

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

In the matter of the Application of
San Diego Gas & Electric Company
(U 902-E) for a Certificate of Public
Convenience and Necessity for the
Sunrise Powerlink Transmission
Project

Application No. 05-12-014
(Filed December 14, 2005)

**RESPONSE OF THE RAMONA ALLIANCE AGAINST SUNRISE
POWERLINK (RAASP) TO THE ASSIGNED COMMISSIONER'S
RULING SEEKING BRIEFS ON LEGAL ISSUES**

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I. INTRODUCTION

Pursuant to the Assigned Commissioner's Ruling Seeking Briefs on Legal Issues ("Ruling"), dated February 10, 2006, issued by Assigned Commissioner Dian Grueneich, seeking a response ("Response") from all parties, the Ramona Alliance Against Sunrise Powerlink ("RAASP") submits this Response in connection with questions concerning the Application of the San Diego Gas & Electric Company ("SDG&E") for a Certificate of Public Convenience and Necessity ("CPCN") for the Sunrise Powerlink Transmission Project ("Application"), and in which SDG&E proposes to defer certain CPCN filing requirements. The deadline set in the Ruling for responses to questions presented therein was not later than February 24, 2006, therefore this Response is timely pursuant to the Ruling.

While RAASP has chosen to respond comprehensively to Question #4 of the Ruling, this Response also addresses, albeit briefly, Questions #1 through #3, because of serious concerns of RAASP regarding these issues as well. When considering this Response, we respectfully request that the Commission also take into account the speed for timely filings and the steep learning curve RAASP has undertaken to fulfill its obligations to both the RAASP membership and to the Commission in connection with its Rules of Practice and Procedure, General Orders, and governing law. We hope that the Commission will carefully consider the arguments put forth in this Response and consider also the efforts of RAASP to highlight important information for the Commission, despite the lack of the organization's previous experience in this field and with regard to this area of the law.

RAASP is attempting to bring to the Commission an accurate, verifiable and earnest account of the proposed project from a grass roots point of view. This includes a fresh perspective outside of the normal workings of the Commission and encouraged by the Commission. Participation in this process is a difficult undertaking by any standard. It is even more difficult for those who have never participated in any Commission proceeding previously. Therefore, we respectfully request that the Commission bear in mind the difficulties of participation, excuse minor procedural errors, forgive assumptions that may be incorrect, weigh facts given with the same consideration to that given to experts in the field and, in doing so, pay close attention to the voice of people at the grass roots who, encouraged by the Commission to participate, also rely on the Commission's good sense to hear what they have to say and to act with the presented facts in mind.

Above all else, we ask the Commission to weigh information provided by RAASP in this Response carefully with regard to the Commission's decision-making process. Specifically, we respectfully request that the Commission make full use of the information presented here with regard to any future ruling concerning the issue of the bifurcation of the Commission's procedures put forth in SDG&E's application. We remind the Commission that this bifurcation issue has been introduced by SDG&E in order for the company to achieve a CPCN from the Commission prior to the Commission's ability to fully evaluate all other considerations mandated by law.

II. RESPONSES TO QUESTIONS #1, #2 and #3

A. Question #1: What Is the Legal Standard for Waiving the Commission's Rules and General Orders Requested by SDG&E?

RAASP expects that the Commission's Rules and General Orders would not be waived unless there is a provision within the rules and laws to waive them. The Commission itself is bound by its own statutory and regulatory law: that is, the Commission's ability to authorize "deviations" or "waivers" or "postponements" must be grounded in provisions of the rules or law that allow for such actions.

Otherwise, without specific legal authority to grant such requests, the law would simply become what someone says it is today; and something different from yesterday or tomorrow. In essence, there would be no law.

RAASP has been unable to find any authority for waiving the conditions self-imposed by the Commission in Rule 87. Indeed, if such authority existed, one could expect that the party moving for waiver, SDG&E in the instant case, would outline the legal authority for waiver in their application. To date, RAASP has been unable to discover the legal anchor upon which SDG&E's makes its request for postponement of CPCN requirements.

Considering the vast amount of documentation presented to the Commission in connection with the company's December 14, 2005 application,¹ along with the legal expertise the company commands, it seems highly unusual that SDG&E would not be able to provide the Commission with the legal argument or arguments that would allow the myriad of postponements requested under Rule 87.²

Indeed, the Motion of San Diego Gas & Electric Company (U-902-E) To Set Procedures and To Defer Certain Filing Requirements ("Motion to Defer") accompanying the company's Application cites no legal grounds for the Commission to use in order to defer these requirements. Instead, the company merely lists the rules it is filing under, including Rule 87, and then goes into a protracted explanation of why the specific deferrals it requests should be granted. This explanation includes arguments concerning "timely construction of the project", "robust public involvement in route selection", and the final argument that

¹ The Application was accompanied by hundreds of pages of documentation, now finally available on the CPUC website for this proposed project.

² In its MOTION OF SAN DIEGO GAS & ELECTRIC COMPANY (U 902-E) TO SET PROCEDURES AND TO DEFER CERTAIN FILING REQUIREMENTS ("Motion to Defer"), dated December 14, 2005, and submitted with its Application, SDG&E lists 10 areas in which it wants the pertinent sections of General Order 131-D postponed, ranging from submittal of a proposed route, to notice requirements, to schedule for right-of-way acquisition, to measures taken to reduce potential exposure to electric and magnetic fields generated by the proposed facilities. There seems to be no General Order 131-D in SDG&E's world.

this “two-stage application will enhance administrative efficiency”³. None of these arguments are based in law.

Worse, in Section II where SDG&E outlines the specific deferrals it wants, the company simply explains away, section by section the considerable requirements of General Order 131-D. In each case, it appears that the company seems content to fulfill the legal requirements of the General Order when it chooses to and is asking the Commission for permission to carry on this way without providing any legal basis.

As we have stated previously in our Protest document in the Summary section on p. 3, how the Commission decides this case will affect all future applications:

“Moreover, the Commission would signal to all other applications for all other projects in the future that the bar to the desired CPCN would be lowered for all time and that future applications would not need to contain what the Commission rules and the law require. This would result in a dramatic distortion of the present law as embodies in the Commission’s rules.”
(Emphasis Added)

Recognizing the larger effects of a Commission decision to favor the bending of its rules to an unrecognizable extent, RAASP is dismayed that the Commission has already seemingly favored the applicant in this case regarding SDG&E’s request on p. 1 of its December 14, 2005 Motion to Defer that the Commission “(2) convene an early prehearing conference to set further procedures.”

It looks as if the company prevailed in this request, despite the objections of other parties that the January 31, 2006 prehearing conference, held in Ramona, should have been delayed to conform with the extension of the protest period to February 17, 2006. Instead, a prehearing conference was held before all protests were received and potential parties who were not yet aware of the project were unable to

³ See, Motion to Defer at p.2, 3, and 4, respectively.

represent themselves at the prehearing conference, which, in fact, is held in part to determine parties.⁴

The distorting effect of this out-of-order prehearing conference, with respect to the protest extension, has been enhanced by the additional time granted SDG&E to provide answers to the questions presented in the February 10th Ruling, postponing the company's response from February 17th to February 24th without any explanation for the extension in the email notification by ALJ Malcolm⁵.

Besides eliminating the ability of parties to evaluate new arguments the company will now undoubtedly offer for waiver of legal requirements, the granting of additional time without any explanation unavoidably raises questions in the minds of persons unfamiliar with the Commission's day-to-day deliberations and rulings. Those questions raised include real concerns as to why such an extension was made and whether the extension may have been the result of communications that should not be taking place.

