

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

In the Matter of the Application of        )  
San Diego Gas & Electric Company        )  
(U-902-E) for a Certificate of Public        )  
Convenience and Necessity for the        )  
Sunrise Powerlink Transmission Project )

Application No. 06-08-010  
(Filed August 4, 2006)

**PHASE 2 REPLY BRIEF OF  
JACQUELINE AYER**

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Based on all the evidence and for the reasons provided in my testimony and Phase 2 brief, there is no justification for the Commission to determine that the “LEAPS Transmission Only” project is even an alternative to Sunrise, let alone the “environmentally preferred” wires alternative. At best, The LEAPS Transmission Only alternative it will provide only short term reliability benefits, and it provides no RPS or energy cost reduction benefits. The limited reliability benefit does not justify the cost to rate payers, nor does it justify the environmental impacts that it will create. Despite these facts, Nevada Hydro (the proponent of the “LEAPS Transmission Only alternative”) insists otherwise. I submit this Phase 2 Reply Brief for the purpose of disputing the numerous inaccurate and misguided assertions made by Nevada Hydro in their Phase 2 Opening Brief. For simplicity, this Phase 2 Reply Brief is structured in a format that parallels Nevada Hydro’s Phase 2 Opening Brief. Please note that, in their Phase 2 Opening Brief, Nevada Hydro alternately refers to the “LEAPS Transmission Only” alternative as the TE/VS project ; I have adopted the same nomenclature herein.

**A. SUMMARY OF PHASE 1 EVIDENCE**

Nevada Hydro asserts that “The Phase 1 record of this proceeding demonstrates that TE/VS is a significant and cost-effective alternative to Sunrise” [Pg 3 of Phase II Opening Brief]. Indeed, this conclusion is reasonable and appropriate if one simply ignores all the evidence presented in the record of the Sunrise proceeding. The evidence clearly shows that, even with phase shifters, the TE/VS achieves only a fraction of the import capability of the Sunrise project as CAISO<sup>1</sup>, FERC<sup>2</sup>, and even

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<sup>1</sup> CAISO Phase 2 Rebuttal testimony by Robert Sparks [I-9]

<sup>2</sup> Page E-79 Federal Energy Regulatory Commission Office of Energy Project, Final Environmental Impact Statement, Lake Elsinore Advanced Pumped Storage Project, FERC Project No. 11858 (Jan. 2007)

Nevada Hydro<sup>3</sup> have affirmed. In fact, in their Phase I opening brief, Nevada Hydro clearly explains that TE/VS would merely serve “to meet the *near-term* reliability requirements of the SDG&E system” (emphasis added)<sup>4</sup>. TE/VS does not provide access to either conventional or renewable energy generation resources; it is merely a connection between SCE and SDG&E, and Nevada Hydro has provided no evidence that SDG&E can or will access sources within SCE’s service territory. Additionally, CAISO provided compelling evidence in the record that TE/VS is NOT an economical alternative to Sunrise, either<sup>5</sup>. The fact is that TE/VS performance simply does not compare with Sunrise or any other wires alternative in terms of import capacity, resource access, or economics.

Nevada Hydro proclaims that one of the benefits of TE/VS is that it will be located “away from SDG&E’s only existing 500 kV transmission line and its exposure to fire risk” [Page 4 paragraph 1 of Phase II Opening Brief]. Nevada Hydro would have the Commission believe that the TE/VS exposure to fire risk is reduced simply because it is located away from the existing Southwest Powerlink (SWPL) corridor, and therefore has an associated fire risk exposure that is less than the environmentally superior southern route (SWPL) alternative. Let’s take a moment to examine this statement. According to the Draft EIR/EIS, the first 32 miles of the LEAPS Transmission Only alternative are located in the Lake Elsinore and Margarita firesheds, which experienced 3,286 wildfire ignitions between 1993 and 2006<sup>6</sup>. Conversely, the number of wildfire ignitions that occurred between 1993 and 2006 in all of the firesheds through which the 110 mile SWPL alternative traverses *combined* is 2029<sup>7</sup>. The data clearly shows that the fire risk posed to just the northern 32 miles of the TE/VS is 62% more than the fire risk posed to the entire length of the SWPL alternative! Certainly, the fire risk posed to the entire LEAPS Transmission Only alternative is even higher, because the southerly 50 miles traverses very high CALFIRE hazard severity zones<sup>8</sup>. Unfortunately, the Draft EIR/EIS fails to provide a fireshed analysis of this portion of the project, so it is not possible to definitively establish just how much greater a fire risk is posed to the LEAPS Transmission Only alternative, but it is certain to be large. Yet, for reasons that are not at all obvious, Nevada Hydro persists in the notion that the fire risk posed to the LEAPS Transmission Only alternative is less than the SWPL alternative, despite all evidence to the contrary.

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<sup>3</sup> See page 7 of Exhibit No. TNHC-2 to Nevada Hydro’s Response of The Nevada Hydro Company, Inc. to Commission’s Letter dated February 17, 2006, filed March 20, 2006 in Docket Nos. ER06-278-000 and ER06-278-002.

<sup>4</sup> Page 6 of Nevada Hydro Phase 1 Opening Brief.

<sup>5</sup> Exhibit I-5; Phase 1 CAISO testimony (Part V)

<sup>6</sup> Lake Elsinore fireshed: 3129 (page E.7-196) Margarita fireshed: 117 (page E.7-202)

<sup>7</sup> Boulevard fireshed: 225 (page E.1.15-5). La Posta fireshed: 419 (page E.1.15-8)

Campo fireshed: 356 (page E.4.15-5). Dulzura fireshed 391 (page E.4.15-7).

Guatay fireshed: 233 (page E.1.15-11). El Capitan: 265 (page E.1.15-17).

Poway fireshed: 140 ((page D.15-47)

<sup>8</sup> Page E.7-216 of the Draft Sunrise EIR/EIS

Nevada Hydro continues by declaring that the TE/VS project will provide SDG&E access “to renewable generation under development north of San Diego, most prominently the wind-powered resources of the Tehachapi area “ [Page 4 paragraph 1 of Phase II Opening Brief]. And, like the Draft EIR/EIS, Nevada Hydro fails to provide any supporting evidence that such a declaration is true. Conversely, there is abundant evidence that SDG&E will NOT be able to access renewable resources in or near Tehachapi now or in the future. FACT : SCE anticipates the acquisition of approximately 5,000 MW of wind energy from the Tehachapi/Kern County/Antelope Valley area<sup>9</sup> . FACT: SCE anticipate the acquisition of more than 3,500 MW of solar energy from the Tehachapi/Kern County/Antelope Valley area<sup>10</sup> . FACT: LADWP anticipates the acquisition of more than 1,200 MW of wind and solar energy from the Tehachapi/Kern County/Antelope Valley areas<sup>11</sup> . FACT: With the proposed Gregg/Midway transmission project (now called C3ET), PG&E anticipates as much as 1,000 MW of Tehachapi wind power/Mojave solar power will flow to PG&E load centers<sup>12</sup> . It is apparent to anyone who bothers to check that Tehachapi power is effectively “spoken” for. So just where does Nevada Hydro expect to find these additional Tehachapi resources in sufficient quantity to meet SDG&E’s RPS goals? Throughout the Sunrise proceeding, Nevada Hydro has incessantly and stubbornly insisted that there are vast renewable resources in the Tehachapi area that are just waiting to be exploited by SDG&E courtesy of TE/VS. Yet, Nevada Hydro has NEVER provided a shred of evidence that these phantom resources are actually available to SDG&E, or that SCE’s transmission system is even robust enough to supply both SCE customers AND DG&E customers. These failings have been clearly pointed out to Nevada Hydro time and again, but they are blithely ignored. Unfortunately for Nevada Hydro, ignoring something does not make it go away, and proclaiming something to be true does not make it so. While Nevada Hydro can ignore facts and perpetuate myths, the Commission cannot. The Commission should disregard any claims by Nevada Hydro that TE/VS will provide SDG&E with access to Tehachapi renewable resources as insubstantial myth and just plain wishful thinking.

