



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

Application of San Diego Gas & Electric Company  
(U 902 E) for Authority to Partially Fill the Local  
Capacity Requirement Need Identified in D.14-03-  
004 and Enter into a Purchase Power Tolling  
Agreement with Carlsbad Energy Center, LLC.

Application 14-07-009  
(Filed July 21, 2014)

**JOINT PROTEST OF SIERRA CLUB  
AND CALIFORNIA ENVIRONMENTAL JUSTICE ALLIANCE**

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DATED: August 21, 2014

# **JOINT PROTEST OF SIERRA CLUB AND CALIFORNIA ENVIRONMENTAL JUSTICE ALLIANCE**

## **I. Introduction**

On July 21, 2014, San Diego Gas and Electric Company (“SDG&E”) filed the instant application (“Application”) seeking approval to enter into a power purchase tolling agreement (“PPTA”) with the Carlsbad Energy Center, LLC (“Carlsbad”) and for approval to recover the costs of PPTA through the Commission-approved Cost Allocation Methodology (“CAM”). Pursuant to Rule 2.6 of the Commission’s Rules of Practice and Procedure, Sierra Club and California Environmental Justice Alliance (“CEJA”) submit this protest to SDG&E’s Application. Rule 2.6 requires that protests be filed within 30 days of the date the notice of the filing of the application first appeared in the Commission’s Daily Calendar. Notice of the Application appeared on July 22, 2014. Accordingly, this protest is timely filed.

As discussed below, this Application is inconsistent with the requirements of Decision.14-03-004, unjust and unreasonable, and reflects poor procurement policy. Accordingly, the Commission should dismiss this Application for failure to meet its policies, standards, and requirements.

## **II. Background**

### **A. Procurement Requirements Under D.14-03-004**

#### **1. SDG&E Must Issue an All-Source RFO to Meet “Some or All” of the Any Resource Capacity Authorization.**

On March 13, 2014, the Commission issued Decision (“D.”)14-03-004 to address the need for replacement capacity following the permanent retirement of the San Onofre Nuclear Generating Station.<sup>1</sup> The Decision authorized SDG&E to procure 300 to 600 MW from any resource and at least 200 MW from preferred resources and energy storage. With regard to the method of procurement for this capacity, D.14-03-004 requires that SDG&E “*shall* issue an all-source Request for Offers for some or all capacity.”<sup>2</sup> As the Decision explains, an all-source

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<sup>1</sup> D.14-03-004, Decision Authorizing Long-Term Procurement for Local Capacity Requirements Due to Permanent Retirement of the San Onofre (Mar. 14, 2014), <http://docs.cpuc.ca.gov/PublishedDocs/Published/G000/M089/K008/89008104.PDF>.

<sup>2</sup> D.14-03-004, at p. 144 (Ordering Paragraph 6) (emphasis added).

RFO is an RFO that allows all resources to compete:

For SDG&E, we also will require an all-source RFO as part of its Track 4 solicitation process, in addition to allowing bilateral contracts. The RFO shall meet the same requirements as for SCE in Ordering Paragraph 4 of D.13-12-015.....We agree with parties' comments that all resources that can meet the specified requirements should be able to compete on a fair basis. An RFO is an effective method to accomplish this goal.<sup>3</sup>

## **2. Any Resource Procurement Must Comply with the Loading Order.**

D.14-03-004 also reaffirms the Commission's commitment to the Loading Order and its application to any resource procurement. As noted in the Decision, the Loading Order requires "that the state, in meeting its energy needs, would first invest in energy efficiency and demand-side resources, followed by renewable resources, and only then in clean conventional electricity supply."<sup>4</sup> Accordingly, D.14-03-004 provides that "[o]nce procurement targets are achieved for preferred resources, the IOUs are not relieved of their duty to follow the Loading Order.....Instead of procuring a fixed amount of preferred resources and then procuring fossil-fuel resources, the IOUs are required to continue to procure the preferred resources 'to the extent they are feasibly available and cost effective.'"<sup>5</sup>

Applications filed to meet need authorized in D.14-03-004 must demonstrate compliance with the Loading Order. As set forth in Ordering Paragraph 8:

Applications shall specify how the totality of the contracts meet the following criteria:

- ...
- b) Consistency with the Loading Order, including a demonstration that it has identified each preferred resource and assessed the availability, economics, viability and effectiveness of that supply in meeting LCR need;
- ...
- e) A demonstration of technological neutrality, so that no resource was arbitrarily or unfairly prevented from bidding in SCE's or SDG&E's solicitation process. To the extent that the availability, viability and effectiveness of resources higher in the Loading Order are comparable to fossil-fueled resources, SCE and SDG&E

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<sup>3</sup> D.14-03-014, at p. 112.