SDG&E also seems to have already convinced a division of the Commission to aid its postponements of the Proponents Environmental Assessment ("PEA"). In its Motion to Defer the company states that SDG&E "has entered into an agreement with the Commission Energy Division to reimburse the Commission for its environmental consulting costs prior to submission of the PEA and Rule 17.1(j) deposit."⁶ This agreement flies in the face of the requirement of General Order

⁴ See, Notice of Prehearing Conference, dated January 19, 2006, by Ann Hoang, signed by Angela K. Minkin. The notice reads in part: "A prehearing conference is called to determine the parties, positions of the parties, issues, and other procedural matters."

⁵ See Thur, 16 Feb 2006, 15:30:13 email from Malcolm, Kim, "Due date for legal briefs in CPUC A0512014/Sunrise Powerlink/SDG&E" in which Judge Malcolm states: Commissioner Grueneich has asked me to inform you that she has changed the due date for SDG&E's brief in this docket to February 24. The new date is a change for SDG&E only which originally was to have filed by February 17, pursuant to the Commissioner's February 10, 2006 ruling. The deadline for briefs filed by other parties was and continues to be February 24, 2006."

⁶ See, Motion to Defer at p. 8.

131-D⁷ and seems to signal that, at least with respect to the Energy Division, non-compliance with the Commission rules governing the PEA submittal is seen as acceptable. Because SDG&E is not doing this right, rules are being challenged at every turn.

This issue of the deposit on the fee the Commission requires to prepare an Environmental Impact Report (“EIR”) or negative declaration is now being turned into a reimbursement to the Commission. This effectively means that this kind of extra-legal, and RAASP contends illegal, arrangement is officially being countenanced by the bureaucracy of the Commission at the same time as this Response regarding the legality of waiver is being written.

This perversion of the process, once started, is never ending. It is as if the Commission is faced with defending the very rules and laws that has governed this type of application for decades and, in the process, is being asked to change its procedures before a definitive ruling on the bifurcation request is made. This effectively means that, if this momentum on the part of SDG&E is allowed to continue, many rules will be trampled, including, for example, the issue of notice, supposedly dear to the Commission’s heart, and which is addressed later in this response.

We respectfully request that the Commission recognize that there is no waiver under the rules and law and that the postponements requested by SDG&E be denied, the application be rejected, and any future applications be required to contain all of the information the rules and laws of the Commission require.

⁷ See GO 131-D (Section IX-A-1-h) which requires an applicant for a CPCN to include in its application a PEA or equivalent information on the environmental impact of the project in accordance with the provisions of CEQA and this Commission’s Rules of Practice and Procedure, Rules 17.1 and 17.3.

B. Question #2: Has SDG&E met that legal standard?

As stated above, RAASP does not believe that there is a legal standard that allows for such a literal “breaking” of the law in the sense that SDG&E’s application requests for postponement, waiver, deferral, etc. are legal.

Obviously, the courts ultimately define what the law is. The Commission may act in accordance with that which would likely be allowed by the courts. While the Commission has, as we understand it, the ability to interpret its own statutes and regulations when applying them, the courts still have the last word. Seeing as the courts often use the plain language of the law or regulation, as well as the continuity of interpretation, neither of these or other factors normally used by the courts to determine the weight given to an agency decision would allow an application that does not include its legally required content.

As we do not have the benefit of SDG&E’s new arguments, called for in the February 10th Ruling, we cannot be sure that the company will represent the actual situation with regard to interpretation of agency rules and law accurately. We cannot be sure because the company ignored this issue before and desires something the law patently doesn’t allow. Therefore, we request that the Commission deny the postponements being sought because there is no legal standard to waive requirements that the Commission could use in its interpretation of its own rules and law.

C. Question #3: Has SDG&E complied with the requirements of Section 1003 of the Public Utilities Code?

Regarding Section 1003, it seems clear that the “shall” language of the first paragraph of the section mandates that the requirements of the section be complied with in all CPCN applications. This is a basic legal definition understood by many persons without legal education or experience: “shall” signals a legal duty. SDG&E, under Section 1003 has most obviously not complied with the requirements contained in this section. In fact, the company is quite up front and to the point

about how it is not complying with the law in its numerous filings, but most importantly in its Motion to Defer.

There, SDG&E points out the requirements of General Order 131-D it is not meeting in the application⁸, without also pointing out that the Commission's regulatory interpretation of Section 1003 is, in fact, General Order 131-D, which also carries the force of law. So, in fact as well as law, SDG&E is violating Section 1003 rather than complying with the requirements it sets forth.⁹

There is no doubt that Section 1003 is comprehensive with respect to CPCN applications and what they should contain. The Section specifically lists as "required information:" (a) preliminary engineering and design information of the project; (b) a project implementation plan showing how the project would be contracted for and constructed; (c) an appropriate cost estimate, including preliminary estimates of the costs of financing, etc.; (d) a cost analysis comparing the project with any feasible alternative sources of power; and (e) a design and construction management and cost control plan.

None of these requirements have been fully met in the present application. Furthermore the rules contained in the General Order 131-D implementing Section 1003, also include, in Section IX. (A)(2)¹⁰, procedures by which the Commission is

⁸ See, Motion to Defer, pp. 5-8

⁹ At the risk of confusing issues, RAASP would like to point out that Section 1002 of the Public Utilities Code, discusses other requirements for granting "any certificate pursuant to Section 1001". Section 1001 states, in part, that "no ...electrical corporation....shall begin the construction of a ...line...without having first obtained from the commission a certificate that the present or future public convenience and necessity require or will require such construction." Section 1002(a) states: "The commission, as a basis for granting any certificate pursuant to Section 1001 shall give consideration to the following factors: (1) Community values. (2) Recreational and park areas. (3) Historical and aesthetic values. (4) Influence on environment," except in the case of any line located in another state. See Public Utilities Code Sections 1001 and 1002. RAASP is unaware of any discussion of these further requirements by SDG&E in its Application and Motion to Defer. This is particularly distressing because these requirements seem to be particularly appropriate with regard to the proposed project, which is intended to cross Anza Borrego State Park, protected wild lands and local communities. Perhaps, the Commission can clarify the lack of compliance with these provisions in its next ruling.

¹⁰ See Section IX. (A)(2) TRANSMISSION LINE, POWER LINE, AND SUBSTATION FACILITIES; Transmission Line Facilities of 200kV and Over, (2)" No later than 30 days after the filing of the application the Commission staff shall review it and notify the utility in writing of any deficiencies in the

mandated to review applications 30 days after filing and notify the utility involved in writing of any deficiencies in the information and data submitted in the application. RAASP is not aware of any such review in this case. The application was submitted on December 14, 2005 and 30 consecutive days following that submittal was Friday, January 13, 2006. It would be helpful if the Commission would explain why this review seems not to have taken place.

Instead of this review, the Commission is continuing to entertain a deficient application. We respectfully request that a review be conducted and the results of the review be made public.

Regarding General Order 131, the issuing decision itself states that: “These rules contained in the general order attached to this decision are reasonable and are the ones deemed essential at this time. If a need for change appears as experience is gained in their operation, procedures exist for amending the general order.”¹¹

Does the Commission want to change the implementation of its General Order 131, promulgated in 1970 and which is more than 35 years old, and which itself implements Section 1003, for SDG&E? We hope not.

