative	Increased time on market due to 138 kV lines; negative impact on property values occurred, but not consistently

EXHIBIT 2

D0119

TROTH REALTORS GMAC REALTORS

1801 West Avenue K
Lancaster, Ca 93534

James F. Duzick

10/01/2006

From: Jim and Geri Duzick
9303 Old Stage Road
Agua Dulce, Ca
91390

To: The honorable Governor of California
Office of the Governor
State Capital, Sacramento, Ca 95814
E-mail: governor@governor.Ca.gov

Regarding : Antelope Pardee 500KV Transmission Project

Gentlemen :

Last week I had presented two adjacent 117 acre parcels of land in the 500KV project area to a client who had every inclination to write a purchase offer to buy the parcels offered. Purchase price would have been in a range from \$600,000-\$1,000,000. Despite the fact that power, roads, city water and phone were not available on or near these parcels the client was willing to overcome those issues by generating his own power 24 hours a day, pump and store his own water from existing wells on the property, improve access to and from his site by installing all weather roads, operate cell phones in lieu of phone service and heat and cool the living structure with his own services.

When I disclosed that power lines might be built in the area to tie wind generated power to an upgraded 500KV trunk line as described in the various EIR's and NOP's being circulated, the land ceased to have any attraction to my buyer. Value went from \$1,000,000 dollars to \$0.00 dollars.

This is an all too familiar story unfolding daily to people trying to buy and sell land and developed properties in the Antelope Pardee 500KV project area. The implications go far beyond the fact that the general public doesn't like to look at power lines and will pay premium dollar to get away from the site or influence of them.

I have been bombarded with questions from my neighbors, clients, family members and community members for the last few weeks with questions and concerns and could provide only one common answer.... In the little time we have had to study the draft EIR/EIS associated with the Antelope -Pardee 500KV project we don't know yet what the impact might be as the SCE Preferred route would not impact the populations centers at all but Alternate 5 proposed in the EIR/EIS would dramatically affect population centers. Only the wisdom and sensitivity of decision makers would prevent or eliminate the pain and prevent social and economic destruction.

Issues like:

- *Eminent domain in which the project procures properties it can't buy- Clients ask "do I get fair market " "will I or how do I get compensated for the loss of value?" Will implementation of the project affect the value of Real Estate in general? Historically, database analysis throughout the region suggests that the*

- *existence of high voltage tension lines to land tends to affect it desirability for investment or living on and correspondingly its value.*
- Can I or should I sell my property now before this issue is decided and avoid the impact the project may have on my property value?
Full disclosure rules sure get tested on this question and the answer suggests that with the publishing of the EIR/EIS it may already be too late to escape a possible financial impact.
- Is it healthy to live near power lines? Does it cause leukemia or cancer? *I have to tell clients "I don't know".*
- What impact will the removal of homes to make a pathway for the project as described in option 5 have on the community and conversely on the school system?
Potentially a huge impact is my answer... As a nine year member of past school boards and past School Board president of the Acton - Agua Dulce School district, I came to realize that the social and economic viability of the community had a direct relationship on the enrollment of students in area schools. More students enrolled in local schools meant a growing district that could offer greater diversity in program and hire and retain better teachers because they could be paid as much or perhaps more than competing school districts could offer.
A growing district and an expanding community, both in volume of activity and land value, means that the community has greater bonding capacity to build more and better schools.
Our recently unified school district has been struggling to complete the unification process and build the schools families were promised since the voters voted to unify.

Good schools attract more families which also cause more people to want to build more homes. Pride and investment in ones home, pride and investment in one's family helps communities grow. The Antelope-Pardee 500 KV project as described in option 5 would definitely have a negative effect on the community and its school system. If the community responded to the invasiveness of this project as communities historically have, the fragile economic stature of the school district trying to complete and fund the longstanding unification process could be overwhelmed in my opinion. One could ask the question that if option 5 costs more to implement, affects the communities and their organizations so profoundly why then even entertain that option?