<sup>4</sup> D.14-03-014, at p. 14 (quoting Energy Action Plan 2008 Update at 1).

<sup>5</sup> D.14-03-014, at pp. 114-15 (quoting D.12-01-033 at 21).

shall show that it has contracted with these preferred resources first.”<sup>6</sup>

### **3. Consideration of Benefits of Transmission Upgrades Approved in CAISO’s 2013-2014 TPP.**

Because D.14-03-004 was approved prior to finalization of the CAISO’s 2013-2014 Transmission Plan (“2013-2014 TPP”), potential benefits of proposed transmission improvements in lowering local capacity needs could not be ascertained with certainty at the time the Decision was issued. However, D.14-03-004 recognized that “[i]f some level of new transmission resources is identified in the 2013/2014 TPP which would reduce LCR needs in the SONGS service area by 2022 (for example, the Mesa Loop-In project), the total amount of overall procurement needed in the SONGS service area would be reduced.”<sup>7</sup> To accommodate this uncertainty, D.14-03-004 built in flexibility in future procurement by authorizing a minimum and maximum range in the “any source” procurement authorizations. In the event transmission projects that would reduce local capacity needs are approved, the Decision provided that “some combination of this would occur: a) procurement at or near the minimum levels authorized in this decision; b) less procurement or no procurement authorized in future LTPP proceedings; and c) less of a need to delay retirements of OTC plants.”<sup>8</sup>

The 2013-2014 TPP ultimately did approve transmission upgrades that significantly reduce LCR need in the San Onofre area. The approved transmission projects include:

- An additional 450 MVAR of dynamic reactive support at San Luis Rey, which has a proposed in-service date of June 2018, and is expected to reduce LCR need from between 100 and 200 MW;
- An Imperial Valley Flow Controller, which has a proposed in-service date of May 2017, and is expected to reduce LCR need between 400 and 840 MW; and
- The Mesa Loop-In Project, which has a proposed in-service date of December 2020, and is expected to reduce LCR need by 300 to 640 MW.<sup>9</sup>

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<sup>6</sup> D.14-03-004, at p. 145 (Ordering Paragraph 8).

<sup>7</sup> D.14-03-004, at p. 116.

<sup>8</sup> D.14-03-004, at pp. 116-17.

<sup>9</sup> See CAISO 2013-14 TPP, at p. 108, available at <http://www.caiso.com/Documents/Board-Approved2013-2014TransmissionPlan.pdf>.

The first two projects listed, the dynamic reactive support and the Imperial Valley Flow Controller, were not considered at all in the Track 4 Decision. The Mesa Loop-In Project was only estimated to have a 10-20% likelihood of being implemented, and therefore greatly discounted. These transmission projects collectively lower LCR need between 800 – 1680 MW and are expected to cost between \$559 and \$994 million.<sup>10</sup>

**B. SDG&E’s Proposed Procurement Plans, Objections, and Commission Resolution of Petitions for Modification of D.14-03-004.**

D.14-03-004 required SDG&E to submit procurement plans for Energy Division approval setting forth the process and methods under which SDG&E would subsequently seek to meet its resource authorization. Although procurement plans are not confidential in nature, D.14-03-004 did not require the plans be public or provide a process for stakeholder input. However, after repeated public requests, including a request under the Public Records Act, Energy Division provided the proposed plans to Sierra Club. To meet its any resource authorization, SDG&E submitted a proposed “conventional” procurement plan that contemplated bilateral procurement of the Carlsbad Energy Center for the entire 600 MW authorization. Sierra Club, CEJA and other groups submitted comments to Energy Division objecting to the proposed procurement plan on the grounds that the plan violated D.14-03-004 because it did not require an all-source RFO for any of the any resource authorization, failed to comply with the Loading Order, and did not consider the effects of recently approved transmission upgrades that would function to lower need to minimum authorized levels.<sup>11</sup> Sierra Club, CEJA and Vote Solar also filed a Petition for Modification (“PFM”) for D.14-03-004 seeking notice and comment of SDG&E’s procurement plans.<sup>12</sup> On June 17, 2014, after the PFM was filed, Energy Division sent SDG&E’s proposed procurement plans to the service list and provided five business days for party comment.<sup>13</sup> The Center for Energy Efficient and Renewable Technologies (“CEERT”)

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<sup>10</sup> See CAISO 2013-14 TPP, at p. 108, available at <http://www.caiso.com/Documents/Board-Approved2013-2014TransmissionPlan.pdf>.