Nevada Hydro insists that the Commission assume that TE/VS is part of the base case in the consideration of Sunrise [Page 4 Paragraph 2 of Phase 2 Opening Brief]. Nevada Hydro draws this ridiculous and absurd conclusion based in part on a deliberate misinterpretation of CAISO’s approval of the Sunrise project as described in the 2006 CSRTP Report<sup>13</sup>. Nevada Hydro would have the Commission believe that CAISO’s approval of the Sunrise project was predicated upon inclusion of

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<sup>9</sup> CAISO Large Generator Interconnection Queue (April 18, 2008)

<sup>10</sup> Ibid

<sup>11</sup> LADWP Barren Ridge Project [<http://www.ladwp.com/ladwp/cms/ladwp009508.jsp>]

<sup>12</sup> PG&E LTPP Proceeding Compliance Filing submitted March 19, 2008 pursuant to Commission Order D.07—12-052.

<sup>13</sup> SD-5: 2006 CSRTP Report SDG&E Volume 2 part 1 Appendix I-1

TE/VS in the base case, but nothing could be further from the truth. The base case assumed by the CSRTP included the latest released cases from WECC + all CAISO-approved projects + all projects about to be approved by CAISO (page 27 of the CSRTP Report) . The base case did not include SCE's Tehachapi project because it lacked a "complete configuration and it did not include TE/VS due to uncertainties with the pumped storage component" (pg 16 of CSRTP Report). TNHC's assertion that the CSRTP base case included TE/VS is a complete fabrication; the CSRTP actually modeled 1) Sunrise + the base case; 2) Sunrise + Tehachapi + the base case; and 3) Sunrise + Tehachapi + TE/VS + the base case. As clearly stated on page 7 of the CSRTP Report, CAISO's approach was intended to establish whether or not the economic benefits of Sunrise would exceed costs under a wide range of system conditions and in presence or absence of the Tehachapi TE/VS projects. Page 16 of the CSRTP Report clarifies that CAISO considered these other projects to ensure that their possible interactions with the Sunrise project were properly accounted for.

Nevada Hydro also complains that TE/VS was not properly analyzed by the CAISO or SDG&E as a 'planned transmission project' accordance with the Assigned Commissioner's Scoping Memorandum of November 1, 2006 (page 5 paragraph 1). The notion that TE/VS should be considered as part of the Sunrise base case because it is a 'planned transmission project' is ridiculous. TE/VS has not been approved by the CAISO, the Commission, or the FERC. In fact, the CPCN application submitted to the Commission nine (9) months ago now languishes with an incomplete PEA<sup>14</sup>, and the deadline for filing protests has been postponed indefinitely<sup>15</sup>. Finally, it is certain that TE/VS could not be completed before Sunrise as I clarified in my Phase 2 Opening Brief, thus including TE/VS in the Sunrise base case is just not logical.

It is certain that the TE/VS project has been properly addressed in both Phase 1 and Phase 2 of this proceeding as a standalone project alternative to Sunrise ( the "TE/VS only" case) and as a project which could occur in addition to Sunrise (the "TE/VS + Sunrise" case). Both of these scenarios have been analyzed in exhaustive detail in this proceeding<sup>16</sup>. Oddly enough, Nevada Hydro accuses CAISO of significantly modifying their analysis of TE/VS and states that CAISO ultimately conceded that "its treatment of TE/VS was mistaken" (page 6 paragraph 2 of Nevada Hydro's Phase 2 Opening Brief). In fact, the record shows just the opposite. CAISO's Phase 1 and 2 analyses of the TE/VS project

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<sup>14</sup> In the Matter of the Application of The Nevada Hydro Company for a Certificate of Public Convenience And Necessity For The Talega-Escondido/Valley-Serrano 500 K-V Interconnect (Application 07-10-005) -Administrative Law Judge's Ruling Revising Previous Ruling Issued March 10, 2008.

<sup>15</sup> Ibid

<sup>16</sup> Exhibit I-5; Phase 1 CAISO testimony (Part V) and Table 49 from Errata

consistently demonstrate that TE/VS benefits do not outweigh TE/VS costs under any scenario modeled (with Sunrise, without Sunrise, with phase shifters<sup>17</sup>, without phase shifters<sup>18</sup>, with CEC's updated 2007 load forecast, etc.) No amount of complaining or handwaving by Nevada Hydro can change this simple fact.

Nevada Hydro continues: "even if TE/VS is (though it should not be) treated solely as an alternative, rather than as an element of the base case, the evidence ultimately demonstrates that, relative to Sunrise, TE/VS is a lower-cost, and cost-effective, means of meeting the objectives of the Sunrise project" (page 6 paragraph 2 of Nevada Hydro's Phase 2 Opening Brief). As clearly detailed in my Phase 2 Opening Brief, the TE/VS project does not meet one single objective established for the Sunrise project. Indeed, the only basis on which the Commission could approve TE/VS in lieu of Sunrise is if the project objectives were substantially altered in the final EIR/EIS. For example, the reliability objective would have to be amended to address only a short term (5-7 year) need<sup>19</sup>. Additionally, objectives related to energy cost reductions and renewable resource access would have to be eliminated. Even if the Commission took this extraordinary action to alter the very foundation of the EIR/EIS document, it is certain that other alternatives taken individually or in combination (such as the "Path 44 upgrades", the "Mexico-Light", and the "Series Capacitor Upgrades on SWPL" alternatives) would be considered environmentally superior to the TE/VS alternative<sup>19</sup>. Ultimately, the Commission could not approve TE/VS in lieu of Sunrise because to do so would require altering the project objectives, which in turn justify the approval of other alternatives (taken individually or in combination) which are environmentally superior to the TE/VS alternative.

## **B. SUMMARY OF PHASE 2 EVIDENCE**

Nevada Hydro references various passages from the Draft EIR/EIS related to the finding that the TE/VS alternative is the environmentally superior wires alternative, and cites the number and type of associated impacts reported therein. Aside from mis-representing the categories for which the Draft EIR/EIS identifies TE/VS as having lesser impacts<sup>20</sup>, Nevada Hydro blithely ignores the draft EIR/EIS

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<sup>17</sup> CAISO Phase 2 Rebuttal Testimony from Robert Sparks.