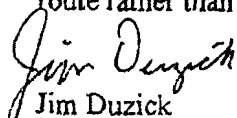
- Are there security issues having to do with the installation of a 500KV line within the community??? In my opinion in response to my clients I believe that there are potential issues....
1.) We live a scant few miles from the San Andreas Fault which is overdue for a major incident with an intensity somewhere in the 7.5 Richter range. In my opinion no one knows what the ramifications a worse case scenario may inflict on the infrastructure within the ACTON-Agua Dulce Community. There are a variety of lesser known faults that criss cross the community as well. Might any be triggered by a San Andreas incident? Who knows... Would it not be better if 500KV lines were buried in vaults rather than power distributed on 240 foot tall towers as described as described in the EIR/EIS???
- Japan distributes its power in utility ducts (see http://en.wikipedia.org/wiki/Common_utility_duct) because of intense seismic activity within the islands that make up Japan. To preserve the ability to provide aid to the population and insure access to people in need after an event, Japan buries their power lines.

Page three

- 2.) In addition -Energy corridors- "The U.S. Department of Energy and Department of the Interior, Agriculture and Defense are preparing a draft programmatic Environmental Impact Statement pursuant to the National Environmental Policy Act to identify the impacts associated with designating energy corridors on federal lands in 11 western states. Is there logic in this project being part of that process... ??? For security reasons against issues like future terrorist activity, it would seem that energy corridors would be more secure if located as much as possible on federal lands where access is both visible and easier to control. See Preliminary Draft Map of Potential Energy Corridors on Federal Lands published in August 2007. Web site <http://corridoreis.anl.gov>.
 - 3.) The HWY 14 corridor is a route traveled by VFR pilots in inclement weather trying to navigate their way to either local airports /airparks or the San Fernando Valley. Alternate 5 of the 500KV Antelope Pardee EIR/EIS present an unnecessary hazard intruding on this path with 240 foot tall towers standing on 300 foot tall peaks already at 2500-2700 foot elevations.
- Will High Voltage lines impact the function of home based business security systems and local networks in the homes schools and business of the community. Try to listen to an AM radio or VHF transmission near lines. This Issue is only superficially addressed in the EIR/ EIS

Implementation of the proposed SCE Route in my opinion is more consistent with the planning described in the Antelope Valley General Plan and Santa Clarita General plan and more predictably less invasive and not as destabilizing to the communities affected than Alternate 5 of the Antelope Pardee 500KV Transmission project. The urge, the need for and the impact of possible litigation and condemnation would destroy the economic base and structure of these communities.

Wisdom alone, notwithstanding the respect that governments should have for the investments that citizens have made in their communities, should compel the outcome of this study/EIR/EIS to choose the proposed SCE route rather than alternate 5.

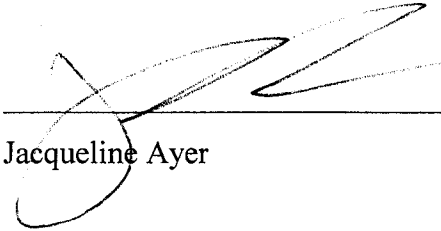

 Jim Duzick
 Troth Realtors
 661/547-9750

CERTIFICATE OF SERVICE

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I certify that I have transmitted by facsimile this day a true copy of the attached comments on the draft Environmental Impact Report/Environmental Impact Statement for the Sunrise Transmission Project to the Aspen Environmental Group as directed by the "Notice of Availability of Draft DER/EIS" issued January 3, 2008 and I have served a true copy of the attached comments to all persons listed on the attached service list.

Dated March 6, 2008 at Lancaster, CA


Jacqueline Ayer

1 SERVICE LIST
2
3 STEPHEN WEISSMAN
4 CALIFORNIA PUBLIC UTILITIES COMMISSION
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D0119 cont.

