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**CITY OF SAN FRANCISCO STEPS INTO FEDERAL LAWSUIT  
ON ITS PROPOSED PEAKER POWER PLANTS**

**Suit Seeks To Block Construction Pending New Greenhouse Gas Regulations Expected from  
The EPA And Alleges Due Process Violations By The S.F. Public Utilities Commission**

*The San Francisco Board of Supervisors is expected to consider the \$230 million construction contract to build the power plants when it reconvenes in January.*

**San Francisco, California – December 18, 2007** – The City of San Francisco has been permitted by a federal judge to intervene in a federal lawsuit filed by Brightline Defense Project regarding the city’s proposed “peaker” power plants in Southeast San Francisco, and was formally named a defendant in the case last Friday. The suit, initially filed on September 24, 2007, alleges that San Francisco must not allow its two planned power plants in Southeast San Francisco to be built until the Environmental Protection Agency (EPA) sets forth new greenhouse gas regulations under the Clean Air Act, as ordered by the United States Supreme Court in April.

Last month, the City of San Francisco and San Francisco Public Utilities Commission (SFPUC) General Manager Susan Leal filed a motion requesting that Judge Charles R. Breyer allow the city to intervene in the case as a defendant, arguing that the city has an interest in the outcome of the litigation. Judge Breyer granted the city’s motion on December 5 and an amended complaint filed by Brightline Defense Project on December 14 presents claims that the city and the Public Utilities Commission must now respond to.

The amended complaint alleges that, in addition to refusing to ask the city to postpone consideration of the plants until the EPA and the Bay Area Air Quality Management District (BAAQMD) set out their new greenhouse gas rules, SFPUC General Manager Leal and her staff misrepresented to the public and affected residents details and facts regarding the power plants in an effort to prevent public and legislative opposition to the project. In arguing that the SFPUC, and therefore the city, thus violated the rights of those to be affected by the power plants without due process of law, the complaint references particular events such as an October 23, 2007 SFPUC hearing in which “the General Manager dispatched a member of her staff to take [the] microphone from” a BAAQMD air quality scientist testifying that the new power plants offer no benefit over the Mirant Potrero power plant they are designed to replace, according to the complaint.

The plaintiffs in the suit are a representative cross-section of those affected by the city’s proposed power plants: community-based organization A. Philip Randolph Institute, alternative energy advocates Californians for Renewable Energy, Bayview Hunters Point resident and activist Lynne Brown, and Potrero resident and activist Regina Hollins.

San Francisco plans to hire developer J-Power USA, a subsidiary of Japan-based energy wholesaler J-Power, to build one plant in between Bayview Hunters Point and Potrero and another

smaller plant near San Francisco International Airport. The SFPUC estimates the total project cost to be \$230 million, plus the \$60 million value of the city's four combustion turbines required to generate energy at the plants. J-Power will build and own the plants upon completion sometime in 2009, with the city having the option of taking over the Southeast plant after thirteen years and the airport plant after thirty years, according to an October 2007 terms sheet between the city and J-Power.

The parties to the lawsuit call for a renewed series of public hearings on the proposed power plants in order to discuss the EPA's pending greenhouse gas regulations and alternatives to building the plants, as well as to compel the SFPUC staff to present accurate data about its project and respond to charges of lack of transparency in promoting the power plants. The suit continues to allege that the city's power plants will result in a net increase of emissions of greenhouse gases such as carbon dioxide and heat due to the plants' low efficiency design, and that while the SFPUC staff publicly insist that the California Independent System Operator requires electrical generation in this low-income San Francisco community, in private discussions the SFPUC notes that generation is actually required somewhere "on the SF peninsula."

"On this particular issue we have seen data misrepresented by the [SFPUC] General Manager and her staff, and important facts discussed in emails between SFPUC personnel that fail to be presented for public dissemination and debate," said Brightline Defense Project Executive Director and Staff Attorney Joshua Arce. "If the city is going to ask its most disadvantaged community members to accept a new power plant in their neighborhood, the highest level of transparency in government is required."

"For example, if we learned a year ago, rather than just over a month ago, that the new power plant will produce the same emissions as the old Mirant plant," offered Arce, "the power plant debate would have taken on an entirely different character and the proposal likely would have been disbanded."

Said James Bryant, president of plaintiff A. Philip Randolph Institute: "The City says it's an environmental leader so why does it refuse to even conduct a greenhouse gas emissions study? We would see a different type of conduct if the SFPUC was trying to put these power plants anywhere else but in Hunters Point and Potrero."

Brightline Defense Project's suit joins similar efforts to prompt new greenhouse gas regulation from the EPA by organizations such as Environmental Defense, the leading environmental non-profit organization that on November 27, 2007 submitted a letter signed by 23 prominent scientists and physicians urging the EPA and its Administrator to comply with the Supreme Court's order and begin greenhouse gas regulation.

For more information, or a copy of the amended federal complaint, please visit [www.brightlinedefense.org](http://www.brightlinedefense.org) (click on "News") or contact Joshua Arce at 415-837-0600 or [josh@brightlinedefense.org](mailto:josh@brightlinedefense.org).

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