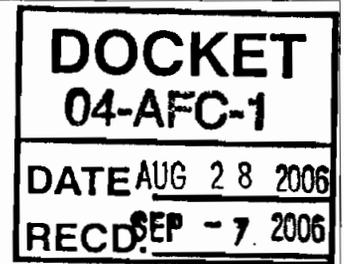


Governor Arnold Schwarzenegger
State Capitol Building
Sacramento, CA 95814



Dear Governor Arnold Schwarzenegger,

I am writing you today to ask for your help in stopping the City and County of San Francisco, and the California Energy Commission, from siting the City of San Francisco's Peaker plant combustion turbine project proposed to be located on the other side of PG&E's Hunters Point Power Plant at Pier 80 right outside my window where I can see it. I have alleged in a civil rights complaint before the Federal government in June 2003 that this violates my family's and neighbor's civil and constitutional rights. Now that PG&E has finally shut down its plant the City and County of San Francisco (CCSF) wants to put their combustion turbines in my community not to shut down PG&E's plant as the City initially claimed but now its because the City is claiming it's going to get Mirant to shut down the Potrero Plant, and that is a lie just like the first Application by the City was a lie that the Peakers where going to shut down PG&E's Hunters Point power plant. This lie was repeated over and over again by the CEC in a conspiracy with the City in the alternative, air quality, transmission, and biological resources sections with out any evidence to prove it. This project has nothing to do with reliability so its very name is a fraud. It is about the City wanting to be like Enron and Calpine at my expense. Nothing has been done about buried toxic contamination and liquefaction of the project site during an earthquake or about the serpentine soil there filled with asbestos dust.

I participated before the California Public Utilities Commission as a member of CARE in support of the approval of the Jefferson-Martin Transmission 230 kV Transmission Project in return for PG&E's agreement to shut down their Bay View Hunters Point power plant in my low-income people of color neighborhood. I have a transcript from the hearing where they said that they didn't need the City's Peakers to shut down Hunters Point or Potrero in fact that they had enough transmission capacity once the Jefferson Martin and other transmission projects where completed without existing in City generation.

This was a good deal because the power plant has been shut down without any air pollution emissions anymore from this plant. Now the Applicant CCSF was a Party in that proceeding Application 02-09-043 and they are now claiming they supported this project instead of seeking to delay that project's construction, as I remember. If there is no value to this evidence as Staff claims then what harm is caused to the parties to accept the evidence other than to prejudice me because I am poor and black and living close enough to the proposed project to breathe its emissions?

CARE asked the Commission to reverse the July 6, 2006, ruling denying CARE's introduction of the transcript of PG&E's Mr. Yeung into the record as evidence in this case. This evidence is material to CARE's case. It is a denial of due process and the

equal protection of law to allow Applicant to present its case and deny CARE to make a presentation. CARE represents the residents who will have to live next to the proposed power plant while the energy commission staff and the representatives of the CCSF do not.

The CEC Committee in its recently issued Presiding Members Proposed Decision (PMPD) stated,

“The Applicant variously contends that the SFERP will benefit the local community by facilitating the shutdown of existing Potrero units (5/31/06 RT 144, 45, 159), or at least assist in creating the opportunity for such shutdown (5/31/06 RT 166)^[1].....the evidence of record simply does not persuade us that generation at the Potrero site will necessarily cease as a result of the SFERP. This question is interesting, but not pivotal. We do not question Applicant’s motivation, intention, or policy goals in this regard, but nevertheless must constrain ourselves to basing this Decision on matters of ascertainable fact, supported by credible evidence.”²

I brought a civil rights Complaint against the City and County of San Francisco and the CEC in June 2003 with the US Department of Energy Office of Civil Rights and Diversity and US Department of Justice (Case#03-003-HQ) which has been accepted for investigation and alleges that the City was siting these Peakers in my neighborhood because I’m poor and black and to the degree the CEC Staff is supporting the City in their efforts to discriminate against me they are also discriminating against me.

On August 2, 2006 I asked the full Commission of the CEC to allow this transcript in to the record for the CEC’s citing case -- which they denied. This ruling was contrary to the case law and accepted practices for the use of prior testimony in administrative proceedings involving the same parties and the same issues.³ Also at the August 2, 2006 meeting the CEC ruled against CARE’s motion asking the full Commission to review and rescind the July 6, 2006, siting Committee ruling regarding CARE’s motion to strike opening brief of the City for being late in their filing claiming that CARE didn’t properly serve the City’s attorney. The Commission also allowed the Commission Staff to file their Reply Brief a day late. I contend both these actions violated my due process and equal protection rights.