From: airtspecial@aol.com
To: sunrise@aspenerg.com
Sent: Mon Apr 7 12:40
Subject: Fwd: Supplemental comment on Sunrise Draft EIR/EIS

Last month, I provided comments on the Draft EIR/EIS released by the CPUC for the Sunrise Project. It has just come to my attention that the manner in which the Draft EIR/EIS calculates the total number of potentially significant impacts of the LEAPS TL Project is not by adding up all the impacts that are actually reported in Section E.7. Applying the methodology adopted in the DEIR/DEIS, it appears that the LEAPS TL project has 31 potentially significant, unmitigable impacts rather than the 32 I discussed in my comments submitted March 6, 2008 and rather than the 30 reported on Page ES-3 of the Draft EIR/EIS.

According to the discussion of impacts on biological resources, the Draft EIR/EIS asserts that there may not be sufficient land available to mitigate the potential impacts to the Stephen's Kangaroo Rat. Thus it should be accorded the same Class 1 category as the Quino Checkerspot Butterfly (since the Draft EIR/EIS indicates there may not be sufficient land available to mitigate potentially significant impacts to the Quino Checkerspot Butterfly as well). For this reason, I have concluded that the number of potentially significant impacts of the LEAPS TL project should be 31.

Thank you for your time and attention to this matter

Jacqueline Ayer

D0119 cont.

From: airtspecial@aol.com
To: sunrise@aspeneg.com
Sent: Wed Apr 9 9:56
Subject: Fwd: Re: Sunrise Powerlink Project

To the Sunrise Powerline Project EIR/EIS Team:

The EIR/EIS declares that the LEAPS transmission line will achieve the reliability objective, and offers the design capacity as proof. In effect, the EIR/EIS asserts that a transmission line design capacity accurately represents (or is a reasonable surrogate for) the actual transmission line import capacity. These statements are not accompanied by any supporting evidence. The Final EIR/EIS must either

- 1) Clearly state that it considers the LEAPS Transmission Line design capacity to accurately represent the actual import capacity that will be achieved by the LEAPS Transmission Line and describe the basis for this assumption. This analysis must include specific data which refutes CAISO's determination that the import capacity of the LEAPS TL will not exceed 500 MW and FERC's determination that it will not exceed 750 MW; or
- 2) Clearly establish based on evidence in the record precisely what it considers the actual import capacity of the LEAPS Transmission line to be, and provide a detailed discussion as to how this determination was derived.

Please consider this email and my previous telephone communications regarding this issue as formal comments that are timely submitted in response to the Draft EIR/EIS issued for the Sunrise project. If these comments must be faxed, mailed, or transmitted in some other manner to insure they are considered in the Final EIR/EIS, please notify me of this requirement in a timely manner (since the public comment period ends Friday, April 11).

Thank you for your time and attention.

Sincerely,

Jacqueline Ayer

April 11, 2008

CPUC/BLM
c/o Aspen Environmental Group
235 Montgomery Street, Suite 935
San Francisco, CA 94104

Subject: Supplemental comments submitted re the Sunrise Draft EIR/EIS

Reference: CPUC proceeding Number A.06-08-010

To the Sunrise EIR/EIS Team:

Please consider the following comments as timely submitted during the public comment period established for the Draft EIR/EIS issued pursuant to the Sunrise Project. These comments are submitted in response to the answer I received from you on April 7, 2008 regarding the import capacity of the LEAPS TL. These comments are submitted electronically; I will also fax them to you along with other supplemental comments that I have previously sent to you via electronic mail.

Upon reflection, I have determined that your April 7, 2008 response to me regarding the LEAPS Transmission Line (LEAPS TL) import capabilities is unsatisfactory and unacceptably dismissive. The Draft EIR/EIS document could not have concluded that the LEAPS TL is an alternative to Sunrise without firmly establishing the following:

1. The actual Leaps TL import capacity that was assumed and which forms the basis for the conclusion that the LEAPS TL will meet the Sunrise project reliability objectives.
2. The actual import capability that must be achieved by a project alternative in order to be deemed as meeting the Sunrise project reliability objectives.