III. THE ISSUE OF NOTICE: RESPONSE TO QUESTION #4

Question #4: Please discuss legal and policy issues regarding delay in providing the legal notice required by the Commission’s rules. Given the Commission’s preference to ensure full public notice, what factors argue in favor of deferring compliance with this requirement?

information and data submitted in the application. The utility shall correct any deficiencies within 60 days thereafter, or explain in writing to the Commission staff why it is unable to do so. It shall include in any such letter an estimate of when it will be able to correct the deficiencies. Upon correction of any deficiencies in the application, the Commission staff shall determine whether CEQA applies, and if so, whether a Negative Declaration or an EIR has been or will be prepared, and the process required by CEQA and Commission Rules of Practice and Procedure 17.1 will be followed in addition to the Commission’s standard decision-making process for applications. The Commission shall issue a decision within the time limits prescribed by Government Code Sections 65920 et seq. (the Permit Streamlining Act).”

¹¹ See, Number 5 of Decision No. 77301, issuing GO 131.

A. General Requirements for Notice

There is a recognized and basic constitutional right to notice when a potential impact on private property interests exists. Even so, the Commission's General Order 131-D (XI) (the "D" added to the end specifically added the notice requirements that apply in this case), goes beyond the minimal requirements and the Commission must comply with GO 131-D (XI) because it is the law.¹²

B. The Legal Standard for Notice Under California Law

The Commission is required to provide notice of its proposed actions under the due process clauses of the US and California Constitutions.¹³ Whereas legislative actions do not require notice, notice is required for quasi-judicial actions in which the agency has the discretion to determine facts and law and apply them to a particular person.¹⁴ Due process is required where an agency action may directly and adversely affect protected property interests.¹⁵ Later in the same year the Supreme Court established the due process standard to ensure "freedom from arbitrary adjudicative procedures"¹⁶ The court identified the following four factors the government must consider:

(1) the private interest that will be affected by the official action; (2) the risk of an erroneous deprivation of such interest through the procedures used, and the probable value, if any, of additional safeguards; (3) the dignity interest in informing individuals of the nature, grounds and consequences of the action and in enabling them to present their side of the story before a responsible government official; and (4) the governmental interest, including the function involved and the fiscal and administrative burdens that the additional or substitute procedural requirements would entail.

¹² Yamaha (1998) Cal Rptr2nd 1; SCE v. PUC (2nd Dist. 2000) 102 Cal Rptr2nd 684.

¹³ Edward W. v. Lamkins (Cal.App. 1st Dist. 2002) 122 Cal. Rptr.2nd 1, 11.

¹⁴ Horn v. City of Ventura (1979) 24 Cal.3d 605, 612-13.

¹⁵ See Id.

¹⁶ People v. Ramirez (1979) 25 Cal.3d 260, 268, 158 Cal. Rptr. 316, 599 P.2d 622.

These decisions make clear that notice must focus on the potential adverse impacts on the “private interest” as well as an individual’s right to participate in the particular government process that might result in such adverse impact.

C. The Requirements for Notice Contained in GO 131-D

Where an entity applies for a CPCN to construct a transmission line of 200 kV or higher, the Commission has defined the methods of distribution and contents of the notice to be distributed by the electric public utility. GO131-D Section XI (“Section XI”); Decision 94-06-014.¹⁷ Section XI embodies the Commission’s judgment on the notice required for the Commission to comply with constitutional due process requirements. Section XI (A) requires the following methods of providing notice:

Notice of the filing of each application for a CPCN . . . *shall be given* by the electric public utility *within ten days* of filing the application:

1. By direct mail to:

a. [local, state and federal agencies]; and

b. All owners of land on which the proposed facility would be located and owners of property within 300 feet of the right-of-way as determined by the most recent local assessor’s parcel roll available to the utility at the time notice is sent; and

2. By advertisement not less than once a week, two weeks successively, in a newspaper or newspapers of general circulation in the county or counties in which the proposed facilities will be located, the first publication to be not later than ten days after filing of the application; and

3. By posting a notice on-site and off-site where the project would be located.
(Emphasis Added)

The Commission considered the full range of methods to provide notice, from personal service to publication, considered the property interests at stake, and constructed a balanced approach that relies on three different methods of notification. Further, the Commission required that this notice be provided within ten days. The use of the word “shall” indicates that these requirements are

¹⁷ In the decision to implement Section XI, the Commission discussed the Horn decision, *supra*.

mandatory and the methods chosen assume that applications would contain the route information required by GO131-D Section IX.¹⁸

Section XI(C) imposes the following consultation and content requirements. These requirements ensure that the content of notices sent on the Commission's behalf by the applicant utility, which is not a disinterested party, is fair and adequate:

Each utility *shall consult* with the CACD and CPUC Public Advisor to develop and approve a standard for the notice required by subsections A and B, which *shall contain*, at a minimum, the following information:

- 1. The Application Number assigned by the CPUC or the Advice Letter Number assigned by the utility; and**
- 2. A concise description of the proposed construction and facilities, its purpose and its location in terms clearly understandable to the average reader; and**
- 3. A summary of the measures taken or proposed by the utility to reduce the potential exposure to electric and magnetic fields generated by the proposed facilities, in compliance with Commission order; and**
- 4. Instructions on obtaining or reviewing a copy of the application, including the Proponent's Environmental Assessment or available equivalent, from the utility; and**
- 5. The applicable procedure for protesting the application or advice letter, as defined in Sections XII and XIII, including the grounds for protest, when the protest period expires, delivery addresses for the CPUC Docket Office, CACD, and the applicant and how to contact the CPUC Public Advisor for Assistance in filing a protest. (Emphasis Added.)**

These provisions are designed to comply with constitutional notice requirements in that they inform interested parties not only of the possibility of a new transmission line but also let them know about possible adverse impacts that

¹⁸ Decision 94-06-014 makes clear that the Commission was fully aware of the administrative burden of these methods.

the power line will have on their interests. The notice, supposedly, is to be written in a way that is clear and understandable and is meant to inform parties of the process and of their right to participate in that process.

The use of the word “shall” indicates that these requirements are mandatory and the methods chosen assume that applications would contain the route information required by GO 131-D Section IX. As stated earlier in this Response, GO 131-D has the force of law such that the Commission may not violate it.¹⁹

D. Failure to Provide Notice as Required by GO131-D Violates California Law and the Due Process Requirements of the California Constitution

Section XI imposes mandatory requirements for notice with regard to contents, timing and method of distribution. The Commission may not delay this notice without violating law.

In this case, there is no factual dispute that the Commission has failed to provide the required notice. It has not provided notice to parties within 300 feet of the proposed route; it has not posted on-site and off-site notices; it has not consulted with SDG&E on the content of the notice (in fact neither SDG&E nor the Commission have alleged that SDG&E consulted with the Commission on the contents of its public relations campaign literature); it has not published notice with required content. Although SDG&E is required to make this requirement happen on the Commission’s behalf, such delegation does not release the Commission from its own due process obligations under the law.

Instead of actual notice, SDG&E claims outright that a public relations campaign initiated by the company serves as adequate notice until the company actually does

¹⁹ See, Yamaha, supra; also see, SCE v. PUC, supra.

comply with longstanding legal notice requirements. In fact, in its Motion to Defer, the company clearly states its excuse for not providing notice:

“9. GO 131-D (Section XI-A) requires an applicant for a CPCN to notify the public of its filing ‘within ten days of filing the application’ in several different ways, by direct mail, by advertisement and by posting.