<sup>18</sup> Ibid

<sup>19</sup> As I enumerated in my Phase 2 Opening Brief, the Draft EIR/EIS eliminates these alternatives because they do not meet the reliability objectives over the "long term"[ Sunrise Draft EIR/EIS; page C-121]. From the descriptions provided in the Draft EIR/EIS, it is obvious that the environmental impacts associated with these alternatives are substantially less than the impacts associated with TE/VS. Thus, a direct comparison affirms that TE/VS is NOT the environmentally superior alternative and in fact is the least environmentally benign project.

<sup>20</sup> On page 8 of their Phase 2 Opening Brief, Nevada Hydro asserts that the Draft EIR/EIS finds TE/VS to have lesser air quality, water, geologic, transportation, socioeconomic, public service, utilities, fires and fuel management impacts. A brief inspection of the significant impacts identified in the Draft EIR/EIS for all the alternatives reveals this statement to be patently untrue.

admonition that the impact analysis does not address the extent and scale of the impacts considered, and therefore CANNOT be used as the sole basis for comparing alternatives. Obviously, Nevada Hydro is assuming that that the Commission will also ignore this inconvenient fact. As I discussed in detail in testimony and in my Phase 2 Opening Brief, the faulty impact analysis provided by the Draft EIR/EIS violates both CEQA and NEPA. Thus, Nevada Hydro's reliance on this analysis to conclude that TE/VS is the superior alternative is equally faulty.

Nevada Hydro states: "Neither SDG&E nor any other party disputes the DEIR's findings about the lesser impacts of TE/VS relative to any alternative configuration of the Sunrise project" [page 8 paragraph 1]. This is false. I have gone on record in Testimony, in comments submitted on the Draft EIR/EIS, in my motion to become a party in this proceeding, and in my Phase 2 Opening Brief that the Draft EIR/EIS impact analysis is rife with errors, that TE/VS impacts are not lesser than other alternatives, and that the Draft EIR/EIS impact analysis does not support the conclusion that TE/VS is the environmentally superior wires alternative. The truth is that no party to this proceeding has ever disputed *my* findings that the Draft EIR/EIS impact analysis is deficient and inconsistent with both CEQA and NEPA. Indeed, no other party has even addressed CEQA and NEPA consistency issues even though these regulation lie at the heart of the entire Phase 2 effort. The fact is that TE/VS is not the "environmentally superior" alternative; this fact is firmly established by the Draft EIR/EIS itself.

Over the next several pages, Nevada Hydro attempts to discredit arguments proffered by CAISO and others related to TE/VS import capability, and relies heavily on Phase 2 rebuttal testimony offered by Mr. Wu to shore up these arguments. It is certain that these comments will be addressed in detail by others, so I will not dwell on them here. However, I will point out some fundamental problems with Mr. Wu's testimony, which includes statements such as "The second important factor is that the transmission constraint known as South of Lugo, which currently is the determining factor for the LA area's LCR compliance, will be significantly reduced by transmission upgrades that are planned as part of the transmission facilities for the Tehachapi Renewable Transmission Project and which are expected to be in service in 2011". (page 6 at 14) Mr. Wu then concludes that "the LCR benefit of TE/VS does not depend on the development of new generation resources" (page 6 at 22). Finally, Mr. Wu acknowledges that relieving the "south of Lugo" constraint is an important factor of his analysis because "the LA area's LCR surplus to grow significantly over the next several years, from about 2,000 MW in 2008 to more than 6,000 MW by 2012. This should reduce the value and the cost of capacity in the LA area" (Page 7 at 3). Mr. Wu's testimony regarding the ability of TE/VS to reduce the San Diego area LCR without affecting the LA basin LCR profile relies completely on timely completion of virtually every segment of SCE's proposed Tehachapi Renewable Transmission Project (TRTP). Mr. Wu's testimony conveniently overlooks important issues related to the TRTP project, such as:

- According to SCE's PEA<sup>21</sup>, the elements of the TRTP project which specifically address Mr. Wu's "south of Lugo" constraint (segment 6, 7, and 8) are scheduled to begin April 2009 and completed in April 2012. Modifications to the Vincent Substation which are also needed to address the "south of Lugo" constraint are scheduled to begin February 2010 and end November 2013 (segment 9). It is not clear why Mr. Wu asserts that the in-service date for transmission improvements needed to address the "south of Lugo" constraint is 2011 when even SCE is not so optimistic.
- At this point, it appears that even SCE's proposed schedule for completing segments 6,7,8 and 9 of the TRTP project will not be met. The Commission's discovery process has not yet begun<sup>22</sup>, and no evidentiary hearings have been held. Thus it is unlikely that SCE will begin construction in 10 months. So Mr. Wu's estimate that SCE will address the "south of Lugo" constraints by 2011 is off by several years (minimally).
- SCE has proposed the TRTP project to meet their RPS goals and provide grid connections for renewable resources in the Tehachapi area<sup>23</sup>. SCE acknowledges that inclusion of additional generation resources in the Tehachapi area will exacerbate existing reliability concerns "south of Lugo"<sup>24</sup>, which is why segments 6, 7, 8, and 9 are included in the TRTP project. Simply put, justification for the entire TRTP project itself is the development of renewable resources in Tehachapi (as the project name would imply). So, Mr. Wu is very much mistaken when he claims that "the LCR benefit of TE/VS does not depend on the development of new generation resources". By his own admission, the TE/VS LCR benefit depends on addressing the "south of Lugo" constraint, which in turn depends on the development of new generation resources in Tehachapi as evidenced by SCE's PEA. Ironically, Mr. Wu's testimony that "Sunrise alone will provide little, if any, LCR benefit to SDG&E unless and until new generation is built" also applies to TE/VS, which will similarly bring little (if any) LCR benefit unless and until new generation is built in Tehachapi.
- From the Phase 1 and Phase 2 record, it certainly appears that the Sunrise project is not easily justified without the development of substantial generation sources in eastern San Diego County and Imperial Valley. Indeed, based on evidence that some of the generation projects relied upon by SDG&E may not be realistic (i.e. Stirling), several parties dispute the need and timing for the Sunrise project in its entirety. The same issues and concerns have been raised in connection with the TRTP project; comments provided to the Commission during the TRTP project Scoping period specifically call into question SCE's claims that 4,000+ MW of Tehachapi wind energy will be available for interconnection within a few short years<sup>25</sup>. Indeed, just in the last 2 months, 501 MW of wind energy projects that SCE assumed would be available to meet their RPS goals have been withdrawn from the CAISO interconnection queue<sup>26</sup>. Thus it is not certain that the Commission will approve all segments of the TRTP project as they are proposed by SCE. Inexplicably, Mr. Wu seems to think that approval of the TRTP project will be perfunctory, because his testimony regarding TE/VS LCR benefits presents the TRTP project as an inevitable event (which is certainly not the case).