I am a black man and I have six kids and I live in public housing near the proposed project site. There is no dispute that my organization CARE has a financial hardship and therefore the Commission Docket Office will prepare the Proof of Service

¹ One of the Applicant’s witnesses firmly stated the belief that the SFERP “...definitely will lead to closure of Potrero.” (5/31/06 RT 197.) There is little substantively discernable difference between this desire and that characterized as the “need” for the project mentioned in the Project Description and Purpose portion, supra.

² See <http://www.energy.ca.gov/2006publications/CEC-800-2006-007/CEC-800-2006-007-PMPD.PDF> at page 303.

³ See http://www.energy.ca.gov/business_meetings/2006_transcripts/2006-08-02_TRANSCRIPT.PDF at pages 22 to 49.

and will serve CARE's documents and POS on the Parties to this Application. So why else, then, would the Commission rule that CARE improperly served its opening briefs on applicant then that they are prejudice against me because I am poor and black, why else would the Commission blame CARE for the Docket Staff's error as a reason to allow the Applicant's clearly untimely Opening Brief in as part of the record without even a request to file out of time?

I know when you came in to office following the recall of California's most corrupt governor Gray Davis you disbanded the California Power Authority, which included Philip Angelides, as one of its board members. I would like to know if you have authorized the General Counsel for the California Power Authority, a Mr. Emilio E. Varanini to represent the City against me, my family, and the low income community of color of Bay View Hunters Point in San Francisco in support of the City's Peaker project?

Apparently this is the case because during the August 2, 2006 hearing before the CEC that is exactly what happened.

18 ACTING CHAIRPERSON GEESMAN: Thank you.

19 Does the applicant wish to make a comment?

20 MR. VARANINI: Thank you, Mr. Chairman.

21 I'm Gene Varanini; I'm with the DRP program; we're

22 counsel to the City and County of San Francisco.

23 And I'm representing them here today.

24 We agree wholeheartedly with the

25 Committee's decision. We filed numerous moving

1 papers that lay out our perspective on this

2 matter. And we support the staff's analysis, as

3 well. [8-2-06 RT at pages 30 and 31]

If in fact you didn't authorize a state employee of the California Power Authority Mr. Emilio E. Varanini to violate my civil and constitutional rights then who did?

I ask that you please investigate this matter and intervene in behalf of my low income community of color against the City and CEC siting their Peaker plant combustion turbine project in my neighborhood instead of at the San Francisco airport where it belongs. I would like to be able to settle my civil rights complaint against the City and the CEC but I need your support to stop this environmental injustice in my community to do so.

Thanks for your consideration in this matter.

Respectfully submitted,



Lynne Brown- Vice President, CALifornians
for Renewable Energy, Inc. (CARE)
Resident, Bayview Hunters Point
24 Harbor Road, San Francisco, CA 94124
E-mail: l_brown369@yahoo.com

August 28th, 2006

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 28th day of August 2006, at San Francisco, California.



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From: Michael Boyd <michaelboyd@sbcglobal.net>
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Date: 9/6/2006 10:26:16 PM
Subject: 04-AFC-1 Copy of Lynne Brown's Complaint to Governor Schwarzenegger regarding SFERP and copy of Press Release on Angelides Energy Plan is to "Reinvigorate the CPA"

04-AFC-1 Copy of Lynne Brown's Complaint to Governor Schwarzenegger regarding SFERP and copy of Press Release on Angelides Energy Plan is to "Reinvigorate the CPA" which was hand delivered personally by Mr. Brown to the Governor's Office in San Francisco today before close of business.

http://www.angelides.com/media/releases/2006_0725_energyplan.html
Press Release

FOR IMMEDIATE RELEASE July 25, 2006

Angelides Unveils Energy Plan

Says Schwarzenegger Has Broken Promises on Energy

GLENDALE, CA - In the wake of blackouts throughout the state, California Treasurer and Democratic gubernatorial nominee Phil Angelides today outlined his action plan to attract more power to the state and blasted Governor Arnold Schwarzenegger for failing to keep the state free from energy shortages.