I asked for this information (which is available), and you have not provided it. Instead, you explain that these issues will be addressed in the Final EIR/EIS. By refusing to provide the underlying information that was used to establish LEAPS as a viable alternative to Sunrise, you have intentionally eliminated any opportunity for me to refute the information before the public comment period ends today, April 11, 2008. It is a rather clever ruse; you simply conclude that the LEAPS TL is a viable alternative in the Draft EIR/EIS, and you provide the basis for this conclusion in the Final EIR/EIS. With this approach, you avoid any real public debate on the issue. While this may be procedurally convenient for you, it is in fact a gross mis-application of CEQA.

Perhaps you are unaware that the environmental review process mandated by CEQA is composed of 3 crucial elements: information disclosure, public participation, and agency accountability. It is only when these measures are fully implemented that viable alternatives and appropriate mitigation measures can be developed.

By refusing to disclose information which provides the fundamental basis for the Draft EIR/EIS's determination that the LEAPS TL is the "environmentally superior wires alternative", you undermine the very foundation of CEQA. You refuse to disclose vital information in a timely manner. In so doing, you limit the ability for the public to participate fully in the process. Ultimately, you avoid the very accountability that is clearly demanded by CEQA.

Since you refuse to provide any factual basis for the Draft EIR/EIS conclusion that the LEAPS TL will meet the project reliability objective, I will attempt to "guess" at what that basis may be, and proceed to refute this "theoretical basis" with solid evidence in the record, to wit:

- 1) In the November 1, 2006 Scoping Memo And Ruling prepared by the Commission's Assigned Commissioner and Administrative Law Judge, it was ruled that the scope of the proceeding would consider "the appropriate planning horizon to use in evaluating the need for the project" [see page 26].
- 2) The Draft EIR/EIS properly asserts that the basic project objectives that should be established in evaluating the proposed project and the various alternatives are defined by the November 1, 2006 scoping memo. However, the Draft EIR/EIS fails to identify what planning horizon was assumed in developing the alternatives analysis, even though the Administrative Law Judge's ruling specifically identifies the planning horizon as a key parameter in "evaluating need for the project". This represents a substantial deficiency in the Draft EIR/EIS document, since it is precisely the planning horizon which determines the length of time for which the reliability requirements must be met by the project alternatives in order to be considered viable. The term "planning horizon" does not even appear in the Draft EIR/EIS other than in ancillary references to SDG&E's 10 year planning horizon in their LTRP.
- 3) In the November 1, 2006 Scoping Memo and Ruling, the Administrative Law Judge ordered SDG&E to provide project analysis results for "a period of 10 years after the assumed online date of the proposed project". [page 13].
- 4) Both the Assigned Commissioner the Administrative Law Judge have established "the importance of the [CAISO] modeling runs to the development of the record in this case" and acknowledged that "completion of CAISO's computer modeling work is critical". [See Ruling issued April 24, 2007].
- 5) The CAISO completed the analysis of the LEAPS TL project, and determined that, as an alternative to Sunrise, the LEAPS TL would provide an additional 500 MW of import capability.
- 6) Given the "crucial nature" of the CAISO modeling results demonstrating the limited import capacity of the LEAPS TL, and to the extent that these limitations are firmly

established in the record, it is clear that the alternatives analysis presented in the Final EIR/EIS must be established based on a 500 MW import capacity assumption for the LEAPS TL. There has been no basis established in the record for the Final EIR/EIS to ignore or otherwise not exclusively consider these results in the alternatives analysis.

- 7) Other evidence presented by SDG&E in the record (and even cited by the Nevada Hydro Company on page 19 in their Initial Phase 1 brief) proves beyond doubt that the 500 MW import capacity of the LEAPS TL will only meet SDG&E's customer load through 2015 [see SDG&E Testimony by Brown and Table 11 of SDG&E's Phase 1 opening brief].

It is certain that the planning horizon that should be used to evaluate the proposed project and the various alternatives must be greater than 5 years. It is also certain that the LEAPS TL does not in fact meet the projects reliability requirements in the long term, because it fails to provide adequate import capacity after just 5 years. In fact, it only 3 years longer than some of the projects that were eliminated by staff in the initial screening analysis because they do not meet the Sunrise project's long-term objectives!.

Respectfully submitted

Jacqueline Ayer

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