“Because the public notice requirements are dependent upon and relate to the route selected, SDG&E intends to effect such notice upon filing of the PEA of the Sunrise Powerlink, and asks that the Commission calculate the prescribed time limits under GO 131-D (Section XI-C) from the date SDG&E files the PEA. SDG&E has made courtesy service of the application and this motion on the service lists in R.04-04-003.”²⁰ (Emphasis Added)

So here, once again, the Commission is asked to act against its own best interests in extending the notice requirement time until SDG&E is ready to file its PEA. The extension of time for the company to comply with legally required application requirements is a repeated, habitual request throughout the Motion to Defer. This particular request is contrary to the Commission’s constitutional duty to provide notice. And while SDG&E refers to a range of published documents and meetings that substitute for the required legal notice pending announcement of a route, this process is obviously inadequate for the following reasons:

1. Delay Would Result in an Unfair Process.

The failure to provide the required notice means that interested parties to this process have not received comparable notice to that provided in all prior applications since the promulgation of the GO131-D notice requirements in 1994. Whereas prior interested parties were given notice of a unified proceeding so that they could fully participate in the Commission’s analysis of need, SDG&E assumes that similarly situated parties in this proceeding have a lesser right to participate in this analysis.

Yet, the Commission’s need analysis may result in a decision that produces adverse impacts on a variety of interests, including the taking of property. The

²⁰ See Motion to Defer, p. 7.

vague nature of SDG&E's possible routes does not lessen the risk to as yet unknown particular individuals who will ultimately be shown to be within 300 feet of SDG&E's proposed route. These individuals have just as much right to know about and participate in the Commission's "need" analysis as all similarly situated individuals. Rather, these unknown individuals have even more interest in participating in this need analysis given its uncertainty and potential for impacting their interests earlier than would happen in normal proceedings.

2. Delay is Not Justified by Provision of Public Relations Materials Provided by Interested Regulated Entity.

SDG&E has not alleged that the materials provided by its public relations campaign inform individuals of the possible adverse impacts on their interests and their legal rights to participate in this proceeding. Instead, it appears that SDG&E's public relations campaign focuses on the merits of the proposed transmission line; it speaks from SDG&E's point of view and not from the point of view of interested parties. GO131-D imposes specific consultation and content requirements to prevent exactly this sort of self-interested communication by utilities.

By way of analogy, there is a striking difference between on the one hand being told that a developer may build a new mall in one's town (which may sound appealing to many residents), and on the other hand being told that a developer intends to build a mall on or immediately adjacent to one's home. The volume of material provided by SDG&E is irrelevant if the contents of this material fail to speak to the possible adverse impacts of the proposed transmission line on identified individuals.

3. A Post Hoc Approval of SDG&E's Proposed Notice Process Would Itself be a Violation of the Constitution's Due Process Requirements

Section XI informs the public of its due process rights in this proceeding. An unprecedented, unannounced ad hoc change in these proceedings would result in an unfair process, particularly where there is no compelling reason for such change. Although the Commission may delegate the implementation of Section XI to

SDG&E, it appears in this situation that a post hoc approval of a radical change in notice requirements without prior consultation with the utility or any apparent control over this purported substitute notice process is nothing more than a complete abdication of this fundamental responsibility to a regulated entity. The question of whether a public relations campaign independently designed and implemented by a regulated entity could serve to fulfill the constitutional due process obligations of a state agency would present an unusually novel situation in the annals of due process adjudication.

4. The Public Confusion and Frustration in Evidence in this Proceeding Indicate that SDG&E's Proposed Substitute Notice Process is Unfair and Risks Increased Contention and Delay

Attached to this Response are a number of Declarations by person who did not receive notice²¹. The persons writing these declarations did not know that SDG&E admitted in its Motion to Defer that it did not send out notices to persons in communities whose property was within 300 feet of the right-of-way . The fact that SDG&E has asked the Commission to facilitate its lack of notice will not be lost on people who learn that this lack of notice was part of the company's plan and affected specifically those persons who have a direct interest in knowing exactly what is being planned.

The Commission loses credibility in the eyes of those whose communities (and the attached declarations represent only one of many potentially affected communities) may be adversely affected by SDG&E's proposed project. This is true not only because the Commission is responsible for providing constitutionally required procedural due process in the form of timely notice, but because by being kept in the dark purposefully by SDG&E, whole communities become suspicious of what they may incorrectly, but inevitably, ascribe to the Commission as motives for not informing them. Because this proposed project could devalue their properties and wreak havoc in their immediate communities, people will wonder why the Commission stood by and let this lack of notice happen.

²¹ See Attachment A

There is also the issue of outsiders versus insiders. People whose tax money pays for the operation of the CPUC rely on the Commission to see to it that their interests are represented and protected by law. When a huge power line project knocks on their door, people don't want to hear about it strictly from the utility's point of view, and which in this case unilaterally determines what people should know and when they should know it.

SDG&E's method of informing communities about its project causes great distress, confusion and lack of confidence in the Commission, which is seen as allowing this extreme departure from the rules. Instead of immediately concentrating on the large issues at hand, to ensure the process is fair all round, the Commission can be perceived as being in collusion with the utility when the Commission's own rules and the laws are not enforced in this case.

The damage to the Commission is matched only by the damage to the communities themselves. It is a very high price to pay for one utility's decision to try to change the method by which applications for a CPCN are handled by the Commission and its staff. This is an important issue that the Commission, in light of the recent California electricity crisis and an even more general national crisis in belief in government's even-handedness when it comes to large corporations versus individual communities and property owners, must address head on and without delay. Otherwise, the Commission risks not only law suits but the disrespect and disdain accorded it by those who believe they were treated unfairly, improperly, illegally and disrespectfully.

E. No Factors Argue in Favor of Deferring Notice Requirements

It is impossible for a delay in notice to increase public participation in this process; such a delay will only reduce public participation. Despite the company's claims to desire participation, SDG&E's statements in its Motion to Defer regarding

delay of notice, say it all. SDG&E doesn't care about delay, regardless of any other arguments the company makes ad nauseum regarding the "robustness" of its public relations campaign.

In fact, the public is not as dumb as SDG&E might imagine. As people learn about this project, they also learn about the deviations and special handling SDG&E is insisting is its right in this application, which changes the way the Commission does business regarding to the issuance of the all important and necessary certificate. People recognize that the little bit of material provided in bills by SDG&E has been one-sided and self-serving. This lack of faith in SDG&E's self-initiated public process extends to recent letters received by members of the SDG&E Community Working Groups letting them know that the power line route is now decided²² and inviting them to a meeting. It also extends to the company's email message sent out today as this Response is being written regarding this same topic of route designation.²³

No one is fooled by this obvious ploy, except, it seems, the Commission itself. While RAASP continues to educate the public regarding this immense project, the large majority of people in San Diego County are even still now only learning about this power line. And there is a risk that some landowners who are not resident in the county, absent legally required written notice sent to them, will never learn about the proposed project or the request that the Commission decide "need" before considering anything else until after the bifurcation issue is concluded. This is a result that, obviously, favors SDG&E.

IV. CONCLUSION

The Commission is faced with a stark choice: follow regular procedures that have proven over time that they work fairly for all concerned, or, change the way business is

²² See Attachment B

²³ See "SunrisePowerLink" SunrisePwerLink@SDGE.com, "SDG&E Announces Sunrise Powerlink Meeting Schedule:", Thur, 23 Feb 2006 15:25:22 -0800

done, either incrementally through small decisions issue by issue or even one large decision allowing the bifurcation requested by SDG&E.

