

**California Electricity Generation Facilities Standards Committee
Draft General Duty Standards**

**COMMENTS OF DUKE ENERGY NORTH AMERICA
REGARDING DRAFT GENERAL DUTY STANDARDS RESOLUTION**

Pursuant to the schedule established in the April 16, 2003 document of the California Electricity Generation Facilities Standards Committee (Committee), Duke Energy North America (DENA) respectfully submits these comments on the Draft General Duty Standards Resolution (Draft Resolution).¹

COMMENTS

DENA has reviewed the “General Duty Standards” (GDS) included as Attachment A of the Draft Resolution. DENA has no current specific criticism of the document per se; it appears to merely reiterate provisions of SB 39xx and involves nothing inconsistent with DENA’s standard practices with respect to its facilities. However, given the GDS’ explicit and necessary caveat that nothing in the GDS shall modify, delay or abrogate other regulatory requirements, and in light of the Committee’s stated intention to develop a set of operating standards sometime in the future, it is unclear what purpose the Draft Resolution or GDS serve. Moreover, there is nothing apparent in the broad, generalized policy statement found in the GDS that could involve any required implementation or enforcement.

¹ DENA is authorized to participate as an interested party on the behalf of Duke Oakland, LLC, Duke Energy Moss Landing, LLC, Duke Energy Morro Bay, LLC and Duke Energy South Bay, LLC. None of these entities are public utilities within the meaning of P.U. Code Section 216 and therefore are not properly subject to California Public Utilities Commission (“CPUC”) regulation. DENA reserves all rights to challenge Committee or CPUC actions. Without exercising or waiving any rights in this regard, each of these entities has a significant interest in, and may be affected by, the conduct and outcome of the Committee’s efforts or the related CPUC Rulemaking.

CONCLUSION

DENA appreciates the opportunity to comment upon the Draft Resolution and the draft GDS. In light of the generalized policy statements in the Draft Resolution and accompanying General Duty Standards, the need for this or further additional effort is not apparent and consideration of implementation or enforcement is unnecessary.

Dated: April 23, 2003

Respectfully submitted,

/s/

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