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<sup>21</sup> Executive Summary of the PEA submitted in support of SCE's Application for a CPCN concerning the Tehachapi Renewable Transmission Project (PUC Proceeding A.07-06031)

<sup>22</sup> See documents filed with the Commission under Proceeding A.07-06031

<sup>23</sup> Executive Summary of the PEA submitted in support of SCE's Application for a CPCN concerning the Tehachapi Renewable Transmission Project (PUC Proceeding A.07-06031)

<sup>24</sup> Ibid

<sup>25</sup> See public comments provided at the TRTP Scoping Meeting held at 6:30 pm on September 10, 2007 in Palmdale, CA

<sup>26</sup> Wind energy projects at in queue positions 31 and 34 of the CAISO Generation Queue were withdrawn on April 18, 2008.

For these reasons, the Commission should look askance at Nevada Hydro's arguments related to TE/VS LCR benefits (Page 9 of their Phase 2 Opening Brief) because they are based on testimony which lacks foundation and is not credible.

In the final paragraph of this section of their Phase 2 Opening Brief, Nevada Hydro makes all kinds of assertions regarding TE/VS benefits, such as "TE/VS has positive net benefits, which, under a wide range of plausible assumptions, exceed those projected for Sunrise". What are these positive net benefits, and upon what "plausible assumptions" are they derived? The answer is simple: They do not exist, they are not enumerated in the Draft EIR/EIS, and they are certainly not established in the record of this proceeding. Nonetheless, Nevada Hydro continues their idle chatter with "the evidence clearly establishes that the TE/VS Interconnect is, indeed, a feasible alternative to Sunrise. Accordingly, the DEIR's conclusion that TE/VS is an environmentally superior alternative to any of the DEIR's alternative configurations of the Sunrise project is valid". Apparently, Nevada Hydro misread the Draft EIR/EIS, because it does not conclude that "TE/VS is an environmentally superior alternative to any of the configurations that are considered". In fact, TE/VS was ranked third by the Draft EIR/EIS. Of course, as I have clearly established in every document that I have filed in this proceeding (including my motion to become a party, my comments on the Draft EIR/EIS, my Phase 2 testimony, and my Phase 2 Opening Brief) the TE/VS project does not even qualify as an alternative to Sunrise, let alone the environmentally superior wires alternative. This conclusion has never been disputed by any party in this proceeding, which the Commission should find rather noteworthy.

### **C. SCOPE & DESCRIPTION OF ASPEN'S LEAPS TRANSMISSION-ONLY ALTERNATIVE**

In their Phase 2 Opening Brief, Nevada Hydro puts considerable effort into discrediting SDG&E and CAISO's analysis of the TE/VS import capability and the costs that will be incurred to accommodate 1,000 MW on the TE/VS line (pages 12-14). Nevada Hydro's argument is based primarily upon the Phase 2 Rebuttal Testimony of Frederick Depenbrock. While I am sure others will address Nevada Hydro's comments more fully, I will point out a fundamental concern regarding Mr. Depenbrock's testimony. His major criticism of CAISO's and SDG&E's analyses seems to be that they assume only 2 phase shifters operated at the proposed Case-Springs substation; apparently, TE/VS will actually employ 3 phase shifters (page 5 at 17, page 5 at 20, page 6 at 22, page 7 at 12, etc) . Oddly enough, according to documents on file with the FERC, it appears that Nevada Hydro did not initially plan to install any phase shifters on the TE/VS line, and the FERC FEIS does not indicate that any shifters are included in the project<sup>27</sup>. Subsequently, a 2005 study performed by Utility System Efficiencies, Inc. determined that "the transmission line only alternative does not induce power to flow on this new transmission line" and that "A means to induce flow on this transmission line would be beneficial for controlling flow between the

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<sup>27</sup> A scan of the entire FEIS reveals that the word "shifter" doesn't even appear in the document

SCE and SDG&E systems”<sup>28</sup>. This study investigated the possibility of forcing flow on the TE/VS line with either a phase shifter or a Thydstor Controlled Series Compensator. By 2006, the TE/VS plan included one phase shifter<sup>29</sup>. In 2007, a second phase shifter was added<sup>30</sup>. This is the configuration assumed in the Draft Sunrise EIR/EIS [see page E.7-7 paragraph 1]. Now, apparently in 2008, Nevada Hydro has decided to add yet a third phase shifter, as indicated in Mr. Depenbrock’s testimony. Apparently, Nevada Hydro plans is to just throw more throwing phase shifters at the TE/VS project until they obtain a capacity result that they like.

#### **D. FEASIBILITY OF OBTAINING NECESSARY TE/VS APPROVALS AND CONSTRUCTION**

On page 18 of their Phase 2 Opening Brief, Nevada Hydro addresses the TE/VS project schedule. Their statements reveal a stunning lack of understanding of the transmission line project approval and construction process. According to Nevada Hydro, SDG&E wrongly estimates that TE/VS will require 5 years to obtain approvals and complete construction because this schedule estimate does not take into account “all of the considerable environmental analysis of TE/VS that already has been done, as part of the FERC’s January 2007 Final Environmental Impact Statement [FEIS] regarding Nevada Hydro’s LEAPS hydro license application”. Perhaps Nevada Hydro has not been reading their mail, because the Commission has informed Nevada Hydro on multiple occasions (the latest being March, 2008), that the information contained within their PEA (which incorporates the January 2007 FEIS by reference) is substantially deficient<sup>31</sup>. Apparently, the FEIS’s “considerable environmental analysis” that is touted by Nevada Hydro in their Phase 2 Opening Brief will not suffice for the purposes of CEQA. Nevada Hydro further asserts “even if [SDG&E’s] five-year estimate is accurate, it means only that TE/VS would not be in service until 2012, just one year after SDG&E says it could have Sunrise completed”. Perhaps Nevada Hydro requires a rudimentary lesson in mathematics: 2008 plus 5 years equals 2013, not 2012. Nevada Hydro probably believes that the 5 year “clock” started in 2007, when they submitted their CPCN application for TE/VS, but in this they are sadly mistaken. The “clock” starts when their CPCN application is “deemed complete” within the meaning contemplated by CEQA and the Permit Streamlining Act. As I discussed in my Phase 2 Opening Brief, their CPCN application has not been

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<sup>28</sup> See page 7 of Exhibit Number TNHC -2 of Nevada Hydro’s March 20 2006 response to FERC under Docket #ER06-278.

<sup>29</sup> CAISO Southwest Transmission Expansion Planning (STEP) meeting January 24, 2006

<sup>30</sup> Nevada Hydro’s Participating Transmission Owner’s Application Submitted to the CAISO in February, 2007.

<sup>31</sup> In the Matter of the Application of The Nevada Hydro Company for a Certificate of Public Convenience And Necessity For The Talega-Escondido/Valley-Serrano 500 K-V Interconnect (Application 07-10-005) -Administrative Law Judge’s Ruling Revising Previous Ruling Issued March 10, 2008.

