

## INTERVENOR KATHY PEASHA'S COMMENTS

CALIF ENERGY COMMISSION

01-AFC-19 COSUMNES POWER PROJECT  
PILE TEST PROGRAM

AUG 06 2003

August 6, 2003 Business Meeting Agenda Item 4

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I am opposed to the Committee's motion and proposed Ex Parte Order granting approval for the Pile Test Program for the following reasons:

- Sacramento Municipal Utility District (SMUD) is no further along in obtaining federal permits that it was in May 2003. SMUD's lack of progress is due to the fact that the impacts are high requiring significant mitigation. SMUD has spent a great deal of time proposing various mitigations there is no guarantee that there will be a favorable decision by the state and federal agencies.
- Issuance of the federal permits will be at least six months from now (providing SMUD establishes the bank credits), then a comment period for a completed EIR will commence.
- There is no need for additional pile testing. The plans for construction of Rancho Seco towers (which SMUD indicates there is no funding to tear down) should provide sufficient information to any qualified engineer as to the site's suitability for foundation piles needed. The proposed Pile Test Program is just a ploy by SMUD to start construction, with the hope of swaying the decision of the Commission and accounting to SMUD's rate payers for the hundreds of millions of dollars SMUD has spent on the proposed project.
- SMUD cites the citing, Public Records Code, section 25105 as a basis for the Commission's Ex Parte Order. This section is not applicable, however, as it does not involve a municipal utility and restoration is possible because of the above ground testing.
- The Ex Parte Order does not address the impact of noise and vibration on the nesting Swainson Hawks in the vicinity. (See Sacramento Bee, July 28, 2003, Metro Section page B1.)
- SMUD's June 20, 2003 Reply Brief states there is successful progress in finalizing biological mitigation. When read carefully, however, the brief at best compares to a Clearing House Sweepstakes letter "you are already a winner."

For these reasons, the Commission should not make a favorable decision or act on the Pile testing without a federal permit. The Commission should not act so prematurely on a proposed plant with so many unresolved mitigations. A copy of the above comments is also being sent to the Attorney General's Office.

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