



March 16, 2016

Governor Jerry Brown  
 c/o State Capitol, Suite 1173  
 Sacramento, CA 95814

**Re: A.14-11-016: Support for Suspended Review of Puente Project and Request for New RFO**

Dear Governor Brown,

On behalf of the organizations listed below, we write to express our strong support for the Commission’s proposed decision to suspend review of the proposed contract for the Puente gas plant and to request the Commission require Southern California Edison (“SCE”) to issue a new RFO for the Moorpark area to better identify clean energy solutions to meet local capacity needs. We are deeply troubled by Commissioner Peterman’s alternate proposal, which ignores dire environmental justice impacts from the project and relies on the power plant developer’s experts to dismiss serious climate adaptation risks presented by the proposal.

The organizations listed represent a broad range of environmental justice groups, environmental organizations, social justice organizations, and clean energy groups. We represent thousands of community members across California and unite with the environmental justice communities, especially those in Oxnard, that will be most impacted by this gas plant.

SCE’s Moorpark Application would meet all the region’s local capacity needs by building the Puente project, a large new gas plant in an environmental justice community on a coastal location vulnerable to flooding and sea-level rise impacts. As the ALJ’s proposed

decision properly recognizes, Oxnard communities rank within the top 20 percent most environmentally burdened areas in California, and simply replacing the existing Mandalay once-through-cooling facility with Puente “potentially perpetuates the economic injustice issues connected with living near power plants built decades ago.” We appreciate the proposed decision’s determination to await further analysis of sea-level rise risk by the California Energy Commission prior to committing to a contract with Puente. We also commend the ALJ’s proposed decision for recognizing that SCE was required to abide by environmental justice criteria in this procurement. In doing so, the proposed decision recognizes the importance of equity and climate preparedness in state agency decision-making.

It is disturbing that with a cogent initial proposal, on February 12, Commissioner Carla Peterman issued an alternate decision approving Puente. Commissioner Peterman incorrectly asserts that the Commission does not have discretion to delay a decision until after siting concerns are addressed at the CEC. Yet three months ago, when the Commission approved the West LA Basin procurement, it wrote, “no law specifically requires us to approve contracts before CEQA review is complete. Rather, we use our best judgment in each case to determine the optimal timing of our contract review and disposition,” (p. 29-30). This is exactly the circumstance under which a stay is warranted. Significant evidence was presented regarding the reliability of Puente as a local capacity resource. It is precisely the Commission’s job to ensure that ratepayer investments enhance reliability, safety, and provide customer value.

The alternate proposal also errs in dismissing critical environmental justice and climate risks recognized in the initial proposal. This proceeding is the first time a disadvantaged community has sought enforcement of environmental justice procurement requirements, and yet the alternate proposed decision denies their existence and asserts that the Commission has no responsibility to consider environmental justice in utility procurement. The Peterman decision narrows the Commission’s authority to a “jurisdictional purpose” of evaluating “the economic and reliability issues of the Puente Project[,]” and flatly rejects examination of environmental justice criteria. The Commission is responsible, however, for ensuring that Edison follows the laws and rules regarding procurement of electricity. These laws and rules explicitly provide that utilities must consider environmental justice when seeking renewable resources, by making efforts to direct benefits to environmental justice communities. Utilities must also take environmental justice into account when procuring gas-fired generation, by prioritizing offers that do not exacerbate disproportionate siting and environmental injustice. Edison admits that it altogether ignored environmental justice criteria in the Moorpark procurement. Peterman’s alternate decision violates environmental justice requirements and policies, and leaves disadvantaged communities unprotected in future proceedings.

Commissioner Peterman also errs by relying heavily on NRG’s consultant to dismiss concerns about sea level rise. NRG’s expert has little background in coastal flooding, acknowledging that he used back of the envelope calculations to arrive at NRG’s conclusions. Meanwhile, the City of Oxnard’s expert Dr. Revell is a leading expert in the coastal hazards and sea-level rise, having published several papers modeling coastal hazards from sea level rise on the California coast. Moreover, he brought deep local knowledge to the proceeding, having studied coastal processes in Ventura for years.

The Commission should reject this alternate proposal and take the next logical step, requiring SCE to conduct a compliant second solicitation to identify and procure the clean energy resources the region deserves. Additional clean energy resources will help fuel the local economy, reduce greenhouse gas pollution and contribute to an energy grid that is more resilient in the face of climate change. Because Southern California Edison's original solicitation for resources for Moorpark was overshadowed by the much larger LA Basin resource solicitation, the results of SCE's Moorpark RFO are not reflective of the substantial clean energy potential in Oxnard and surrounding Moorpark area. Requiring a new resource solicitation during the pendency of CEC review of Puente provides a unique opportunity to turn the page on a history of environmental injustice in Oxnard and maximize deployment of the distributed clean energy solutions needed to ensure a more equitable and resilient California and better address reliability across the entire Moorpark area. Accordingly, we ask that the proposed decision be revised to require SCE to issue a new resource solicitation for the Moorpark area.

We appreciate your attention to this matter. California's leadership in climate has long been recognized and it is well earned. Clean energy, energy storage, and other leading carbon free technologies are scaling and present cost-effective alternatives to new and dirty power plants. We believe that this proceeding has the opportunity to continue California's leadership by delivering an environmentally justice and climate friendly solution. We look forward to continue our work with your office and the California Public Utilities Commission to ensure California's sustained climate leadership.

Sincerely,

Strela Cervas, Co-Director, California Environmental Justice Alliance  
Maricela Morales, Executive Director, Central Coast Alliance United for a Sustainable Economy  
Evan Gillespie, Deputy Director, Sierra Club  
Byron Gudiel, Executive Director, Communities for a Better Environment  
Miya Yoshitani, Executive Director, Asian Pacific Environmental Network  
Diane Takvorian, Executive Director, Environmental Health Coalition  
Antonio Diaz, Organizational Director, People Organizing to Demand Environmental & Economic Rights  
Penny Newman, Executive Director, Center for Community Action and Environmental Justice  
Caroline Farrell, Executive Director, Center on Race, Poverty & the Environment  
Martha Arguello, Executive Director, Physicians for Social Responsibility, Los Angeles  
Phoebe Seaton, Co-Director, Leadership Counsel for Justice & Accountability  
Veronica Padilla, Executive Director, Pacoima Beautiful  
Manisha Vaze, Director of Organizing, Strategic Concepts in Organizing and Policy Education  
Nicole Capretz, Executive Director, Climate Action Campaign  
Matt Nelson, Executive Director, Presente.org  
Adam Browning, Executive Director, Vote Solar  
Stephanie Wang, Senior Policy Advocate, Center for Sustainable Energy  
Bernadette del Chiaro, Executive Director, California Solar Energy Industries Association  
Eddie Ahn, Executive Director, Brightline Defense  
Michelle Kinman, Clean Energy Advocate, Environment California  
Sarah Rose, CEO, California League of Conservation Voters