“deemed complete” due to the woefully inadequate PEA, thus the application process has not even been started. Ultimately, if TE/VS is indeed constructed by 2013, it will only provide a 3 or 4 year reliability benefit, because the TE/VS import capacity is so limited (as I discussed in my Phase 2 Opening Brief)

#### **E. ESTIMATED COST**

Nevada Hydro insists that their TE/VS cost estimate (\$330 million described in the FERC FEIS<sup>32</sup> and \$350 million described in their Phase 1 Testimony<sup>33</sup>) is correct and everyone else’s estimates are wrong. While I will not dwell too long on this issue, the Commission is advised that these TE/VS “cost estimates” are provided as single line items without any detail provided. The FEIS cost does not appear to include the ever-increasing number of phase shifters that Nevada Hydro seems to be relying on to make their project viable. The Commission is also advised that the cost estimate provided in the FEIS was (and continues to be) an issue of considerable dispute in the FERC proceeding<sup>34</sup>. So, it is recommended that the Commission disregard Nevada Hydro’s claim that the TE/VS line will only cost \$330-350 million as unsupported speculation. It is a cost estimate that has never been properly vetted and is therefore unreliable.

#### **F. EFFECT ON SYSTEM RELIABILITY**

I have addressed this issue in my Phase 2 Opening Brief and I am sure it will be addressed in detail by others. However, it must be pointed out that, once again, Nevada Hydro’s reliability claims are based on Mr. Depenbrock’s problematic testimony (page 28 of Nevada Hydro’s Opening Brief). As discussed earlier, Mr. Depenbrock’s testimony assumes a whole new TE/VS configuration with 3 phase shifters rather than the two specified in Nevada Hydro’s PTO application that was submitted to CAISO. Ironically, Mr. Depenbrock criticizes CAISO for not modeling TE/VS assuming three phase shifters, even though the documents on file with CAISO merely indicate that two phase shifters are planned. It seems that, to achieve their ever-elusive import capacity goal of 1,000 MW, Nevada Hydro is constantly changing the TE/VS project configuration and, quite frankly, it is just plain hard to keep up.

Nevada Hydro then comments on the “substantial and persistent differences between SDG&E’s and CAISO’s respective conclusions” regarding the TE/VS import capacity (pg 34 of Nevada Hydro’s Opening Brief). However, a proper analysis of the evidence provided by Nevada Hydro shows that SDG&E and CAISO results are not really very different. According to Nevada Hydro’s Table on page 34 of their Phase 2 Opening Brief, CAISO and SDG&E consistently report that the TE/VS import capability will NOT achieve the 1,000 MW claimed by Nevada Hydro without substantial and costly upgrades to the

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<sup>32</sup> Tables 45 and 46 of the FEIS prepared by the FERC in the LEAPS proceeding under Docket P-11858

<sup>33</sup> Exhibit N-1 Page 3 at 7

<sup>34</sup> Appendix E of the FEIS

SDG&E system. If these upgrades are not done, both CAISO's and SDG&E's analysis shows that the TE/VS import capability will not exceed 500 MW without phase shifters and 625 MW with 2 phase shifters<sup>35</sup>. Thus Nevada Hydro is proven wrong based on their own data. It also appears that Nevada Hydro intentionally skews their presentation of these results because they omit any explanation of the differences. For example, CAISO's phase 2 estimate of 625 MW was based on the assumption that the Case Springs substation will include 2 phase shifters, and the 500 MW assumption has no phase shifters<sup>36</sup>.

In the end, it appears that Nevada Hydro has concluded that "TE/VS can increase the SDG&E's G-1/N-1 import limit by at least 1000 MW with essentially no upgrades to SDG&E system" (pg 9 paragraph 8 of Nevada Hydro's Phase 2 Opening Brief). In essence, Nevada Hydro insists that 1,000 MW of power can be transmitted from SCE's service territory on a single circuit 500 kV line under N-1/G-1 conditions, and then simply transferred to a single 230 kV wire on the Talega-Escondido line with no problems at all. One wonders why the TE/VS line requires 500 kV infrastructure in the first place.

#### **G. EFFECT ON ABILITY TO DELIVER RENEWABLE ENERGY TO SDG&E CUSTOMERS**

Nevada Hydro contends that TE/VS's "usefulness as a source of renewable energy is not directly tied to the considerable risk of full development of the Stirling solar thermal technology, but still can take advantage of such development if it occurs". (page 37 of their Phase 2 Opening Brief) This statement is rife with problems, and bears further scrutiny. First of all, TE/VS is NOT a source of renewable energy, therefore has no usefulness in this regard. Secondly, the Stirling project is not the only renewable resource that will be accessed by Sunrise as evidenced by the CAISO Large Generator queue. Thirdly, TE/VS will not allow SDG&E to "take advantage" of the Stirling project if it is developed because TE/VS does not access the Stirling project. TE/VS will not even access the Stirling project indirectly until such time as additional (and substantial) transmission infrastructure is completed by IID and others. Nevada Hydro continues: "TE/VS has the same capability to carry energy from renewable generation sources to San Diego as does Sunrise or any other transmission line from outside the SDG&E service area". In fact, TE/VS does not have the same capability as Sunrise in this regard because: 1) Sunrise will directly access SDG&E's renewable resources; and 2) TE/VS will not access SDG&E's renewable resources either directly or indirectly. In effect, nothing Nevada Hydro says regarding this issue is true.

Nevada Hydro's position seems to be: "We know that SDG&E must provide renewable energy to meet their RPS goal, but we think it is too risky to build a transmission line that actually accesses renewable resources. Rather, we think SDG&E should build a line that avoids renewables and instead connects to transmission infrastructure operated by others and hopefully they will build the transmission lines needed to access renewables resources and hopefully their transmission infrastructure will be

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<sup>35</sup> CAISO Phase 2 Rebuttal Testimony of Robert Sparks: Page 15 at 5.

<sup>36</sup> Ibid

sufficiently robust to provide adequate renewables to their own customers as well as SDG&E's customers". This contention is so absurd that it is almost laughable. Apparently, Nevada Hydro considers SCE's, LADWP's, and PG&E's transmission projects which directly access wind and solar resources in Tehachapi and elsewhere to be reasonable and appropriate, but SDG&E's project to access wind and solar resources in the Imperial Valley is risky and ill-advised. Indeed, if we apply this logic to other projects, then it is too risky for SCE to pursue the TRTP plan and for LADWP to implement the Barren Ridge Project, and it is certainly inappropriate for PG&E to initiate the C3ET project. I trust that the Commission will perceive Nevada Hydro's argument as the amusing entertainment that it is.

## **H. ENVIRONMENTAL IMPACTS**

According to Nevada Hydro, the impact analysis of the various alternatives considered in the Draft Sunrise EIR/EIS supports their position that "TE/VS is a superior solution to SDG&E's need for additional transmission capability" (page 39 of Nevada Hydro's Phase 2 Opening Brief). Perhaps Nevada Hydro should review the Draft EIR/EIS again, because it clearly determines that SDG&E has no "need for additional transmission capability" based on the alternatives ranked first and second (which EIS do not include additional transmission). It appears that the Draft EIR/EIS has concluded that SDG&E does not require additional transmission capacity to meet project objectives.

Nevada Hydro has concludes that SDG&E's failure to dispute the Draft EIR/EIS conclusions regarding the relative impacts of the alternatives somehow reinforces their conclusion that TE/VS is the superior alternative. Perhaps Nevada Hydro is unaware that the Draft EIR/EIS conclusions regarding the relative impacts of the various wires alternatives have been loudly and vigorously challenged in this proceeding<sup>37</sup>. Indeed, Nevada Hydro has never challenged or even responded to any of these arguments, so perhaps one can conclude that Nevada Hydro's lack of response serves to reinforce the argument that the impact analysis is deficient. At any rate, (and fortunately for all those participating in this proceeding), the Commission' view is not as myopic as Nevada Hydro's; in making their decision, it is certain that the Commission will consider arguments and evidence beyond those proffered by SDG&E.