<sup>11</sup> Letter dated June 6, 2014 to Edward Randolph, CPUC Energy Division from Sierra Club, CEJA, Natural Resources Defense Council, Vote Solar and Environmental Defense Fund re: Informal Comments on SDG&E’s Proposed Any Resource Procurement Plan Under D.14-03-004.

<sup>12</sup> R.12-03-014, Joint Petition for Modification of Decision 14-03-004 Seeking Notice and Comment of SDG&E’s Proposed Procurement Plans (June 12, 2014).

<sup>13</sup> See June 17 Email from Lily Chow, Energy Division to Service List, R.12-03-014.

and Natural Resources Defense Council (“NRDC”) also filed a PFM seeking a Tier III Advice Letter Filing for SDG&E’s proposed procurement plans.<sup>14</sup>

On July 15, 2014, the Commission issued a Proposed Decision denying the PFMs.<sup>15</sup> In response to concerns that procurement plan approval by Energy Division would limit party ability to contest the Application’s inconsistency with D.14-03-004, the Proposed Decision stated:

Approval of SDG&E’s procurement plans by Energy Division, once they are deemed to be consistent with D.14-03-004, does not infringe on the due process rights of parties to contest any specific procurement contracts or methods proposed by SDG&E in forthcoming applications. . . . Parties will have ample opportunity to review and litigate any forthcoming SDG&E procurement applications(s) arising out of D.14-03-004.<sup>16</sup>

Prior to final resolution of the PFMs, Energy Division approved SDG&E’s procurement plans with minor revisions. SDG&E’s procurement plan for its any resource authorization still called for meeting the entirety of its any resource authorization through the immediate filing of an application to bilaterally procure the 600 MW Carlsbad Energy Center “with a decision approving the agreement by year-end, 2014.”<sup>17</sup> SDG&E’s preferred resource procurement plan, for which SDG&E does not expect to file a procurement application until “year-end, 2015” was redlined to state:

SDG&E will issue an all-source Request for Offers (“RFO”) for preferred resources in in the third quarter of 2014 (the “Preferred Resources to solicit a minimum of 500 MW and up to 800 MW of local capacity (the “All Source RFO). SDG&E will target at least 175 MW of preferred resources and 25 MW of energy storage as specified in D.14-03-004. Bilateral contracting may reduce the total procured through the All Source RFO.”<sup>18</sup>

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<sup>14</sup> Joint PFM of Decision 14-03-004 Seeking Tier II Advice Letter Filing for SDG&E’s Proposed Procurement Plans (June 23, 2014).

<sup>15</sup> R.12-03-014, Proposed Decision of ALJ Gamson, Decision Denying Petitions for Modification, July 15, 2014.

<sup>16</sup> *Id.*, at pp. 10-11.

<sup>17</sup> SDG&E LTTP/Track 4 Procurement Plan (Conventional Procurement), July 16, 2014 at 6.

<sup>18</sup> SDG&E Modified All-Source Procurement Plan (called the Preferred Resource plan before the modification) redline version at pp. 2-3.

In comments on the Proposed Decision, petitioning parties objected that these revisions did not function to remedy the defects in SDG&E's proposed procurement because the timing of the approvals would not permit a legitimate all-source RFO where there was the potential for preferred resources and energy storage to displace fossil fuel procurement.<sup>19</sup> Under SDG&E's proposed schedule, by the time the results of the all-source RFO were finalized, Carlsbad would already be approved and there would be no remaining any resource need. The purported all-source RFO would, in actuality, only be a preferred resources solicitation as originally proposed in SDG&E's preferred resource procurement plan. The Final Decision denying the PFMs contained additional language responding to this concern, stating:

While SDG&E has now applied to fill 600 MW of local capacity with the Carlsbad plant (also consistent with the edited language of the approved preferred resources procurement plan), there is no assurance that this Application will be approved by the Commission. Thus, during the pendency of the Carlsbad application and in the event that it is not approved by the Commission, SDG&E is committed by its approved procurement plan to seek offers for any resource to fill up to 800 MW.<sup>20</sup>

The Final Decision did not address other concerns raised by the petitioning parties, including Loading Order compliance and the failure to consider the effects of transmission upgrades approved in the 2013-2014 TPP.

