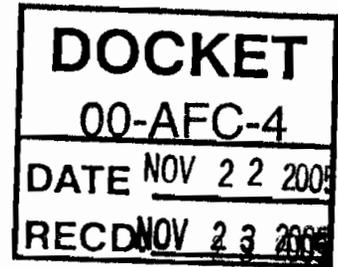


Alan Ramo (State Bar No. 063425)
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 Environmental Law and Justice Clinic
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 Tel: 415-442-6654
 Fax: 415-896-2450



Attorney for Intervenors OCE and SAEJ

STATE OF CALIFORNIA
 ENERGY RESOURCES
 CONSERVATION AND DEVELOPMENT COMMISSION

In the Matter of:)	Docket No. 00-AFC-4
Application for Certification for Mirant)	
Corporation's POTRERO POWER PLANT)	INTERVENORS OCE, SAEJ AND
UNIT 7 PROJECT)	CBE OPPOSITION TO REQUEST
)	FOR CONTINUED SUSPENSION
)	OF PROCEEDINGS
)	
)	
)	
)	
)	

Applicant again makes its yearly request for a suspension of these proceedings. The Application for Certification in this case was filed on May 31, 2000, about five and one-half years ago. The partial record in this case is useless and the circumstances surrounding the project's role in the electricity grid fundamentally changed. The Applicant indicates its bankruptcy will soon be resolved, but there are no guarantees and the Applicant itself has warned this Commission in the past it should not consider its bankruptcy status. There has been no diligence on the part of the Applicant.

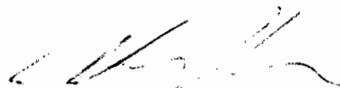
In prior orders the Commission has stated that it has refrained from dismissing this case in order to preserve its options, given the regulatory status of alternatives such as the

City of San Francisco's energy project. However, the Commission fails to appreciate the risk to that project posed by this suspension. As long as the Mirant application is pending, although suspended, it remains a potential future project which under the California Environmental Quality Act as incorporated into the Commission's procedures must be evaluated in any cumulative impact analysis of the City project. Failure to properly do so remains a potential flaw in any decision by the Commission on the City project. The maintenance of this suspension and the project itself thereby potentially undermines such alternatives harming the interests of the State and the local community, although benefiting Mirant if Mirant is left as the only alternative, albeit a poor one.

If Mirant amended its project to state unequivocally that it would only be built as an alternative to the San Francisco project, that would eliminate this potential problem. Tellingly, it has not done so, nor has the Commission stated the project would only be considered under such circumstances. Therefore, given this project's threat with its suspended status to more viable and effective projects, and reasons previously cited in Intervenors' past oppositions to suspensions, Intervenors Our Children's Earth, Southeast Alliance for Environmental Justice and Communities for a Better Environment renew their request that this project be dismissed for lack of diligence.

Dated: November 21, 2005

Respectfully submitted,



Alan Ramo
Attorney for Intervenors OCE and SAEJ and on behalf of
CBE

1 STATE OF CALIFORNIA
2 State Energy Resources
3 Conservation and Development Commission

4 In the Matter of:) Docket No. 00-AFC-4
5)
6 Application for Certification for Mirant's) PROOF OF SERVICE
7 POTRERO POWER PLANT)
UNIT 7 PROJECT)
_____)

8
9 I, Fe Gonzalez, declare that on November 22, 2005, I deposited the original plus twelve
10 copies of the attached **Intervenors OCE, SAEJ and CBE Opposition to Request for**
Continued Suspension of Proceedings, by DHL overnight mail delivery service to:

11 CALIFORNIA ENERGY COMMISSION
12 DOCKET UNIT, MS-4
13 Attn: Docket No. 00-AFC-4
1516 Ninth Street
13 Sacramento, CA 95814-5512

14 I also deposited on the same date, copies of said documents in sealed envelopes, in the United
15 States Mail in San Francisco, California, with first class postage thereon fully prepaid to the
following:

