

**BEFORE THE
STATE OF CALIFORNIA
ENERGY RESOURCES CONSERVATION
AND DEVELOPMENT COMMISSION**

Application for Certification
For the San Francisco
Electric Reliability Project

Docket No. 04-AFC-1

CALifornians for Renewable Energy, Inc. (CARE) respectfully requests, for the reasons described below, that the Committee extend the schedule for Discovery to end, only for Interveners, past the June 24th, 2005 deadline as adopted in the Committee's May 19th, 2005 Interim Scheduling Order. Respectfully we object to this end date as prejudicial to CARE's members and other Interveners in the above captioned proceeding.

CARE wishes to bring to the Commission's attention the fact that the San Francisco Electric Reliability Project (SFERP) is also part of a proceeding before the California Public Utilities Commission under Docket R04-04-003 an *Order Instituting Rulemaking to Promote Policy and Program Coordination and Integration in Electric Utility Resource Planning*. CARE is an Intervener in this proceeding and filed a *Request for Clarification of CALifornians for Renewable Energy, Inc. (CARE) on the Allocation of Power Purchase Agreement of the City and County of San Francisco[CCSF] with the California Department of Water Resources* on June 13, 2005 which is attached with this pleading.

Administrative Law Judge (ALJ) Carol Brown informed CARE by telephone on June 20, 2005 that she will take this matter under consideration and that the real party in interest Pacific Gas and Electric (PG&E) has thirty days to reply. We note that CARE has provided a copy of CCSF's response to CARE's recent data request in the CEC's above captioned proceeding to the Parties in the Docket R04-04-003 proceeding. Because PG&E's pending decision based on CCSF's pricing information provided by CCSF's could potentially make the project not cost effective for PG&E energy procurement needs. Another words, if PG&E does not need this project, and if the price of energy sold from the SFERP is higher than PG&E can procure electricity from than existing

Qualifying Facilities (QFs) then the CPUC and PG&E have to option to cancel the DWR contract for the project.

Additionally with the pending development of the Trans Bay Cable Project and PG&E's recent proposal to develop Mirant's Contra Costa Unit 8 coupled with the ongoing development of the Jefferson Martin 230 KV and Hunters Point to Potrero 115KV transmission lines the SFERP is not needed by PG&E in San Francisco and may actually create a pinch point for line congestion.

Because the Bay Area Air Quality Management District (BAQMD) has yet to release the Preliminary Determination of Compliance (PDOC) on the project the record on air quality is not yet complete. For example the contour maps and isopleths on the NOx deposition for the project have not yet been provided to Interveners and this is one of the concerns for the project expressed in a recent letter from the US Fish and Wildlife Service (USFWS).

The Applicant CCSF has held several public meetings over its purported "community benefits programs" for the SFERP. CCSF has yet to offer up its community benefits programs for examination by Interveners.

In conclusion until such time as specific topic areas identified in the Committee's May 19th, 2005 Interim Scheduling Order are closed CARE respectfully request the Committee allow for additional discovery by Interveners.

Respectfully submitted,



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June 21st, 2005

Verification

I am an officer of the Intervening Corporation herein, and am authorized to make this verification on its behalf. The statements in the foregoing document are true of my own knowledge, except matters, which are therein stated on information and belief, and as to those matters I believe them to be true.

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

Executed on this 21st day of June 2005, at Soquel, California.



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

Order Instituting Rulemaking to Promote Policy and
Program Coordination and Integration in Electric
Utility Resource Planning.