### **III. Grounds for Protest**

While Sierra Club and CEJA are in the preliminary stage of our investigation, this Protest identifies several issues raised by SDG&E's Application. Based on this initial review, and as described further below, Sierra Club and CEJA plan to raise issues with regard to the Application's inconsistency with the requirements of D.14-03-004 and State Energy Policy. The PPTA is also not just and reasonable because it excluded competitive bidding and failed to compare cost-effectiveness with recently approved transmission improvements or account for reduced need in light of these transmission approvals.

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<sup>19</sup> R.12-03-014, Joint Comments to Proposed Decision Denying Petitions for Modification, Aug. 4, 2014, at pp. 4-5.

<sup>20</sup> D14-08-008, at pp.12-13.

**A. The Application is Inconsistent with D.14-03-004 and Should Be Dismissed.**

By seeking expedited approval of the entire 600 MW any resource authorization through a bilateral contract with a fossil fuel facility, the Application violates numerous provisions of D.14-03-004. As set forth above, D.14-03-004 requires “some or all” of SDG&E’s any resource authorization be subject to an all-source RFO, Loading Order compliance, and technological neutrality in resource solicitation.<sup>21</sup> While the Decision allows SDG&E to file a separate, earlier application for bilateral procurement of gas-fired generation, an earlier application seeking approval to meet the entirety of the any resource authorization with fossil fuels cannot legitimately be reconciled with these concurrent requirements.<sup>22</sup> Accordingly, the Application must be dismissed.

To comply with D.14-03-004, a resubmitted Application would need to reduce the requested authorization for bilateral procurement to significantly below maximum authorized any resource need to account for transmission upgrade benefits and provide a meaningful opportunity for an all-source solicitation and Loading Order compliance.

**B. The PPTA Is Not Just and Reasonable and the Application Violates D.14-03-004’s Requirement to Demonstrate Cost-Effectiveness.**

Ordering Paragraph 8(a) of D.14-03-004 requires SDG&E’s application meet cost-effectiveness criteria. The Application does not demonstrate cost-effectiveness because there is no evaluation of competitiveness from clean energy solutions or accounting of benefits of recently approved transmission upgrades that reduce local area need. For these same reasons, the terms of the PPTA are not just and reasonable.

As a bilateral contract for the entirety of the any resource authorization, the Application precludes competition and any ability to compare project costs with those of potential alternatives. Indeed, as recognized in the final report of the Independent Evaluator (“IE Report”):

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<sup>21</sup> D.14-03-004, at pp. 144-45 (Ordering Paragraphs 7 & 8).

<sup>22</sup> *See also* D.14-03-004, at p. 134 (Finding of Fact #90) (“SDG&E can potentially procure the required amount of preferred and other resources needed to meet the LCR need in its portion of the SONGS service area through an all-source RFO *and* bilateral contracts.”) (emphasis added).

The IE has raised some concerns about the Carlsbad decision since the decision has not been guided by any market test or evaluation results prior to negotiating the Carlsbad contract. The IE originally raised a concept with SDG&E to issue a Solicitation of Interest as a market test. However, based on its LTTP/Track 4 Procurement Plan for Preferred Resources filing, SDG&E now plans to issue a Preferred Resources RFO in the third quarter for up to 200 MW to be delivered by 2021. The plan states that SDG&E will submit a short list for approval by first quarter 2015.

One option posed by the IE was for SDG&E to contract for 400 MW from the Carlsbad facility with an option to take the next 200 MW if the results of the Preferred Resources RFO are not compelling or economic. Alternatively, perhaps Carlsbad could phase in the units (as it anticipates already) but over a longer period to allow sufficient time to assess the market.<sup>23</sup>

As currently contemplated, SDG&E seeks approval of the Application prior to the results of an all-source RFO. Because SDG&E did not conduct a market test or await results of an all-source RFO, the Application has not demonstrated cost-effectiveness and the PPTA is not just and reasonable.