16 Latham & Watkins
17 Attn: Michael J. Carroll, Esq,
650 Town Center Drive, 20th Floor
18 Costa Mesa, CA 92626

Mirant Potrero, LLC
Attn: Mark Hosterholt
1350 Treat Boulevard, Suite 500
Walnut Creek, CA 94596

19 Jody London
20 Grueneich Resource Advocates
582 Market Street, Suite 1020
San Francisco, CA 94104

National Marine Fisheries Service (NMFS)
Attn: Joe Dillon
777 Sonoma Avenue, Rm. 325
Santa Rosa, CA 95404

21 Bay Area Air Quality Management District
22 (BAAQMD), Permit Evaluation
Attn: Steve Hill, Manager
23 939 Ellis Street
24 San Francisco, CA 94109

South Alliance for Environmental Justice
(SAEJ)
Attn: Claude Wilson, Executive Director
744 Innes Avenue
San Francisco, CA 94124

25 Regional Water Quality Control Board
(RWQCB)
Attn: Alexa La Plante
1515 Clay Street, Suite 1400
Oakland, CA 94612

Executive Director
Our Children's Earth Foundation (OCE)
Attn: Tiffany Schauer
915 Cole Street, Suite 248
San Francisco, CA 94117

1 Coalition for Fair Employment in
Construction
2 Attn: Eric Christen
2320 Courage Drive, Suite 110
3 Fairfield, CA 94533
4

City and County of San Francisco (CCSF)
Attn: Jacqueline Minor, Deputy City Attorney
Office of the City Attorney
City Hall, Room 234
1 Dr. Carlton B. Goodlett Pl.
San Francisco, CA 94102-4682

5 San Francisco Bay Conservation and
Development Commission (BCDC)
6 Attn: Leslie D. Lacko
50 California Street, Suite 2600
7 San Francisco, CA 94111

US EPA, CWA Stds & Permits Office
Attn: Terry Oda
75 Hawthorne Street (WTR -5)
San Francisco, CA 94105-3901

8 Californians for Renewable Energy (CARE)
9 Attn: Michael Boyd
5439 Soquel Drive
10 Soquel, CA 95073

Communities for a Better Environment (CBE)
Attn: William B. Rostov
1611 Telegraph Street, Suite 450
Oakland, CA 94612

11 Camp, Dresser & McKee, Inc.
Attn: Andria Pomponi
12 100 Pringle Avenue, Suite 300
Walnut Creek, CA 95496
13

Dogpatch Neighborhood Association (DNA)
c/o John Borg
888 Illinois Street
San Francisco, California 94107

14 California Dept. of Fish & Game
Attn: Deborah Johnston
20 Lower Ragsdale Drive, Suite 100
15 Monterey, CA 93940
16

Potrero Boosters Neighborhood Association
(PBNA)
Attn: John DeCastro, President
1459 18th Street, #133
San Francisco, CA 94107

17 US EPA, CWA Stds & Permits Office
Attn: Nancy Yoshikawa
18 75 Hawthorne Street (WTR -5)
San Francisco, CA 94105-3901
19

Potrero Hill Neighborhood House
Attn: Edward Hatter
953 De Haro Street
San Francisco, CA 94107

20
21
22 I declare under penalty of perjury that the foregoing is true and correct.
23
24
25



Fe Gonzalez

Environmental Law and Justice Clinic

November 22, 2005

CALIFORNIA ENERGY COMMISSION
DOCKET UNIT, MS-4
Attn: Docket No. 00-AFC-4
1516 Ninth Street
Sacramento, CA 95814-5512

Re: Docket No. 00-AFC-4

Dear Sir/Madam:

Enclosed for filing please find the original and twelve (12) copies of **Intervenors OCE, SAEJ and CBE Opposition to Request for Continued Suspension of Proceedings** in the matter of the Application for Certification for Mirant Corporation's Potrero Power Plant Unit 7 Project, Docket No. 00-AFC-4.

Please return a docketed copy of the enclosed document. A self-addressed stamped envelope is enclosed for your convenience.

Sincerely,


Fe Gonzalez
Program Assistant

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536 Mission Street
San Francisco, CA
94105-2968

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