

**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. 05-12-014  
(Filed December 14, 2005)

**PRELIMINARY PROTEST OF THE SAN DIEGO CHAPTER OF THE SIERRA CLUB  
AND THE CENTER FOR BIOLOGICAL DIVERSITY**

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Dated: January 30, 2006

San Diego Gas & Electric (“SDG&E”) submitted its Application for Certificate of Public Convenience and Necessity (“Application”) for the Sunrise Powerlink Transmission Project on December 14, 2005, which the Commission docketed on December 19, 2005. By letter dated January 10, 2006, the Commission extended the protest and pleadings period to February 17, 2006, and as such this Preliminary Protest is timely.

In its Application, SDG&E proposes (1) to postpone certain Certificate of Public Convenience and Necessity (“CPCN”) requirements for the above Application, and (2) to set an expedited and bifurcated schedule for processing the Application.

The San Diego Chapter of the Sierra Club and the Center for Biological Diversity (“Conservation Groups”) previously submitted a Motion for Determination of Applicability of the California Environmental Quality Act on January 20, 2006 (“CEQA” Motion”). Issues raised and details presented in that Motion are relevant to this Preliminary Protest and are hereby incorporated by reference.

The Conservation Groups also previously submitted a Response in Opposition (“Response”) on January 27, 2006. Issues raised and details presented in that Response are relevant to this Preliminary Protest and are hereby incorporated by reference.

Aside from the many fatal legal and procedural flaws in SDG&E’s Application identified by the Conservation Groups in the CEQA Motion and Response, the Conservation Groups oppose SDG&E’s Application for the additional reasons listed below. This preliminary list is only intended to provide early notice of the many possible problems with the Sunrise Powerlink. Listed problems are not presented in any particular order of importance. Additional detailed information on these issues will be provided prior to close of the February 17<sup>th</sup> extended protest and pleadings period.

- 1) The Sunrise Powerlink appears unnecessary and counter to SDG&E’s stated project goals.
- 2) SDG&E’s application contains no meaningful analysis of Project alternatives.
- 3) SDG&E’s proposed bifurcation of utilities commission decisions on purpose and need and route location and design for the Sunrise Powerlink would subvert meaningful environmental analysis of the project and alternatives as well as public participation.
- 4) The Project will increase the already significant risk of wildfire occurrence in rural San Diego County and will significantly increase the difficulty of fighting wildfire.
- 5) The Project will increase the risk of aircraft collisions especially in existing low elevation military jet and helicopter flight paths.
- 6) The Project will result in significant harm to natural lands, wildlife, and vegetation including but not limited to:

- a) Bird electrocutions and collisions
  - b) Introduction and spread of exotic plants
  - c) Increased OHV and other vehicle traffic on and dispersing from improved easement roads and resulting vegetation and soil damage and wildlife noise disturbance especially around springs
  - d) Wildlife noise disturbance from construction
  - e) Impacts to sensitive wetlands/vernal pools/coastal vegetation
  - f) Impacts to federally listed and special status species including but not limited to the Peninsular bighorn sheep, Flat-tailed horned lizard, California gnatcatcher, Arroyo toad, Least Bell's vireo, Southwestern willow flycatcher, San Diego mesa mint, San Diego button-celery, Spreading navarretia, San Diego fairy shrimp, and others.
- 7) The Project will result in significant harm to sensitive archeological, historical, and cultural sites.
  - 8) The Project will result in significant harm to the San Diego Multiple Species Conservation Plan Preserve and Implementation Strategy.
  - 9) The Project may result in increased risks to human health from electromagnetic fields.
  - 10) The Project will result in significant aesthetic impacts and recreational experiences especially in Anza-Borrego Desert State Park, the Cleveland National Forest, other remote natural landscapes, and on private property.
  - 11) The Project will significantly harm views from the designated Highway 78 State Scenic Highway.
  - 12) The Project will likely result in significant impacts to tourist economies in and around Anza-Borrego Desert State Park.
  - 13) The Project will likely result in significant economic impacts to private property owners with property loss to eminent domain, reduced property values, and other direct and indirect impacts.
  - 14) The Project could result in significant increased electricity rates for San Diego County ratepayers and others.
  - 15) SDG&E has not articulated the relationship between state and federal endangered species permitting for the Project and SDG&E's existing San Diego County Regional Habitat Conservation Plan.
  - 16) SDG&E has not adequately notified the public of the proposed Project and possible harm to people and the environment (e.g. no notification of Project meetings in SDG&E bills).

- 17) The Project may encourage inappropriate placement of future energy generation facilities in environmentally sensitive lands distant from electricity consumers including wind, solar, and geothermal generation facilities.
- 18) SDG&E's three alternative Project route locations will not serve existing San Diego County renewable energy generation facilities near Interstate 8 at Boulevard.
- 19) SDG&E has misled the public that there is more than one route for the Project because two of the three identified alternate routes through Anza-Borrego Desert State Park would be prohibited due to conflicts with designated State Wilderness areas.

Dated: January 30, 2006

Respectfully submitted,

The San Diego Chapter of the Sierra Club  
and the Center for Biological Diversity

By:     /s/ Justin Augustine      
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By:     /s/ Paul Blackburn      
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## 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 1) cover letter to the Honorable ALJ Kim Malcolm and 2) "PRELIMINARY PROTEST OF THE SAN DIEGO CHAPTER OF THE SIERRA CLUB AND THE CENTER FOR BIOLOGICAL DIVERSITY" to the following parties:

All parties of record in R.04-04-003 and I.05-09-005 and A. 05-12-014 including,

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Service was completed by email where available or by placing true copies, enclosed in a sealed envelope with first-class postage prepaid, to be deposited in the United States mail, or by hand delivery.

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

Executed this 30<sup>th</sup> day of January, 2006, at San Francisco, California.

/s/ Justin Augustine  
Justin Augustine