## **I MEETS PROJECT OBJECTIVES?**

Nevada Hydro claims "It is undisputed that TE/VS will lead to lower energy costs for CAISO ratepayers by reducing congestion" (page 39 of their Phase 2 Opening Brief). This is not true. Nevada Hydro's contention that TE/VS will lead to lower energy costs for CAISO ratepayers has been disputed<sup>38</sup> on the basis that TE/VS does not provide access to lower cost power resources nor does it reduce reliance on older, less efficient generators. Nevada Hydro has never countered or even addressed this unavoidable fact.

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<sup>37</sup> My motion to become a party, my comments on the EIR my phase 2 direct testimony and my phase 2 opening brief.

<sup>38</sup> Ibid

Nevada Hydro insists that “TE/VS ensures reliability of service, and reduces LCR, in San Diego to the same extent as Sunrise – 1000 MW” (page 39 of their Phase 2 Opening Brief). According to Nevada Hydro’s expert witness Depenbrock, TE/VS manages to achieve this without requiring any upgrades to the SDG&E system (pg 9 paragraph 8 of Nevada Hydro’s Phase 2 Opening Brief). If indeed the TE/VS could achieve this feat, one would have to concur that TE/VS meets the project reliability objective. However, to accept this premise, one would also have to dismiss the collective expertise provided by all of the transmission planning engineers and technicians at both CAISO and SDG&E in favor of the one opinion offered by one witness. That is certainly what Nevada Hydro would have the Commission do, but I would advise against it.

Nevada Hydro also contends that “TE/VS can deliver renewable energy to San Diego from the Tehachapis or other sources north of San Diego, or from the Imperial Valley, via IID and/or GPN and SCE”. A more appropriate way to say this is: “SCE can deliver renewable energy to San Diego from Tehachapi or other sources north of San Diego via TE/VS” and “SCE and IID/LADWP/others can deliver renewable energy to San Diego from the Imperial Valley via TE/VS”. With this more accurate wording, it becomes quite clear that TE/VS will not accommodate the delivery of renewable energy without first acquiring a substantial quantity of excess capacity on the SCE system AND ALSO acquiring renewable resources. If these resources are acquired in Imperial Valley, then excess capacity must also be found on the IID and/or LADWP systems. There has been no evidence offered in the record that such excess transmission capacities are available for this purpose, nor has any evidence been provided that SCE is even willing to shoulder the responsibility for meeting SDG&E’s RPS goals. As I have pointed out time and again<sup>39</sup>, SCE has embarked upon an aggressive transmission infrastructure development program for the purpose of supplying renewable and conventional power *to their own customers*. Nowhere in any of the documents filed in the Tehachapi CPCN proceedings (A.04-12-007, A.04-12-008 and A.07-06-031) have I found any evidence that SCE intends to transmit Tehachapi power for the benefit of SDG&E customers. There is also nothing to indicate that SCE is implementing these transmission projects is to make their own system sufficiently robust to serve both SDG&E and SCE customers. These objections that I have raised remain undisputed in the record. Indeed, it appears Nevada Hydro has chosen to blithely ignore these pesky little details, and merely proclaims that TE/VS achieves the renewable access project objective merely by virtue of a connection to SCE. Presumably, if Nevada Hydro actually had information establishing the viability of a “TE/VS renewable resource access plan”, they would have offered it in the record. In the absence of such corroboration, it appears that Nevada Hydro’s claim that TE/VS will provide SDG&E with access to renewable resources is specious and just wishful thinking.

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<sup>39</sup> Ibid

Nevada Hydro attempts to shore up their weak case regarding the ability of TE/VS to meet the project reliability objective by stating: “CEQA does not require an alternative to fully meet all proposed project objectives” (page 40 of Nevada Hydro’s Phase 2 Opening Brief), and then they cite case law. I certainly agree with Nevada Hydro that CEQA does encourage the consideration of project alternatives even if they do not fully meet all the project objectives. However, CEQA does not support the consideration of project alternatives such as TE/VS which fail to meet *any* of the project objectives. Furthermore, CEQA does not permit Lead Agencies to rely on mere speculation or conjecture in making their determinations<sup>40</sup>, particularly if there is credible evidence in the record that such speculation or conjecture is inaccurate or unfounded.

Nevada Hydro offers that “The best way to promote development of IV (or any other) renewables is to ensure they may reach the broadest possible array of markets. However, tying IV generation to the San Diego area via a line like Sunrise limits markets available to such generators because of the lack of interconnections between SDG&E and the rest of the CAISO and WECC grid” (page 40 of their Phase 2 Opening Brief). From this statement, Nevada Hydro apparently assumes that IV renewable will not be accessed by the IID/GPN/SCE systems. If so, then TE/VS will not provide SDG&E with access to IV renewable via the IID/GPN/SCE system as Nevada Hydro previously asserts. Perhaps Nevada Hydro is suggesting that construction of Sunrise will somehow preclude any connection of IV renewables to the IID/GPN/SCE systems, but there is certainly no reason for that.

Nevada Hydro’s comments regarding IID are also of concern: “The Commission should give IID’s assessment considerable weight, as IID relies on power exports for approximately 40% of its total transmission revenues and, therefore, has strong incentives to build facilities as and when they are needed to expand that aspect of its business” (page 41 of their Phase 2 Opening Brief). I cannot tell if Nevada Hydro is advising the Commission that the IV renewable which SDG&E plans to access will be commandeered by IID (in which case Sunrise would be useless) or if they are advising the Commission to make their CPCN decision based on IID’s business decisions.. If the latter, then Nevada Hydro misconstrue the Commission’s *raison d’etre* in the CPCN process. It is not the Commission’s obligation to make CPCN decisions based on whether or not they will assist IID in expanding their transmission business or increasing transmission revenue. Because their decisions can entail the taking of private property and the alteration of public lands, the Commission is obligated to make CPCN decisions based on project need and public good, and not based on whether IID will be able to increase revenue via power exports to other states. It is hoped that Nevada Hydro does not consider the Commission’s role to be one which fosters revenue either in lieu of or in addition to the public good, particularly since Nevada Hydro (a privately-held, for-profit corporation) has a CPCN application now pending before the Commission.

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<sup>40</sup> *Concerned Citizens of Costa Mesa v 32<sup>nd</sup> District Ag. Association* (1986) 42Cal.3d 929

## **I THE ECONOMIC BENEFIT OF THE PROPOSED PROJECT, THE DEIR ALTERNATIVES, AND PARTY-PROPOSED ROUTE OPTIONS**

Nevada Hydro insists that the entire cost to develop, construct, mitigate and integrate TE/VS into the SCE and SDG&E systems is \$350,000 (see Section V.C.1 of Nevada Hydro's Phase 2 Opening Brief). This value is substantially derived based on FEIS cost data and Mr. Deppenbrock's testimony, both of which are suspect for reasons provided earlier. Additionally, Nevada Hydro insists that TE/VS benefits include a 1,000 MW import capability, and an in-service date of 2011 (see Section V.C.2 of Nevada Hydro's Phase 2 Opening Brief). For reasons provided above and in my Phase 2 Opening Brief, a 1,000 MW import capacity is simply unreasonable and the 2011 in-service date is impossible. Thus, the Benefit/Cost ratio of 2.69/1 that Nevada Hydro claims on page 53 of their Phase 2 Opening Brief is simply ridiculous.

