

**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.

A.05-12-014
(Filed December 14, 2005)

**RESPONSE OF DUKE ENERGY NORTH AMERICA TO THE
SUNRISE POWERLINK APPLICATION**

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Pursuant to the provisions of Article 12 of the Commission’s Rules of Practice and Procedure, Duke Energy North America, LLC (“DENA”) submits its comments on the application of San Diego Gas & Electric Company (“SDG&E”) for a Certificate of Public Convenience and Necessity (“CPCN”) for its proposed Sunrise Powerlink Transmission Project, filed on December 14, 2005.¹

I. DENA’S INTEREST IN THIS PROCEEDING

In SDG&E’s service territory, DENA operates the South Bay Power Plant under a lease with the Unified Port of San Diego. DENA has been working with the Port to explore options for replacing the South Bay plant when the current lease expires. DENA has received a completed System Impact Study for a replacement project from SDG&E and expects to receive a completed Facilities Study by April 2006. DENA has been working with the City of Chula Vista and the Port to address how best to integrate a replacement facility into a new local land use plan

¹ Notice of the application was published in the Commission’s Daily Calendar on December 19, 2005, and pursuant to Rule 44.1, this response is timely.

and to identify an appropriate site for the project on Port property. DENA expects to file an Application for Certification (“AFC”) for the South Bay replacement project with the California Energy Commission (“CEC”) in April. DENA’s current development schedule could lead to the South Bay replacement facility coming on line as early as 2010.

Like most observers, DENA recognizes the need for investment in energy infrastructure in California, and DENA generally supports efforts to construct both generation and transmission projects that improve the reliability and economic efficiency of the California electric system. The South Bay replacement project will help to meet these important goals by providing efficient new generation in the SDG&E load center. In-area generation supports and complements SDG&E’s efforts to upgrade its transmission system.

DENA also supports SDG&E’s efforts to increase the proportion of renewable generation in its portfolio, to comply with the state’s Renewable Portfolio Standard (“RPS”), and to recognize the high place of renewable power in the loading order prescribed in the joint Commission-CEC Energy Action Plan. The Imperial Valley appears to offer geothermal and solar energy resources that can help SDG&E and other utilities meet the RPS goals, although there may be other paths or mechanisms for ensuring the availability of these resources to SDG&E.

In DENA’s view, it is clear that SDG&E needs to focus on **both** improvements to its transmission system **and** efforts to replace older generation with new, clean, and efficient in-area generating units. DENA is concerned that the Sunrise application seeks to bolster the case for new transmission by unnecessarily denigrating the role of new in-area generation, and the application’s discussion of in-area generation contains some significant misstatements about the merits of the South Bay replacement project. An inappropriate over-reliance on transmission and

imported power might not result in cost-effective improvements in reliability and could expose SDG&E's customers to higher prices or shortages when load growth or other changing circumstances in the importing regions tighten supplies at the other end of the transmission line.

Thus, it is important for the Commission not to take actions that would foreclose opportunities to develop new, clean, and efficient replacement generation in the San Diego load center. More specifically, just as the Sunrise application presents a no-project alternative, DENA's AFC before the CEC will present a discussion of both a no-project alternative and alternatives to South Bay that the CEC will consider as part of its CEQA evaluation of the South Bay replacement project.² Elements of the Sunrise no-project alternative and some of the misstatements in the Sunrise application could distort the record that will form the basis for the CEC's consideration of the South Bay replacement project.

In these circumstances, it is vitally important for the Commission to develop a record on the Sunrise application that contains the best factual information available, so that both the Commission and the CEC will have the best available information before them as they make their respective decisions. DENA believes that the Sunrise application's blanket conclusion that all in-area generation alternatives are more expensive than the proposed Sunrise project is not supported by the facts presented in the application. DENA's participation in this proceeding will be designed to shed light on the comparison between the Sunrise project and new in-area generation, and to demonstrate SDG&E's need for both upgraded transmission and new in-area generation.

² The two agencies' use of the no-project alternative differs because of their different responsibilities. The CEC will not make a finding of need for the South Bay replacement project, but will consider the no-project alternative as part of its environmental analysis of the project. For the Commission, the no-project alternative is an element of both its need determination and its environmental analysis of the Sunrise project.

II. DENA'S CONCERNS ABOUT THE APPLICATION

DENA's concerns about the materials presented in the application fall into five general categories.

A. Comparison with In-Area Generation

One of Duke's fundamental concerns about the application relates to the assumptions that underlie the comparisons of the Sunrise project with new in-area generation. Simply put, it seems counterintuitive to conclude that power from a gas-fired generation plant located in Arizona and transported over a \$1 billion transmission line to San Diego will be more economical than power generated at a new, efficient gas-fired power plant located in the San Diego area. This conclusion indicates that the supporting economic analysis may not have accounted for the capital costs and other fixed costs of imported power, and raises the question of how the analysis was set up and performed to arrive at the conclusion that imported power is less costly over the full life of the transmission investment.