With regard to cost-effectiveness, the Application asserts only that the “PPTA is competitively priced and compares favorably to SDG&E’s most recently approved conventional PPTA with the Pio Pico Energy Center (“Pio Pico”).<sup>24</sup> The Application’s reliance on Pio Pico does not withstand scrutiny. The terms of the Pio Pico PPTA originated from a fossil-fuel centric 2009 RFO that did not include energy efficiency or energy storage and expressly discouraged participation from renewable resources.<sup>25</sup> Accordingly, no legitimate conclusions can be drawn from the Pio Pico PPTA with regard to current competitiveness of clean energy resources. Because SDG&E has never held an all-source RFO to allow a meaningful comparison of costs to the Carlsbad facility and ignored the IE’s recommendation for a market test, the Application fails its burden to demonstrate cost-effectiveness.

In addition, the Application does not consider whether the PPTA is cost-effective

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<sup>23</sup> A.14-07-009, Prepared Direct Testimony of Daniel S. Baerman on Behalf of SDG&E (July 21, 2014), Appendix D (Redacted Version), Report of Independent Evaluator (July 2014) p. 37.

<sup>24</sup> Application at 6.

<sup>25</sup> SDG&E, Request for Offers for Demand Response and Supply Resources (June 9, 2009).

compared to and in light of the transmission upgrades recently approved in the 2013-2014 TPP. These approved upgrades, all of which are highly viable improvements to existing infrastructure, will lower LCR need between 800 – 1680 MW at a cost of \$559 and \$994 million.<sup>26</sup> By failing to acknowledge these upgrades and provide any explanation of the continued need for maximum resource procurement, the PPTA creates significant risk of overprocurement and fails to demonstrate the PPTA is cost-effective or that maximum authorized procurement is needed to maintain grid reliability.

**C. The Application’s Assertion that Carlsbad is Needed by 2018 is Inconsistent with the Record in R.12-03-014 and Ignores Alternative Solutions to Meet Interim Need Should it Arise.**

SDG&E justifies its refusal to conduct an all-source RFO to meet its any resource authorization by claiming that “the Carlsbad project is needed by January, 2018”<sup>27</sup> due to the scheduled retirement of Encina. D.14-03-004 contains no such finding. It was the 2010 LTTP, and A.11-05-023 as a continuation of that proceeding, considered local need that might arise when Encina retires. That need was decided A.11-05-023 and the Pio Pico PPTA was authorized to meet that need. The scope of Track 4 and the resulting need finding was limited to retirement of San Onofre.

With regard to need resulting from San Onofre retirement, the Application’s assertions are not supported by the record in D.14-03-004. In evaluating need resulting from the retirement of San Onofre, the Commission specifically asked for testimony to assess potential interim need in 2018.<sup>28</sup> Yet SDG&E’s San Onofre testimony only identified a need for 2022 and proposed an “RFO be open to all supply side technologies” to meet that need. SDG&E did not identify specific need emerging in 2018 resulting from San Onofre retirement as it now asserts. D.14-03-004 also only identified a specific need for 2022: “[t]he first task at hand in Track 4 is to

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<sup>26</sup> See CAISO 2013-14 TPP, at p. 108, available at <http://www.caiso.com/Documents/Board-Approved2013-2014TransmissionPlan.pdf>.

<sup>27</sup> A.14-07-009, Prepared Direct Testimony of Daniel S. Baerman on Behalf of SDG&E (July 21, 2014), Appendix D (Redacted Version), Report of Independent Evaluator (July 2014) p. 37.

<sup>28</sup> R.12-03-014, Revised Scoping Ruling and Memo of the Assigned Commissioner and Administrative Law Judge, May 21, 2013, at 6, <http://docs.cpuc.ca.gov/PublishedDocs/Efile/G000/M065/K202/65202525.PDF>.

determine a reasonable and prudent LCR need amount for the SONGS service area by 2022.”<sup>29</sup> Consistent with this time frame, the Commission analyzed the availability of resources in 2022 and authorized procurement “to meet long-term local capacity requirements by the end of 2021.”<sup>30</sup> SDG&E’s after the fact assertions of the urgent need for immediate bilateral procurement of the entire any resource authorization as a basis to avoid a legitimate all-source RFO is unsupported, comes at the expense of ratepayers and the environment, and should be rejected.