Rulemaking No. 04-04-003

**REQUEST FOR CLARIFICATION OF CALIFORNIANS FOR RENEWABLE ENERGY, INC.
(CARE) ON THE ALLOCATION OF POWER PURCHASE AGREEMENT OF THE CITY
AND COUNTY OF SAN FRANCISCO WITH THE CALIFORNIA DEPARTMENT OF
WATER RESOURCES**

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CALifornians for Renewable Energy, Inc.
(CARE)

June 13, 2005

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

Order Instituting Rulemaking to Promote Policy)	
And Program Coordination and Integration in)	R.04-04-003
Electric Utility Resource Planning.)	(Filed April 1, 2004)
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**REQUEST FOR CLARIFICATION OF CALIFORNIANS FOR RENEWABLE ENERGY,
INC. (CARE) ON THE ALLOCATION OF POWER PURCHASE AGREEMENT OF THE
CITY AND COUNTY OF SAN FRANCISCO WITH THE CALIFORNIA DEPARTMENT
OF WATER RESOURCES**

CAlifornians for Renewable Energy, Inc. (CARE) respectfully requests clarification on the allocation of the power purchase agreement (PPA) of the City and County of San Francisco (CCSF) with the California Department of Water Resources (DWR) on whether or not there now exists substantial evidence that as Pacific Gas and Electric (PG&E) contends in its April 15, 2005 Reply Comments regarding the allocation of the CCSF DWR contract that “it is premature to allocate the CCSF contract as no price has yet been established and DWR has not determined the contract price to be reasonable.” CARE contends other wise and CARE provides herein an offer of proof that the CCSF DWR Contract is unduly discriminatory against and excessively burdensome upon PG&E ratepayers and taxpayers of the CCSF, and therefore in behalf of CARE's, PG&E ratepayer and its CCSF members who are predominantly low-income people of color we respectfully request evidentiary hearings to present evidence that the CCSF PPA energy prices are unjust unreasonable and unduly discriminatory against and excessively burdensome and that the CCSF long term contract therefore must be canceled or voided.

The CCSF contract enables the City to perpetrate discrimination against the low-income community of color of Bay View Hunters Point, by attempting to site three gas fired combustion turbines in the Bay View Hunters Point in San Francisco, which is a predominantly African American community. Three huge powerplants capable of spewing out millions of pounds of toxic substances into the air are being completely exempted from judicial review by all three branches of state government¹ apparently acting in concert for the benefit of an

¹ CARE or its members as individuals have brought ten law suits in the California Supreme Court against the CEC challenging the following power plants; The Metcalf Energy Center, the East Altamont Energy Center, Sutter Power Plant, Tesla Power Plant, Tracy Peaker Project, and the Blythe

industry best noted for its unlawful, if not criminal, manipulations and excesses.

In its response to the data requests submitted by CALifornians for Renewable Energy, Inc., (CARE) to the City on May 31, 2005, regarding the San Francisco Electric Reliability Project (SFERP) under consideration by the California Energy Commission (CEC) under Docket 04-AFC-1, CCSF stated in response to CARE's request for pricing information that "Under projected natural gas costs, at the 4,000 permitted hours of operation per year per combustion turbine, the three simple-cycle unit installation has a production cost of \$0.0916/kW-hr."²

CARE/CCSF 3.2 Alternatives

Background

The project as proposed will utilize four turbines in simple cycle mode. The cost to produce a kilowatt of electricity in simple cycle mode is substantially greater than if the project were to operate one or more of the turbines in combined cycle.

Data Request

3.2-1. Please provide an estimate of the average cost to generate a kilowatt of electricity in simple cycle for the SFERP compared to the cost to provide a kilowatt of electricity with the project in combined cycle configuration.

Response: Under projected natural gas costs, at the 4,000 permitted hours of operation per year per combustion turbine, the three simple-cycle unit installation has a production cost of \$0.0916/kW-hr and the three-unit combined-cycle installation has a production cost of \$0.0853/kW-hr. As noted in Data Response 179, the City expects that the combustion turbines will be required to operate less than the Hunters Point and Potrero power plants to meet local area reliability needs because of the substantial improvements that have been made recently to the transmission system in the Greater Bay Area. To the extent that the combustion turbines operate less than the 4000 permitted hours, the difference in production cost between simple and combined cycle narrows as the higher capital cost of the combined cycle is spread over fewer operating hours.