B. Lack of Information

1. Total Project Costs

SDG&E has elected to file its application before it selected the route for the project. SDG&E proposes an unusual two-phase proceeding, in which the Commission first determines the need for the project and later evaluates the environmental impacts of the proposed line. However, this approach makes it impossible to determine the total project costs for the proposal, because key cost elements—including the cost of rights of way, construction (which varies considerably with the terrain), and environmental mitigation—will be unknown until the specific proposed route is identified. In turn, the lack of information on total project costs will complicate the Commission's need determination, since the total cost will affect the evaluation of whether an identified need can be filled through alternative approaches. In the absence of a

proposed route and more specific cost data, the Commission will find it difficult to determine the need for the project or to compare the Sunrise line with other options for meeting SDG&E's energy and reliability needs.

2. RMR and Congestion Costs

SDG&E's assertion that completion of the Sunrise project will reduce the costs of Reliability Must-Run ("RMR") contracts and congestion (cost reductions that are among the primary benefits of the project) does not appear to take into account other developments that may independently affect congestion and RMR costs. The application notes that the Mission-Miguel upgrade, for example, will significantly reduce congestion costs even before the Sunrise project is scheduled to come on line.³ However, the application does not acknowledge the effect of the Green Path transmission line being developed by the Los Angeles Department of Water and Power and the Imperial Irrigation District and which will increase transmission capacity from the Imperial Valley to Los Angeles.⁴ Similarly, the application does not discuss the impact of the Devers-Palo Verde 2 line, currently under consideration at the Commission, on congestion costs, on the operational efficiency of the Western regional interconnect, or on the price and availability of power imported over the Sunrise line from the Desert Southwest.

Furthermore, the analysis of in-area generation finds no RMR savings even if more efficient units replace the aging units that currently provide reliability support under RMR contracts. The projection of RMR or similar costs to 2049 is also unexplained in light of the requirement for SDG&E and other load-serving entities to secure capacity equivalent to 115-117% of projected monthly peak demand (the Resource Adequacy Requirement) and the efforts

³ See Application, Vol. 2, p. I-16.

⁴ See <<http://www.ladwp.com/ladwp/cms/ladwp007434.jsp>>.

at the Federal Energy Regulatory Commission and the California Independent System Operator to develop mechanisms that will replace RMR contracts. SDG&E itself assumes that “by 2010 a viable capacity market will exist in California, and all capacity needed to assure local area transmission reliability will be purchased through that market,”⁵ *i.e.*, that RMR agreements will no longer be needed.

The application’s lack of information and explanation is illustrated in two tables. The chart on page I-16 of Volume 2 of the application purports to summarize RMR and congestion costs, but there is no data what would permit an allocation of the totals between RMR costs and congestion costs, and it is therefore impossible to determine the reasonableness of either component of the cost projection. Table V-4A on page V-7 is supposed to quantify the RMR cost savings associated with the Sunrise Powerlink, but no sources for the costs presented in the table are supplied. The lack of explanation and support for the calculation of congestion and RMR savings is a significant shortcoming of the application.

C. Misstatements

The application also includes several material misstatements that must be corrected before the Commission can consider taking action on the application. A few examples can illustrate the nature of these misstatements and how they will distort the analysis of the Sunrise project unless they are corrected.

The discussion of in-area generation costs, for example, assumes that the cost of air emission credits will be higher for all in-area plants than for plants located in the Desert Southwest or Mexico. The South Bay replacement project, however, will not require the purchase of new emission credits. In addition, the higher efficiency and lower emission rates of

⁵ Application, Vol. 2, p. V-6.

the South Bay replacement compared to desert generation projects will result in fewer emissions per kWh produced for the South Bay project, especially after transmission losses are accounted for. The application is ambiguous about the nature of the generating plants that produce the power that SDG&E hopes to import over the Sunrise project, but if the Southwestern resources providing power over the Sunrise project are coal-fired plants, the advantages of a gas-fired South Bay replacement project in terms of less environmental impact and a lower cost of environmental mitigation are even more pronounced. In short, the assumption that all in-area generation faces higher costs for emission credits is not borne out by the facts.

The application also assumes that new in-area generation will require upgrades to the electric and gas transmission and distribution systems. But replacements for aging in-area units can make use of existing gas and electric transmission infrastructure and avoid or minimize the costs of upgrades, as is documented in the System Impact Study for the South Bay replacement project. Thus, the assessment of \$271 million of transmission upgrade costs to in-area generation in the comparison with the Sunrise project is overstated, unless it assumes that no existing in-area plants will repower or serve as a site for replacement generation.