While D.14-03-004 does state that an unquantified need “may” emerge by 2018,<sup>31</sup> this is insufficient to justify premature approval of an Application for 600 MW of bilateral fossil fuel procurement, especially in light of other available options to meet any potential emerging need. For example, the two transmission upgrades in the San Diego area discussed above are expected to be on-line by 2018 and will significantly reduce LCR need. Yet the Application ignores these upgrades and their impact on the timing and need for the Carlsbad facility. Because these projects are improvements to the existing transmission infrastructure, there is no legitimate reason to anticipate significant delay. Even if some delay were to occur, a slight delay in Encina retirement could also address any reliability concerns. In addition, targeted procurement of preferred resources in the San Diego local area could also address any interim need that may emerge. Thus, even if the Application’s assertions of the immediate need for procurement were credible, less costly options that avoid long-term greenhouse gas commitments are readily available.

#### **IV. Effect of the Application on the Protestants**

Sierra Club is a non-profit public benefit corporation with over 600,000 members nationwide, and more than 140,000 members living in California. Many of these members are residential customers of San Diego Gas & Electric. Sierra Club advocates on behalf of its members for clean, renewable energy to reduce air pollution, water pollution, and the effects of climate disruption resulting from fossil fuel extraction and combustion. The highest current priority of Sierra Club’s work is eliminating the need for fossil fuel-fired power plants through

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<sup>29</sup> D.14-03-004, at p. 27.

<sup>30</sup> D.14-03-004, at p. 143 (Ordering Paragraph 2).

<sup>31</sup> D.14-03-004, at p. 113.

the development of affordable renewable energy. The instant proceeding harms the interest of Sierra Club members by resulting in an unnecessary and costly new commitment to a fossil fuel resource that will result in negative air and greenhouse gas pollution impacts and further California's reliance on carbon intensive energy production.

CEJA is an alliance of six grass roots environmental justice organizations throughout the State advocating for environmental justice and clean energy futures for low-income communities and communities of color.<sup>32</sup> CEJA represents thousands of members and approximately 15,000 members that live, work, or engage with environmental justice issues in rural and urban communities throughout the State including members that are residential customers of San Diego Gas & Electric. CEJA is "pushing for policies at the federal, state, regional and local levels that protect public health and the environment."<sup>33</sup> CEJA is also "working to ensure that California enacts statewide climate change policies that protect low-income communities and communities of color."<sup>34</sup> CEJA participates in energy proceedings to urge the State to meet and exceed its renewable and environmental goals and to assure that its policies do not disproportionately adversely impact environmental justice communities.

## **V. Need for Evidentiary Hearings**

SDG&E's application may require resolution of disputed issues of material fact including the effects of recently approved transmission upgrades on the need to procure at maximum authorized levels. Sierra Club and CEJA intend to participate in evidentiary hearings to the extent necessary to develop the record on the issues identified above. Sierra Club and CEJA do not intend to provide their own expert testimony at this time.

## **VI. Schedule**

Sierra Club and CEJA strongly object to the schedule proposed by SDG&E. As set forth above, approval of a bilateral contract for the entire 600 MW any resource authorization prior to

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<sup>32</sup> The organizational members of CEJA are: Asian Pacific Environmental Network, The Center for Community Action and Environmental Justice, Center on Race, Poverty & the Environment, Communities for a Better Environment, Environmental Health Coalition, and People Organizing to Demand Environmental and Economic Justice.

<sup>33</sup> California Environmental Justice Alliance, <http://caleja.org/about-us/>

<sup>34</sup> California Environmental Justice Alliance, <http://caleja.org/climate-justice/>

evaluation of the results of an all-source RFO is inconsistent with D.14-03-004's requirement of an "all-source RFO for some or all capacity." Consideration of the Application should be deferred until the all-source RFO is concluded to enable a valid assessment of cost-effectiveness and ensure compliance with the Loading Order and consistency with D.14-03-004.

The Application should also not proceed until the conclusion of environmental review at the California Energy Commission ("CEC"). Approval of the PPTA prior to the completion of the CEC's CEQA review will prejudice and foreclose legitimate consideration of mitigation and alternatives to address project impacts.

## **VII. Communication of Service**

For the purpose of receipt of all correspondence, pleadings, orders and notices in this proceeding, the following representative for Sierra Club should be placed on the service list as a "party":

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## VIII. Conclusion

Sierra Club and CEJA appreciate the opportunity to submit this protest.

Dated: August 21, 2014

Respectfully submitted,

/s/

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