The Commission should make no mistake: the company means what it says and will persist in its argumentation until it is given a definitive “no” answer to a bifurcation of issues in order to secure the coveted CPCN. Recently, an SDG&E spokesperson informed the people of San Diego County that, in the company’s eyes, this bifurcation is no big deal because such a division between “need” and everything else in connection with the issuance of a CPCN already occurs “behind the scenes”.²⁴ In other words, the people who believed that Rule 87, Rule 18(c), Rule 17.1, Section 1003 and GO 131-D mean what they obviously say have made a big mistake.

RAASP asks the Commission to stand up for itself, the law and the people of San Diego County. There is no reason, other than the fact that SDG&E has asked, for the Commission to do anything less than honor its established practice and the rule of law. We respectfully request once again that the Commission reject the application as incomplete under the laws and rules by which the Commission operates and require the company, if it chooses to continue this proposed project, to submit a complete application.

Dated: February 24, 2006

Respectfully submitted,
RAASP (Ramona Alliance Against
Sunrise Powerlink)

By: _____

Diane Conklin
RAASP
P.O. Box 683
Ramona, CA 92065

²⁴ See, “Ramona group protests Sunrise power line”, by Dave Downey, Staff Writer, *North County Times*, February 18, 2006. In the article SDG&E spokeswoman Stephanie Donovan said “the utility is not breaking any rules or laws. She said the commission tends to spilt up applications ‘behind the scenes’ anyway, as it review the merits of proposals.”

Telephone: 760-787-0794
Fax: 760-788-5479
Email: j0conklin@earthlink.net

ATTACHMENT A

DECLARATION

I, Kim Miller, 24216 Rutherford Rd., which is located within 300 feet of the existing 69V power line of San Diego Gas and Electric (SDG&E), do swear under penalty of perjury, that I have received no written notice from SDG&E to our home within 10 days of the filing of SDG&E's Sunrise Powerlink application dated December 14, 2005, describing the project and steps I could take to protest the project with the California Public Utilities Commission (CPUC). Furthermore, I also swear that no notice signs have been posted on site or off site of where the project would be located. I understand that the route for this power line project has not been finally determined by SDG&E at this time: however, I am concerned it will follow the existing 69V line behind my house which is indicated as a possible route on SDG&E's maps as a possible route publicly displayed by the company in connection with this project. Accordingly, I believe a notice should have been sent to me due to my proximity to this existing line. I further believe that SDG& E should have sent me a proper notice under the law.

Kim Miller PhD.

2/22/06

DECLARATION

I, Scott A. Middleton, living at 24534 Rutherford Road, Ramona CA 92065, which is located within 300 feet of the existing 69kV powerline of San Diego Gas & Electric ("SDG&E"), do swear under penalty of perjury, that I received no written notice from SDG&E to my home within 10 days of the filing of SDG&E's Sunrise Powerlink application, dated December 14, 2005, describing the project and steps that I could take to protest the project with the California Public Utilities Commission ("CPUC"). Furthermore, I also swear that no notice signs have been posted on-site or off-site of where the project would be located. I understand that the route for this power line project has not been finally determined by SDG&E at this time; however, I am concerned that the route will follow the existing 69kV line behind my house, which is indicated as a possible route on SDG&E maps publicly displayed by the company in connection with this project. Accordingly, I believe that a notice should have been sent to me due to my proximity to this existing line. I further believe that SDG&E should have sent me a proper notice under the law.

Scott A Middleton

Signed: Scott A Middleton

Date: 2/22/2006

DECLARATION

We, John Lynch and Dori Martino, live at 24126 Rutherford Road in Ramona, California, which is located within 300 feet of an existing 69kV powerline of San Diego Gas & Electric ("SDG&E"). We do swear, under penalty of perjury, that we received no written notice from SDG&E to our home within 10 days of the filing of SDG&E's Sunrise Powerlink application, dated December 14, 2005, describing the project and steps that we could take to protest the project with the California Public Utilities Commission ("CPUC"). Furthermore, we also swear that no notice signs have been posted on-site or off-site of where the project would be located. We understand that the route for this power line project has not been finally determined by SDG&E at this time; however, we are concerned that the route will follow the existing 69kV line behind our house, which is indicated as a possible route on SDG&E maps publicly displayed by the company in connection with this project. Accordingly, we believe that a notice should have been sent to us due to our proximity to this existing line. We further believe that SDG&E should have sent us a proper notice under the law.

Signed:

John Lynch

Dori Martino

DECLARATION

I, Pamela Whalen, living at 24444 Rutherford Rd, Ramona, CA, which is located within 300 feet of the existing 69kV powerline of San Diego Gas & Electric ("SDG&E"), do swear under penalty of perjury, that I received no written notice from SDG&E to my home within 10 days of the filing of SDG&E's Sunrise Powerlink application, dated December 14, 2005, describing the project and steps that I could take to protest the project with the California Public Utilities Commission ("CPUC"). Furthermore, I also swear that no notice signs have been posted on-site or off-site of where the project would be located. I understand that the route for this power line project has not been finally determined by SDG&E at this time; however, I am concerned that the route will follow the existing 69kV line behind my house, which is indicated as a possible route on SDG&E maps publicly displayed by the company in connection with this project. Accordingly, I believe that a notice should have been sent to me due to my proximity to this existing line. I further believe that SDG&E should have sent me a proper notice under the law.

Signed: Pamela Whalen

Date: February 22, 2006

DECLARATION

I, Russell Whalen, living at 24444 Rutherford Rd, Ramona, CA, which is located within 300 feet of the existing 69kV powerline of San Diego Gas & Electric ("SDG&E"), do swear under penalty of perjury, that I received no written notice from SDG&E to my home within 10 days of the filing of SDG&E's Sunrise Powerlink application, dated December 14, 2005, describing the project and steps that I could take to protest the project with the California Public Utilities Commission ("CPUC"). Furthermore, I also swear that no notice signs have been posted on-site or off-site of where the project would be located. I understand that the route for this power line project has not been finally determined by SDG&E at this time; however, I am concerned that the route will follow the existing 69kV line behind my house, which is indicated as a possible route on SDG&E maps publicly displayed by the company in connection with this project. Accordingly, I believe that a notice should have been sent to me due to my proximity to this existing line. I further believe that SDG&E should have sent me a proper notice under the law.

Signed: Russell Whalen

Date: February 22, 2006

DECLARATION

We, Rodney and Maria Greer, living at 24468 Rutherford Road which is located within 300 feet of the existing 69kV powerline of San Diego Gas & Electric ("SDG&E"), do swear under penalty of perjury, that we have received no written notice from SDG&E to our home within 10 days of the filing of SDG&E's Sunrise Powerlink application, dated December 14, 2005, describing the project and steps that we could take to protest the project with the California Public Utilities Commission ("CPUC"). Furthermore, we also swear that no notice signs have been posted on-site or off-site of where the project would be located. We understand that the route for this power line project has not been finally determined by SDG&E at this time; however, we are concerned that the route will follow the existing 69kV line behind our house, which is indicated as a possible route on SDG&E maps publicly displayed by the company in connection with this project. Accordingly, we believe that a notice should have been sent to us due to the proximity to this existing line. We further believe that SDG&E should have sent to us a proper notice under the law.

