



DIANNE JACOB

SUPERVISOR, SECOND DISTRICT
SAN DIEGO COUNTY BOARD OF SUPERVISORS

September 26, 2011

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The Honorable Michael Peevey, President
California Public Utilities Commission
505 Van Ness Avenue, Room 5213
San Francisco, CA 94102

Dear Commissioner Peevey:

As the elected Second District Supervisor of San Diego County, I represent thousands of constituents impacted by the Final Environmentally Superior Southern Route of San Diego Gas and Electric's (SDG&E) Sunrise Powerlink, which was approved by the California Public Utilities Commission (CPUC) on December 18, 2008 (Decision D.08-12-058) against the recommendation of the assigned administrative law judge.

I call on the Commission to determine whether SDG&E deliberately violated CPUC safety rules when it failed to report two helicopter rotor strikes, as reported in the September 24, 2011 edition of the *San Diego Union Tribune*, and report this conclusion to the public. In addition, I strongly urge the Commission to host a public meeting in Alpine to answer community questions about the safety of the Sunrise helicopter program. Finally, I ask that the Commission reevaluate the helicopter program in the context of public safety.

According to the *Union-Tribune*, the tail rotor of a Sunrise helicopter struck a boulder on February 12, 2011 and a second Sunrise helicopter struck a fence post on August 23, 2011. SDG&E failed to report both incidents to regulators as required by the CPUC, the newspaper reported.

Alarming, the license of the pilot involved in the February strike had previously been suspended after a crash in which a passenger died, according to the paper. Reportedly, the pilot of the February strike continued to work on the Sunrise Powerlink until September 22, 2011, and was removed from duty only after the *Union-Tribune* asked SDG&E why the pilot was allowed to return to work following the February strike.

I am deeply troubled by SDG&E's failure to report the rotor strikes and was equally appalled to read in the paper that SDG&E disagrees with the Commission on the matter of whether the utility was required to report the strikes. It is an affront to the safety of my constituents that the Commission's rules have been flagrantly disregarded by the region's utility.

In addition to the two rotor strikes, separate incidents involving Sunrise helicopters raise the question of whether the CPUC is effectively monitoring the project to protect the public from the risks associated with Sunrise construction:

- On March 9, 2011, a Sunrise helicopter pilot violated a buffer zone that had been established to protect nesting golden eagles. The pilot was removed from duty, according to the utility.
- On June 7, 2011, a Sunrise chopper dropped a 16,000-pound section of lattice tower some 200 feet from the sky. It landed next to a busy Imperial County highway.
- On June 10, 2011, transport hooks from the helicopter involved with the June 7 incident malfunctioned, and a different section of lattice tower dangled dangerously in the air before crews lowered it to ground.
- On August 4, 2011, an air compressor fell from a chopper working on the Sunrise Powerlink spilling some 50-60 gallons of diesel fuel.

The four above incidents have already raised considerable alarm among residents, especially because the line will traverse high-fire risk areas, including the footprints of the 2003 and 2007 wildfires. A public meeting in Alpine is desperately needed to address community fears stoked by these incidents. The Commission is already aware that SDG&E has declined to host public meetings to address general constituent concerns regarding helicopter safety and a list of other construction related-issues.

In a letter dated September 13, 2011, CPUC staff encouraged SDG&E to reactivate seven "Sunrise Community Councils" established by the utility 2009. In promotional materials and on its website, SDG&E had claimed the Councils would "[E]nsure ongoing, productive two-way dialogue on the project." The Councils have not met since 2010.

In SDG&E's response to the CPUC, SDG&E refused to reactivate the councils and characterized the now abandoned Councils as "an avenue for the opposition to express their aversion to the project." It has been my observation that residents cannot even ask important questions of SDG&E regarding construction issues without being marginalized and dismissed as opponents.

Sunrise was a project unprecedented in price and scope. Its fire dangers have been documented and warned of by CalFire officials in the Draft Environmental Impact Report/Statement.

It is the fundamental duty of the project's proponent to be able to articulate the processing of the project and answer safety concerns of the public without using the convenient excuse that resident opposition somehow prevents public outreach.

Based on the flood of constituent calls, letters and e-mails to my office, SDG&E's outreach efforts are not working. Frequent complaints involve the lack of information about the claims process, helicopter noise, fire dangers, impacts to livestock and pets and economic impacts to businesses. Other complaints include the use of drinking water instead of reclaimed water despite earlier promises to use reclaimed water, impacts to protected species, air emissions caused by large trucks importing drinking water for dust abatement, allegations of erroneous information disseminated to planning groups, permitting questions related to the use of heavy equipment from out-of-state and questions surrounding SDG&E's abandonment of the Community Councils.

Last week, SDG&E prepared what it called a "new detailed construction newsletter" for distribution to everyone within 1,000-feet of the line. The newsletter made no mention of the claims process. This was an especially glaring error because SDG&E had previously been informed by my office that claims issues are among the most frequent questions I receive from upset residents.

SDG&E's refusal to reactivate its Community Councils and the omission of claims data from its construction newsletter are just two indications that SDG&E is not committed to working with the public. There are others.

The Boulevard Community Planning Group recently voted to formally ask that SDG&E assign a new community representative to attend its meetings, alleging that SDGE's current representative is unprepared, evasive and doesn't follow through with promised information.

At a recent Alpine Community Planning Group meeting, SDG&E erroneously directed residents to file claims regarding the "streetscape" component of the project with the County of San Diego. The County has been forced to correct SDG&E's public misstatements. Streetscape claims are to be submitted to SDGE, not the County, per an indemnification agreement between the parties.

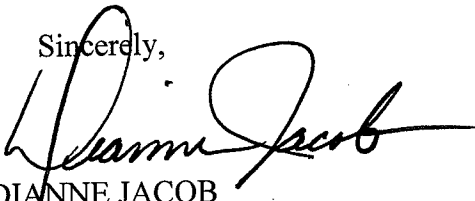
The revelation about the rotor strikes as reported by the *Union-Tribune* along with the other dangerous helicopter incidents, demands the immediate attention of the Commission in the form of a Commission inquiry, a public meeting in Alpine and the reevaluation of the helicopter program. That SDG&E has reneged on its promise to hold Community Councils intensifies the need for the Commission to exhibit real leadership.

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If the Commission does not act swiftly, I fear that property may be damaged, fires may result, or worse— someone will die because of the utility's cavalier attitude toward public safety.

Thank you for your consideration. I await your prompt response.

Sincerely,

A handwritten signature in black ink, appearing to read "Dianne Jacob". The signature is fluid and cursive, with a large initial "D" and a long horizontal stroke at the end.

DIANNE JACOB
Supervisor, Second District

cc:

Commissioner Catherine J.K. Sandoval

Commissioner Michel Peter Florio

Commissioner Timothy Alan Simon

Commissioner Mark J. Ferron

The Honorable Brian Jones, California State Assembly

The Honorable Joel Anderson, California State Senate

The Honorable Duncan D. Hunter Jr., U.S. House of Representatives

The Honorable Bob Filner, U.S. House of Representatives