Energy Center. The Supreme court is not a trial court equipped to determine the approval of a project by the CEC on its merits, only the Superior Court is really equipped to do this but in 2001 the Warren Alquist Act was amended by the legislature and signed by the governor to require suits against the CEC be filed in the Supreme Court only. Therefore power plant siting by the CEC is completely exempted from judicial review. CARE won one suit against the CEC in the Fifth District State Court of Appeal over the Blythe Energy Center but was denied a hearing by the Supreme Court, even though it was recommended up to this court by the Superior Court Judge that heard the case in the Riverside County Superior Court, apparently for these same reasons.

² See June 9, 2005 Response of CCSF to CARE's Third Set of Data Requests at page 19 of 27.

A production cost of \$0.0916/kW-hr is unduly discriminatory against and excessively burdensome upon PG&E ratepayers and taxpayers of the CCSF as demonstrated by PG&E's June 8, 2005 filing of its Energy Pricing for Qualifying Facilities under CPUC Docket R.04-04-025 in which PG&E lists the peak energy prices for Qualifying Facilities for 2005 as \$0.05776/kW-hr. The production costs of the CCSF project is more than 58% higher than PG&E's maximum QF energy price.

Therefore for good cause shown CARE requests evidentiary hearings to present evidence that the CCSF DWR Contract is unduly discriminatory against and excessively burdensome upon PG&E ratepayers and taxpayers of the CCSF, and therefore in behalf of CARE's, PG&E ratepayer and its CCSF members who are predominantly low-income people of color we respectfully request evidentiary hearings to present evidence that the CCSF PPA energy prices are unjust unreasonable and unduly discriminatory against and excessively burdensome and that the CCSF long term contract therefore must be canceled or voided.

Respectfully submitted,



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Verification

I am an officer of the Intervening Corporation herein, and am authorized to make this verification on its behalf. The statements in the foregoing document are true of my own knowledge, except matters, which are therein stated on information and belief, and as to those matters I believe them to be true.

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

Dated on this 13th day of June 2005, at San Francisco, California.



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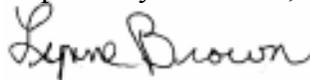
Certificate of Services

To reduce the burden of service in this proceeding, the Commission will allow the use of electronic service, to the extent possible using the electronic service protocols provided in the September 13th, 2004 ruling in this proceeding. All individuals on the service list should provide electronic mail addresses. The Commission and other parties will assume a party consents to electronic service unless the party indicates otherwise.

I hereby certify that I have this day served the foregoing document “*Request for clarification on the allocation of the power purchase agreement (PPA) of the City and County of San Francisco (CCSF) with the California Department of Water Resources (DWR)*” for the proceeding R.04-04-003 along with four copies upon the Commission docket office. Each person designated on the official service list, has been served via e-mail, to all persons on the attached service list on 13th day of June 2005, for the proceeding R.04-04-003.

Dated on this 13th day of June 2005, at San Francisco, California.

Respectfully submitted,



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**Pacific Gas and Electric Company
ENERGY PRICES FOR QUALIFYING FACILITIES**

EFFECTIVE JUNE 1 – 30, 2005

R.04-04-025

(Filed June 8, 2005)

**Order Instituting Rulemaking to Promote Consistency in Methodology and Input Assumptions
in Commission Applications of Short-Run and Long-Run Avoided Costs,
Including Pricing for Qualifying Facilities**

GENERAL INFORMATION

Summaries of Energy Prices monthly postings are available on PG&E's website at: www.pge.com/qf. Please direct your questions regarding this posting to Lynn Cerini at internet address: LMCb@pge.com; by facsimile (415) 973-2207; or by telephone (415) 973-6737.