Signed: Rodney Greer

Date: 02-22-2006

Maria Greer

DECLARATION

I, Teresa L. Richardson (Crockett), living at 24346 Rutherford Road, Ramona, CA, 92065, which is located within 300 feet of the existing 69kV power line of San Diego Gas & Electric ("SDG&E"), do swear under penalty of perjury, that I received no written notice from SDG&E to my home within 10 days of the filing of SDG&E's Sunrise Powerlink application, dated December 14, 2005, describing the project and steps that I could take to protest the project with the California Public Utilities Commission ("CPUC"). Furthermore, I also swear that no notice signs have been posted on-site or off-site of where the project would be located. I understand that the route for this power line project has not been finally determined by SDG&E at this time; however, I am concerned that the route will follow the existing 69kV line behind my house, which is indicated as a possible route on SDG&E maps publicly displayed by the company in connection with this project. Accordingly, I believe that a notice should have been sent to me due to my proximity to this existing line. I further believe that SDG&E should have sent me a proper notice under the law.

Teresa L. Richardson (Crockett)
February 22, 2006

DECLARATION

I, Thomas M. Crockett, living at 24346 Rutherford Road, Ramona, CA, which is located within 300 feet of the existing 69kV powerline of San Diego Gas & Electric ("SDG&E"), do swear under penalty of perjury, that I received no written notice from SDG&E to my home within 10 days of the filing of SDG&E's Sunrise Powerlink application, dated December 14, 2005, describing the project and steps that I could take to protest the project with the California Public Utilities Commission ("CPUC"). Furthermore, I also swear that no notice signs have been posted on-site or off-site of where the project would be located. I understand that the route for this power line project has not been finally determined by SDG&E at this time; however, I am concerned that the route will follow the existing 69kV line behind my house, which is indicated as a possible route on SDG&E maps publicly displayed by the company in connection with this project. Accordingly, I believe that a notice should have been sent to me due to my proximity to this existing line. I further believe that SDG&E should have sent me a proper notice under the law.

Signed: Thomas M. Crockett

Date: February 22, 2006

DECLARATION

To Whom It May Concern,

My husband Christopher C. Raymer and I, Jerrie H. Raymer, have resided at 24526 Rutherford Road for over 21 years. We live within 300 feet of the existing 69Kv powerline of San Diego Gas & Electric ("SDG&E"). We swear under penalty of perjury, that we received no written notice from SDG&E to our home within 10 days of the filing of SDG&E's Sunrise Powerlink application, dated December 14, 2005. No notice was ever given which described the project or the steps that we could have taken to protest the project with the California Public Utilities Commission ("CPUC").

Not only did we not receive anything via the mail, but we additionally attest that there were never notices placed anywhere near our property or near any of our local community buildings where public notices are frequently posted.

While we understand that the exact route for this line has not been officially determined, we are concerned that the route will follow the existing 69kV line behind our house. As we have learned more about the project, we have seen maps which delineate the line behind our house. We believe that a notice should have been sent due to our proximity to this existing line.

Jerrie H. Raymer
Christopher C. Raymer

SDG&E DECLARATION

I, Teresa Johnson, living at 24562 Rutherford Road, Ramona, CA 92065, which is located within 300 feet of the existing 69kV powerline of San Diego Gas & Electric ("SDG&E"), do swear under penalty of perjury, that I received no written notice from SDG&E to my home within 10 days of the filing of SDG&E's Sunrise Power link application, dated December 14, 2005, describing the project and steps that I could take to protest the project with the California Public Utilities Commission ("CPUC"). Furthermore, I also swear that no notice signs have been posted on-site or off-site of where the project would be located. I understand that the route for this power line project has not been finally determined by SDG&E at this time; however, I am concerned that the route will follow the existing 69kV line behind my house, which is indicated as a possible route on SDG&E maps publicly displayed by the company in connection with this project. Accordingly, I believe that a notice should have been sent to me due to my proximity to this existing line. I further believe that SDG&E should have sent me a proper notice under the law.

Signed: Teresa Johnson

Date: 02-22-06

DECLARATION

I, Denis James, living at 24314 Rutherford Road, Ramona, CA, which is located within 300 feet of the existing 69kV powerline of San Diego Gas & Electric ("SDG&E"), do swear under penalty of perjury, that I received no written notice from SDG&E to my home within 10 days of the filing of SDG&E's Sunrise Powerlink application, dated December 14, 2005, describing the project and steps that I could take to protest the project with the California Public Utilities Commission ("CPUC"). Furthermore, I also swear that no notice signs have been posted on-site or off-site of where the project would be located. I understand that the route for this power line project has not been finally determined by SDG&E at this time; however, I am concerned that the route will follow the existing 69kV line behind my house, which is indicated as a possible route on SDG&E maps publicly displayed by the company in connection with this project. Accordingly, I believe that a notice should have been sent to me due to my proximity to this existing line. I further believe that SDG&E should have sent me a proper notice under the law.

Signed: Denis L. James

Date: February 23, 2006

DECLARATION

I, Sharri James, living at 24314 Rutherford Road, Ramona, CA, which is located within 300 feet of the existing 69kV powerline of San Diego Gas & Electric ("SDG&E"), do swear under penalty of perjury, that I received no written notice from SDG&E to my home within 10 days of the filing of SDG&E's Sunrise Powerlink application, dated December 14, 2005, describing the project and steps that I could take to protest the project with the California Public Utilities Commission ("CPUC"). Furthermore, I also swear that no notice signs have been posted on-site or off-site of where the project would be located. I understand that the route for this power line project has not been finally determined by SDG&E at this time; however, I am concerned that the route will follow the existing 69kV line behind my house, which is indicated as a possible route on SDG&E maps publicly displayed by the company in connection with this project. Accordingly, I believe that a notice should have been sent to me due to my proximity to this existing line. I further believe that SDG&E should have sent me a proper notice under the law.

Signed: Sharri D. James

Date: February 23, 2006

SDG&E Declaration

I, Irene Nobles, living at 24550 Rutherford Road, Ramona, Ca 92065, which is located within 300 feet of the existing 69kV powerline of San Diego Gas & Electric ("SDG&E"), do swear under penalty of perjury, that I received no written notice from SDG&E to my home within 10 days of the filing of SDG&E's Sunrise Power link application, dated December 14, 2005, describing the project and steps that I could take to protest the project with the California Public Utilities Commission ("CPUC").

Furthermore, I also swear that no notice signs have been posted on-site or off-site of where the project would be located. I understand that the route for this power line project has not been finally determined by SDG&E at this time; however, I am concerned that the route will follow the existing 69kV line behind my house, which is indicated as a possible route on SDG&E maps publicly displayed by the company in connection with this project. Accordingly, I believe that a notice should have been sent to me due to my proximity to this existing line. I further believe that SDG&E should have sent me a proper notice under the law.

Signed: Irene Nobles

Date: 2-23-06

DECLARATION

I, Carolyn & Glynn Morrow, living at 36255 Grapevine Canyon Rd, Ranchita, CA 92066, which is located within 300 feet of the existing 69kV powerline of San Diego Gas & Electric ("SDG&E"), do swear under penalty of perjury, that I received no written notice from SDG&E to my home within 10 days of the filing of SDG&E's Sunrise Powerlink application, dated December 14, 2005, describing the project and steps that I could take to protest the project with the California Public Utilities Commission ("CPUC"). Furthermore, I also swear that no notice signs have been posted on-site or off-site of where the project would be located. I understand that the route for this power line project has not been finally determined by SDG&E at this time; however, I am concerned that the route will follow the existing 69kV line in front of my house, which is indicated as a possible route on SDG&E maps publicly displayed by the company in connection with this project. Accordingly, I believe that a notice should have been sent to me due to my proximity to this existing line. I further believe that SDG&E should have sent me a proper notice under the law.

