

BRIGHTLINE DEFENSE PROJECT

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July 31, 2007

VIA HAND-DELIVERY AND EMAIL

Hon. Gavin Newsom
Mayor, City and County of San Francisco
1 Dr. Carlton B. Goodlett Place, Room 200
San Francisco, CA 94102

Re: *San Francisco Public Utilities Commission's
Proposed Combustion Turbine Power Plant in Potrero*

Dear Mayor Newsom:

Brightline Defense Project ("Brightline"), a non-profit legal aid organization representing the civil rights of underrepresented residents of San Francisco, would like to request that you reconsider the proposed placing of a combustion turbine ("CT") power plant in the Potrero District. As a large portion of our work this year has consisted of listening to environmental justice concerns in Potrero and Bayview-Hunters Point, Brightline is uniquely able to express to your office ongoing community discontent regarding the disproportionate burden of the City's energy and utility needs borne by this disadvantaged neighborhood.

Low-income and minority residents of Southeast San Francisco have expressed nearly unanimous opposition to siting the CT power plant in the area. In contrast to the undivided gratitude and general sigh of relief elicited by the closure of the Hunters Point Power Plant, the proposed CT's seem to prompt only community anxiety in a way that undermines the City's previous success in cleaning up the neighborhood.

The closure of the Hunters Point Power Plant generated a feeling amongst residents of momentum building for the City to address environmental issues facing the community for years. We have spoken to activists and non-politically active residents alike about the sense that the City would next address the community's longstanding opposition to the hazardous overflows and noxious stench of the Southeast Wastewater Treatment Plant, the dangerous threats and contaminants found at the former Hunters Point Shipyard, and closure of the remaining polluting energy source in the neighborhood, the Potrero Power Plant.

While the proposed CT power plant does represent the City's attempt to set the stage for closure of the Potrero Power Plant, there are several aspects of the plan that are troublesome for the community. First of all, both proponents and opponents of the CT's accept that installation of the turbines will not guarantee that the Potrero Power Plant will be shut down. This issue was raised and discussed during the July 24, 2007 San Francisco Public Utilities Commission

("SFPUC") discussion of whether or not to complete negotiations and agreements required to move forward with construction of the CT plant.

During that July 24 meeting SFPUC Deputy General Manager Tony Irons noted that two Requests for Proposal in regard to the CT plant's construction yielded no bids. Thus, we are concerned that the City might be forcing this project to go forward when it may be undesirable from an industrial development point of view. The current arrangement calls for J-Power USA to build and own the plant for at least ten years before turning it over to the City.

Another cause for alarm is the fact that it makes no sense from an environmental justice point of view to replace an old power plant with a newer power plant. The City's CT's are many years old and will emit nitrogen oxides, volatile organic compounds, sulfur oxides, carbon monoxide, and particulate matter, according to the California Energy Commission's February 21, 2006 Final Staff Assessment ("FSA") of the CT project. While these emissions will occur at levels lower than those emitted by the Potrero Power Plant, the air quality of the southeast portion of the City will continue to be polluted nonetheless.

Having reviewed the relevant documents, reports, and communications in drafting this letter to you, Brightline understands Cal-ISO's requirement that the City provide new generation north of the Martin Substation. However, the Cal-ISO in a September 10, 2004 Memorandum regarding the Action Plan for San Francisco stresses that "significant changes to the assumptions underlying [its] analysis may change [its] conclusions" and that if such changes occur "the ISO is obligated to review the continued acceptability of this action plan."

We believe that the City's developing plan to create renewable energy sources in San Francisco, the pending final approval of the Trans Bay Cable project, and emerging plans for additional transmission and demand-side management, constitute "significant change," as the term is used by the Cal-ISO, and warrant reconsideration of the proposed CT power plant. If plans for the CT plant are not to be abandoned entirely, the City should at a minimum engage the Cal-ISO in an effort to relax the geographical restriction on the siting of the turbines. The Energy Commission's rejection of the San Francisco International Airport as an alternative site, for example, was based purely on the fact that its location outside city limits is contrary to the current in-city requirement of the Cal-ISO.

In addition, we also feel that the Energy Commission unfairly undervalued the civil rights of neighbors of the proposed CT power plant in the 'Socioeconomics' portion of its February 2006 FSA. While the economic costs of the proposed project will be shared amongst all San Franciscans, the Energy Commission's FSA concedes that the majority of neighbors within a one-mile radius of the proposed site exposed to its non-economic effects are minorities, and that 18.03% of residents are low-income (CEC FSA p. 4.8-10).

The Energy Commission's statistics also discount the fact that once the radius of affected persons is expanded to two miles, those most affected by the proposed CT plant are Potrero and Bayview-Hunters Point residents of zip code 94124: 48% African-American, 24.4% Asian, and 16.7% Hispanic or Latino, with an astounding 21.6% of families living below the poverty level, according to the 2000 U.S. Census.

Our experience as a community-based organization informs us that individuals who are otherwise unaware of their right to equal protection under the law and right to be free from discrimination are very adept at articulating their aversion to proposals that simply do not feel fair. The proposed combustion turbine power plant is such a proposal; we ask that you reconsider your support for it and re-engage the Cal-ISO to keep the CT's out of Potrero and away from Bayview-Hunters Point. We too want the Potrero Power Plant closed for good, but we know this can happen without building a new power plant right next door.

Very truly yours,

BRIGHTLINE DEFENSE PROJECT

A handwritten signature in blue ink, appearing to read 'Joshua Arce', with a long horizontal flourish extending to the right.

Joshua Arce, Esq.
Executive Director / Staff Attorney

cc: Aaron Peskin, President, San Francisco Board of Supervisors,
Dennis Herrera, City Attorney, City and County of San Francisco,
and concerned citizens of San Francisco