## **J WILDFIRE CONSIDERATIONS**

Nevada Hydro's Phase 2 Opening Brief seems rather focused on SDG&E, and it appears that Nevada Hydro considers SDG&E's evidence and opinion to be of paramount importance to the exclusion of all others. Take, for instance, Nevada Hydro's comment regarding wildfire considerations: "SDG&E has failed to produce any evidence related to wildfires that detracts from the DEIR's conclusion that the LEAPS Transmission-Only Alternative is, in this respect also, the superior transmission alternative". SDG&E may not have produced evidence which (in Nevada Hydro's opinion) is adequate for this purpose, but I certainly did. I have placed facts and evidence in the record which conclusively demonstrates that the LEAPS transmission only alternative has the highest associated wildfire impacts of all the alternatives considered. Neither Nevada Hydro nor any other party disputed my testimony on this issue, nor did they challenge any of the information that I provided in my response to Nevada Hydro's data request. So, it appears that Nevada Hydro is in complete agreement with my conclusions, which are based solely upon data contained in the Draft EIR/EIS. These data are summarized in attached Table 1 (attached), which has been compiled solely from evidence contained in the record of this proceeding. It should be noted that the severe wildfire impacts of the LEAPS Transmission Only alternative indicated in Table 1 reflect only a portion of the actual project; this is because the Draft EIR/EIS did not analyze the LEAPS Transmission Only alternative the same way it analyzed the other alternatives. Rather than analyzing the entire length of the LEAPS Transmission Only alternative, the Draft EIR/EIS considered only the 32 mile long portion in a new right-of-way (ROW). This is not consistent with the procedures employed for the other alternatives (for which the Draft EIR/EIS analyzed impacts for both new and existing ROW). Thus, the Draft EIR/EIS failed to analyze 50 of the 80+ mile length of the project, even though the omitted 50 miles traverse both very high and high CALFIRE zones (pg E.7-216). It is certain that, had the Draft EIR/EIS properly analyzed the wildfire impacts of the LEAPS Transmission Only

alternative in a manner consistent with the other alternatives, the wildfire impact results summarized in Table 1 would be even more startling.

Based on my testimony and evidence that have I entered into the record, I recommend that the Commission reject the LEAPS Transmission only alternative because of the project's associated significant and unmitigable wildfire impacts. As I testified, wildfire impacts transcend all other impacts because of their significant and deleterious effects on air quality, water quality, biological resources, transportation, recreational facilities, etc. These effects, coupled with the fact that the TE/VS is located between 2 very densely populated urban cores in Riverside and Orange Counties render the TE/VS to be the least environmentally benign alternative.

Nevada Hydro comments further on this issue on page 61 of their Phase 2 Opening Brief, citing SDG&E's expert witness Hal Mortier (text only, references removed):

In his prepared direct testimony, Mr. Mortier repeatedly explained why high voltage power lines are not a significant cause of fires. He also testified that his statements in this regard apply to any high voltage transmission line – including the LEAPS Transmission-Only Alternative. Mr. Mortier explained, “[t]he risk of a 230 kV or 500 kV transmission line causing a fire is negligible, and should not be used as an obstacle to avoid developing necessary additional transmission capacity.” This statement applies to all high voltage transmission lines, including the TE/VS, which has 230 kV and 500 kV components” The low fire risk attributable to high voltage power lines derives in large part from their engineering characteristics, including steel pole construction, pole height, and distance between tower arms. Any high voltage transmission line – including the LEAPS Transmission-Only Alternative - constructed according to these engineering principles would not pose a significant risk of fire. No one in this proceeding has alleged that Nevada Hydro would not use proper engineering principles in the construction of the LEAPS Transmission-Only Alternative. Therefore, the LEAPS Transmission-Only Alternative poses little risk of causing a wildfire.

Nevada Hydro seems to think that the only wildfire concern related to transmission lines is whether or not the lines are a significant ignition source. While I do consider this aspect to be of substantial concern, I submit that it is not the only concern. As I clarified in my testimony, the presence of the TE/VS line in the (very mountainous) Cleveland National Forest will severely hamper firefighting efforts, particularly in the El Cariso Village area (a portion of which the TE/VS line actually traverses). This remains true no matter what the ignition source is. The problems faced by aerial and ground based firefighters in combating wildland fires in the presence of transmission lines has been acknowledged by the Commission in other proceedings, most notably the SCE Segment 1 Antelope Transmission Project<sup>41</sup>

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<sup>41</sup> The Final EIR/EIS issued for this project (A.04-12-007) makes frequent reference to the difficulties of fighting fires in the vicinity of transmission lines. For example, Section C.7.6. indicates” because it would be more difficult to fight a fire aggressively both from the ground and air, the potential for a larger fire would be greater while the transmission line is energized. A wildfire in the area of the proposed Project could expand into Green Valley and Bouquet Canyon where cabins, homes, and other facilities are located, risking community safety.... while implementation of Mitigation Measures ..... would reduce this potential impact, **but the impact would remain significant** (emphasis added).

As shown in the Draft Sunrise EIR/EIS, fires started in the CNF which are not contained quickly will spread to densely populated urban areas, particularly during extreme (Santa Ana) weather conditions, thus any factor which hampers fire suppression efforts must be carefully considered. Fortunately for the residents of Orange and Riverside Counties, the perspective on wildfire risks and impacts that is held by the Commission in contemplating the Sunrise project will be substantially broader than Nevada Hydro's.

Finally (and inexplicably), Nevada Hydro attempts to impugn my background and technical expertise by calling into question my qualifications to provide testimony on the Draft EIR/EIS pursuant to the analysis summarized in Table 1. On page 63 of their Phase 2 Opening Brief, Nevada Hydro refers to SDG&E expert witness testimony which draws conclusions similar to my own, but which is apparently based on a different analytical methodology. Nevada Hydro chastises SDG&E for not "investigating" my qualifications before referencing my testimony, and in doing so, Nevada Hydro casts aspersions on my professional reputation. I am not surprised by this; over the last several years I have witnessed Nevada Hydro resort to similar tactics in their actions before the FERC, the CAISO, the U.S. Forest Service, the CEC and the public. Regarding my "qualifications" and my testimony, here are the facts:

- My analysis of the wildfire impacts of the LEAPS transmission only project are based on a solid engineering and mathematical analysis of the data presented in the Draft EIR/EIS.
- My mathematical analysis of the LEAPS transmission only project wildfire impacts has NEVER been challenged or disputed by Nevada Hydro or any other party in this proceeding.
- My advanced engineering degree and years of environmental analysis experience uniquely and eminently qualifies me to conduct the necessary mathematical and environmental analyses that formed the basis of my testimony. I gave Nevada Hydro ample opportunity to challenge my expertise (through voir dire) but they declined. Indeed, my qualifications to provide expert testimony have never been challenged or questioned by any party to this proceeding.

