DOCKET
06-AFC-4
DATE JAN 18 2008
RECD. JAN 18 2008

NRDC
THE EARTH'S BEST DEFENSE
NATURAL RESOURCES DEFENSE COUNCIL

CBE
LA CAUSA

VIA EMAIL AND FIRST CLASS MAIL

Jackalyne Pfannenstiel
James D. Boyd
California Energy Commission
1516 Ninth Street
Sacramento, CA 95814
Email: dockets@energy.state.ca.us

Re: Docket Number: (06-AFC-4)
Application For Certification For The Vernon Power Plant Project
By The City Of Vernon

Dear Ms. Pfannenstiel and Mr. Boyd:

In the November 7, 2007 Notice of Cancellation of Status Conference in this matter, the parties were asked to file a written summary reflecting the case status and unresolved issues by January 18, 2008. The following is the response of Intervenors Mothers of East L.A., Boyle Heights Resident Homeowners Association, Antonia Mejia and Miguel Alfaro, who are represented by the Natural Resources Defense Council, and of Intervenor Communities for a Better Environment (collectively "Intervenors").

Case Status: Intervenors do not know the current status of CEC processing of the application.

Unresolved Issues:

1. The status of Vernon's efforts to enter into a contract or contracts for the sale of power from the proposed project.
2. The status of Vernon's efforts, if any, to produce energy from renewable sources at the site of the proposed project.
3. Any updates of the amount of emissions of criteria pollutants and air toxics predicted for the proposed project.
4. The status of Vernon's efforts, if any, to reduce the projected emissions of criteria pollutants and air toxics from the proposed project.
5. The availability of alternative energy resources, including energy efficiency, to meet the demand that proposed plant is designed to fill.
6. The availability of reductions in emissions of criteria pollutants and air toxics in the local community equal or greater to the projected emissions from the proposed project.
7. The efforts, if any, by Vernon to promote and ensure energy savings in its current and proposed future customers. In a recent survey by NRDC, Vernon ranked last of the 33 publicly-owned utilities in California in setting energy savings targets as required by AB 2021, and last in its energy savings target for 2005-2006.
8. The plans, if any, by Vernon to sell the proposed facility.
9. The anticipated energy requirements of the City of Vernon in the short- and long-term.

Natural Resources Defense Council
1314 Second Street
Santa Monica, CA 90401
TEL (310) 434-2300 FAX (310) 434-2399

Communities for a Better Environment
5610 Pacific Blvd., Ste. 203
Huntington Park, CA 90255
TEL (323) 826-9771 FAX (323) 588-7079

10. The status of Vernon's due diligence efforts to secure emission reduction credits from third parties or comply with South Coast Air Quality Management District Rule 1309.1, including efforts to ensure all sources under common ownership are in compliance with all rules, variances, orders, and settlement agreements.
11. The plans, if any, of Vernon to obtain Priority Reserve emission reduction credits for its proposed generation capacity, given that its peak native load has been determined to be 203 MW and the proposed project is for a 943 MW (gross generation capacity) facility.
12. The status of the South Coast Air Quality Management District's Preliminary Determinations of Compliance for the Vernon facility.
13. The status of analysis by CEC staff, the Applicant, AQMD or others in the areas listed below:

    - Air quality;
    - Public health;
    - Environmental justice;
    - Cumulative Impact Analysis
    - Site remediation as related to Applicant's control of the site;
    - Any pending data requests/responses.

14. The scope of project alternatives which could avoid significant impacts, including the "no project" scenario, and the state of analysis of all such project alternatives.
15. The proposed project's progress to date and the proposed remaining schedule for review of the proposed project.
16. Lack of clear communication between CEC, AQMD and the impacted communities about the status of this project especially regarding the interaction of different regulations at AQMD and CEC, and the opportunities for meaningful and accessible public participation.
17. Applicant's unresponsiveness and lack of follow up to provide adequate responses to previous data requests posed by Intervenors.

Please feel free to call with any questions or comments.

Yours truly,

David Pettit
Natural Resources Defense Council

Shana Lazerow
Communities for a Better Environment

cc: Miguel Alfaro
Teresa Marquez, President, Boyle Heights Resident Homeowners Association, Inc.
Antonia Mejia
Lucy Ramos, President, Mothers of East L.A
Father John Moretta, Resurrection Church