"Arnold Schwarzenegger promised us in 2004, 'Trust me. Everything will be under control. Your lights will stay on.' And for three years, Arnold Schwarzenegger has been singing the music of California's deregulation scheme, thwarting efforts to create an environment that attracts clean power to California," said Angelides. "It's time to send a strong signal to the market that the failed deregulation experiment of Enron, George Bush, and the energy power pirates is over once and for all."

"The Governor's energy policy can be summed up in four words: Pray for Mild Weather," said Angelides. "Governor Schwarzenegger has put California's energy in the hands of the power barons who have been fined more than \$5.3 billion for market manipulation. The result is a crazy quilt energy policy that is not working for California."

Angelides said he would take three immediate steps as Governor to foster an environment to attract the construction of new, clean power for California's future. Angelides will:
Within 100 days of taking office, unveil an action plan that will ensure the state has sufficient power with a 15 percent reserve - along with needed improvements to the transmission grid -- to provide adequate power to protect our families, our economy, and our businesses.

Reinvigorate the California Consumer Power and Conservation Financing Authority to build and invest in new power plants if the utilities and energy generators do not, and to finance transmission improvements to protect us from price manipulation, gouging, and blackouts. The Authority would also finance large scale solar and renewable power projects to meet and exceed the state's renewable energy portfolio standards.

Name an energy czar to focus on attracting new renewable and gas-fired generation to the state and improve the state's energy efficiency programs.

Angelides also said he would support legislation (AB 974) to streamline the electrical transmission facility permitting and siting process. The plan would address eliminating regulatory overlap, reducing review and approval times, and providing expedited review of transmission lines.

"We need to have enough power - even if the state has to build the plants itself - so that a 78-year-old woman living in an apartment can have the air conditioner on during the hottest day of the year, and businesses aren't forced to send their workers home and cut production," said Angelides. "Power needs to be available, affordable, and reliable."

According to the California Energy Commission, under Gov. Gray Davis, 48 projects were approved, totaling more than 16,500 MW. More than 12,000 of these megawatts are now completed and online.

Under Schwarzenegger, only four of the projects his Administration has approved have been completed, totaling a paltry 536 MW. Meanwhile, less than 1,000 new MW approved by Schwarzenegger are under construction, while 30 projects totaling 11,390 MW are mired at various stages in the approval process.

Power plant construction has stalled since Schwarzenegger vetoed legislation in 2004 (AB 2006) that would have paved the way for the construction of power plants by investor-owned utilities in the same manner as before passage of the energy deregulation bill in 1996.

As Treasurer, Phil Angelides also has a strong record on energy.

Phil Angelides sponsored the legislation to create the California Consumer Power and Conservation Financing Authority - the California Power Authority - in 2001 in the wake of California's now notorious energy crisis. Empowered to make critical investments in new power generation, conservation, and clean, renewable energy sources, the Authority was designed to ensure energy reserves for the future and avoid the rolling blackouts and price gouging that plagued our state. The Power Authority was de-funded by Governor Schwarzenegger.

Phil Angelides created the Green Wave, the nationally-recognized program that invested billions from the state pension funds in renewable energy, energy efficiency and clean technology (Sacramento Bee, March 21, 2004). The Green Wave Initiative has invested \$1.5 billion in renewable energy, cutting-edge environmental technologies, and environmentally responsible companies. Angelides also led the effort to have the state's pension funds set a goal of reducing the energy consumption in their real estate holdings by 20 percent over the next five years.

Phil Angelides' innovative, nationally recognized Smart Investments and Double Bottom Line initiatives have redirected more than \$20 billion in state investments to curb sprawl, spur economic progress in urban, inner city communities and promote energy efficient and sustainable development practices. Soon after taking office, Schwarzenegger said that he would "get more private investment" in the state's energy market because "we have to build more power plants . . . which did not happen over the last few years" (Inside Energy, February 2, 2004).

In his campaign materials, he also promised to "create a uniform energy strategy to stimulate private investment and align the 13 state agencies to support that strategy." The Governor also pledged to "assure adequate and diverse fuel for power generation" ("Agenda to Bring California Back," 2003).

The Governor's plan to consolidate the state's energy agencies as part of the California Performance Review was widely criticized and rejected. No 13-state strategy has been formulated by the

Administration.

In addition, the Governor's nominee to lead the state's energy policy was rejected by the state Senate, leaving the state's energy policy rudderless.

For a complete listing of current power plant applications and instructions, please see "Energy Facility Status," California Energy Commission, http://www.energy.ca.gov/sitingcases/all_projects.html.

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