## **K COMPARISON OF THE PROPOSED PROJECT, THE DEIR ALTERNATIVES, AND PARTY-PROPOSED ROUTE OPTIONS**

Nevada Hydro insists that "TE/VS will improve system reliability to the same extent as any of the alternative configurations of Sunrise" (page 65 of their Phase 2 Opening Brief); and "TE/VS will facilitate the use of renewable generation resources in compliance with California's RPS goals to at least the same extent as Sunrise" (page 65 of their Phase 2 Opening Brief); and "TE/VS provides comparable cost savings [to Sunrise]" (page 66 of their Phase 2 Opening Brief). As I have demonstrated above and in my previous filings and others have demonstrated in the record of this proceeding, none of these statements are true.

Nevada Hydro also claims that "no probative evidence" has been provided to indicate that the Draft EIR/EIS conclusions regarding the reduced environmental impacts of the TE/VS alternative are mistaken. On the contrary, I have conclusively demonstrated (above and in all my previous filings) that

the wildfire impacts alone negate the Draft EIR/EIS ranking of the TE/VS alternative. I have also successfully indicted the entire Draft EIR/EIS impact analysis on the grounds that it does not assess the magnitude of each impact that is generated by each alternative, and is therefore inconsistent with both CEQA and NEPA (See Section IV of my Phase 2 Opening Brief). The Draft EIR/EIS itself acknowledges this substantial deficiency: “Note that while the numbers of significant, unmitigable impact presented for each alternative below are informative, they do not explain the relative extent and scale of impacts *so they cannot be used alone to compare alternatives*” (Page ES-2 emphasis added).

## **L CONCLUSIONS**

Based on all the evidence and for the reasons provided in my testimony and Phase 2 briefs, there is no justification for the Commission to determine that the LEAPS Transmission only project is even an alternative to Sunrise, let alone the “environmentally preferred” wires alternative. At best, it will provide only short term reliability benefits, and it provides no RPS or energy cost reduction benefits. The limited reliability benefit does not justify the cost to rate payers. Even more compelling, it does not justify the permanent and deleterious impacts that the project will have on the eastern edge of the Cleveland National Forest which will bear the permanent scars of this project. Nor does it justify the very real wildfire threats posed to the urban cores in Riverside and Orange Counties.

Respectfully Submitted,

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June 13, 2008

Table 1. Summary of Wildfire Impacts of all Sunrise Alternatives

Alignment	Segment	Segment Length (in miles)	% VHBP In Segment	%HBP In Segment	Miles of VHBP In segment	Miles of HBP In segment	Total Miles VHBP&HBP In Segment
LEAPS TL	Lake Elsinore FS	17	0.07	0.13	1.19	2.21	3.40
	Margarita FS	15	0.22	0.2	3.30	3.00	6.30
	Total Length:	32	Total for each category:		4.49	5.21	
Sunrise	IV-AB	70	0	0	0.00	0.00	0.00
	Ranchita FS	22.7	0.04	0.03	0.91	0.68	1.59 a
	San Felipe FS	16.9	0.005	0.09	0.085	1.52	1.61 a
	Santa Ysabel FS	9.1	0.04	0.05 *	0.36	0.46	0.82 a
	Ramona FS	12.8	0.01	0.02	0.13	0.26	0.39 a
	Poway FS	11.6	0.15	0.13	1.74	1.51	3.25 a
	Penasquitos FS	6.8	0.1	0.08	0.68	0.54	1.22 b
	Total Length:	149.9	Total for each category:		3.91	4.97	
Preferred Northern Route Alternative	IV-AB	70	0	0	0.00	0.00	0.00
	Ranchita FS	23.6	0	0	0.00	0.00	0.00 c
	San Felipe FS	18	0.005	0.072	0.09	1.30	1.39 d,e
	Santa Ysabel FS	9	0.02	0.025 *	0.18	0.23	0.41 d,f
	Ramona FS exc CW	9	0.01	0.02	0.09	0.18	0.27 d,g
	CW sec of Ramona	3.2	0.05	0.1 *	0.16	0.32	0.83 d,h
	Poway FS	5	0.075	0.065 *	0.38	0.33	0.70 i
	Penasquitos FS	0	0	0	0.00	0.00	0.00 j
	Total Length:	137.8	Total for each category:		0.90	2.35	
Preferred Southern Route Alternative	IV-SWPL	30	0	0	0.00	0.00	0.00 d
	Boulevard FS I8 Alt	14	0.005	0.02	0.07	0.28	0.35 d
	La Posta FS I8 Alt	4.2	0	0	0.00	0.00	0.00 d
	La Posta FS MRD	5.7	0	0.05	0.00	0.29	0.29 d
	Campo FS MRD	12	0.09	0.12	1.08	1.44	2.52 d
	Dulzura FS MRD	14.2	0.1	0.31	1.42	4.40	5.82 d
	GuatayFS MRD+ SV alt	2	0.1	0.1	0.20	0.20	0.40 d,k
	SV-CCO link	5	0	0	0.00	0.00	0.00 d,l
	El Capitan FS	13.5	0.03	0.04	0.41	0.54	0.95 d,m
	Poway FS	5	0.075	0.065 *	0.38	0.33	0.70 i
	Penasquitos FS	0	0	0	0.00	0.00	0.00 j
	Total Length:	105.6	Total for each category:		3.55	7.47	

NOTES

\* Estimated from Fireshed Figure

a VHBP and HBP are all in above ground portions of alignment

b Very small portion of VHBP & HBP are in underground area; assumed 0

c Miles from Page D.15-177, all underground in areas where there is VHBP and HBP (therefore 0)

d Length determined from mile post

e Avoids some HBP areas by underground installation; reduced HBP by 20%

f Oak Hollow UG alternative reduces VHBO and HBO by 50%

g VHBP and HBP remain unchanged since it is in overhead portion of alternative

h No data on VHBP & HBP - estimated from D.15-43

i Alternative ends at Sycamore; reduces VHBP and HBP by 50%

j Alternative has no segments in Penasquitos Fireshed

k No fireshed data provided for Star Valley option; estimated VHBP & HBP from Fig E.4.15-9

l No fire shed data; all underground; assumed 0 VHBP and 0 HBP

m Choc Cyn route at reservoir and avoids 1/2 of HBP&VHBP- no Choc Cyn HBP & VHBP data provided; reduced HBP & HBP by 50%

## **CERTIFICATE OF SERVICE**

I hereby certify that pursuant to the California Public Utilities Commission's Rules of Practice and Procedure, I have served a true copy of the PHASE 2 REPLY BRIEF OF JACQUELINE AYER to all parties on the service list for Application No. 06-08-010. Service was completed to all parties on the official service list in the proceeding via electronic mail or first class mail for those for whom an electronic mail address is not provided.

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

Executed this 13<sup>th</sup> day of June, 2008 in Lancaster, CA

/s/ Jacqueline Ayer  
Jacqueline Ayer

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