ENERGY PRICES FORMULA

Energy Prices for Qualifying Facilities are calculated according to the Short-Run Avoided Cost Transition Formula (SRAC) adopted by the California Public Utilities Commission in Decision 96-12-028. The SRAC formula and coefficients are as follows:

<i>Formula</i>	$P_n = \{P_o + P_o * [(GP_n - GP_o) / GP_o] * Factor\} * TOU$		
<i>Coefficients</i>	<i>Definition of Coefficients</i>		
P_n	SRAC price for posting period.		
P_o	Starting energy price, based on 12-month averages of pre-January 1, 1996 SRAC energy prices: Winter = \$.023973/kwh, Summer = \$.018748/kwh.		
GP_n	Gas price for period at the California border.		
GP_o	Starting gas index price based on an average of California border index gas prices for the same annual periods as the starting energy price: Winter = \$1.6394/dth, Summer = \$1.4457/dth.		
Factor	Gas factor: Winter = 0.7875, Summer = 0.6270.		
TOU	Time Of Use factors:		
		<u>Period A (Summer)</u>	<u>Period B (Winter)</u>
Peak		1.065	NA
Partial Peak		1.022	1.032
Super Off Peak		0.946	0.950
Off-Peak		[No. of hours in Month - (1.065 * No. of Summer Peak hours in Month) - (1.022 * No. of Summer Partial Peak hours in Month) - (0.946 * No. of Summer Super Off-Peak hours in Month)] / No. of Summer Off-Peak hours in Month.	[No. of hours in Month - (1.032 * No. of Winter Partial-Peak hours in Month) - (0.950 * No. of Winter Super Off-Peak hours in Month)] / No. of Winter Off-Peak hours in Month.

TIME OF USE INFORMATION

Time Of Use Periods	Period A - Summer (May 1 - October 31)	Period B - Winter (November 1 - April 30)	Days Applicable
Peak	Noon - 6:00 PM	NA	Weekdays except holidays
Partial-Peak	8:30 AM – Noon 6:00 PM - 9:30 PM	8:30 AM - 9:30 PM	Weekdays except holidays Weekdays except holidays
Off-Peak	9:30 PM - 1:00 AM 5:00 AM - 8:30 AM 5:00 AM - 1:00 AM	9:30 PM - 1:00 AM 5:00 AM - 8:30 AM 5:00 AM - 1:00 AM	Weekdays except holidays Weekdays except holidays Weekends and holidays
Super Off-Peak	1:00 AM - 5:00 AM	1:00 AM - 5:00 AM	All days

2005 Holidays: New Year's Day (1/1), Presidents Day (2/21), Memorial Day (5/30), Independence Day (7/4), Labor Day (9/5), Veterans Day (11/11), Thanksgiving Day (11/24), and Christmas Day (12/26)

Pacific Gas and Electric Company
ENERGY PRICES FOR QUALIFYING FACILITIES

June 1 - 30, 2005 ¹

Energy Prices for Qualifying Facilities ²

(\$/kwh)				
With Time-Of-Use Metering				Without Time-Of-Use Metering
Peak	Partial-Peak	Off-Peak	Super Off-Peak	Seasonal Average
0.05776	0.05542	0.05328	0.05130	0.05423

Average Natural Gas Price at the California Border

Gas Prices (\$/dth)	
California border point	Average
Malin ³	5.5967
Malin plus Intrastate ⁴	6.0226
Average Natural Gas Price at the California Border	
	5.8097

Notes

- Interested parties are hereby notified that PG&E reserves all its available rights and remedies to obtain a revision to this posting retroactive to June 1, 2005.
- Energy prices above do not include applicable line loss adjustments.
Line loss adjustments will be determined in accordance with CPUC Decision 01-01-007.
- The average natural gas price at Malin, Oregon has been derived in accordance with CPUC Decision 96-12-028.
- The average natural gas price for Malin plus intrastate transportation has been derived in accordance with CPUC Decision 01-03-067.

Average of natural gas price at Malin:	5.5967
Schedule G-AAOFF Usage Charge, Redwood-Off System:	0.3699
Gas Rule 21 In-kind Shrinkage at 1.00%	<u>0.0560</u>
Average Malin gas price plus intrastate transportation:	6.0226