Signed:

Carolyn Morrow & Glynn Morrow

Date: February 22, 2006

February 23, 2006

This is a Response to Assigned Commissioner Ruling:

My name is Bruce Meador. I live at 13740 Fernbrook Drive, Ramona, California 92065. There is an existing 69KV power line of San Diego Gas and Electric crossing my property. I do not recall that I received a written notice from San Diego Gas and Electric to my home within ten days of the filing of San Diego Gas and Electric's Sunrise Power application, dated December 14, 2005, describing the project and steps that I can take to protest the project with the California Public Utilities Commission. Also, I have not seen any signs suggesting where the project will be located. I understand the route for this power line has not been finally determined by San Diego Gas and Electric, but if this existing line will eventually follow the existing 69KB power line, or if there is a reasonable chance that this will happen, I believe you should have notified me earlier and more effectively.

Sincerely,

Bruce Meador

Declaration

I, Kelly McClure, living at 17012 Arena Way, which is located within 300 feet of the existing 69kV powerline of San Diego Gas & Electric ("SDG&E"), do swear under penalty of perjury, that I received no written notice from SDG&E to my home within 10 days of the filing of SDG&E's Sunrise Powerlink application, dated December 14, 2005, describing the project and steps that I could take to protest the project with the California Public Utilities Commission ("CPUC"). Furthermore, I also swear that no notice signs have been posted on-site or off-site of where the project would be located. I understand that the route for this power line project has not been finally determined by SDG&E at this time; however, I am concerned that the route will follow the existing 69kV line behind my house, which is indicated as a possible route on SDG&E maps publicly displayed by the company in connection with this project. Accordingly, I believe that a notice should have been sent to me due to my proximity to this existing line. I further believe that SDG&E should have sent me a proper notice under the law.

Signed: Kelly McClure

Date: 02/22/06

DECLARATION

I, Fred A. Carrillo, reside at 17057 Arena Way; Ramona, CA 92065, which is located within 300 feet of the existing 69kV powerline of San Diego Gas & Electric ("SDG&E"), do swear under penalty of perjury, that I received no written notice from SDG&E to my home within 10 days of the filing of SDG&E's Sunrise Powerlink application, dated December 14, 2005, describing the project and steps that I could take to protest the project with the California Public Utilities Commission ("CPUC"). Furthermore, I also swear that no notice signs have been posted on-site or off-site of where the project would be located. I understand that the route for this power line project has not been finally determined by SDG&E at this time; however, I am concerned that the route will follow the existing 69kV line to the south of my house, which is indicated as a possible route on SDG&E maps publicly displayed by the company in connection with this project. Accordingly, I believe that a notice should have been sent to me due to my proximity to this existing line. I further believe that SDG&E should have sent me a proper notice under the law.

DECLARATION

I, Stephen Nardi, living at 23675 Calle Ovieda, which is located within 300 feet of the existing 69kV powerline of San Diego Gas & Electric ("SDG&E"), do swear under penalty of perjury, that I received no written notice from SDG&E to my home within 10 days of the filing of SDG&E's Sunrise Powerlink application, dated December 14, 2005, describing the project and steps that I could take to protest the project with the California Public Utilities Commission ("CPUC"). Furthermore, I also swear that no notice signs have been posted on-site or off-site of where the project would be located. I understand that the route for this power line project has not been finally determined by SDG&E at this time; however, I am concerned that the route will follow the existing 69kV line behind my house, which is indicated as a possible route on SDG&E maps publicly displayed by the company in connection with this project. Accordingly, I believe that a notice should have been sent to me due to my proximity to this existing line. I further believe that SDG&E should have sent me a proper notice under the law.

DECLARATION

I, Richard Chenoweth, living at 37620 Grapevine Canyon Road, in Ranchita, CA 92066), which is located within 300 feet of the existing 69kV power line of San Diego Gas & Electric ("SDG&E"), do swear under penalty of perjury, that I received no written notice from SDG&E to my home within 10 days of the filing of SDG&E's Sunrise Powerlink application, dated December 14, 2005, describing the project and steps that I could take to protest the project with the California Public Utilities Commission ("CPUC"). Furthermore, I also swear that no notice signs have been posted on-site or off-site of where the project would be located. I understand that the route for this power line project has not been finally determined by SDG&E at this time; however, I am concerned that the route will follow the existing 69kV line behind my house, which is indicated as a possible route on SDG&E maps publicly displayed by the company in connection with this project. Accordingly, I believe that a notice should have been sent to me due to my proximity to this existing line. I further believe that SDG&E should have sent me a proper notice under the law.

Signed: Richard Chenoweth

Date: 2/23/06

DECLARATION

We, Robert and Alayne Armstrong, living at 24256 Rutherford Rd., Ramona, CA, 92065 which is located within 300 feet of the existing 69kV powerline of San Diego Gas & Electric ("SDG&E"), do swear under penalty of perjury, that we received no written notice from SDG&E to my home within 10 days of the filing of SDG&E's Sunrise Powerlink application, dated December 14, 2005, describing the project and steps that we could take to protest the project with the California Public Utilities Commission ("CPUC"). Furthermore, we also swear that no notice signs have been posted on-site or off-site of where the project would be located. We understand that the route for this power line project has not been finally determined by SDG&E at this time; however, we are concerned that the route will follow the existing 69kV line behind our house, which is indicated as a possible route on SDG&E maps publicly displayed by the company in connection with this project. Accordingly, we believe that a notice should have been sent to us due to our proximity to this existing line. We further believe that SDG&E should have sent us a proper notice under the law.

Signed: Robert and Alayne Armstrong

Date: (02/22/06)

DECLARATION

We, Bret and Lori Stateham, living at 24542 Rutherford Road, which is located within 300 feet of the existing 69kV powerline of San Diego Gas & Electric ("SDG&E"), do swear under penalty of perjury, that we received no written notice from SDG&E to our home within 10 days of the filing of SDG&E's Sunrise Powerlink application, dated December 14, 2005, describing the project and steps that we could take to protest the project with the California Public Utilities Commission ("CPUC"). Furthermore, we also swear that no notice signs have been posted on-site or off-site of where the project would be located. We understand that the route for this power line project has not been finally determined by SDG&E at this time; however, we are concerned that the route will follow the existing 69kV line behind our house, which is indicated as a possible route on SDG&E maps publicly displayed by the company in connection with this project. Accordingly, we believe that a notice should have been sent to me due to our proximity to this existing line. We further believe that SDG&E should have sent us a proper notice under the law.

Signed: Bret Stateham
Lori Stateham

Date: 2/23/06

DECLARATION

I, Chris Jeffers, living at 24566 Del Amo Road, which is located within 300 feet of the existing 69kV powerline of San Diego Gas & Electric ("SDG&E"), do swear under penalty of perjury, that I received no written notice from SDG&E to my home within 10 days of the filing of SDG&E's Sunrise Powerlink application, dated December 14, 2005, describing the project and steps that I could take to protest the project with the California Public Utilities Commission ("CPUC"). Furthermore, I also swear that no notice signs have been posted on-site or off-site of where the project would be located. I understand that the route for this power line project has not been finally determined by SDG&E at this time; however, I am concerned that the route will follow the existing 69kV line behind my house, which is indicated as a possible route on SDG&E maps publicly displayed by the company in connection with this project. Accordingly, I believe that a notice should have been sent to me due to my proximity to this existing line. I further believe that SDG&E should have sent me a proper notice under the law.