Moreover, the application's claim that incremental in-basin gas-fired generation will require additional gas infrastructure appears to be inconsistent with the statements by SDG&E and Southern California Gas Company in R.04-01-025 that relatively modest infrastructure upgrades would be sufficient to accommodate significant flows of LNG through the Otay Mesa receipt point into the Southern California markets.

D. Unsupported Conclusions

The lack of pertinent information and the misstatements of some crucial points come together to provide a faulty basis for the application's conclusion that the Sunrise project, and only the Sunrise project, can provide the savings and reliability improvements that are the

justification for the project. It appears that the application is designed to boost the case for the Sunrise project by overstating the costs and understating the benefits and likelihood of new in-area generation.

This “either-or” approach to planning is both unnecessary and potentially misleading. DENA believes that a full exposition of all relevant facts will demonstrate that SDG&E will need **both** transmission upgrades and new in-area generation to improve system reliability and efficiency. Setting up a false dichotomy between transmission and in-area generation serves no legitimate purpose, and could have the detrimental effect of delaying the South Bay replacement project to a point where the site for the replacement plant will be lost. Appropriate sites for new generation in the SDG&E load center are extremely scarce, and the Commission should guard against the possibility that its actions on the Sunrise application will lead to a loss of the South Bay site based on an incomplete and distorted statement of the facts.

Moreover, this “either-or” approach results from unrealistic timelines. SDG&E assumes that the Sunrise project can become operational in 2010, which is an ambitious goal for any transmission project in California, much less a new 500 kV project that has not yet even identified a final preferred path or a location for its terminus. Southern California Edison Company, in the Supplement to its Renewable Procurement Plan, states that “the typical length of time from when a generator applies for an interconnection to the completion of transmission upgrades currently ranges from approximately five to seven years. . . .”⁶ It is conceivable that a 500 kV line requiring a new route through Southern California could take even longer to complete. In light of the current stage of development of the Sunrise facility, the line may not

⁶ Southern California Edison Company’s Supplement to its Renewable Procurement Plan 2005-2014, R.04-04-026, December 7, 2005, p. 5.

become operational before 2015, or even later. While becoming operational by 2010 is an ambitious but achievable goal for the South Bay replacement project, operation by 2011 is readily achievable. California decisionmakers should not allow themselves to be forced into a position where support for the Sunrise project causes the rejection of other more economical options.

E. Procedural Concerns

SDG&E's proposal to split the Sunrise application into a need phase and an environmental phase raises numerous procedural complications and concerns. The protest of the Utility Consumers' Action Network, which was filed before the deadline, describes these procedural concerns in detail, and DENA will not repeat those points here. DENA will add that SDG&E's phased approach, which is intended to streamline the approval process, may in fact have the opposite effect.

III. CONCLUSION

DENA elected not to file a protest to SDG&E's application, because it does not oppose the Sunrise Powerlink project. Nevertheless, DENA felt it necessary to present this response for the Commission's consideration so that it would understand at the outset that it is not necessary, for purposes of resolving this application or otherwise, to choose between transmission improvements like the Sunrise Powerlink and new in-basin generation. Moreover, the lack of information and the misstatements in the application could have the effect of distorting the analysis of the benefits of replacing the South Bay Power Plant and could foreclose an opportunity to develop a unique local generating resource. If the Commission wishes to promote a cost-effective approach to securing reliability and adequate energy supplies for San Diego, it should guard against relying on an incomplete analysis that unnecessarily distorts the potential contribution of in-area generation toward meeting SDG&E's energy needs.

Ideally, the Commission would direct SDG&E to re-do its economic analysis of the Sunrise proposal to provide a fair and useful comparison of the costs of the Sunrise project and new in-area generation, so the Commission could make informed decisions about how sequencing the addition of transmission upgrades and new in-area generation can produce the greatest benefits for ratepayers.

DENA appreciates this opportunity to present its concerns to the Commission and hopes that the Commission will keep these concerns in mind as it processes this application.

Respectfully submitted this January 18, 2006 at San Francisco, California.

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CERTIFICATE OF SERVICE

I, Melinda LaJaunie, certify that I have on this 18th day of January 2006 caused a copy of the foregoing **RESPONSE OF DUKE ENERGY NORTH AMERICA TO THE SUNRISE POWERLINK APPLICATION; A.05-12-014** to be served on the parties on the attached service list via U.S. Mail and/or Electronic Mail.

Hand Deliveries have been sent via messenger to the parties below:

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I declare under penalty of perjury that the foregoing is true and correct. Executed this 18th day of January 2006 at San Francisco, California.

/s/ Melinda LaJaunie
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