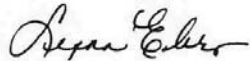
Signed: Christopher P. Jeffers Date: (February 22, 2006)

DECLARATION

I, Ethel Kiss living at 24118 Rutherford Rd. which is located within 300 feet of the existing 69 KV powerline of San Diego Gas and Electric do swear under penalty of perjury that I received no written notice from SDG&E to my house within 10 days of the filing of SDG&E's Sunrise Powerlink application dated Dec. 14, 2005, describing the project and steps that I could take to protest the project with the "CPUC". Furthermore, I also swear that no notice signs have been posted on site or off site of where the project would be located. I understand that the route for this power line project has not been finally determined by SDG&E at this time; however, I am concerned the route will follow the existing 69 KV line behind my house, which is indicated as a possible route on S D G & E maps publicly displayed by the company in connection with this project. Accordingly, I believe that a notice should have been sent to me due to my proximity to this existing line. I further believe that S D G & E should have sent me a proper notice under the law.

DECLARATION

I, Lynn Ebro, living at 17025 Harvest Point Way, Ramona, which is located within 300 feet of the existing 69kV powerline of San Diego Gas & Electric ("SDG&E"), do swear under penalty of perjury, that I received no written notice from SDG&E to my home within 10 days of the filing of SDG&E's Sunrise Powerlink application, dated December 14, 2005, describing the project and steps that I could take to protest the project with the California Public Utilities Commission ("CPUC"). Furthermore, I also swear that no notice signs have been posted on-site or off-site of where the project would be located. I understand that the route for this power line project has not been finally determined by SDG&E at this time; however, I am concerned that the route will follow the existing 69kV line behind my house, which is indicated as a possible route on SDG&E maps publicly displayed by the company in connection with this project. Accordingly, I believe that a notice should have been sent to me due to my proximity to this existing line. I further believe that SDG&E should have sent me a proper notice under the law.



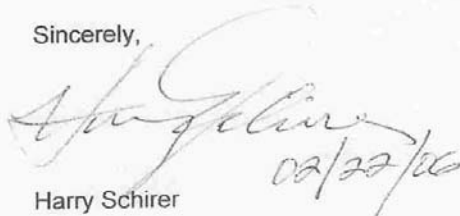
Lynn Ebro

February 23, 2006

DECLARATION

I, Harry Schirer, living at 24570 Del Amo Road Ramona, CA 92065, which is located within 300 feet of the existing 69kV powerline of San Diego Gas & Electric ("SDG&E"), do swear under penalty of perjury, that I received no written notice from SDG&E to my home within 10 days of the filing of SDG&E's Sunrise Powerlink application, dated December 14, 2005, describing the project and steps that I could take to protest the project with the California Public Utilities Commission ("CPUC"). Furthermore, I also swear that no notice signs have been posted on-site or off-site of where the project would be located. I understand that the route for this power line project has not been finally determined by SDG&E at this time; however, I am concerned that the route will follow the existing 69kV line behind my house, which is indicated as a possible route on SDG&E maps publicly displayed by the company in connection with this project. Accordingly, I believe that a notice should have been sent to me due to my proximity to this existing line. I further believe that SDG&E should have sent me a proper notice under the law.

Sincerely,



02/22/06

Harry Schirer

February 22, 2006

We, Richard & Connie Bull, living at 24572 Rutherford Road, Ramona, California 92065, which is located within 300 feet of the existing 69kV powerlines of San Diego Gas & Electric ("SDG&E"), do swear under penalty of perjury that we received no written notice from SDG&E to our home within 10 days of the filing of SDG&E's Surnise Powerlink application, dated December 14, 2005, describing the project and steps that we could take to protest the project with the California Public Utilities ("CPUC"). Furthermore, we also swear that no notice signs have been posted on-site or off-site of where the project would be located. We understand that the route for this power line project has not been finally determined by SDG&E at this time; however, we are concerned that the route will follow the existing 69kV line behind our house, which is indicated as a possible route on SDG&E maps publicly displayed by the company in connection with this project. Accordingly, we believe that a notice should have been sent to us due to our proximity to this existing line. We further believe that SDG&E should have sent us a proper notice under the law.

Richard E. Bull

Connie Bull

February 23, 2006

I, Ralph F Sweitzer, living at 24428 Rutherford Rd., which is located within 300 feet of the existing 69kV power line of San Diego Gas & Electric ("SDG&E"), do swear under penalty of perjury, that I received no written notice from SDG&E to my home within 10 days of the filing of SDG&E's Sunrise Powerlink application, dated December 14, 2005, describing the project and steps that I could take to protest the project with the California Public Utilities Commission ("CPUC"). Furthermore, I also swear that no notice signs have been posted on-site or off-site of where the project would be located. I understand that the route for this power line project has not been finally determined by SDG&E at this time; however, I am concerned that the route will follow the existing 69kV line behind my house, which is indicated as a possible route on SDG&E maps publicly displayed by the company in connection with this project. Accordingly, I believe that a notice should have been sent to me due to my proximity to this existing line. I further believe that SDG&E should have sent me a proper notice under the law.


Signed: Ralph F. Sweitzer

Date: February 23, 2006

ATTACHMENT B



8330 Century Park Court
San Diego, CA 92123-1530

A  Semptra Energy utility™

February 21, 2006

Ms. Connie Bull
24572 Rutherford Road
Ramona, CA 92065

Dear Ms. Bull,

Thank you for your continued interest in the Sunrise Powerlink transmission line project.

Based on your input and feedback along with hundreds of local residents, community leaders, business owners, state and federal officials, and elected representatives, SDG&E has developed a proposed route and alternate route segments for the project. This route will be announced and discussed in detail at the next Community Working Group sessions, scheduled for Monday, March 20th. Consistent with previous Community Working Group sessions, SDG&E will hold two meetings at the locations noted below:

San Diego
Monday, March 20th
9:30 a.m. – 12:00 p.m.
Doubletree Golf Resort San Diego
14455 Penasquitos Drive

Ramona
Monday, March 20th
4:00 p.m. – 6:00 p.m.
Ramona Performing Arts Center
1521 Hanson Lane

We are hopeful that you will be able to attend one of these sessions. Given the interest in this project, we are expecting a large turn out. As a result, SDG&E plans to slightly modify the format to ensure that all participants have an opportunity to ask project representatives specific questions about the proposed route. Following a presentation on the route and the route selection process, SDG&E staff will be set up around the room with detailed maps and other background information to answer questions and take comments on various segments of the transmission line.

Also, immediately following the Ramona Community Working Group meeting, a Sunrise Powerlink open house will be hosted until 8:00 pm in the same location.

Again, we are hopeful that you or your designee is able to attend one of these important sessions. Please RSVP by Monday, March 13th to Leslie McFadden at 877-775-6818, or by email at LMcFadden@arcadis-us.com. Thank you again for your time and willingness to be involved in Sunrise Powerlink.

Sincerely,

Laura McDonald
Project Manager
Sunrise Powerlink

CERTIFICATE OF SERVICE

I hereby certify that, pursuant to the California Public Utilities Commission's Rules of Practice and Procedure, I have this day served a true copy of the **RESPONSE OF THE RAMONA ALLIANCE AGAINST THE SUNRISE POWERLINK (RAASP) TO THE ASSIGNED COMMISSIONER'S RULING SEEKING BRIEFS ON LEGAL ISSUES** to parties listed on the following pages.

Service was completed by email where available or, where email service was not available, by causing true copies thereof, enclosed in sealed envelopes with first class postage prepaid, to be deposited in the United States Mail.

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

Executed this ____ day of February 2006, at San Diego, California.

Diane Conklin

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